



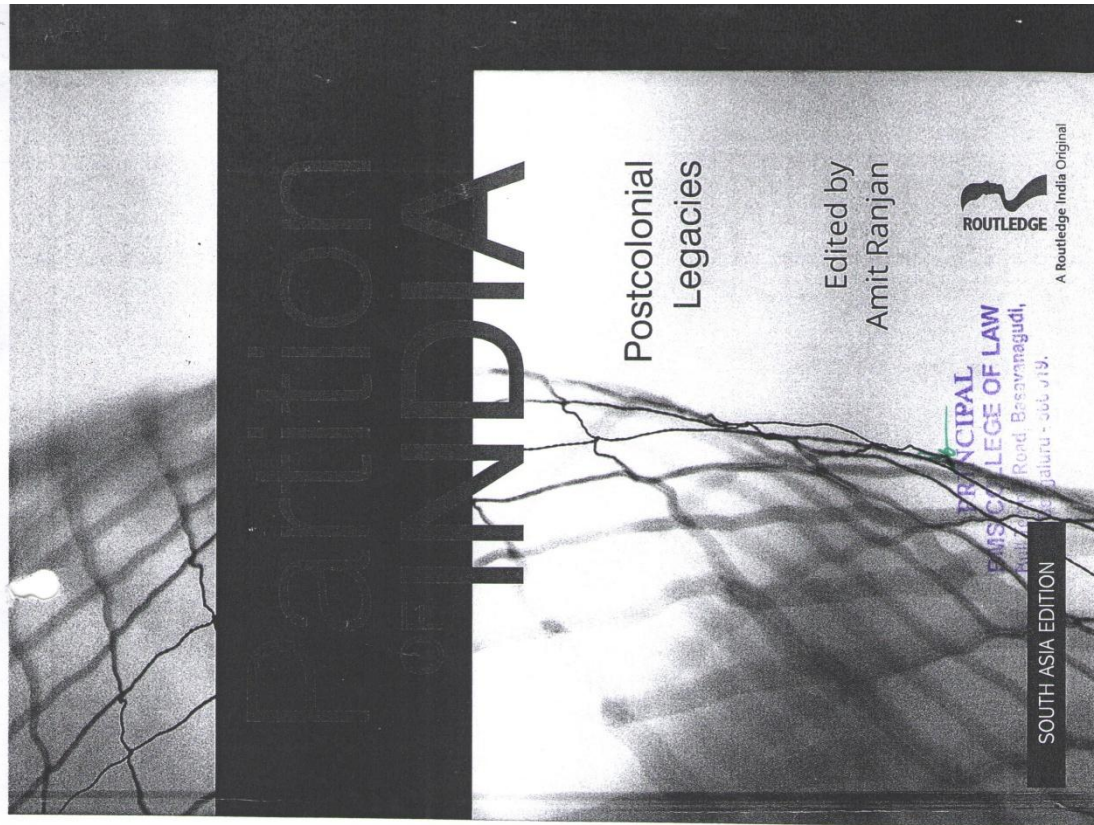
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Partition of India

Postcolonial Legacies

Edited by Amit Ranjan

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vi	Contents	vii	Contents
5	Recovering a forgotten partition: decolonisation, displacement and memories of home and uprooting in postcolonial Assam BINAYAK DUTTA	234	13 Whose history of partition?: Tamil cinema and the negotiation of national identity KALATHMIKA NATARAJAN
6	Did India's Partition lead to the segregation of North-East India? RITUPARNA BHATTACHARYYA	248	14 Re(presenting) refugee women in Bengal's partition narratives ROSHNI SHARMA
7	Balochistan: from British rule to a province of Pakistan NIZAM RAHIM BALOCH	259	PART IV Relationships: India-Pakistan-Bangladesh
PART II Migration and displacement		261	15 Seventy years of India-Pakistan relations SAJAD PADDER
8	Unwanted refugees: Sindhi Hindus in India and Muhajirs in Sindhi NANDITA BHAVNANI	274	16 India, Bangladesh and International Crime Tribunal PUNAM PANDEY
9	1950 riots and fractured social spaces: minority displacement and dispossession in Calcutta and its neighbouring areas SUBHASRI GHOSH	287	17 Bangladesh-Pakistan ties: future prospects of a troubled relationship PALLAVI DEKA
10	Kashmir as Partition's 'unfinished business' FAROOQ SULEHRIA	303	<i>Index</i>
PART III Personal history, interpretation and (re)presentation			
11	Lucknow: a personal history MEHRU JAFFER		
12	Bacha Khan: the legacy of hope and perseverance ALTAF KHAN		

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surviving the trauma that Partition led to. Though the nature of Partition on both sides of the border has been different, there is a point of similarity – on the question of violence that women from both sides faced.⁸ With the lack of alternative stories on Partition, little emphasis has been made to read and write about the images that have been constructed of refugee women.

Women have been subjected to all sorts of unimaginable atrocities and violence. They were arguably the worst victims of Partition, having to endure not only the destruction of their homes, displacement and violence, but also abduction, prostitution, mutilation and rape as they became symbols through which men communicated with each other. An estimated 75 to 100,000 women were abducted by members of other religious communities to be raped and murdered, sold into prostitution, or forced into marriage.⁹ These abduction numbers were considered 'wild figures'.¹⁰ Women's bodies were treated as territory to be conquered, claimed or marked by the assailant.¹¹ They became the battleground for men of different religious faiths. Atrocities were enacted upon the bodies of women as men of one religious group sought to dishonour the men of another faith, by proving them impotent in their ability to protect their 'women.' Interestingly, the abduction of women (especially Hindu women) gets tied up with the image of the 'weak Hindu' race,¹² which is also connected with a weak Hindu man, who cannot protect his women.¹³ Such violence was directed against the minority community leading to impregnation with the seed of the 'superior' or 'pure' race. Killing foetuses, knifing and opening pregnant wombs, constituted offences against the father/husband.

Forced migration became a common feature of the time. The suffering of those women who had to accept their abductors as husbands was tremendous indeed. Partition opened new challenges for women as they came out of their private domains and took up public duties driven by economic motives. Taking up prostitution as victims of economic distress has been looked upon as immoral and seen as a violation of the honour of the community, which challenged the entire 'existing social order'.¹⁴ By engaging in such activities, they were looked down upon and seen as a disgrace to the refugee colony.¹⁵

The figure of the refugee woman is a doubly marginalised figure; she is marginalised both as a refugee and as a woman. However, throughout the course of this study she is not portrayed as a victim. Rather she is seen as an agent of survival, of 'triumph.' Going

Re(presenting) refugee women in Bengal's partition narratives¹

Roshni Sharma

History and historical writings have always been 'His Story,' and often in the process of writing that story, the way 'Her Story' has been represented remains untouched. It is rightly said that 'the invisibility of women in history is due to the fact that men held power and women appeared not to have had the power to write themselves in.'² Revealingly, wherever women have appeared, they appear as marginal, secondary and in their affiliations to males as mothers, wives, sisters or mistresses, but not as independent agents. Historians have neglected women's historiography,³ making it selective which presents a very narrow record of human past in terms of time, space and numbers.⁴ Recent feminist historiography argues that 'representative history can only be written if the experience and status of one half of the mankind is an integral part of the story.'⁵ With the introduction of gender into the discussion of the history and politics of Partition, a very different kind of story has emerged – different in terms of the understanding of Partition it provides and of what it means to write history and read literature about the period. It does not matter who writes about women's history as such notions might lead to gender bias and minimise the objective of bringing the women back into history. What is important is the perspective from which it is written, the kind of research that has been done in an attempt to present a total picture of history.⁶ Therefore, it would not be a misinterpretation to argue that the study of women's history 'implies not only a new history of women, but also a new history.'⁷

This chapter investigates the way in which refugee women have been represented and the way in which they were relocated during and after Partition. It provides a detailed picture of the experiences of women as victims and of those who became the agents of



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for self-immolation.²¹ The hymn 'Vande Matram' captures the icon of the nation, the land as the mother, where women were required to reproduce the nation physically and symbolically while men protected, defended and avenged the nation.²² Therefore the bodies of women become the embodiment of the nation; the nation became the Mother, and her people became the Sons of the Mother.

With the lack of alternative stories on Partition, little emphasis has been placed on reading and writing about the images that have been constructed of refugee women. This chapter is an attempt to explore and comprehend the experiences of Partition that shaped people, especially women's lives and their identities, with an exclusive focus on Bengali literature. Unlike the Partition narratives of Punjab, where 'the author can find voice only through impersonal narrators, or teller-actors'²³ the narratives of Bengal are painful in the details of dead bodies lying through the streets of Calcutta and Noakhali and what it means to survive a traumatic event. However, cross-border migrations were totally different and complex phenomena in Punjab than in the other side of India. It has been estimated that 73 per cent of migrants were from India in Punjab, whereas only 9 per cent came to East Bengal.²⁴ There is a surge of novels that are written post-Partition, which revisit Partition. The two texts that this chapter deals are written in Bengali. These two texts – *Epar Ganga*, *Opar Ganga* (*The River Churning*) and *Swaralipi* (*The Notations*) are written by female authors Jyotirmoyee Devi and Sabitri Ray, respectively. These novels offer the possibility of coping with the loss of household and livelihood, rehabilitation, opening up the possibility of the labour market, new uncertainties in employment, re(structuring) the home and the world, remembrance and trying to explore the gaps and silences that are a part of stories on Partition. I focus on these two texts because both have female authors, and one of the authors remains an outsider to Partition while the other author is very much affected by the Partition, and is a refugee herself. The prospect of analyzing stories on Partition from two different perspectives compelled me to read these texts!

The first text, *Epar Ganga*, *Opar Ganga*,²⁵ revolves around the aftermath of Partition, depicting the struggle, trauma and journey of the refugee women to rediscover their new identity within the family and the community. It raises a fundamental question of the chastity of refugee women, the idea of 'honour' that is attached to a particular family/community. Here it is depicted by a Hindu girl, *Sutara*, a victim of Partition, who takes shelter in a known Muslim

beyond depicting women as victims, which they admittedly were, this chapter argues how the willingness to survive combined with determination and courage to discover new roles assigned to them by Partition. The refugee women, driven by circumstance, opened new opportunities for many other middle class Bengali women. This newly formed image of the refugee women as breadwinner destabilised the Bengali middle class value system. 'She changed the woman's role, as an earning member, in the family, albeit not without inherent tensions.'¹⁵ In the process of self-settlement, 'caste rules were bent, traditional occupations were abandoned in the search for employment, families became more nuclear and women came out of the home to work.'¹⁶ The role of women both in the inner and outer spaces (private and public spheres) underwent changes. Refugee women moved from 'victimhood' to 'triumph,' discovering an ability to survive and attain success. Surprisingly, many men became 'extremely proud' of their working wives and daughters in the colony.¹⁷ Several refugee women took up careers in acting in the Calcutta film industry and commercial theatres. For thousands of refugees, like Sabitri Chattopadhyay, it became a necessity to take up acting as profession.¹⁸ A few among them took up more challenging and unconventional jobs, such as hawkers and bar dancers. However, this is not to say that Partition was a liberating experience. It dissolved, though temporarily, strict distinctions between private and public. Many refugee women returned to the domestic world as soon as their families were comfortably situated, both financially and physically.¹⁹

The image of refugee women has undergone many changes with the change in the discourse and interests of the nation. Emerging from the colonial era, the image of refugee women kept changing through the Swadeshi movement thriving well through Partition and continues till date. The discourse of women's chastity was deployed to counter issues of foreign domination, which was done by making a clear-cut distinction between the material and the spiritual world. This binary corresponded well to the divide between the home and the world outside the home. Women became the symbol of nation and have remained so since the mid-nineteenth century. The chastity of the Hindu wife became the image of national purity. The middle class woman, 'the *bhadramahila*,' became a depository of 'essential cultural identity.'²⁰ The purity and chastity of women was to be preserved beyond the death of her husband, through an 'indissoluble non-consensual infant marriage, and through her proven capacity



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of the 'good woman' and that of the 'bad woman' (Sutara), who confronts the negative aspects as their bodies are treated as shameful, polluted, dirty and impure. Such women then become survivors with nothing to lose. The purity of the body becomes a symbolic marker between good woman and bad woman.

Therefore, the sense of dislocation, disruptions of notions of home, difficulties of feeling in place, divided and forced kinship are common to many women's experiences. For example, the story of *Zainab*, a young Muslim woman, and *Buta Singh*, her Sikh husband, which had wide reverberations, memorialised as it was in newspaper accounts, a memoir, and a Punjabi film, titled *Shahed-e-Mohabbat*. *Zainab* had been abducted during the relocation of her family from India to Pakistan. She had passed through many hands, and was eventually sold to Buta Singh, an Indian Sikh. Singh married her and 'in time, the two grew to love each other. They had a family, two young girls. Once she was recovered and relocated, she was returned to her family, expecting to return to Singh later. However, they never stayed together thereafter and Singh committed suicide.'³⁰ The novel *Pinjar* is also a classic on this aspect, where the story is based on the case of the abduction of a Hindu girl *Pooro* (later as Hamida) by a Muslim named *Rashida*. Her bitter experience of the entire episode made her feel and see herself as 'neither *Pooro* nor *Hamida*, but as *pinjar*, a skeleton, which had no shape, no name.'³¹

These stories of *Sutara*, *Zainab* and *Pooro* and many others demonstrate some of the gender-, sex-, and religion-based complexities of Partition. While some kinds of stories narrate 'honourable' deaths, there are fewer accounts of those women who have survived such trauma.³² For too many of the abducted women, official recovery meant a second uprooting. Many of them openly protested against the recovery operations and refused to return to their parents or kin folk. They were very well aware of what was waiting for them. For such women it may be said to have occupied a space between two deaths rather than between life and death.³³ For such women, the government of two dominions decided that they should be forcibly evacuated.³⁴ The recovery was considered an issue of national honour. One of the Members of Parliament argued: 'You will remember Sir, how when Mrs. Ellis was kidnapped by some Pathan, the whole of Britain shook with anger and indignation and until she was returned Englishmen did not come to their senses. Here, where thousands of girls are concerned, we cannot forget this.'³⁵

family headed by *Tamij Sahab*. After tracking down her own family, *Sutara* relocates and comes down to Calcutta, where her chastity is questioned by the women in the family. She is despised because family members and women in particular, feel that she is 'polluted' and 'ritually unclean'.²⁶ The women in the family do not like *Sutara* and they believe that she must have eaten 'god knows what kind of forbidden food'.²⁷ She becomes a 'j'bonjhat' which literally means 'problem' in Bengali. It depicts the story of a woman who is not accepted within her family and within the community at large because she has brought shame and dishonour to the family by spending a few days with the people of a different community. The author, therefore, focuses on society's repression of women's bodies and its habit of dishonouring and humiliating them everywhere and in all times. It reflects the violence to which women are exposed all over the world because of their gender.

The text, however, remains silent on the trauma and atrocity that *Sutara* witnessed, though there is a brief mention by the narrator that she was completely shattered both physically and psychologically and was unable to get up from bed. The reader is given several details about the physical and psychological torture she has endured. It is assumed that she might have been raped, though the narrator does not give any account. Such silences in women's stories over their own body should not be resolved, accounted for, unveiled or recovered but rather understood as women's inability to subsume their experience.²⁸ It is well pointed out by the author when she elaborates by saying that 'History is not written by cowards, and there are no female epic poets. Even if there were, they could hardly write stories of their own dishonour and shame. The language for it has yet to be fashioned. . . .'²⁹ Therefore, it would not be an exaggeration to suggest that such violence finds it difficult to get expressed in language. It becomes difficult to speak about the trauma, especially among women in a patriarchal structure, where the fear of rape itself is enough to marginalise women and to prevent them from being accepted by their own community.²⁹ The victim is scared of her 'own' family because of the stigma attached with her being 'polluted.' By portraying *Sutara* as a 'polluted' woman within her 'own' family, it then shifts from the community divide of 'us' and 'them' to the gender divide. One gets identified as the 'other' amongst her own family members because of the fact that she does not possess the right (unpolluted) body like other women in her own family. Consequently, the struggle goes on between the image



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earlier novel, *Epar Ganga, Opar Ganga*. She helps in organising her students, raising funds to fight cases for political prisoners. In deep contrast to this side of hers, she feels that her brother Phalgu and Prithvi, whom she loves, does 'not know, cannot even begin to find out the deep ugliness that is hidden in every household of this great city.' Interestingly, in the novel the outer world of politics stays outside and does not affect the private sphere. The underlying assumption is that the labour which is employed in the private sphere is by nature not political. In the later part of the novel, Sita is arrested by the police. She becomes a victim of taking part in politics, for giving shelter to communist fugitives. Her personality in the entire novel is of a courageous political prisoner, equivalent to her male counterparts.

The novel, therefore, breaks the divide between the home and the world – where the women belonged to a *bhadralok* household but challenged the same by 'coming out' actively in politics. Many refugee women in the novel feel that it is important to join the communist-led processions to protest against police firing in refugee colonies. In many processions, a large group of refugee women participated, carrying half naked, skeletal children. Even elderly women came forward shouting slogans. However, this coming out was a failed attempt. As the refugee women did not really move into their public life, but rather the domestic world expanded to include their participation in political, community and economic affairs. This expansion of their role was 'legitimised on the basis of women's domestic roles as wives, mothers and daughters.'³⁸

Going back from where it all began women have been portrayed as derivative figures, in their relation to their male counterparts, which gets reflected in the texts. For it is considered that she 'belongs to someone else and therefore to his caste, nationality and religion.'³⁹ Thus, these fictions on Partition explore the pain, trauma and conflicts of loyalties and raise a need to revisit concepts like chastity and honour.

A close reading of these novels helps in mapping the female psyche. Women being considered as representatives of their family/community had to undergo inhuman treatment, and novels of this kind attempt to portray a picture of the uncertainties they were faced during Partition. I read both of these novels in the **PRINCIPAL** of LAW, which brought to my attention the event of Partition that brought Basavanagudi, along with it rehabilitation and resettlement. Gender dynamics have become recurrent in the history of independent India, by taking

However, the struggle of the refugee women was not confined within the four walls of their homes. The employment of women in jobs outside their homes, as workers in metropolitan space, involves certain metamorphoses of the ideas of space, labour and identity that come out clearly in Sabitri Ray's novel *Suvaralipi*.

The novel highlights the changes that women affected by Partition underwent with increasing politicisation and urbanity. Roy is more interested in depicting her characters like Sita, Radha, trying to redefine their lives within the complexities of inner divisions corresponding to personal and political debate – the choices that women make as human beings rather than as victims. The text raises a fundamental question of 'what a nation state does once it has emerged.'³⁶

With the formation of a new nation state, at the cost of thousands of lives, the author asks how human beings (especially women) cope with the changing scenario. The building of a new nation state determines their role in both the spaces of home and world. For all the female characters in the novel, both the home and the world blend into each other as they 'come out' of the domestic sphere into the public arena of works and politics by joining the Communist Party or by taking active part in refugee movements across Bengal. The contributions of the refugee women in the *Jabaradhkal* movements (land-grabbing movements) are mentioned as worthy, movements in which the refugee women continue a bitter struggle against the police for about four days. It 'gave a new impetus to the founding of colonies with greater determination and planning.'³⁷ Under the leadership of the Communist Party, the refugee women become political agitators and struggle their way out for survival, still managing their role in the private world. Parmila, whose role had been confined to the domestic until Partition, sets out for the streets of the city along with Kshetramani, an aged woman.

The novel *Suvaralipi* is filled with such examples of refugee women who are continuously struggling within the private and public spheres. Each and every woman tries to redefine their lives within the private and the public. Women in this novel are engaged in labour to meet their political ends. They are highly active in their political roles as members of the Communist Party. They serve meals, provide shelter, clean up and nurse wounded comrades. Radha is a Tebhaga fighter in the novel. She is a peasant woman who works and travels from village to village staying and hiding in different peasant households. Sita, who is the main character in the novel, is more active in the public arena than is the character in the



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256 Roshni Sharma

newer forms and shapes in everyday life. They pose the question of silence that Devi's novel imposes with respect to language and that Roy's brings out by assessing how changing women's roles in the public sphere contribute to the formation of a new nation state.

Notes

- 1 This chapter is part of Roshni's M.Phil. dissertation on Partition Literature and Refugee Woman submitted to University of Delhi in 2012.
- 2 Shah, Kirri K., ed. (2005) *History and Gender, Some Exploration*. New Delhi: Rawat Publication, p. 5.
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- 4 Shah, ed., *History and Gender*, p. 5.
- 5 Menon, Ritu and Kamla Bhasin (1998) *Borders and Boundaries: Women's in India's Partition*. New Delhi: Kali for Women, p. 10.
- 6 Rowtham, Sheila (1971) *Hidden from History: 300 Years of Oppression and Fight Against It*. New York: Pantheon Books.
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- 12 Datta, Pradip Kumar (1999) *Caring Blocs: Communal Ideology in Early Twentieth Century Bengal*. New Delhi: Oxford University Press, pp. 148-151.
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- 15 Chakravarty, Sudeshna, *The Impact of the Flow of Refugees from East Bengal on West Bengal: Political Economic and Social Aspect* (unpublished) thesis submitted to Calcutta University.
- 16 Chatterjee, Nilanjana (1990) 'The East Bengali Refugees: A Lesson in Survival,' in *Calcutta: The Living City*, ed. Sukanta Chaudhuri, Vol. II. New Delhi: Oxford.
- 17 Weber, Rachel (2003) 'Re(Creating) the Home: Women's Role in the Development of Refugee Colonies in South Calcutta,' in *The Trauma*

Women in Bengal's partition narratives 257

- and *Triumph: Gender and Partition*, ed. Jasodhara Bagchi and Subhoranjan Dasgupta. Kolkata: Stree Publication. The refugee colony that was studied by Weber was the Bijoygarh colony.
- 18 Sabitri Chatterpadhyay, the famous Bengali actress, who came from East Bengal to Calcutta after Partition.
 - 19 Weber, Rachel (1995) 'Re(Creating) the Home: Women's Role in the Development of Refugee Colonies,' *Indian Journal of Gender Studies*, Vol. 2, No. 2. Sage Publication.
 - 20 Chatterjee, Partha (1993) *Nation and Its Fragments: Colonial and Post Colonial Histories*. Princeton, NJ: Princeton University Press, p. 117.
 - 21 Tankia Sarka, *ibid.*, p. 203.
 - 22 Ivekovic, Rada and Julie Mostor, eds. (2004) *From Gender to Nation*. New Delhi: Zubaan, p. 10.
 - 23 Das, Veena (1991) 'Composition of the Personal Voice: Violence and Migration,' *In Studies in History*, Vol. 7, No. 1, p. 67.
 - 24 Waseem, Mohammed (1999) 'Partition, Migration and Assimilation: A Comparative Study of Pakistani Punjab,' *In Region and Partition: Punjab, Bengal and the Partition of the Subcontinent*, ed. Ian Talbot & Ghauharul Singh. Karachi: Oxford University Press, p. 203.
 - 25 The novel literally means *This Side of Ganga*. *That Side of Ganga*, was first published in 1967 in Bengali as *Itihaase Stree Parva* (Women's Chapter in History) in Autumn-Annual volume of the prestigious Bengali periodical *Prabashi*. The book was translated into English by Enakshi Chatterjee in 1995 as *The River Churning*.
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 - 27 Devi, *The River Churning*, p. 33.
 - 28 Didur, Jill (2006) *Unsettling Partition: Literature, Gender, Memory*. Toronto, Buffalo, London: University of Toronto Press, p. 11.
 - 29 Bagchi and Dasgupta, eds., *Trauma and Triumph*, p. 4.
 - 30 Butalia, Urvashi (2000) *The Other Side of Silence*. New Delhi: Penguin India, p. 130.
 - 31 Pritam, Amrita (2000) *Pinjar*. New Delhi: Aarsi Publications, p. 31.
 - 32 Menon, *Borders and Boundaries*, p. 59.
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 - 34 Pandey, Gyanendra (2004) 'Disciplining Difference, in *Post Colonial Passages: Contemporary History Writing on India*, ed. Saurabh Dube. New Delhi: Oxford University Press, p. 169.
 - 35 Pandey, Gyanendra (2001) *Remembering Partition*. Cambridge: Cambridge University Press, p. 166.
 - 36 Gupta, Dipankar (2006) 'Between Ethnicity and Communalism: The Significance of the Nation-State, in *Religion, Violence and Political Mobilization in South Asia*, ed. Ravinder Kaur. New Delhi: Sage Publications, p. 89.
 - 37 Chakrabarti, *The Marginal Men*, p. 65.
 - 38 Weber, 'Re(Creating) the Home,' pp. 73-76.
 - 39 Pandey, *Remembering Partition*.

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AN EMPHRICAL STUDY OF WORKING CONDITIONS OF AGRICULTURE LABOUR: A CASE STUDY OF RANEENNUR TALUK

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India lives in her villages. Our progress therefore, depends on the extent to which we can overcome the poverty and neglect of our rural folk.

-Mrs. Indira Gandhi

ABSTRACT

India with an area of about 1.3 million square miles is the seventh largest country in the world and judged by its population of about 125 crores, ranks second in the world. It has been said that India lives in the villages. The census report indicates that nearly eighty percent population of the country dwells in the villages. The various studies have clarified that nearly a quarter of agrarian population of India consists of Agriculture Labours and more than fifty percent of agricultural-Labour households have no land. The proportion of Agriculture Labourers in rural Labour force of the country have been steadily growing over the years. In order to have a clear insight, it would be worthwhile to examine the growth of Agriculture Labourers in the rural society. Moreover the socio-economic circumstances in which the agricultural Labourers are brought up and work, also require close consideration. These two issues are interrelated and bring to the force. The consideration of the whole rural set up in the past, as well as in the present time frame, together with the rural laws having a bearing upon the economic life of the rural folk.

INTRODUCTION

Ranebennur Taluk of Haveri District is one of the backward Taluk in State of Karnataka. Haveri District has 7 Taluks. Namely, Ranebennur, Byadgi, Haveri, Hirekerur, Hangal, Shiggaon, Savanur. There is a shared Parliamentary constituencies in Haveri District namely Haveri-Gadag Parliamentary Constituency. The total population of Ranebennur is 2,36,069 out of which total number of workers categorized as :

- (i) Cultivators
- (ii) Agricultural Labourers,
- (iii) Household Industrial worker
- (iv) Others.

The census furnished below during 2011-2012 about the Total working population including Agricultural Labour will Clearly show the clear picture of Ranebennur taluk of Haveri District.

The writer has conducted a survey based on the questionnaire prepared(see Annexure I) . interviews are taken by the writer to understand the ground realities of the agriculture labours and their problems in ranebennur taluk. Questionnaires are prepared in three sets viz. *Respondant 1 as Agriculture workers, Respondent 2 as Land Owners, responded 3 as Members of Raita sangha.*

The writer have interviewed 20 agriculture labours viz Respondant 1 in four villages Kajjari, Kunbev, Kakol and Devaragudda of Ranebennur taluk randomly. And 10 agriculture land owners each form the same four villages of Ranebennur taluk, and also 5 members each from the Raita sanghas of the said four villages.

The below mentioned table shows the data furnished by the author during the field investigation:

SL NO.	PARTICULARS OF VILLAGE	NO OF RESPONDANTS	WAGES RANGE	HOURS OF WORK	LEISURE PER DAY
1	Kajjari	20	150-250	8-10	30 min
2	Kakol	20	140-230	8-10	30 min
3	Kunbev	20	120-200	9-10	30 min
4	Devaragudda	20	100-200	7-10	30 min

Table 1.1: showing the Payment of Wages, Hours of work for Respondant 1(Agriculture Workers)

110

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International Journal of Advance and Innovative Research

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ISSN 2394 - 7780

SL NO.	PARTICULARS OF VILLAGE	NO OF RESPONDANTS	WAGES RANGE	HOURS OF WORK	LEISURE PER DAY
1	Kajjari	10	180-280	8-9	30 min
2	Kakol	10	150-250	8-9	30 min
3	Kunbev	10	150-220	7-8	30 min
4	Devaragudda	10	120-200	7-8	30 min

Table 1.2: showing the Payment of Wages, Hours of work for Respondant 2(Agriculture Land Owners)

SL NO.	PARTICULARS OF VILLAGE	NO OF RESPONDANTS	WAGES RANGE	HOURS OF WORK	LEISURE PER DAY
1	Kajjari	05	150-200	8-10	30 min
2	Kakol	05	140-180	8-10	30 min
3	Kunbev	05	120-200	9-10	30 min
4	Devaragudda	05	100-180	7-10	30 min

Table 1.3: showing the Payment of Wages, Hours of work for Respondant 3(Raita Sanga Members)

SL No.	DESCRIPTION	RESPONDANT 1 (80)	RESPONDANT 2 (40)	RESPONDANT 3 (20)
1	Wages	127- 220	150- 237.5	127.5-190
2	Hours of Work per Day	8-10	7.5-8.5	8-10
3	Leisure per day	30 min	30 min	30 min
4	Awareness about Minimum Wages Notification	50- Not aware 20- Not Heard 8- Don't Know 2- Aware	25-Not Aware 10-Not Heard 2-Don't know 3-Aware	5-Not Aware 10- Heard 2-Don't know 3-Aware

Table 2: showing the Comparison of Payment of Wages, Hours of work for Respondant 1, 2 & 3

SL No.	DESCRIPTION	RESPONDANT 1 (80)	RESPONDANT 2 (40)	RESPONDANT 3 (20)
1	Any Disease from agriculture activity	50- Not Affected 30- Affected	25- Not Affected 15- Affected	15- Not Affected 5- Affected
2	Injuries from agriculture activity	62- Affected 18- Not Affected	30- Affected 10- Not Affected	15- Affected 5- Not Affected
3	Compensation received for any Disease/Injury	66-Not Received 10-No Response 04- received very less from Employer	35- Not Received 12- No response 03- Not Aware	17- Not received 03- Received
4	Awareness about law of compensation	50- Not aware 20- Not Heard 8- Don't Know 2- Aware	25-Not Aware 10-Not Heard 2-Don't know 3-Aware	5-Not Aware 10- Heard 2-Don't know 3-Aware

Table 3: Showing Effect of Disease and Causing of Injuries due to apply of Pesticides.

The Ranebennur Taluk has more number female Agricultural Labour. Child labour is also reported engaged in Agricultural. The farmers adopted the way of Government Schemes to improve the income of Agricultural Labour and there are many self-help groups in the rural areas in Ranebennur Taluk. There are Anganwadi,

111

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Which give informal education to children under group of 2-5 years. Mid day meal scheme for children is properly implemented; the NGO's will also help in providing social awareness and social services in rural area where Agricultural Labour resides.

The Department of District SC/ST Corporation, District Social Office, and Zilla Panchayat have many scheme for SC/ST and other backward classes for economic improvement of them

CONCLUSIONS AND SUGGESTIONS

The Writer draws the following conclusions out the studies carried out on the problems of Agricultural Labour. The upper caste landlord, Bureaucrats, political leaders exploited the Agricultural Labour from generation to generation.

It is concluded that the risk in agricultural operations faced by agriculture workers in the modern times has increased due to the input of technology and applying the chemicals and fertilizers for agriculture production. Therefore the writer submits that the hypothesis framed in this work is sustained

It is concluded the working conditions of agriculture workers are turning to be more hazardous without proper response to address the hazards and risks by the instrument of law and policy. the rate of illiteracy in handling techno based farming by the agricultural labour is neither increasing nor it is decreasing it is in the status quo position.

Lack of knowledge in agricultural among labour has led of Social problems due to which the governmental schemes are not understood and utilized by the agricultural labour.

Agricultural labour residing near to the urban areas is benefited by the schemes and programs of the government. And the writer draws the attention about the difficulty in implementing the minimum hours of work as practically impossible in agriculture in the chapters above mentioned in this dissertation and hence the second and third hypothesis framed by the writer is sustained.

It is concluded that the problem of agricultural labour have been attracting the attention of the Government since independence. It has appointed the National Commission on Labour (1969), National Commission on Agricultural (1967) National commission on Rural labour (1989), commission the two Agricultural Labour Enquires and there Rural Labour Enquires and so many other commission and committees to study the problems of agricultural/rural labourers and has formulated different laws and regulations, schemes and programs in accordance with the recommendations of these Commissions and committees.

It is concluded from statistics that the wage payment to the agricultural labour are not uniform throughout. There is regional difference in the payment of wages. There are different hours of work and terms of employment and conditions of services for agricultural labour in different area.

It is concluded from the studies that existing central legislation are concerned; the Minimum wages Act is the only important Act applicable to the agricultural workers working on their Co-operative farms, large mechanized farms or uneconomic fragmented holdings to deal with the regulation of wage payment and working conditions. The enforcement of the Minimum Wages Act, encounters its most serious obstacle in tradition agriculture, outside the large plantations and modernized farms.

The lack of enforcement arrangement that could begin to cover the innumerable, small and scattered places, of employment, the weakness of workers organizations, the transient character of most work relationships, widespread illiteracy, the non-existence of record-keeping the prevalence of extended family in majority cases, near feudal relationship with employers, the prevalence of the system of payment in kind, and perhaps most important, the ready availability, at least at certain seasons of the year. Persons who desperately need to find work, no matter how poorly paid all these obstacles combined to make compliance with legally prescribed labour standards of any kind highly problematic. The basic deficiencies are inadequate Inspectorate, unsympathetic and apathetic government personnel, lack of awareness of workers and employers of their rights and responsibilities and paying capacities of the employer. The National commission on Labour has emphasized the need for agricultural productivity, through labour-intensive scientific farming, with particular emphasis on organizational and institutional reforms. The National Commission on Agriculture also recommended the adoption of an integral program of employment creation, another structural change in rural economy as the most effective way of improving the conditions of agricultural labourers, besides the Fixation and enforcement of minimum Wages.

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112



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It is concluded that the provision of contract labour Labour (Regulation and Abolition) Act, 1970, The Inter-state Migrant Workmen(Regulation of Employment and condition of services) Act,1979 are not implement for Agricultural Labour due to lack of social and legal awareness in agricultural.

The provisions of Dangers Missions (Regulation) Act,1983 and The Insecticides Act, 1968 are unknown to the agricultural labour

SUGGESTIONS : On the basis of the conclusions presented the following suggestions are forwarded.

1. The government has to take an initiative to train farmers and farm labours in handling the agro technologies by way of conducting camps and training sessions. It is necessary in the present time to go for the technology based farming since the burden of population is not stopped yet on the shoulders of the government. Hence the government has to take care to protect the safety and interest of farmers by adopting appropriate measures.
2. Agricultural should be treated as on Industry. The Government should give due attention for improving the irrigation facilities in the agriculture areas. The implementation of land reforms has field therefore; co-operating should be encouraged which will reduce cost on agricultural activities. The employment will be increased and spirit of integration, community sentiments of we reduced if co-operation farming is encouraged. Caste based co-operative farming should not be encouraged. The Government should provide finance, training, and moral support for the formation of co-operative farming.
3. The problem of agricultural labourers in India cannot be overcome by legislative enactments and developmental schemes in isolation. They should be linked with structural-institutional reforms in rural areas.
4. Since bulk of agricultural are from Scheduled Caste, Scheduled Tribe and other Backward classes. The Government should take steps to identify the problems faced by them through constant surveys. Any developmental schemes for SC and SC Should be properly assessed and for this writer suggest a separate Directors be established at State level with regional officers at least in 10 Districts Corporation at each District but before this it is suggested that the schemes should be given statutory

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Vol. 9

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A STUDY ON THE EFFECT OF CROSS DIVERSIFICATION OF PORTFOLIO: A STUDY BASED ON BACK TESTING

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Abstract

The sole purpose of investing is to earn safe and consistent returns out of it. As the saying goes, "investing in short term is risky and not investing in long term is also risky". Portfolio management is an art; diversification is an important parameter which governs the wealth that is being created out of the portfolio. Diversifying portfolio equips the market participant to offset wealth lost by one script against the wealth created by another script. The objective of the study was to generate 3 portfolios comprising different number of stocks with a holding period of 3 months to establish a correlation between number of stocks and the returns earned. Primary data was collected from the National Securities Exchange website. Secondary data was collected through annual reports available on the official website of Angel Broking. The data was used solely for keeping track of the portfolio performance and studying the effect of diversification. The portfolios comprise of "A" grade quality stocks. The study is limited to the extent to which the portfolio is diversified in terms of number of stocks and not to the number of sectors the portfolio is diversified across. The study concluded that over a short period of time, the number of stocks held in a portfolio was inversely proportional to the gains it returned.

Introduction

A portfolio is a grouping of financial assets such as stocks, bonds, commodities, currencies and cash equivalents, as well as their fund counterparts, including mutual, exchange-traded and closed funds. A portfolio can also consist of non-publicly tradable securities, like real estate, art, and private investments. Portfolios are held directly by investors and/or managed by financial professionals and money managers. Investors should construct an investment portfolio in accordance with their risk tolerance and their investing objectives. Investors can also have multiple portfolios for various purposes. It all depends on one's objectives as an investor.

Portfolio Management

Portfolio management is the art and science of making decisions about investment mix and policy, matching investments to objectives, asset allocation for individuals and institutions, and balancing risk against performance. Portfolio management is all about determining strengths, weaknesses, opportunities and threats in the choice of debt vs. equity, domestic vs. international, growth vs. safety, and much other trade-offs encountered in the attempt to maximize return at a given appetite for risk.

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62

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Vol. 9

Special Issue 2

Oct - Dec 2019

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Portfolio Income

Portfolio income is income from investments, dividends, interest and capital gains. Royalties received from property held for investment is also considered portfolio income. Portfolio income does not come from passive investments and is not earned through regular business activity. Typically, income from interest on loaned money is not considered portfolio income.

Portfolio Investment

A portfolio investment is a hands-off or passive investment of securities in a portfolio, and it is made with the expectation of earning a return. This expected return is directly correlated with the investment's expected risk. Portfolio investment is distinct from direct investment, which involves taking a sizable stake in a target company and possibly being involved with its day-to-day management.

Portfolio Margin

Portfolio margin refers to the modern composite-margin requirements that must be maintained in a derivatives account containing swaps (including credit default swaps), options and futures contracts. The objective of portfolio margining is to offset the risks to the lender through consolidating, or netting, positions to account for a portfolio's overall risk. Portfolio margin accounting requires a margin position that is equal to the remaining liability that exists after all offsetting positions have been netted against each other.

For example, if a position in the portfolio is netting a positive return, it could offset the liability of a losing position in the same portfolio. This would reduce the overall margin requirement that is necessary for holding a losing derivatives position.

Portfolio Plan

A portfolio plan is an investment strategy that guides the allocation of an individual or institutional investor's money.

Portfolio Return

Portfolio return refers to the gain or loss realized by an investment portfolio containing several types of investments. Portfolios aim to deliver returns based on the stated objectives of the investment strategy, as well as the risk tolerance of the type of investors targeted by the portfolio.

Risk

The usual layman definition of risk in the context of the stock market is the 'probability of losing money'. When you transact in the markets, you are exposed to risk, which means you can (possibly) lose money. For example, when you buy the stock of a company, whether you like it or not, you are exposed to risk. Further, at a very high level, risk can be broken down into two types - **Systematic Risk** and **Unsystematic Risk**. You are automatically exposed to both these categories of risks when you own a stock.

The risk of losing money owing to company specific reasons (or internal reasons) is often termed as "**Unsystematic Risk**".

Unsystematic risk can be diversified, meaning instead of investing all the money in one company, you can choose to invest in 2-3 different companies (preferably from different sectors). This is called '**diversification**'.

Meaning of Diversification

Diversification is a risk management technique that mixes a wide variety of investments within a portfolio. The rationale behind this technique contends that a portfolio constructed of different kinds of investments will, on average, yield higher returns and pose a lower risk than any individual investment found within the portfolio.

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63

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Vol. 9

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Oct - Dec 2019

ISSN : 2349-8978

Diversification strives to smooth out unsystematic risk events in a portfolio so the positive performance of some investments neutralizes the negative performance of others. Therefore, the benefits of diversification hold only if the securities in the portfolio are not perfectly correlated.

Studies and mathematical models have shown that maintaining a well-diversified portfolio of 25 to 30 stocks yields the most cost-effective level of risk reduction. Investing in more securities yields further diversification benefits, albeit at a drastically smaller rate.

The higher the number of stocks in your portfolio, higher the diversification, and therefore lesser the unsystematic risk. The risk that remains even after diversification is called the "**Systematic Risk**". Systematic risk is the risk that is common to all stocks in the markets. Systematic risk arises out of common market factors such as the macroeconomic landscape, political situation, geographical stability, monetary framework etc. A few specific systematic risks which can drag the stock prices down are:-

1. De-growth in GDP
2. Interest rate tightening
3. Inflation
4. Fiscal deficit
5. Geopolitical risk

Systematic risk is **inherent in the system** and it cannot really be diversified. Remember, unsystematic risk can be diversified, but systematic risk cannot be. However, systematic risk can be '**hedged**'.

Unsystematic Risk = Diversifiable Risk

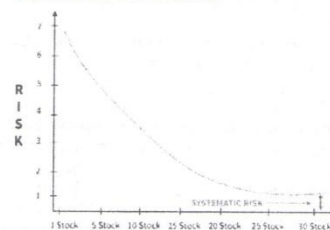


Fig 1- Systematic and Unsystematic risk (Courtesy- Zerodha Varsity)

This leads us to a very important question – how many stocks should a good portfolio have so that the unsystematic risk is completely diversified. Research has it that up to 21 stocks in the portfolio will have the required necessary diversification effect and anything beyond 21 stocks may not help much in diversification.

Beta:

Beta, denoted by the Greek symbol β , plays a very crucial concept in market finance as it finds its application in multiple aspects of market finance.

In plain words Beta measures the sensitivity of the stock price with respect to the changes in the market,

The beta of a stock can take any value greater or lower than zero. However, the beta of the market indices (Sensex and Nifty) is always +1.

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Vol. 9

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If Beta of a stock is	Interpretation
Less than 0, Ex : -0.4	A -ve sign indicates the stock price and markets move in the opposite direction. If market moves up by 1%, then -ve beta stock of -0.4 is expected to decline by 0.4%
Equal to 0	It means the stock is independent of the market movement. The variation in the market is not likely to affect the movement in the stock. However, stocks with 0 beta is hard to find
Higher than 0 lesser than 1, Ex : 0.6	It means the stock and the market move in the same direction; however the stock is relatively less risky. A move of 1% in the market influences the stock to move up by 0.6%. These are generally called the low beta stocks.
Higher than 1, Ex : 1.2	It means the stock moves in the same direction as the markets; however the stock tends to move 20% more than the market. Meaning, if the market increases by 1.0%, the stock is expected to go up by 1.2%. Likewise if the market declines by 1% the stock is expected to decline by 1.2%.

Table 1- Illustration of Risk in terms of Beta

This study has made an attempt to:

1. To analyze the stability of three portfolios diversified various sectors.
2. To determine the ROI of individual portfolios over a period of three months.
3. To calculate value of Beta.

Portfolio Design

Three portfolios were designed and an investment of Rs.1,00,000 was deployed in each portfolio on 1 January, 2019 with an intention to square off all holdings on 22 March, 2019. The 3 portfolios comprised 7, 14 and 21 stocks respectively. The stocks were selected based on its listing and market cap as available in the online records with National Stock Exchange.

In order to obtain accurate results in terms of returns, stocks in portfolio 1 were made a part of portfolio 2 and portfolio 3 and the stocks in portfolio 2 were made a part of portfolio 3.

The pie charts below illustrate the sector diversification of the respective portfolios. The market values of entry and current prices have been determined based on the data available at the end the day which is termed as the closing price.

The sectors across which the portfolios were diversified are a part of the sectors in benchmark indices, namely, SENSEX 30 and NIFTY 50:

1. Finance and Banking
2. Automobile
3. Utilities
4. Pharmaceuticals
5. FMCG etc

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65

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Vol. 9

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Oct - Dec 2019

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Further, the stocks which were trading near the 52 week high or 52 week low were avoided owing to expected volatility. The concepts of Modern frontier and portfolio theory were employed while picking stocks keeping in mind the time frame being only 3 months.

Portfolio 1

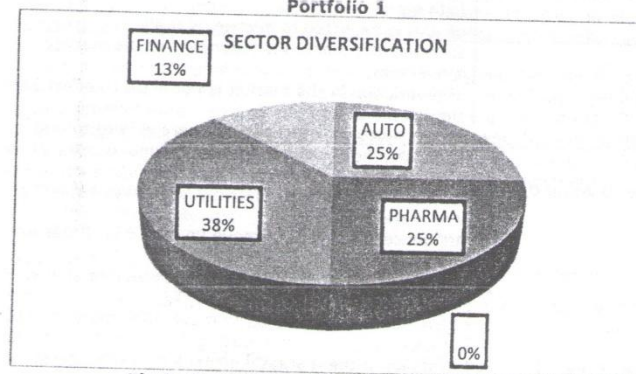


Fig 2- Sector Diversification of portfolio 1

Table 2- Composition of portfolio 1

Finance	Automobile	Utilities	Pharma
1. ICICI Bank	1. Ashok Leyland 2. Lumax Industries	1. BATA India 2. Bluestar 3. KEI Industries	1. Aurobindo Pharma

Portfolio-2

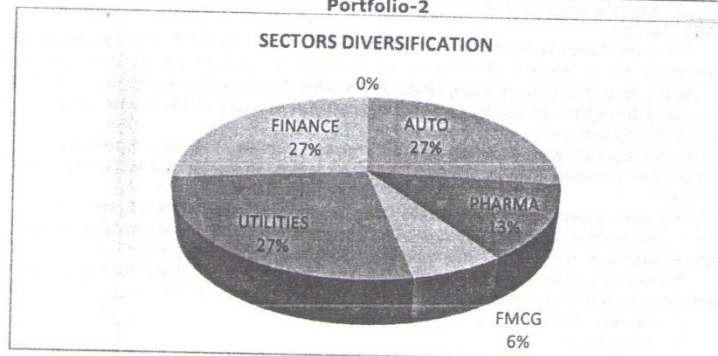


Fig 3- Sector Diversification of portfolio 2
Table 3- Composition of portfolio 2

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66

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Vol. 9

Special Issue 2

Oct - Dec 2019

ISSN : 2349-8978

Finance	Automobile	Utilities	Pharma	FMCG
1. ICICI Bank 2. RBL Bank 3. Axis Bank 4. Shriram Transport Finance	1. Ashok Leyland 2. Lumax Industries 3. M&M 4. Maruti Suzuki	1. BATA India 2. Bluestar 3. KEI Industries 4. Safari Industries	1. Aurobindo Pharma	1. Parag Milk Foods

Portfolio 3

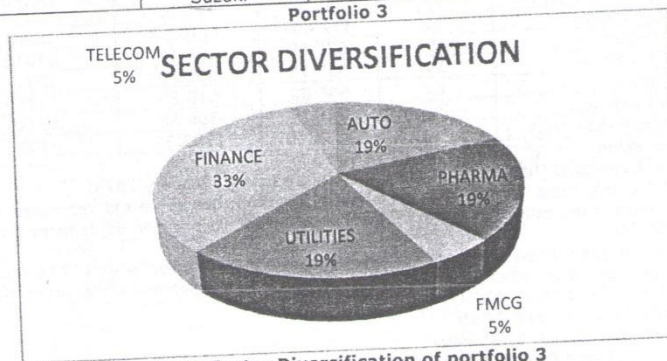


Fig 4 Sector Diversification of portfolio 3

Table 4- Composition of portfolio 3

Finance	Automobile	Utilities	Pharma	Fmcg	Telecom
1. ICICI Bank 2. RBL Bank 3. Axis Bank 4. Shriram Transport Finance 5. Kotak Mahindra Bank 6. Dewan Housing Finance Corporation 7. Yes Bank	1. Ashok Leyland 2. Lumax Industries 3. M&M 4. Maruti Suzuki	1. BATA India 2. Bluestar 3. KEI Industries 4. Safari	1. Aurobindo Pharma 2. Fortis Healthcare 3. Sun Pharma	1. Parag Milk Foods	1. Bharti Airtel

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67

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Vol. 9 Special Issue 2 Oct - Dec 2019 ISSN : 2349-8978

Results and Analysis Portfolio 1, as on 4 Jan, 2019 Amount Invested: Rs 1,00,000/-

Table 5- Composition of portfolio 1 on 4 January, 2019

Sl. NO	Stock Name	Quantity	Buy price (Rs)	Price (Rs)	Market Value (Rs)
1.	Ashok Leyland	121	102.50	96.80	11713
2.	Aurobindo Pharma	17	733.15	725.85	12340
3.	Bata India	11	1126.05	1116.50	12281
4.	Bluestar	19	625.55	621.55	11810
5.	ICICI Bank	34	363.75	365.20	12417
6.	Biocon	19	625.80	618.55	11752
7.	KEI Industry	34	361.15	356.35	12116
8.	Lumax Industries	7	1711.30	1703.35	11923

Interpretation

- The above shows that portfolio of 8 companies as on 4th January 2019.
- In the above table we can interpret that ICICI Bank has more market value when compared to the other stock market companies, while its price on 4th January 2019 is Rs.365.20.
- The above table shows that Ashok Leyland stock's market value is Rs.11713 which is less market value when compared to other stock companies, while price on 4th January 2019 is Rs.96.80.

Portfolio 2 as on 4th Jan, 2019 Amount Invested: Rs. 1,00,000/-

Table 6- Composition of portfolio 2 on 4 January, 2019

Sl. No	Stock Name	Quantity	Buy price (Rs.)	Price (Rs.)	Market Value (Rs.)
1.	Ashok Leyland	65	102.50	Rs. 96.80	Rs. 6292
2.	Aurobindo Pharma	9	733.15	Rs. 725.85	Rs. 6533
3.	Bata India	5	1126.05	Rs. 1116.50	Rs. 5582
4.	Bluestar	10	625.55	Rs. 621.55	Rs. 6215
5.	ICICI Bank	18	363.75	Rs. 365.20	Rs. 6574
6.	Biocon	10	625.80	Rs. 618.55	Rs. 6185
7.	KEI Industry	18	361.15	Rs. 356.35	Rs. 6414
8.	Lumax Industries	3	1711.30	Rs.1703.35	Rs. 5110
9.	Parag Milk Foods	27	244.90	Rs. 243.05	Rs. 6562
10.	RBL Bank	11	577.10	Rs. 571.65	Rs. 6288
11.	Safari Industries	8	790.45	Rs. 775.30	Rs. 6202
12.	Axis Bank	10	627.30	Rs. 619.60	Rs. 6196
13.	M and M	8	773.35	Rs. 725.60	Rs. 5805
14.	Maruti Suzuki	1	7476.80	Rs. 7234.50	Rs. 7234
15.	Shriram Transport Finance	5	1229.75	Rs. 1162.65	Rs. 5813

Interpretation

- In the above table, we can interpret that ICICI Bank stock market value is Rs.6574 which is more when compared to the other 14 stock market companies, while its price is same as in the Portfolio 1.

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68

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Oct - Dec 2019

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- The above table shows that Lumax Industries has the lowest stock market price i.e., Rs.5110, while its price on January 4th 2019 is Rs.1703.35.
- Portfolio 2 shows that ICICI Bank has more market value

Portfolio 3 as on 4th Jan, 2019

Amount Invested: Rs.1,00,000/-

Table 7- Composition of portfolio 3 on 4 January, 2019

SL.NO	Stock Name	Quantity	Buy price	Price	Market Value
1.	Ashok Leyland	46	Rs. 102.50	Rs. 96.80	Rs. 4453
2.	Aurobindo Pharma	6	Rs. 733.15	Rs. 725.85	Rs. 4355
3.	Bata India	4	Rs. 1126.05	Rs. 116.50	Rs. 4466
4.	Bluestar	7	Rs. 625.55	Rs. 621.55	Rs. 4351
5.	ICICI Bank	13	Rs. 363.75	Rs. 365.20	Rs. 4748
6.	Biocon	7	Rs. 625.80	Rs. 618.55	Rs. 4330
7.	KEI Industry	13	Rs. 361.15	Rs. 356.35	Rs. 4632
8.	Lumax Industries	2	Rs. 1711.30	Rs.1703.35	Rs. 3407
9.	Parag Milk Foods	19	Rs. 244.90	Rs. 243.05	Rs. 4618
10.	RBL Bank	8	Rs. 577.10	Rs. 571.65	Rs. 4573
11.	Safari Industries	6	Rs. 790.45	Rs. 775.30	Rs. 4652
12.	Axis Bank	7	Rs. 627.30	Rs. 619.60	Rs. 4337
13.	M and M	6	Rs. 773.35	Rs. 725.60	Rs. 4354
14.	Maruti Suzuki	0	Rs. 7476.80	Rs. 7234.50	Rs. 0
15.	Shriram Transport Finance	3	Rs. 1229.75	Rs. 1162.65	Rs. 3488
16.	Fortis Health Care	34	Rs. 140.20	Rs. 140.30	Rs. 4770
17.	Kotak Mahindra Bank	3	Rs. 1250.45	Rs.1247.95	Rs. 3744
18.	Bharti Airtel	14	Rs. 319.50	Rs. 322.45	Rs. 4514
19.	Sun Pharma	11	Rs. 433.55	Rs. 433.80	Rs. 4772
20.	Dewan Housing Finance Corporation	19	Rs. 246.35	Rs. 238.05	Rs. 4523
21.	Yes Bank	25	Rs. 184.25	Rs. 189.65	Rs. 4741

Interpretation

- In the above table we can interpret that Sun Pharma's market value is Rs.4772 which is more than ICICI Bank, while its price as on 4th January 2019 was Rs.433.80.
- On the other side we can interpret that Maruti Suzuki market value is NIL, even though its price on 4th January 2019 was Rs.7234.50.

Portfolio 1 as on 22nd March, 2019

Amount Invested: Rs.1,00,000/-

Table 8- Composition and P/L of portfolio 1 on 22 March, 2019

SL. NO	Stock Name	Qty	Buy price	Price on date 22nd March, 2019	Market Value
1.	Ashok Leyland	121	Rs. 102.50	Rs.89.60	10842
2.	Aurobindo Pharma	17	Rs. 733.15	Rs.768.30	13061
3.	Bata India	11	Rs. 1126.05	Rs.1361.65	14978
4.	Bluestar	19	Rs. 625.55	Rs.674.50	12816
5.	ICICI Bank	34	Rs. 363.75	Rs.391.80	13321

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Portfolio 3 as on 4th Jan, 2019

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Table 7- Composition of portfolio 3 on 4 January, 2019

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1.	Ashok Leyland	46	Rs. 102.50	Rs. 96.80	Rs. 4453
2.	Aurobindo Pharma	6	Rs. 733.15	Rs. 725.85	Rs. 4355
3.	Bata India	4	Rs. 1126.05	Rs. 116.50	Rs. 4466
4.	Bluestar	7	Rs. 625.55	Rs. 621.55	Rs. 4351
5.	ICICI Bank	13	Rs. 363.75	Rs. 365.20	Rs. 4748
6.	Biocon	7	Rs. 625.80	Rs. 618.55	Rs. 4330
7.	KEI Industry	13	Rs. 361.15	Rs. 356.35	Rs. 4632
8.	Lumax Industries	2	Rs. 1711.30	Rs.1703.35	Rs. 3407
9.	Parag Milk Foods	19	Rs. 244.90	Rs. 243.05	Rs. 4618
10.	RBL Bank	8	Rs. 577.10	Rs. 571.65	Rs. 4573
11.	Safari Industries	6	Rs. 790.45	Rs. 775.30	Rs. 4652
12.	Axis Bank	7	Rs. 627.30	Rs. 619.60	Rs. 4337
13.	M and M	6	Rs. 773.35	Rs. 725.60	Rs. 4354
14.	Maruti Suzuki	0	Rs. 7476.80	Rs. 7234.50	Rs. 0
15.	Shriram Transport Finance	3	Rs. 1229.75	Rs. 1162.65	Rs. 3488
16.	Fortis Health Care	34	Rs. 140.20	Rs. 140.30	Rs. 4770
17.	Kotak Mahindra Bank	3	Rs. 1250.45	Rs.1247.95	Rs. 3744
18.	Bharti Airtel	14	Rs. 319.50	Rs. 322.45	Rs. 4514
19.	Sun Pharma	11	Rs. 433.55	Rs. 433.80	Rs. 4772
20.	Dewan Housing Finance Corporation	19	Rs. 246.35	Rs. 238.05	Rs. 4523
21.	Yes Bank	25	Rs. 184.25	Rs. 189.65	Rs. 4741

Interpretation

- In the above table we can interpret that Sun Pharma's market value is Rs.4772 which is more than ICICI Bank, while its price as on 4th January 2019 was Rs.433.80.
- On the other side we can interpret that Maruti Suzuki market value is NIL, even though its price on 4th January 2019 was Rs.7234.50.

Portfolio 1 as on 22nd March, 2019

Amount Invested: Rs.1,00,000/-

Table 8- Composition and P/L of portfolio 1 on 22 March, 2019

SL. NO	Stock Name	Qty	Buy price	Price on date 22nd March, 2019	Market Value
1.	Ashok Leyland	121	Rs. 102.50	Rs.89.60	10842
2.	Aurobindo Pharma	17	Rs. 733.15	Rs.768.30	13061
3.	Bata India	11	Rs. 1126.05	Rs.1361.65	14978
4.	Bluestar	19	Rs. 625.55	Rs.674.50	12816
5.	ICICI Bank	34	Rs. 363.75	Rs.391.80	13321

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6.	Biocon	19	Rs. 625.80	Rs.616.95	11722
7.	KEI Industry	34	Rs. 361.15	Rs.404.20	13743
8.	Lumax Industries	7	Rs. 1711.30	Rs.1857.05	12999
P/L					103482

Interpretation

- The above table shows that Portfolio as on 22nd March 2019.
- We interpret that BATA India has greater market value of Rs.14978 when compared to the other 7 stock companies.
- The above table shows that Ashok Leyland market value is Rs.10842 which is less when compared to the other 7 companies while its price on 22nd March 2019 is Rs.89.60.

Portfolio 2 as on 22nd March,2019

Amount Invested: Rs.1,00,000/-

Table 9- Composition and P/L of portfolio 2 on March 22, 2019

SL. NO	Stock Name	Qty	Buy price	Price on date 22nd March,2019	Market Value
1.	Ashok Leyland	65	Rs. 102.50	Rs.89.60	5824
2.	Aurobindo Pharma	9	Rs. 733.15	Rs.768.30	6915
3.	Bata India	5	Rs. 1126.05	Rs.1361.65	6808
4.	Bluestar	10	Rs. 625.55	Rs.674.50	6745
5.	ICICI Bank	18	Rs. 363.75	Rs.391.80	7052
6.	Biocon	10	Rs. 625.80	Rs.616.95	6170
7.	KEI Industry	18	Rs. 361.15	Rs.404.20	7276
8.	Lumax Industries	3	Rs. 1711.30	Rs.1857.05	5571
9.	Parag Milk Foods	27	Rs. 244.90	Rs.256.75	6932
10.	RBL Bank	11	Rs. 577.10	Rs.636.30	6999
11.	Safari Industries	8	Rs. 790.45	Rs.730.90	5847
12.	Axis Bank	10	Rs. 627.30	Rs.757.05	7571
13.	M and M	8	Rs. 773.35	Rs.678.80	5430
14.	Maruti Suzuki	1	Rs. 7476.80	Rs.6552.70	6553
15.	Shriram Transport Finance	5	Rs. 1229.75	Rs.1198.55	5993
TOTAL					97686

Interpretation

- We interpret that Axis Bank has greater market value of Rs.7571 when compared to the other 14 stock companies.

Portfolio 3 as on 22nd March,2019

Amount Invested: Rs.1,00,000/-

Table 10- Composition and P/L of portfolio 3 on 22 March, 2019

SL. NO	Stock Name	Qty	Buy price	Price on date 2	Market
1.	Ashok Leyland	46	Rs. 102.50	Rs.89.60	4122
2.	Aurobindo Pharma	6	Rs. 733.15	Rs.768.30	4610
3.	Bata India	4	Rs. 1126.05	Rs.1361.65	5447
4.	Bluestar	7	Rs. 625.55	Rs.674.50	4722
5.	ICICI Bank	13	Rs. 363.75	Rs.391.80	5093
6.	Biocon	7	Rs. 625.80	Rs.616.95	4319
7.	KEI Industry	13	Rs. 361.15	Rs.404.20	5255

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Vol. 9

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8.	Lumax Industries	2	Rs. 1711.30	Rs.1857.05	3714
9.	Parag Milk Foods	19	Rs. 244.90	Rs.256.75	4878
10.	RBL Bank	8	Rs. 577.10	Rs.636.30	5090
11.	Safari Industries	6	Rs. 790.45	Rs.730.90	4385
12.	Axis Bank	7	Rs. 627.30	Rs.757.05	5299
13.	M&M	6	Rs. 773.35	Rs.678.80	4073
14.	Maruti Suzuki	0	Rs. 7476.80	Rs.6552.70	0
15.	Shriram Transport Finance	3	Rs. 1229.75	Rs.1198.55	3596
16.	Fortis Health Care	34	Rs. 140.20	Rs.136.35	4636
17.	Kotak Mahindra Bank	3	Rs. 1250.45	Rs.1336.25	4009
18.	Bharti Airtel	14	Rs. 319.50	Rs.331.55	4642
19.	Sun Pharma	11	Rs. 433.55	Rs.473.25	5206
20.	Dewan Housing Finance Corporation	19	Rs. 246.35	Rs.133.75	2541
21.	Yes Bank	25	Rs. 184.25	Rs.252.60	6315
TOTAL					91952

Interpretation

- We interpret that Yes Bank has greater market value of Rs.6315 when compared to the other 20 stock companies.
- The above table shows that Maruti Suzuki market value is NIL which is less when compared to the other 20 companies while its price on 22nd March 2019 is Rs.6552.70.

Summary of findings and calculations

Calculations;

Portfolio 1

Invested amount = Rs. 1,00,000/-
Market price as on 22/03/2019 = Rs. 1,03,482/-
(10842+13061+14978+12816+13321+11722+13743+12999 = 103482/-)
Profit/Loss = Rs. 3,482/-
Portfolio Appreciation = **3.48%**

Portfolio 2

Invested amount = Rs. 1,00,000/-
Market price as on 22/03/2019 = Rs. 97686/-
(5,824+6,915+6,808+6,745+7,052+6,170+7,276+5,571+6,932+6,999+5,847
+7,571+5,430 +6,553+5,993 = 97686/-)
Profit/Loss = Rs. - 2314/-
Portfolio Appreciation = **- 2.314%**

Portfolio 3

Invested amount = a = Rs. 1,00,000/-
Market price as on 22/03/2019 = Rs. 91,952/-
(4122+4610+5447+4722+5093+4319+5255+3714+4878+5090+4385+5299+
4073+0+96+ 4636+4009+4642+5206+2541+6315= 91,952/-)
Profit/Loss = Rs. - 8,048/-
Portfolio Appreciation = **- 8.048%**

Summary of findings

- As we can see portfolio 1 has generated 3.48% while portfolio 2 has generated -2.314% whereas portfolio 3 has generated -8.048%.
- It can be said that for the time under consideration portfolio 1 has generated the best returns as compared to portfolio 2 and 3.

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- It is clear that for the time under consideration portfolio 2 has considerably managed to bleed lesser than portfolio 3.
- Hence, we can conclude that for shorter time frames a well diversified portfolio should not contain more than 8 to 10 scripts.

Conclusion

This study concludes that, Number of stocks in a well diversified portfolio is inversely proportional to the returns generated by it.

$$n \propto \frac{1}{r}$$

In the above equation,
n - Number of stocks.
r - Rate of return

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72

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ANALYSIS OF CASE LAWS - ON BIODIVERSITY INTERNATIONAL AND NATIONAL REGIME

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"In Wildness is the Preservation of the world."
Henry David Thoreau

I INTRODUCTION

Biodiversity is a modern term which simply means "the variety of life on earth". Biodiversity is defined as, 'all of the hereditary variation in organisms, from differences in ecosystems to the species composing each ecosystem, thence to the genetic variation in each of the species'. Of the many confusing concepts in biodiversity conservation, few demand greater definition and scrutiny than "conservation through use," also commonly termed "compatible" or "sustainable" use. These terms are often used to imply that certain types or levels of human use incur little or no loss of biodiversity, that these uses are ecologically benign. Biodiversity refers to the natural variety and variability among living organisms, the ecological complexes in which they naturally occur, and the ways in which they interact with each other and with the physical environment.¹

According to Jones and Stokes Associates, natural diversity, as used in this report, is synonymous with biological diversity. To the scientist, natural diversity has a variety of meanings. These include: 1) the number of different native species and individuals in a habitat or geographical area; 2) the variety of different habitats within an area; 3) the variety of interactions that occur between different species in a habitat; and 4) the range of genetic variation among individuals within a species.

This variety can be measured on several different levels. Extinction is a fact of life. Species have been evolving and dying out ever since the origin of life. However, species are now becoming extinct at an alarming rate, almost entirely as a direct result of human activities. Previous mass extinctions evident in the geological record are thought to have been brought about mainly by massive climatic or environmental shifts. Mass extinctions as a direct consequence of the activities of a single species are unprecedented in geological history. The loss of species in tropical ecosystems such as the rain forests, is extremely well-publicized and of great concern. Species have a right to exist apart from the use of these species for the benefit human beings and that humans have no right to cause the extinction of native species across their habitat.²

All strategies for conservation of biodiversity involve relationships between local residents who live in the critical habitat of threatened and endangered species, government agencies, international organizations, and scientists, especially conservation biologists. The protection of regional biodiversity requires that priority for the protection of individual areas be based on the contribution, which the area can make to represent overall biodiversity. The impacts of globalization are being experienced not only by domesticated varieties but by wild relatives of food plants. In all biodiversity is a concern of all the species on the earth, be it an animal, or a plant or the galaxy.

II CASES PERTAINING TO BIODIVERSITY BY INTERNATIONAL COURTS

Biodiversity in arid regions is often rated as poor and less valuable than biodiversity in other biogeographic regions, based on the commonly applied structural criteria of forms of life (i.e. plants, animals and microorganisms) and levels of organization (i.e. genes, species, and ecosystems). The root causes of biodiversity impoverishment are population growth, inequity, and inadequate economic policies and institutional systems. In addition, habitat degradation and fragmentation, overexploitation of biological resources, introduction of alien species, and agricultural practices.

Population pressure has had serious impacts on the fragile ecosystems and biological resources of arid zones especially in the Old World. Ownership and control of land and biotic resources, and all the benefits they confer, are distributed in ways that work against biodiversity conservation and sustainable living. Countries lack an adequate system of environmental laws and other instruments to ensure the protection of biodiversity and the sustainable use of resources.

¹ Kent H. Redford and Brian D. Richter, 'Conservation of Biodiversity in a World of Use', *Conservation Biology*, vol. 13, No. 6, December 1999, p. 1248.

² Bill Devall, 'Conservation of Biodiversity: Opportunities and Challenges', *Human Ecology Review*, vol. 13, No. 1, 2006, p. 62.

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The rise of environmental consciousness in international law has been accompanied by another phenomenon: the growing number of international *fora* within which environmentally related disputes can now be addressed. It used to be the case that the International Court of Justice was just about the only permanent international tribunal around. Since it was established in 1946 it has been joined by a large number of other international judicial and quasi-judicial bodies such as the dispute settlement mechanisms established under the 1982 United Nations Convention on the Law of the Sea, such as the International Tribunal for the Law of the Sea and Annex VII arbitral tribunals, the International Center for the Settlement of Investment Disputes, which is now beginning to faced with environmental issues in a foreign investment context, etc.

As we can point out here, the ICJ's advisory opinion on the Legality of the Use of Nuclear Weapons,¹ its judgment in the Case concerning the *Gabcikovo/Nagymaros dispute* (Hungary/Slovakia) concerning the construction of barrages on the Danube (September 1997),² and its provisional measures order in the case concerning Pulp Mills on the River Uruguay, brought by Argentina against Uruguay (July 2006)³ also known as *Shrimp Turtle case*, concerning the circumstances in which the United States was able to impose conservation measures under its laws on shrimping activities taking place in four Asian countries and the WTO Panel decision in the EC-Biotech case brought by Argentina, Canada and the United States challenging the European Community's import regime for genetically modified organisms and in the International Tribunal for the Law of the Seas provisional measures orders in the Southern *BlueFin Tuna cases*⁴ brought by Australia and New Zealand against Japan, addressing Japan's unilateral scientific experimental fishing.

In the *Gabcikovo/Nagymaros case*⁵ at the International Court of Justice, for example, concerning the construction of barrages on the Danube river, Hungary treated the case as primarily an environmental case, whereas for Slovakia the case was about economic development and the law of treaties. For this reason the Environmental Chamber of the International Court of Justice, which was created in 1993 and was never invoked, seems recently to have been dispensed with.⁶ The mere characterization of a dispute as an environmental dispute will have implications for a case. For this reason it is most unlikely that there will be established in the foreseeable future the International Environmental Court for which some observers have called. It would be preferable to follow the effort, for example, of the Permanent Court of Arbitration to develop model rules on arbitration of disputes relating the environment and natural resources, which rules take into account the particular characteristics of environmental disputes.

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⁵ *Supra* 5

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⁷ Case No. ARB/96/1.

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112



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International Journal of Advance and Innovative Research

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

ISSN 2394 - 7780

methodology of traditional valuation based on full and fair market value.¹ In other words, for this arbitral tribunal, comprising a most distinguished group of individuals, the international rules for the protection of foreign investment appear to take precedence over any rules of environmental protection however national or international.

General principles of international law call for a balanced approach, in which the societal objective of encouraging foreign investment (as reflected in numerous international instruments) is treated in a balanced manner with the societal objective of protecting the environment (as also reflected in numerous international instruments), and vice versa. This need to treat developmental needs with environmental needs is now often referred to as the principle of "sustainable development", as reflected in the Rio Declaration on Environment and Development, and as invoked by the International Court of Justice in the Case concerning the *Gabcikovo-Nagymaros*.²

III INDIAN CASES

After signing the Biodiversity convention, India has enacted *Biological Diversity Act*,³ 2002 and the Rules namely Biological Diversity Rules, 2004. The main objects of the Biological Diversity Act, 2002 are to take appropriate action for conservation of biological diversity, sustainable use of its components and fair and equitable sharing of the benefits arising out of utilization of genetic resources. Neither the Act nor the Rules made there under, has defined the term 'conservation', 'use' or 'utilization'. The term 'commercial utilization' defined in this Act excludes 'conventional breeding or traditional practices in use in any agriculture'. The continuous climate change of the world, the random deforestation, and habitat loss of biological species, urbanization race, world-wise expansion of concept of patent rights, day-to-day technical development of genetic resources etc. are to be considered in this respect.

It has been felt for long time by the Government of India to provide effective access to judicial and administrative proceedings, including redress and remedy and to develop national laws regarding liability and compensation for the victims of pollution. India, being one of the participating countries in the United Nations Conference on the Human Environment held at Stockholm in June, 1972 and the United Nations Conference on Environment and Development held at Rio de Janeiro in June, 1992, aims to set up specialized environmental courts in the country namely 'National Green Tribunal' for the effective and expeditious disposal of cases relating to environmental protection and conservation of forests and other natural resources including enforcement of any legal right relating to environment and giving relief and compensation for damages to persons and property and for matters connected therewith or incidental thereto. Accordingly, the Indian Legislature enacted the *National Green Tribunal Act*,⁴ 2010.

In an environmental matter⁵, Supreme Court of India had to interfere in the policy decision of Government as to whether the Government of West Bengal did not pay attention to the ecological considerations, particularly the question of the migratory birds and whether has shown such lack of awareness in making an allotment of land to boost tourism by construction of Five Star Hotel to the detriment of Zoological garden. Honorable Supreme Court stated, 'Whenever a problem of ecology is brought before the Court, the Court is bound to bear in mind Art. 48 A of the Constitution of India, which enjoins that the State shall endeavour to protect and improve the environment and to safeguard the forests and wild life of the country, and Art. 51A (g) which proclaims it to be the fundamental duty of every citizen of India to protect and improve the natural environment including forest, lakes, rivers and wild life, and to have compassion for living creatures the Court is called upon to give effect to the Directive Principle and the fundamental duty, the Court is not to shrug its shoulders and say

¹ The Tribunal said (at para. 71): "While an expropriation or taking for environmental reasons may be classified as a taking for a public purpose, and thus may be legitimate, the fact that the Property was taken for this reason does not affect either the nature or the measure of the compensation to be paid for the taking. That is, the purpose of protecting the environment for which the Property was taken does not alter the legal character of the taking for which adequate compensation must be paid. The international source of the obligation to protect the environment makes no difference."

² *Supra* 5.

³ Act No 18 of 2003.

⁴ Act No 19 of 2010.

⁵ *Sachidananda Pandey v. State of West Bengal & Ors*, AIR 1987 SC 1109.

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The rise of environmental consciousness in international law has been accompanied by another phenomenon: the growing number of international *fora* within which environmentally related disputes can now be addressed. It used to be the case that the International Court of Justice was just about the only permanent international tribunal around. Since it was established in 1946 it has been joined by a large number of other international judicial and quasi-judicial bodies such as the dispute settlement mechanisms established under the 1982 United Nations Convention on the Law of the Sea, such as the International Tribunal for the Law of the Sea and Annex VII arbitral tribunals, the International Center for the Settlement of Investment Disputes, which is now beginning to faced with environmental issues in a foreign investment context, etc.

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112



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the most influential factor to study achievement is *learning motivation*. It means that a student's personal learning motivation, whether intrinsic or extrinsic, is the most important deciding factor on academic achievement, in terms of motivation, and it has the highest correlation to achievement (see Table 1). This means the self-actualization of a student's inner drive is greater than the attraction of and the demand for the external incentives. Hence, student's learning motivation has significant positive effect on academic achievement. The result is similar to the viewpoint, "the participation of learning activities is affected by a combination of several factors such as the needs for accomplishments, the expectation of success, external incentives", proposed by Li Yong-Yin (1995).

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International Journal of Advance and Innovative Research
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AN ANALYSIS OF CONSTITUENT ASSEMBLY DEBATE FOR ADOPTING ARTICLE 40 FOR ORGANIZING VILLAGE PANCHAYATS THROUGH CONSTITUTION OF INDIA

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1. CONCEPT OF PANCHAYAT RAJ

Panchayats have been the backbone of the Indian villages since beginning of the recorded history. In 1946, Mahatma Gandhi, the father of nation, aptly remarked that Indian lives in villages and unless the village life is realized, the nation as a whole cannot make progress.

In India, the system of panchayats has a long history. Its structure however varied from time to time. In rural India, the concept of 'Panch Parmeswar' is very old and very prominent, we also find reference of gram Panchayat in ancient and medieval literatures.

During independence struggle, Gandhiji said that the Indian independence must begin at the bottom and every village ought to be a Republic or a Panchayat with powers. His dream got translated into reality with the introduction of the three-tier Panchayat Raj System to ensure People's participation in rural reconstruction.

The roots of Panchayat Raj can be traced in the Article 40 of the Constitution of India which declared that the state shall take steps to organize village Panchayats and to endow them with such powers and authority as may be necessary to enable them to function as the units of self-government.

The aforesaid Article 40 in part IV of our Constitution was translated into Constitutional 73rd Amendment Act, 1992¹. The said amendment inserted Part IX relating to panchayats constituting of 16 Articles and a schedule called 11th schedule.

Though in our original draft Constitution there is no mention about organizing urban local governments, yet the 74th Constitutional amendment act was passed by the parliament in the year 1992. A new part IX A consisting of 18 Articles and a schedule called 12th schedule have been inserted. Part IX A² gave a constitutional foundation to the local self government units in urban areas though municipal administration had been in existence all over the country.

2. DEBATES OF CONSTITUENT ASSEMBLY ON THE ISSUE OF ORGANIZING VILLAGE PANCHAYATS AS AN INSTITUTIONS OF LOCAL SELF GOVERNMENT

Originally there was no provision for organizing village Panchayats in the Draft Constitution. When the Draft was published and the absence of this was noticed, a criticism was labeled that the new Constitution should have been drafted on the ancient Hindu model of State and that instead of incorporating western theories, the new Constitution should have been raised and built upon village panchayats and district panchayats.

Dr. Rajendra Prasad, who as early as 10th May 1948, i.e., two and half months, after the publication of the draft Constitution of India, express his opinion in favour of having village republic, as the basis of the Constitution. He even suggested in a letter³ to the Constitutional advisor that the structure of the Constitution should begun from the foundations and then go up. But Sir. B. N Rau. When he dealt with this question pointed out that it was too late to make any attempt to change the basis of the Constitution which had gone so far. He however shared the view with Dr. Rajendra Prasad that the basic structure of the Constitution should have begun from the bottom and as such it was expected that at the time of introduction of the draft omission could be regretted and suggestion made for accommodating the principle in the body of the Constitution. On the contrary, the Chairman of the drafting committee Dr. Ambedkar when he introduced the motion, draft constitution on November 4th 1948 not only did not express regrets for the omission but felt gratified that the draft had rightly discarded the village and adopted the individual as the unit.

He said⁴, the love of the individual Indians for village communities of course infinity if not pathetic. It is largely due to the fulsome price best owed upon it by Metcalfe who described them as little republics having nearly everything that the way within themselves and almost independent of any foreign relations. The existence of

¹ W.e.f. 24-04-1993

² W.e.f. 01-06-1993

³ President Rajendra Prasad's Collection

⁴ Constituent Aessenmbly debates Vol.7, No.1, p. 39

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these village communities each one forming a separate little state in itself as according to Metcalfe¹ contributed more than any other cause to the preservation of the people of India, though all the revolutions and changes which they have suffered and is in a high degree conducive to their happiness and to the enjoyment of a great portion of the freedom and independence.

No doubt the village communities have lasted where nothing else last. But those who take pride in the village communities do not care to consider what little part they have laid in the affairs and the destiny of the country, and while? Their part in the destiny of the country has been well described by Metcalfe himself, who says,

Dynasty of the diversity tumbled down. Revolution succeeds to revolution. Hindu, Pathan, Moghul, Maratha, Sikh, English are all on masters in turn but the village communities remain the same. In times of trouble they are on and fortify themselves. A hostile army passes through the country. The villages communities collect their little cattle with in their walls and let the enemy pass unprovoked.

Such is the part of the village communities have played in the history of their country. Knowing this, what pride can one feel in them? They have survived through all vicissitudes may be a fact. But mere survival has no value. The question is on what plane they have survived, surely on a low and on a selfish level. I hold that these village republics have been the ruin of India. I am, therefore, surprised that those who condemned provincialism and communalism should come forward as champions of the village. What is the village but a sink of localism, and den of ignorance, narrow mindedness and communalism? I am glad that the draft Constitution has discarded the village and adopted the individual as its unit.

3. CRITICISM BY FEW MEMBERS OF CONSTITUENT ASSEMBLY ON THE VIEWS OF DR. B.R. AMBEDKAR ABOUT VILLAGE PANCHAYATS

Some of the members of the Constituent Assembly criticized the views of Dr. B.R. Ambedkar on the organization of village Panchayats and also the view of Ambedkar that the individual should be the unit of governance in the administration of village Panchayat.

The members criticized Dr. B.R. Ambedkar for passing very harsh views on the position of village and the people concerned with the administration of the village. Further members also criticized by not accepting village as an unit of local self-government. Instead Dr. Ambedkar wanted individual as an unit of development of a village.

Maulana Azharth Mohani² and Prof. Shibban Lal Saksena³ pointed out that if only that Ambedkar had kept the soviet constitution in view they would not have been any difficulty in providing village panchayats in Indian Constitution.

The only two persons who criticized the village panchayat system and justified the non inclusion of the same in the draft Constitution were Begum Aizaz Rasul⁴ and Dr. Monomohan Das⁵ the former speaking on the 8th November 1948 agreed with Dr. Ambedkar on his views in respect of village Panchayats and said⁶

A lot of criticism has been made about Dr. Ambedkar's remark regarding village polity. Sir, I entirely agree with him. Modern tendency is towards the right of the citizen as against any corporate body and village panchayats can be autocratic.

Speaking next to her, Dr. Das said that the drafting committee had, willfully left to it the prevention legislatures to frame whatever they liked about the village panchayat system and added that unless and until the village people were educated so as to become politically conscious the village system was bound to do more harm than good. To quote his own words, he said⁷

There is nothing in our Constitution that will take from the provincial legislatures the power to pass and an Act in that direction. If our provincial legislatures think that the village panchayat system will do immense good to

¹ Governor General of India, 1822 to 1845

² Constituent Assembly debates, Vol. 7, No.1, p-45

³ Constituent Assembly debates, Vol. 7, No.3, p-285

⁴ Constituent Assembly debates, Vol. 7, No.4, p- 305 (UP Muslim)

⁵ Constituent Assembly debates, Vol. 7, pp - 307 - 308 (West Bengal General)

⁶ Constituent Assembly debates, Vol. 7, pp 305

⁷ Constituent Assembly debates, Vol. 7, pp 308

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our country, they are quite at liberty to introduce it in their legislatures and pass it accordingly. So I think, Sir the criticisms sometimes amounting to abuse, which have been showered upon the Chairman of the drafting Committee, are wholly uncalled for, unjustifiable, uncharitable and if I am permitted to say so undignified.

4. ACCEPTANCE OF ARTICLE 31-A FOR INSERTION IN THE DRAFT CONSTITUTION OF INDIA

Thanks to Sri. K. Santhanam, a learned member of Constituent Assembly for moving a resolution to incorporate Article 31-A of the Constitution which contained same and similar words that are present and mentioned in Article 40 of the adopted Constitution of India.

Thanks to the Chairman of our draft Constitution Dr. B.R. Ambedkar who generously agreed and accepted the resolution moved by Sri. K. Santhanam for having a provision in Part IV for organizing village panchayats by endowing the power and authority to function as institutions of local self-government.

Our Constitution 7th Schedule consists of three lists mentioning items and vesting power upon the Central, State and both Central and State legislatures for enacting laws for the governance of our country.

Item number 5 i.e., list 2 (State List) contain provision for both local government and local self-government. The item number 5 reads as "local government, i.e. to say, the Constitution and powers of municipal corporations, improvement trusts, district boards, mining settlement authorities and other local authorities for the purpose of local self-government are village administration.

The author of this article all of the view that the border line distinction between local government and local self-government is that local governments are those there is de-concentration of power where as local self-government means de centralization of power .

Pursuant to item number 5 of state list number of State governments in our country have enacted legislations for providing three tier systems of local self-government namely gram panchayat, Taluk Panchayat and Zilla Panchayat (call differently in different states). The State of Karnataka during the period of Sri Ramakrishna Hegde the then late Chief Minister of Karnataka enacted a model legislation and implemented the same for establishing Mandal panchayat, Taluk Panchayat and Zilla Panchayats as units of local self-government in the year 1983 for the first time in our country.

CONCLUSION

Dr. B.R. Ambedkar felt that unless and until there is political consciousness, civic awareness and mainly education for the citizens of the village and the urban bodies the exercise for organizing village panchayats as institutions of local self-governments will be a futile job. The authors of this article finally conclude with the words of harat Ratna Dr. B.R. Ambedkar who said that "if the system of organization of village panchayat is introduced before our village people are properly educated, then I think, Sir, the local influential classes will absorbed to themselves al the powers and privileges that will be given by the Panchayat sytem and they will utilize it for their selfish motives. This system will enable the village Zamindars, the village Talukdars, the Mahajans and the money lending classes to rob, exploit the less cultured, the less educated, poorer classes c villages.

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AGENDA 2030: A STUDY ON COHERENT AND COMPREHENSIVE STRATEGIES FOR POVERTY REDUCTION

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ABSTRACT:

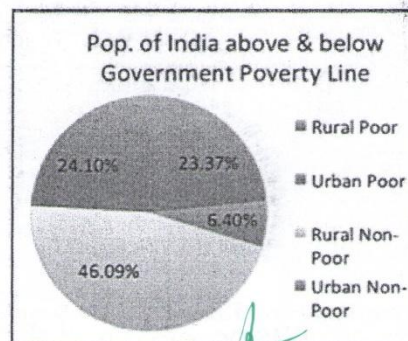
Poverty is a pressing problem of countries all over the world. Governments, leaders, international organizations, therefore, are actively searching for solutions to contain and eliminate poverty globally. Former Vietnam President Ho Chi Minh emphasized that poverty is an "enemy", just as illiteracy and foreign invaders are considered enemies. Reduction of poverty is the basic element to ensure social justice and sustainable growth. Poverty reduction is not only a basic social policy that should be accorded special attention, but it is also an important global development objective. Reduction of poverty is not simply about redistributing income in a passive manner, but also about creating a growth dynamic - a process in which the poor takes initiative to improve their situation in order to overcome poverty. At the same time, poverty reduction is not a one-way path with economic growth generating resources to support disadvantaged people, but is itself an important factor that creates the groundwork for a relatively level playing field for development, to generate more abundant resources, and to ensure stability at all times. Agenda 2030 or Sustainable Development Goals (SDGs) are a collection of 17 global goals set by the United Nations adopted in 2015 which lists poverty reduction as the number one objective. Taking this further, the true task for the future is to boil the voluminous priority lists down to a limited number (three to five) of core actions that any government or global body such as the UN can cope with in a short period. This article makes an effort to suggest viable strategies and actions to reduce poverty keeping the present socio economic condition of India in mind in order to achieve the ultimate goal of Agenda 2030.

POVERTY IN INDIA - INTRODUCTION

"Like slavery and apartheid, poverty is not natural. It is man-made and it can be overcome and eradicated by the actions of human beings.

And overcoming poverty is not a gesture of charity. It is an act of justice. It is the protection of a fundamental human right, the right to dignity and a decent life."

The Asian Development Bank estimates India's population to be at 1.28 billion with an average growth rate, from 2010-2015, at 1.3%. In 2014, 49.9% of the population aged 15 years and above were employed. There are still 21.9% of the population who live below the national poverty line categorized as below poverty line or BPL. Internationally, an income of less than \$1.90 per day per head of purchasing power parity is defined as extreme poverty. Poverty line has been mentioned as starvation lines because income is bare minimum to support the food requirements and does not provide much for the other basic essentials like health; education etc. 21.2% of population translates to 250 million people which is a humongous number. India is the youngest nation in the world. India is set to experience a dynamic transformation as the population burden of the past turns into a demographic dividend, but the benefits will be tempered with social and spatial inequalities. By this it is very evident that a vast majority of the youth of the nation are living in poverty striving for their basics such as food and clothing.



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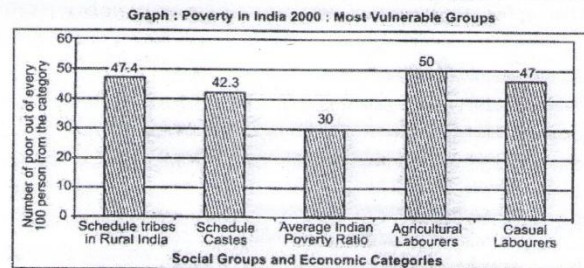
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Source : Reports on Employment and Unemployment among Social Groups in India
NSSO, Ministry of Statistics, Programme Implementation, Govt. of India

POVERTY REDUCTION STRATEGIES ADOPTED BY THE GOVERNMENT OF INDIA:

The Indian government has grouped the poverty alleviation initiatives broadly into 5 programmes:

- 1) Wage employment programmes
- 2) Self-employment programmes
- 3) Food security programmes
- 4) Social security programmes
- 5) Urban poverty alleviation programmes.

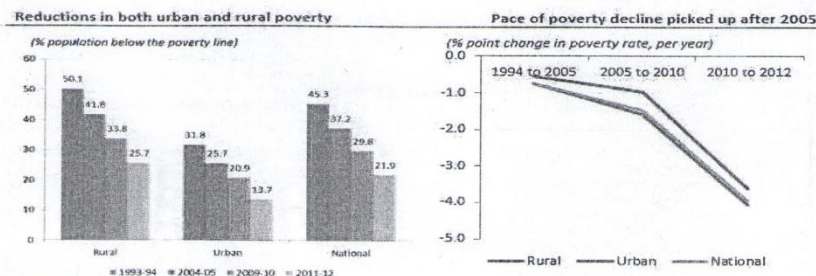
Post independence in 1947, the five year plans focused on poverty alleviation by incorporating sectoral programmes such as agricultural initiatives, massive diversified investments led by the state to generate employment,

The other initiatives taken by the government of India include:

1. Jawahar Gram Samridhi Yojana(JGSY)
2. National old age pension scheme(NOAPS)
3. National family benefit scheme(NFBS)
4. National maternity benefit scheme(NMBS)
5. Annapurna Scheme
6. Integrated Rural Development Program(IRDP)
7. Pradhan Mantri Gramin Awaas Yojana
8. National Rural Employment Guarantee Act, 2005

Through these programmes and initiatives the government of India has been able to alleviate poverty considerably.

The graph below shows the impact of NREG Act, 2005 on the reduction in poverty.



Source: Narayan and Murgai (2016)

83

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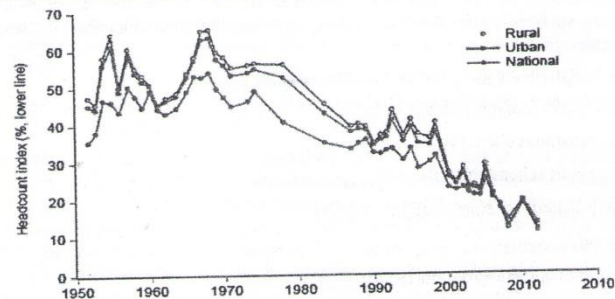
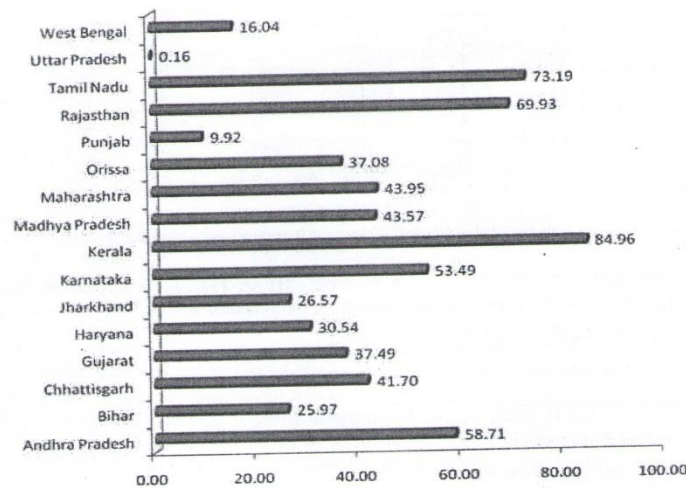
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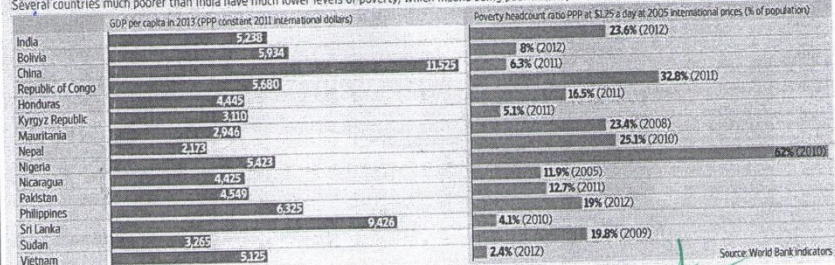
Chart 2: Per cent of women receiving employment in NREGA



While these policies and initiatives did have an impact on the poverty, they did not have enough strength to have a sweeping effect. Thus, this gives rise for the need to formulate coherent and comprehensive strategies to reduce poverty. The chart below shows that monetarily poorer countries than India have been able to alleviate poverty more effectively than India.

POVERTY CHECK

Several countries much poorer than India have much lower levels of poverty, which means being poor hasn't prevented these nations from caring for the poorest.



Source: World Bank indicators.



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POVERTY REDUCTION STRATEGIES

"Overcoming poverty is not a gesture of charity; it is an act of justice"

-Nelson Mandela

Formulating strategies for reducing poverty has to be approached with the following areas of action:

1. Making Poverty Reduction Strategies sustainable as political instruments;
2. Enhancing linkages and coherence between the Poverty reduction strategies, medium-term expenditure frameworks, and budgets.
3. Alignment and harmonization of donor policies to support Poverty reduction strategies.
4. Monitoring of Poverty reduction strategies.
5. Participation in poverty reduction strategies
6. Capacity development for poverty reduction strategies.

POVERTY REDUCTION STRATEGY AS A POLITICAL INSTRUMENT

The main thrust behind making Poverty Reduction Strategies sustainable as political instruments is to make them more operational and action oriented. It is essential that poverty reduction strategies be better framed as medium-term, political planning tools, while at the same time linking them more securely to long-term poverty reduction goals, such as the MDGs or, where they exist, other long-term national plans. Better balance needs to be achieved between social and productive sectors. Poverty Reduction Strategies need to focus more tightly on the essentials of the approach to achieve clear impact, and the overabundance of priorities needs to be restructured along the lines of three to five core political actions. On the other hand, the Poverty reduction strategies should incorporate all major macro-economic and structural reforms, and should include alternative, expansionary scenarios for accommodating increases in MDG-related flows that demonstrate how these resources will be absorbed.

ENHANCING LINKAGES AND COHERENCE BETWEEN THE PRS, THE MTEF, AND ANNUAL BUDGETS

The linkage between poverty reduction strategies, medium term expenditure framework and annual budget points out the need to balance public spending between rural and urban areas, in addition to achieving more balance between the social and productive sectors. The strategy calls for improved poverty reduction strategy prioritization and precision, in order that the strategy can serve better in the roles it plays in investment planning, in directing coherence by the MTEF, and in enabling control and endorsement by national institutions, especially by parliament. The rationalization of public financial management, starting with revenues and continuing through the entire expenditure chain, and the increasing of transparency and accountability throughout the public finance system are prerequisites for making the poverty reduction strategy approach sustainable. A set of clear principles for transparent budget processes is needed that can be applied flexibly to reduce poverty.

ALIGNMENT AND HARMONIZATION OF DONOR POLICIES TO SUPPORT POVERTY REDUCTION STRATEGIES

Alignment and harmonization of donor policies to support Poverty reduction strategies, together with capacity development, represents the most pressing areas of work – for donors and partner actors alike – in order to achieve the objectives of the poverty reduction strategies approach. Repeated here is that Poverty reduction strategies typically do not provide sufficiently clear direction in the medium term for guiding the development efforts of the many actors involved, including donors. Combined with the fact that few consultations have been held on key economic reforms, this creates a vacuum – which donors all too often are ready to fill with their own agenda. The strategy also points out that all actors involved (partner governments, donors, civil society organizations, and the private sector) have their own, competing interests. In fact, none of these actors is a homogeneous entity, making harmonization and alignment that much greater of a task. A series of recommendations are made to assist with the job of harmonization and alignment, including: communicating key reform projects amongst the affected ministries and to special interest groups; making the shift to outcome-oriented conditionality's when possible to reflect a buy-in by government and donors in major policy reforms; and the conducting of negotiations between the individual actors and donors panels.

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PARTICIPATION IN POVERTY REDUCTION STRATEGIES

Monitoring of Poverty reduction strategies takes up the "4Ps", participation, and presents key principles and good practice. Participation was encouraged, and in general truly blossomed, during the poverty reduction strategies formulation phase in many countries. Since then, it has tended to fall dormant. One of the reasons for this is that it simply is not possible to carry out consultations ad infinitum with several hundred societal groups and organizations that exhibit varying levels of cohesion and capacity. Nor is it a viable solution to consign participation to the sole realm of monitoring, as has been the trend in many countries. Participation should be legitimized and formalized throughout the stages of the strategy, explicitly including implementation. A critical issue is the negotiations with donors that usually take place behind closed doors. Obviously there are tradeoffs and limits to participation, but open public debate should be held on macro-economic issues and policy to reach broad-based consensus. One main message is that participation must be institutionalized, meaning that it must be based on rights, be integrated into the political structures of the country, be legitimate, and have capable stakeholders. The other main message is that parliaments must be enabled to play a central role in poverty reduction strategy processes. While participation is hindered by corruption, it is strengthened by decentralization and the shift from the national to the local levels. And although participation should not be consigned solely to the sphere of monitoring, it surely has an important role to play there, especially in strengthening social accountability mechanisms. Capacity development, so important to all aspects of Poverty reduction strategy implementation, is all the more essential to functioning forms of participation, which require strengthened capacities on both technical matters and process issues. Mirroring these messages, and in view of the great importance placed on participation, the topic is not relegated to a single heading of this paper but instead should be treated as a cross-cutting issue throughout.

POVERTY REDUCTION STRATEGIES MONITORING

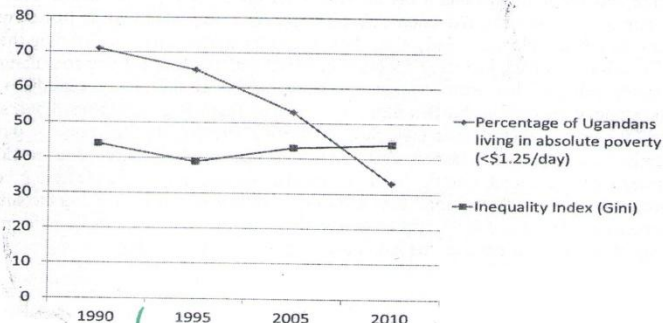
Monitoring is essential to the success of all poverty reduction efforts, and must be understood as a primarily political task that has a technical side, not the other way around – perhaps all the more so in the Poverty reduction strategy context. The key to effective monitoring lies in feeding back the monitoring information into the national dialogue and policy formulation processes. Using the information to enable parliaments and civil society actors to hold their governments accountable is, of course, a crucial part of monitoring.

CAPACITY DEVELOPMENT FOR POVERTY REDUCTION STRATEGIES

Capacity development is a very important cross-cutting issue. Key amongst these principles are: the need to include various approaches to, strategies for, and methodologies of capacity development at different levels (individual, organizational, and societal); the view of capacity development as an endogenous, country-specific process that is based on voluntary action and motivation; the need for it to be carried out systemically, as opposed to an offering of stand-alone training measures; the fact that ownership of capacity development is absolutely essential to its success; the requirement of accountability to the ultimate beneficiaries; and the need for a continuous mix of specific technical training with cross-cutting issues and the overall "big picture".

POVERTY ERADICATION INITIATIVE BY THE GOVERNMENT OF UGANDA

Uganda has made significant progress in eradicating poverty and achieved the first millennium development goal of halving the number of people in extreme poverty. Uganda was listed as the 9th most successful country in Africa as regards poverty eradication. The trend in poverty eradication is shown in the below figure and the finance ministry in the country projected that the extreme poverty level will have reduced to 10%. This success has been attributed to the deliberate efforts to combat poverty in the country by numerous national strategies.



86

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Uganda has made progress towards poverty elimination having successfully achieved the millennium development goal target of halving the number of people in extreme poverty way ahead of the 2015 deadline. Today, an estimated 25% still live in extreme poverty.

CONCLUSION

The world's reduction of extreme poverty from 47% of the entire population in 1990 to 14% of the entire population has shown the possibility of eradicating extreme poverty from the world in the generations to come. The world celebrated in 2010 when, five years ahead of the MDGs deadline, the target to halve this percentage had been met and stood at 22 per cent (1.2 billion). However, as with other MDGs, progress has been uneven. Despite gains in most regions of the world, the proportion of sub-Saharan Africa's population living on under \$1.25 a day remains at just under 50 per cent. And out of the overall global reduction, China and India alone accounted for 75 per cent. Pulling 700 million out of extreme poverty is a major achievement. But the target was, by design, only partially addressing the problem. There remain today over a billion people living on under \$1.25 a day. The World Bank estimates that by 2020 this will reduce slightly to 900 million, or 15 per cent of the developing world population. The next step, reaching the remaining billion, will prove an even greater challenge in achieving the goals of agenda 2030.

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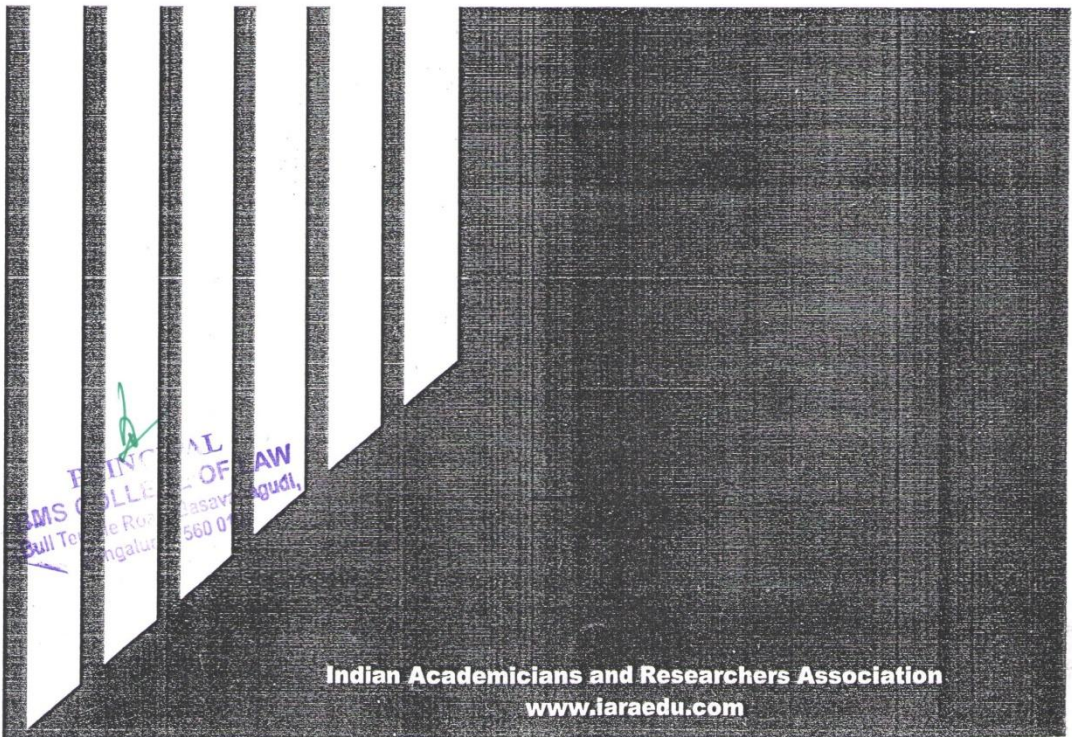
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38

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39

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THE BANJARA TRIBES IN THE ERA OF GLOBALIZATION AND THEIR CULTURAL CRISIS

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ABSTRACT

Several studies have depicted the people labeled as gypsies mysterious and intriguing. A number of so-called gypsy-like tribes are said to have inhabited and migrated from and to India. The Banjaras, described as nomadic people are sometimes identified as the "gypsies of India". They are popularly known as Gor-Banjaras, settled as clusters in Tandas (living place) in different parts of India. The nomadic culture is considered as a central aspect to the European gypsy and the Banjara identity. Hence, some studies have established a cultural connection between these communities. However, the identity of the Banjaras has now mutated into different patterns of travelling. Some families travel for few weeks to few months. Many clusters are still nomadic in nature. Further, they travel on a seasonal basis. Nevertheless, a majority of them have settled down in one place and have maintained their identity through 'holiday trips'. In the modern era, the nomadic culture is substituted with a search for constant opportunities for income, abiding by law, settling down with families and trying to become a part of the society. Both the original tribes of India and the Western gypsies have undergone constant transformation with respect to their cultural and individual identities that are contingent with political, economic and societal influence. Thus, it has resulted in variations in language and culture. This paper will discuss on Banjara tribe, which is considered gypsy-like in nature. The discussion would move around the changing linguistic and cultural patterns of the tribe under the influence of globalization.

Keywords: Banjara, Lambani, Globalization, Cultural, Linguistics.

INTRODUCTION

At the outset, I would like to assert that the information provided about various facets of Banjara community has been collected from the literature as well as my own experience and observations.

Banjaras, a tribe settled in various parts of India, are recognized as Lambadis, Lambanis, Labanis, Lamas, Banjarans, Banjaris, Banjaras, Brinjaris, Vanjars, Vanacharas, Vanjaris, Sugalis, Sukalis (Thurston 1994, p393). The word, Banjara, assumed a mutilation of the term Vanachara, means those who roam in forests (Hutton 1951, p 275). As the Banjaras were traders of 'lavana' (salt), it is said that this is one of the derivation of their name and the other being 'lamba', which means tall in Hindi language fitting to that name. The physical appearance shows that the men and women of this tribe are usually tall and muscular. The word Sugali is said to be derived from Supari (mixture of nuts). The Banjaras were salt sellers (Balaji 1982:107). The Banjaras are commonly ascertained as a nomadic group from the Rajasthan, a state situated in the northern part of India. Later are said to have spread across the other parts of India.

Some scholars have noted that primarily from the Western part of the Rajputana region, the Banjara community advanced throughout India as traders of commodities like grains and salt. The tribe is said to have played important role in winning or losing of kingdoms. The advancement in transport seems to have made Banjaras to change their profession from salt sellers to cultivators of lands in order to do agriculture. This looks as if has helped the nomadic community to settle down in a constant place, which fashioned the evolution of settlements of the nomads, called Tandas on the out skirts of cities and villages.

At present, the Banjara groups are found in almost all parts of India but largely constrained to the southern regions of India, particularly to Andhra Pradesh, Telangana, Karnataka and Maharashtra as well. Though many scholars over the few decades have discussed and debated over many of the issues pertaining to the origins of the gypsies of European and other countries, it is rather surprising that sufficient attention has not been given to the origins of the Banjara community, which is more recognized as a gypsy-like cluster.

Banjara community has experienced a drastic transmutation from an underdeveloped and self-sustaining to a literate and dependent on society. These migrants have stopped from restricting themselves and have started to engage living with the other communities, no matter the caste or religion, and have become the normal law abiding citizens in the society especially after the establishment of sovereignty of India. They have slowly come under the influence of globalization, within which they have advantages, like educational privileges, modern medical facilities, business, employment, career, personal development and disadvantages like extinction of primitive tribal profession, culture and traditions.

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60

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Sub-communities in Banjara Tribe: The Banjara tribe is also known as 'Lambani's'. It is a community identifies as scheduled caste inhabiting throughout the state of Karnataka and Scheduled tribe in Andhra Pradesh etc. According to 2001 census, it is one of the largest castes in Karnataka. And also it is identified as one of the largest tribes in the state of Andhra Pradesh. Banjara community comprises of five main clans viz., 1) Bhukiya (Rathod) 2) Vadthya (Jadhav) 3) Chauhan 4) Pamar/pawar and 5) Banoth (Ade). They are further divided into Patrilineal kin groups called Pada or Jath (sub clan). Bhukya consists of 27 Padas, Vadthya 52, Chauhan 6, Parmar 12 and Banoth 15.

Banjaras connection with Gypsies: Gypsies of the Europe are a distinct tribe with nomadic culture at their center of identity. Based on linguistics and occupations, their origin has been traced down to northern India. According to Marlene Sway, during the nineteenth century, gypsy vocabulary's similarity with Indian languages has been established. (Sway 1975:48). Once this was done, author says gypsologists, moved on to establishing similarities in occupation. On the other hand, H Risley says that many scholars that have worked in India, have not been able to trace down a single gypsy during their entire years of research but have found many gypsy-like tribes in terms of their habits, trades and tricks but the language is vernacular of the places they roam but not of gypsy (Risley and Sinclair 1902:180).

Impact of globalization on Banjara Community: With the passage of time and the impact of globalization, an immense change is observed in the Banjara community. This can be visualized through the habitat, dressing patterns, food, dancing and life style. Most of the Banjaras are still found to be living as groups in huts along with their families. The families live together in their own settlements at a distance from the town or city. These settlements, as already mentioned are recognized as Tandas. This geographical location in which the community lives has become synonymous with Banjaras. At present the situation is slowly changing. Mainly after India becoming an independent nation. The then government started off by giving special privileges and passing policies for the betterment and future development of the scheduled tribes, in which the Banjara tribe is one among them. The basic and much needed policy was reservation policy for the scheduled tribes which has driven them to get jobs, education, loans for business by banks. This seems to have led the community to give up their traditional homes (huts) and settle in well constructed brick houses along with the main stream society.

The dressing pattern of the Banjaras has undergone a major change. The unmarried women are dressed up in colorful and embroidered "Odni" (a type of dress which will cover the above body) and "Ghagro" (a type of long skirt), who in the modern era are very less in number. Moreover, the married women are dressed in "Kachli" (made of mirror chips and it is stitched with coins and silver plates decorated dress) and "Phetia" and "Tukri" (Phetia is a skirt as same as Ghaugri, but Tukri is used for covering the head and is long enough to wrap down their backs. They also have tattoos on their hands. They wear big bangles called "Balliya". These clothes were specially made out of elephant tusks. Men wear *Dhoti* and *Kurta* and *Pagdi* (turban). These clothes were designed especially for the protection from harsh climate in deserts and to distinguish them from others (Naik 1998:171-177).

With the Banjaras becoming more prone to the societal affairs and the globalization impact seem to have brought a major change on the dress codes, which are greatly altered. In the present times, most of the Banjara women are found to be draped in sarees. Men are found wearing shirts, trousers, jeans and T shirts. Banjaras are said to be having a rich traditional dress which is almost into non usage. A traditional recognition of the community is vanishing.

Banjara Cultural Profile and Correspondent Changes Nomadic Culture: Banjaras, after settling down, slowly became dependent on agriculture. This dependency mainly looks as if has emerged due to their withdrawal in trading salt. The community started to cultivate in the forest areas, as they did not own any lands. They cleared forests and cultivated the land. As they received their harvests, they left for a different place for their living. They made temporary tents or constructed huts and lived like nomads. Most of their livelihood revolved around forest products and hunting. The clusters gradually settled in the outskirts of villages. The settlements were named as *Tandas*. The Banjaras rooted themselves to these *Tandas*, by building huts, performing agriculture and cattle rearing. However, it can be said that in the last few decades, the Banjara community started to migrate itself to the main stream villages and to the urban areas for a better living. A radical change can be envisaged in the taking up of various professions by the Banjaras. A number of them have changed their professions from cultivators to taxi drivers, hard labors and so on by settling themselves in cities. So, the question of endangerment to the nomadic culture can be raised.

Education: In the past few decades, it has been noted that the Banjaras have gradually taken up to education. However, still illiteracy and poverty among the community are big challenges. Various governments in India

98

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have brought policies and schemes for scheduled tribes, in connection to free education. The governments, in the last few decades, along many non-governmental organizations (NGOs) have come up with many schemes, which have been implemented for providing free education.

This has brought out facilities and opportunities to many a deprived tribe in India. Among the Banjara community, with each year an increase in the percentage of literacy rate is found. However, still various measures are to be taken up by the government for the raise of literacy level of the Banjaras. At present, some case studies point out that among the Banjara community at least 10% of the population is reaching the level of higher education. One of the main factors for such an improvement is due to globalization. The student community is getting to know more about various technologies and in turn is getting acquainted with these new techniques at the levels of research.

Social Celebrations and Family Systems Marriage: The aspect of marriage in the Banjara community is unique. Earlier the marriage ceremony was carried out for eight days. However, in the present age, it has slowly deteriorated to two days. This transformation can be considered, as an outcome of the community's assimilation with society (mainly the nearby villages) consisting of various groups. The other class and castes have directly or indirectly influenced the traditions of the Banjara community. The Banjara marriages were performed with all their unique costumes. However, the transfiguration, seems to have forced the tribe to perform their marriages, in accordance to the norms of either the Hindu marriage system or the Christian (a few converted Banjaras). The Banjara culture allows men to go with polygyny (Iyer 1998:154-168). Due to the effect of globalization, currently these practices are not much in practice. This may be said also is due to the synthesisation of the Banjara community with the other groups. However, the practice of polygyny has been modified in affinity with the Hindu customs of marriage, where until and unless either the husband or wife gets divorced or passes away, is one allowed to get married.

Religion: The origin of Banjaras from Northern India and its spread to other parts of India has resulted in change and adoption in social traditions depending on the geographical and physical circumstances. Banjaras called as Banjaras in Telangana have rich cultural heritage following customs and rituals of Hindus but are totally neglected from the mainstream society. It is evident from the above literature that Banjaras worship female deities of Hindu religion while their way of living is in complete contrast to other people (Aparnarao and Casimer 2003:114-118). Banjaras live in thandas i.e. villages far away or disconnected from the mainstream society adopting the socio-cultural traditions passed on to them by their ancestors. However the scenario is changing which is evident from the fact that Banjara people are moving to towns and cities in search of employment and livelihood thereby resulting in awareness and inclusion in the society through education, job and this is visible in their way of living and dressing that has changed over the years.

Pregnancy: Among the Banjara community, earlier the pregnant women had to give birth in *Tandas*. They were accustomed to the local mid-wives due to the geographical areas that they were settled in. The economical condition was poor and to seek the help of doctors was a costly affair. In general, most of the deliveries are found to have been carried out in a natural process without giving proper medication (Karamsi 2010: 455-467). And, the risk of mother-child death was too high. Nevertheless, the gradual change in the thought of crossing the boundaries of the *Tandas* has helped to decrease the death toll of the mother and the child. Further, it is to be noted that, the present situation is far better, due to the services of the governments, which have extended their hands to almost all the rural areas. At present, most of the deliveries are carried out in modern-day hospitals and some of the families are going on for preventive measures.

Divorce: The issue of divorced women is also very peculiar in the Banjara community. The women are allowed to re-marry in the Banjara system. But, most of the women once married; do not usually prefer divorce as they feel that divorce is not a genuine act in accordance to the customs of the community. However, widows are allowed to re-marry in the Banjara culture, if the women's husband dies. The brother-in-law is given preference. He can marry the widow and is permitted by the customs of the community to live with two wives in the same house. However, with the advent of public health awareness programmers and livelihood in the main streams of society, this custom has been structured as unofficial among the Banjaras. Though, the custom of polygyny is still retained among the cluster, the present economical and social conditions do not assist for such a practice.

Banjara Council for Administration of Tandas : The Banjaras have their own traditional council for each *Tanda*. This acts mainly in sorting out the disputes originated from economic and social causes. The council consists of 5 persons named Nayak (Headman), Karbhari (Secretary), Nasabi (Jury), Hasabi (Accountant) and Dao (Elder person). All the offices of the council are hereditary. The traditional council is known as Nayaker Ghar. This traditional council will try to sort out the disputes among the community of among the people in a

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42

International Journal of Advance and Innovative Research

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

ISSN 2394 - 7780

systematic way after hearing the arguments from both the sides (Rathod Shamala 1984: 49). The council's conclusions and its final resolutions are to be strictly abided by the people of the community. With the influence of globalization, gradually the Banjara councils have extinguished. The clusters are now under the jurisdiction of government. The rules and regulations framed and passed by the government are being followed.

Influence of other languages on Banjara Language: Grierson states that the Gorboli/Lambadi is the language of the community, which is noted to be among the Indo Aryan Language family. It falls into the main dialects of Punjabi and Gujarati (Grierson 1907:1-5). The language possesses the characteristics of an old form of speech, which has been preserved unchanged for some centuries. It is noted that the language is also based partly on Marwari, and partly on Northern Gujarati. He further points that the Lambadi dialect of southern India is mixed with the surrounding Dravidian languages. The language in and around the Telangana region, is found to be influenced by languages like kannada, Telugu, Urdu and Hindi. The Banjaras are also found to be using in their communication, a dialect, identified as Ghorbholi language. The Banjara language and its variations do not have script. The Banjara language started taking shape in tune with the languages of other communities. It has been highly influenced in time. For instance, the influence of kannada language on banjara/Lambani language has lead to Code-mixing, Code-switching, Borrowing. As part of my research work, I have identified that there are some words, which are not at all used in Lambani language. Some translations are done here under;

LIST OF BORROWED WORDS AND THEIR REPLACEMENTS

Word in Banjara	Word in Kannada	English Meaning
Sogan	Pramana	Promise
Accho	Channagi	Very good (In reference to beauty)
Sudho	Nera	Straight forward
Raas	Rashi	Heap
ajo	Banni	Come
Vach	Oodu	Read
Geed	haadu	Song
Khano	Uta	Food
Sojo	Malagu	Sleep

Ghano

Tumba

More

Table: Some changes highlighted due to the influence of globalization

Social phenomena	Existing system	Changes under globalization
Dress	Men- Dhoti, Kurta, Pagadi, Bavdi	- Pant, Shirt, Suit, tie and other modern western attire
	Woman- Phetiya, kanchli, chantiya, chotla, balliya, rapyar haar, paular haar etc	- Saree, Blouse, chudidaara, dupatta and other modern clothes.
	Boys- Dhoti, Kurta, Pagadi, Bavdi	- Pant, Shirt, T-shirt, Jeans and other modern clothes
	Girls- Ghagro, Polka, Odni, Laldi	- Skirts, chudidaara, salwaar, dupatta and other modern clothes
Way of life	Nomads and salt-traders	Occupation differ from place to place
Education	Nil or trade related	Up to university level or less
Marriage	Polygamy	Monogamy or bigamy
Delivery	At home, social-midwife, No operations	Hospitals and modern practices
Death	Dado, Chormo and other ceremonies, belief in rebirth	On the verge of extinction and with Varying beliefs
Language	Only Gorboli/ Banjara Language, Monolingual	Local language is in use and multi-linguistic
Family	Joint	Nuclear
Marriage system	Exogamous, caste-specific	Adopting the trend of the changing times
Festival	Teej, Holi etc	Still prevalent and also other popular festivals of the region wherever settled

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100



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63

International Journal of Advance and Innovative Research

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

ISSN 2394 - 7780

CONCLUSION

The paper shows richness and the cultural patterns of the Banjara community. However, with the advent of globalization, traditions are on the verge of extinction, although the changes that come with globalization are important but there is a need to preserve the culture that is innate to this tribe. This paper has been an effort to focus this tribe's history, traditions, language and culture. Current research efforts to make critical analysis of transformations under the influence of globalization leading to code-switching, code-mixing in Banjara are subjected to changes.

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45

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

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ABSTRACT

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

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

I. INTRODUCTION

Tribal People: Indian Context

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

II. RIGHTS OF TRIBAL COMMUNITIES ARE AT STAKE

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

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

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

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International Journal of Advance and Innovative Research

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

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

i. Tribal land

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

ii. Land Alienation

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

Historical perspective of the problem

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

iii. Causes of Land Alienation

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

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

iv. Methods of land alienation

The general methods of land alienation have been through

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

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

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48

International Journal of Advance and Innovative Research

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

ISSN 2394-7780

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

v. Deficiencies in laws and Remedial Measures

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

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

vi. Failure to ensure Forest Rights

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

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

vii. Violation of PESA Act in India

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

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11



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49

International Journal of Advance and Innovative Research
Volume 6, Issue 4 (I): October - December, 2019 Part - II

ISSN 2394 - 7780

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

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

viii. Administrative and Socio-Economic Measures

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

ix. Constitutional Safeguards

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

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

PROTECTIVE PROVISIONS

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

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

Article 16(4): Reservation in Posts and Services

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

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

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

Article 23

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

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50

International Journal of Advance and Innovative Research

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

ISSN 2394 - 7780

Article 29: Cultural and Educational Rights

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

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

Article 164

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

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

Articles 330, 332 and 334

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

Article 335: Limits of Reservation

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

Article 338: Special Officer

There shall be a special officer for the Scheduled Castes and Scheduled Tribes to be appointed by the President. Articles 371(A), 371(B) AND 371(C)

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

Article 339(1): Appointment of a Commission

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

ECONOMIC DEVELOPMENT

Article 275(1)

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

Article 339(2)

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

III. CONCLUSION

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

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Impact of Covid-19 Pandemic on flow of FDI into India

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Abstract

The outbreak of pandemic has not only affected Indian economy but has damage the world economy which in turn has affected the developing nations. People from every stratum have been affected from this pandemic situation by loss of livelihood, lack of food, medical facility and the basic amenities, especially migrant workers hit by hardest. Being a developing country, India is depending on foreign capital, but simultaneously is promoting domestic industries also. During Covid-19 pandemic, Indian Government is promoting 'Aathmnirbhar' as a part of 'Make in India' initiative to improve our domestic economy. But how far this initiative will help us to overcome from the economic crisis. On the other hand, FDI policy is reframed by the government.

Key words: FDI, Pandemic, Domestic Economy, Economic policy, Economic crisis

Introduction

Foreign Direct Investment (FDI) plays a vital role in long term economic development of states. In the present scenario, FDI is not only a source of capital but it also enhances the competitiveness of domestic economy through technology transfer and helps in strengthening infrastructure, generating employment and increases productivity.¹ FDI plays a multi-dimensional role in overall development of host state as it is a debt-free capital source which helps in maintaining balance of payment and foreign exchange in global market. The host state, before expecting investments should assure effective protection for FDI both under international and domestic legal framework within their state territory. The protection of foreign investment is one of the key issues for those who invest outside their state jurisdiction. The major developing area in the present scenario is protection of FDI by means of international instruments such as treaties, agreements, conventions, contracts enforced by the states who intended to assure investors that their investments are better protected in host state's territory. The state which exports capital is identified as home state and state where

¹Surya P Subedi, *International Investment Law* (Ed, 2nd, Hart Publishing, Oxford and Portland Oregon, 2012), at 8



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capital is invested is identified as host state.² At present, a number of Bilateral Investment Treaties (BITs) and regional agreements such as North American Free Trade Agreement (NAFTA), Asia Pacific Economic Co-operation (APEC), Association of South-East Asian Nations (ASEAN), South Asian Association for Regional Co-operation (SAARC) and Trade Related Investment Measures (TRIMs) are increasing among the states.³ These treaties are embedded with provisions to protect the rights of investor who think that investments are badly treated in host states and they are under apprehension that their investments are subjected to various risks such as political risk, foreign exchange risk, export risk, import risk, etc.⁴ To protect the interest of investors against the above risks, the World Trade Organization (WTO) framed TRIMs which consisted of measures which have to be incorporated in domestic investment policies and regulations of host state.

In late 1990s, there was a significant increase in flow of FDI across the world. However, the host states, receiving foreign investments imposed a numerous restriction on investor/MNC with an intention to protect their domestic economy, to foster domestic industries, to prevent the outflow of profits of FDI and to protect foreign exchange reserves.⁵

FDI is an important link between developing and developed states to meet their changing needs & demands and is a controlling ownership for a business situated in host state by an entity established in home state. In recent times, the flow of FDI has increased steadily from 1990s and as a result of which, the other types of capital flow such as equity fund, international debts, funds and grants have reduced. The flow of FDI in the present day is increasing because of two main factors 1) Liberalized policy framework in developing economy and 2) Expansion of Multinational Enterprises in developing states which helps all the states to proceed for more integrated global investment and production strategy. India being a developing economy must follow the same path to attract more FDI. Domestic capital is playing a vital role in economic development of India but alone it cannot fulfill the economic expenditure, in such situation FDI will complement the domestic capital to overcome the financial deficit condition. FDI helps host state by promoting sustainable growth, boosting country's competitiveness, generating employment opportunities and

²M.Sornarajah, *The International Law on Foreign Investment*, (Ed, 3rd, Cambridge University Press, Cambridge, 2010), at 6

³Daniel D. Bradlow & Alfred Escher, *Legal Aspects of Foreign Direct Investment*, (Kluwer Law International, Hague, London, Boston, 1999), at 12

⁴Kamal Garg, *Foreign Direct Investments in India*, (Ed, 2nd, Bharat Law House Pvt Ltd, New Delhi, 2011), at 34

⁵Rudolf Dolzer & Christoph Schreuer, *Principle of International Investment Law*, (Ed, 1st, Oxford University Press, New York, 2008), at 35



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reducing social & economic disparities. India like any other developing economy also needs FDI. To attract more FDI, India has liberalised its industrial policies as a result, it stands in 4th place among the emerging economies and has become a favourable destination for FDI for the following reasons a) a world largest democracy with 1.2 billion people, b) stable political environment and responsive administrative set-up c) well established judiciary to enforce the rule of law and d) land of abundant natural resources & diverse climate.

There is a question, whether FDI is necessary for economic development of states specially like India?, which is very rich with human and natural resource and other side there is a lack of domestic capital which can be complemented by foreign investment in the form of FDI. FDI has a close nexus with globalization which is a need of the hour and the liberalized foreign policy help states to become a part of globalization process. India has emerged as 4th largest growing economy in the world and attracting FDI on the basis of the following criteria:

- i) Land of huge natural resources
- ii) Liberalized and transparent foreign policies & incentives based schemes
- iii) Low cost and skilled labour force
- iv) Quick responsive administrative set-up
- v) Simplified tax structure
- vi) Transfer of profits and account convertibility
- vii) Stable political environment
- viii) High purchasing capacity of consumers

India has become a favourite destination for FDI for the following reasons:

- i) The manufacturing and service sectors have developed as a result of which the investment climate has improved
- ii) Increased demand for export of goods from big industries
- iii) Committed towards fiscal consolidation
- iv) India's fiscal policy able to manage the liquidity against the fall of capital flow
- v) India holds $\frac{1}{4}$ of the global portfolio flows to MNCs in 2004

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- vi) India's foreign exchange reserves are in excess of external debt of the country
- vii) FDI performance of MNCs has improved
- viii) India's financial market has increased due to institutional framework and market infrastructure
- ix) India has adopted international financial standards and best practices to suit global competitions

The Industrial Policy 1991 which forms the genesis of economic liberalization and laid foundation for flow of FDI into Indian economy. Indian industrial policy can be studied in three phases. First phase between 1948 and 1969- there was a cautious welcome to FDI which was meant for rapid industrialization. During this period the foreign firms were allowed to invest in few sectors such as fertilizers, machine tools and extensive concession and tax advantages were provided to attract MNCs in oil sector. Second phase- from 1969 to 1991- during this period Monopoly Restriction on Trade Practice Act (MRTP) 1969 and Foreign Exchange and Regulation Act (FERA) 1973 are enforced, under these legislations, restrictions were imposed on size of the industry, price of goods & service and FERA restricted the foreign equity flow upto 40%. A license was provided for technology transfer, royalty payment was fixed and the applicants were tied up with export obligations.⁶ In Third phase 1991-2000-the era of liberalization in Indian economy, India realised the significance of chain of liberalization, privatization & globalization mechanism which is considered as a driving force of Indian economy and the present FDI Policy was rooted in 1991 liberal industrial policy. As per Industrial Policy 1991, FDI was allowed in automatic route upto 51% in 35 high priority industries. The Foreign Technical Joint Venture was also placed under automatic route with few restrictions.⁷ Fourth phase from 2000- India adopted globalization mechanism into its economy as a result of which most of the FDI activities are placed under automatic route to facilitate and attract more FDI into India.

Relationship between Domestic Industrial Policies and FDI Policies

In 2010, the Industrial Policy in India supported by specific investment promotion and facilitation measures in particular to promote hardware and software industry. This was implemented by Karnataka Government by establishing 'Hi-Tech' zone in Bengaluru at

⁶Supra Note 35, at 79

⁷Supra Note 35, at 79

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Electronic City.⁸ All these measure are adopted to provide facilities to establish MNCs and to promote FDI in its economy. In order to encourage software industry there must be a co-ordination between technology policy and FDI policies, these policies shall be reviewed regularly to adapt to the requirements. To maintain a balance between industrial policies and FDI policies, the host government must consider certain components like: a) Selecting appropriate industry which will be opened for FDI, b) Nurturing the selected industries, c) Safeguarding the policy space, d) Improving international co-ordination by adopting international standards and e) Avoiding investment restriction measures. As a part of liberalised economy, Indian government enacted a new set of laws to regulate FDI which includes Foreign Exchange and Management Act 1999 (FEMA) by repealing FERA 1973 which was proved to be a hindrance for free flow of FDI into India.

Foreign Investment Implementation Authority (FIIA)

FIIA is also established by Government of India to co-ordinate with DIPP for approval of FDI projects in India. The authority helps in quick transmitting the approval into implementations and to provide pro-active, after care service to foreign investors in obtaining necessary permission from other agencies related to FDI. The SIA of DIPP functions as Secretariat of FIIA.⁹ DIPP has announced that FDI in tobacco sector is completely banned in any form including licensing for franchise, trademark, brand name, management contract. The decision is yet to be confirmed by the Cabinet. The objective behind this is to protect public health.¹⁰ As a result of this decision the stocks & shares in tobacco industries have come down. Many have suggested that the government must completely stop the manufacturing of tobacco products where foreign entities are involved.

6.5.5 Foreign Investment Promotion Agency (FIPA)

'Invest India' is a non-profit company which acts as Investment Promotion & Facilitation Agency of Government of India. The Agency consists of functional experts who provide all the relevant data about the states in India and the sectors opened for FDI in India. The Agency facilitate the investors by arranging the meetings, identification of location, speed up approvals, after care service which includes providing remedy to the investors and this authority is promoted by DIPP.¹¹ Investment promotion measures include the following:

⁸World Investment Report 2011, at 106

⁹Supra Note 49, at 4

¹⁰The BusinessLine, Thursday, November 17th 2016, at 1

¹¹<http://www.investindia.gov.in>, visited on 1/12/16 @ 2p.m

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- i) Market creation mechanism
- ii) Implementing effective promotion programmes
- iii) Aftercare services
- iv) Investment guarantee schemes
- v) Credit guarantee schemes

6.5.6. Department of Industrial Policy and Promotion (DIPP)

This authority acts as a nodal department for government to frame FDI policies, it supervises the functions of FIPA discussed above.

Functions¹²

- i) Encourage industrial growth by providing financial and infrastructure support
- ii) Facilitating FDI by co-ordinating among various agencies for fast approval
- iii) Maintaining good information data base
- iv) Initiate changes for better and transparent administration
- v) Framing and implementation of industrial policies
- vi) Maintaining data related to inflow of FDI into India
- vii) Encouragement of foreign technology collaborations and framing policy for the same

DIPP plays a key role in resolving the problems faced by investors in implementing the projects with the help of FIIA, which in turn consult the state authorities. The DIPP also play a role as facilitator in development of industries and improvement of investments, it promotes investment through exchange of information on investment opportunities available in India. It advises the prospective investors about FDI Policy, licence procedures, etc. DIPP facilitates bilateral and multilateral treaties for protection of international investments.

India among top 10 FDI Destinations

After 2008, for the first time India reached 9th position among the top 10 FDI recipients during 2014 as per UNCTAD World Investment Report 2015 with 22% rise in FDI inflows to 34 billion, India was in 15th position in the last two years and it is the only nation among BRICS states which has not yet crossed the \$50 billion-a-year FDI mark. According

¹²<http://www.dipp.gov.in.com>, Annual Report 2015-16, issued by DIPP, at 1



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to the report, the global FDI fell 16% to \$1.23trillion in 2014 due to the vulnerability of global economy, uncertainties in FDI policies and political risks. It is pointed that India is dropped out from the list of top 20 outward FDI flows states.¹³

India ranked best for Investment

According to the Daniel Altman's Baseline Profitability Index (BPI) India has reached top first position among 110 states in attracting more FDI in 2015 which is a way ahead of China and US. In 2014 India was in 60th position, the ranking is based on baseline profitability that assumes that three factors which affects the ultimate success of FDI are a) growth of the value of the asset, b) preservation of the same value and c) the repatriation process. All these factors with stable regulatory mechanism will attract FDI. According to this report, the reason for the achievement in 2015 is reduction in corruption as a result of which FDI was protected well. A good ranking indicates good returns from FDI which improves economic conditions.¹⁴ India must continue its hardwork with the same ease to attract FDI in future years also.

As per RBI Report, the total FDI in India has reached new peak of \$51.64 billion in 2015-16 when compared to the previous fiscal years 2011-12 where the total FDI was \$46.56 billion and \$44.29 during 2014-15.¹⁵

Issues related to flow of FDI amid pandemic

In 2019, India has received 51 billion US dollars as per UN trade body. As notification issued by Department of Promotion for Industry and Internal Trade (DPIIT), which says as per new changed FDI policy of India, all the foreign investment needs mandatory government clearance from those countries which are sharing border with India. The reason behind this measure is to prevent acquisition if Indian companies by foreign entity in India, especially by China. In the current scenario, the foreign companies looking at India as investment basis instead of China, which will boost our economy. As a result of which nearly 1000 foreign entity are ready to invest, and 300 companies are setting their production plants in India which is ray of hope for creating employments. India should allow FDI as import substitute in those sectors where import of goods is more, goods shall be manufactured with the help of FDI & foreign technology which will help to reduce India's imports and save foreign exchange.

¹³'The Hindu', Thursday, June 25th, 2015, at 16

¹⁴'The Hindu', Saturday, June 27th, 2015, at 1

¹⁵<http://www.yahoo.finance>, visited on 26 April 2016, @ 1.20p.m

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Conclusion

FDI has positive effect on development of economy by creating job opportunities, improving standard of life and consumer is a king. On the other hand, FDI has negative impact on environment, health, domestic market, labour rights and human rights. Investors while seeking protection should know that they have certain responsibility towards host state. In order to protect the interest of all the states, there is a necessity to reform investment treaty strategy, in the reform process all the stakeholders must give an opportunity to place their opinion, political analysis, technical co-operation and there must be a platform for exchange of experiences and consensus building.

To attract more FDI, investment incentives must be closely aligned with Sustainable Developmental Goals. The UNCTAD in World Investment Report 2013 suggested that set of Sustainable Development Goals for 2015-2030 must concentrate on poverty reduction, food security, human health, education, climate change mitigation and other objectives within the purview of economic, social and environmental issues. High product prices and increase profits attract more FDI but it is not feasible in developing states like India. At present, inspite of liberal policies, the flow of FDI is reduced because of less cross-border M&A, decline in local demand, decline in expected return in projects related to natural resources, stop of round-tripping of FDI, small size of domestic market, limited natural and human resources and global financial crisis. States must facilitate for fast communication of information related to FDI and there must be fair distribution of profits between host and home state.


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Swati Jaywant Rao Bute
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127

Chapter 7 Role of Citizen Journalism through Internet in Reporting War and Conflicts: An Introspection

Sree Krishna Bharadwaj H.
National Law School of India University, India

ABSTRACT

It is no doubt that internet has brought a revolution in the world. Every individual is nowadays active in terms of information of not just his country but happenings throughout the world. Therefore, with devices having connectivity in everyone's hand with the whole world, it is impossible to suppress or any occurrence. Every individual is becoming a journalist. This paper explores the issues in citizen reporting especially in wars and conflicts both legal and sociological.

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Role of Citizen Journalism through Internet in Reporting War and Conflicts

INTRODUCTION

There is no doubt that technology such as computers, mobile, internet etc. has changed the lives of many and the way journalism used to work as well. With the introduction of social media, every individual can bring out any incident happening in one corner of the world to another who is another corner of the world and without any censor or restraint. The citizen journalism especially in case of wars and conflicts become critical and important because of the fact that journalist can't be everywhere and can't understand the ground level realities happening in the conflict zone. Therefore citizen journalism has gained importance in the present conditions of the world with the happenings in Syria, Egypt and other countries.

BACKGROUND

L. Jannett Dates (2006), in his article titled "Does Journalism Education Make a difference?" has set up the essentialness of reporting calling and its conceivable part in reinforcing the majority rule government. It has additionally broken down the variables adding to delivering productive and moral writers.

K.E. Eapen (1995) in the book Communications: A Discipline in Distress has given an unmistakable photo of the stark reality of the status of scholarly correspondence programs in India. It has concentrated on issues such as the requirement for Journalism teachers to be prepared current patterns in Journalism programs in India and the relationship between the journalistic morals and expert preparing, and so forth.. He has additionally dissected what turned out badly for the correspondence instruction in India. The study has archived the heartbreaking situation of news-casting instruction in India, for example, absence of base, books and hardware and different obstacles in bestowing quality reporting training like qualification criteria for news coverage instructors in the state-supported colleges and schools. He has additionally called attention to that morals, as a point is not treated at any length in any of the college instructive endeavors notwithstanding all its different weaknesses of the Indian preparing. Notwithstanding, he has restored that the length of daily papers remains the spooning ground for the other media work force, for example, those of television, and the ability pool for reputation/advertising at the state, national and commercial enterprises level, the requirement for appropriate enrollment and preparing turns out to be doubly vital.

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Role of Citizen Journalism through Internet in Reporting War and Conflicts

Vasuki Belavadi (2002) in her article titled, "What troubles media instruction in India – A Teacher's point of view", has examined the elements, which are thought to be pulling down reporting training in India. The study has assessed that before the end of 2010, India alone would require around 15,00,000 media experts. India has more than 200 media foundations contrasted with a little more than 25 in the mid-1980s. She has likewise called attention to the issue of instructive organizations offering media-related courses with accent on expanding benefits. She has bemoaned on the way that media establishments need center in the outlining of educational programs and in their nervousness to light up their understudies however much as could reasonably be expected. Numerous foundations keep on offering a smidgen of print news coverage, a sprinkling of radio and TV. This notwithstanding different subjects like correspondence exploration, corporate interchanges, promoting, and so forth., all taught in only one/two/three years. She too has expressed that media training in the nation is to a great extent subject to course books from the west whose expenses are frequently restrictive and to a great extent unessential in the Indian setting.

L. Theodore Glasser (2005), in his study on Journalism Studies and the instruction of columnists, has contended that news coverage studies will just have any kind of effect on the off chance that they improve news coverage and offer us some assistance with understanding what news coverage implies. He has advanced different focuses for the requirement for news coverage instruction and what news-casting training can do to the understudies. He feels that news coverage instruction starts with the real routine of reporting and it starts in a perfect world at the graduate level with understudies who have had enough involvement in news-casting to comprehend at any rate instinctively, what it intends to do news coverage. News-casting understudies need to arrive not to leave, with the fundamental newsroom abilities, composing, reporting and altering. He has opined that instruction in reporting gives a chance to refine aptitudes not secure them.

CITIZEN JOURNALISM AND REPORTING WARS AND CONFLICTS

Defining the Citizen Journalism

Oxford Dictionary defines citizen journalism as the collection, dissemination, and analysis of news and information by the general public, especially by means of the Internet. (Dictionary O., 2015) The Macmillan dictionary defines it as the gathering

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and reporting of news by ordinary people rather than professional reporters. (Dictionary M., 2015) According to the Collins dictionary, citizen journalism means the involvement of non-professionals in reporting news, especially in blogs and other websites. (Dictionary C., 2015)

Techopedia defines citizen journalism as the reporting of news events by members of the public using the Internet to spread the information. (Techopedia, 2015) Citizen journalism is referred to by many other names, including: Collaborative citizen journalism (CCJ), Personal publishing, Grassroots media, Networked journalism, Open source journalism, Citizen media, Participatory journalism, Hyperlocal journalism, Distributed journalism, Stand-alone journalism, Bottom-up journalism, Non-media journalism, Indymedia, Guerrilla journalism etc.

Importance of Citizen Journalism

The citizen journalism means collecting any happenings, events or occurrences by any member of general public and irrespective of analysis or not, disseminate the collected material to the whole world through any means and the popular being the internet. Citizen journalism allows everyone to be a journalist and provide his version of truth to the whole world. Citizen journalism has gained importance in the present era. It is also notable that the citizen journalism has become a part of democracy observed by any country. A degree of democracy can be weighed based on the restrictions on the media imposed by the Government. Hence citizen journalism has become a symbol of democracy in the modern era. However, citizen journalism in case of war has been a part of major debate on emerging aspects of journalism. Ever since the rise of internet and social media as part of a person's life, the citizen journalism has gained maximum thrust and activism from the citizen. The reporting of war has taken many lives of journalists especially the foreign journalists and documentary makers who break stories of importance to the general public. This toll of death has its share on the citizen journalism also. Some countries also have termed citizen journalism as a treason. Putting aside the question of an individual reporting credibility on the social media/internet, the correspondence in war is dangerous and is highly important as well.

Pros and Cons of Citizen Journalism

Like every subject matter, even citizen journalism has its own share of advantages and disadvantages. Some of the pros and cons are as under:



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Pros

1. The newspapers that survive are those that build the foremost of the advantages of the net world. Citizen journalism will in several cases offer free content and therefore the web provides the flexibility to succeed in a far larger audience. The recent media that mix their resources with the benefits of recent media can thrive. The recent media that attempt to take hold their recent ways of doing things can die.
2. Most likely some events get reported by subject journalists that may not be reported while not them. Reporters cannot be everywhere and can't understand all events going down in their communities. In this sense, subject journalism might facilitate to broaden the sort of events that are reported.
3. With smaller staffs chasing fewer stories, subject journalists may facilitate native papers keep a broader mixture of stories and community reportage before of readers. Subject journalism will be a strong tool for reportage hyperlocal news (news that's specific to one community) as a result of individual's care concerning their community and have a hunger for locating out what's occurring. (Storch, 2015)
4. Speed in reportage news stories.
5. Higher credibleness of subject journalism reporters than the standard TV journalism.
6. A lot of honesty within the news reportage than ancient media.
7. Covering of events that don't seem to be permissible to be coated by the standard media coverage. Covering events of web sites linking ancient media reporters. (Khaja, 2015)

Cons

1. Citizen journalists sometimes tend to be bias. Skilled journalists are a unit trained professionals that explore either side of a story and may write from a non-objective purpose of read. Subject journalist doesn't have the sort of training; so, their stories aren't as credible as professionals.
2. Citizen journalists aren't trained on the libel law. Skilled journalists do have this information and coaching. They recognize what they will and can't say in an exceedingly newspaper article. Associate example of this is often once subject journalists de jure defendant potential suspects and alleged co-conspirators throughout and once the capital of Massachusetts marathon bombings. The subject journalists caused the police to require longer on the investigation. It additionally caused vast issues for those who were de jure defendant.

131
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3. Last however not least, subject journalists don't notice the copyright problems. Once a subject submits a story, video, or image to the press or news website, that news sources has the correct to use the fabric but they value more highly to use it. (Nelson, 2015)
4. News of subject journalism is superficial and lacks depth.
5. News of subject Journalism has to be verified.
6. Citizen Journalism might look for to unfold rumors.
7. Citizen Journalism might lose honesty as a result of it serves special interests.
8. Citizen Journalism doesn't take the general public style under consideration. It's going to contain scenes of violence or X-rated scenes that offend public decency.

Case Studies of Citizen Journalism through Internet and Impact on War

Case 1: Elliot Higgins

Belling Cat Project

Elliot Higgins has no formal journalistic training and no background in media whatsoever. But starting from his flat in Leicester, England in 2011 — where he blogged under the nom de plume Brown Moses — he became an expert in Syrian weaponry and terrorist activity by studying YouTube videos and networking with other self-taught experts. His research was cited by New York Times writer C.J. Chivers, and helped confirm that the Syrian government was using banned weapons.

Gathering evidence: In a similar way, the open database of vehicle sightings in Ukraine that Eliot and his team at the Belling cat site have been putting together — using photos and videos and eyewitness reports of vehicles, blast craters and burn marks that have been posted by residents — has produced some fairly strong evidence that Russia has been firing missiles and other weaponry into Ukraine from inside Russian territory, despite repeated government denials. (Ingram, Two great examples of how journalism has changed for the better, 2015)

Case 2

MacMaster, a Middle East peace activist who is working on his master's degree at the University of Edinburgh in Scotland, wrote that he fictionalized the account of a gay woman in Syria to illuminate the situation for a Western audience.

132


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The hoax raises difficult questions about the reliance on blogs, tweets, Facebook postings and other Internet communications as they increasingly become a standard way to report on global events. Information from online sources has become particularly important in coverage of the Middle East uprisings, especially in countries that severely restrict foreign media — or that use social media against protesters.

MacMaster had used Amina as an identity online for at least five years. He started the blog in February, shortly after Amina told people she moved back to Syria from the United States. Amina's story might have remained believable, but when he wrote of her arrest, her fans — in a desire to help the woman they had grown to care about — found a trail of evidence that led back to MacMaster.

The persona Tom MacMaster built and cultivated for years — a lesbian who was half Syrian and half American — was a tantalizing Internet-era fiction, one that he used to bring attention to the human rights record of a country where media restrictions make traditional reporting almost impossible. (Flock, 2015)

Case 3

Abdul Rahman, who was born Osama Suleiman in the city of Baniyas on the Syrian coast and came to the U.K. in 2000, has four main contacts in Syria. They help to collate information from more than 230 activists. By contrast, Higgins has no prior knowledge of Syria and no contacts on the ground. He started the Brown Moses blog in March 2012. His first posts were about the British phone hacking scandal, but in May 2012, he started analyzing events in Syria. He was laid off from his job as an office administrator in October 2012, and worked on a temporary contract for four months. In February 2013, he launched an Indiegogo fundraising campaign that raised more than £6,000 and allowed him to continue his analysis full-time. Since then, he has become one of the pioneers of what he calls "citizen open source investigation."

Case 4

Death sentence passed on the citizen journalist Mohammed Abdelmawla al-Hariri for "high treason and contacts with foreign parties". He was arrested on 16 April just after giving an interview to the television station Al-Jazeera about the situation in his hometown of Deraa. Hariri was subjected to horrific torture after his arrest, to the point of being partially paralyzed. After the verdict was pronounced, he was transferred to Saidnaya military prison north of Damascus. (Borders, 2015)


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133



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Role of Citizen Journalism through Internet in Reporting War and Conflicts

Findings

1. **Negative Impact of Internet Journalism:** There are downsides to the present approach, obviously: In some cases, journalists say things within the heat of the instant that draw negative attention from readers and viewers — or managers and house owners of the media retailers they work for — and there are repercussions. News surroundings has become far more chaotic, currently that everybody with a smartphone will transfer photos and report on what's happening around them — together with the terrorist teams and armies that are concerned within the conflict that's being reported on, and also the final victims of their behavior. Hoaxes and information fly even as quickly because the news will, and in some cases are tougher to find, and people mistakes will have real repercussions. (Ingram, Social media has changed the way that war reporting works — and that's a good thing, 2015)
2. **Positive Impact of Internet Journalism:** We get journalism that's a lot of personal and more visceral, additional emotional approach to news. War correspondents inbound associate degree exceedingly in a very hot zone currently give an on-the-scene ethical and physical inventory that appears totally different from times past. The other major advantage of having such a large amount of sources of reports is that the method of news has become rather more democratized, which has allowed an entire new system of journalism to evolve. We not have to be compelled to have confidence one or two of thought retailers for our news and analysis is ultimately an honest issue.

SOLUTIONS AND RECOMMENDATIONS

It is always better to create a policy at a global level on the situation of the people dying because of journalism. The national initiatives in this regard has always been poor. So, there is always a need to create awareness among people, the advantage and disadvantages of such reporting. Moreover, people need to be more careful as to the dangers which can take their life.

FUTURE RESEARCH DIRECTIONS

It is pertinent to further dwell into the role of neighboring countries of the war hit countries to develop a safety plan for the citizen journalists who create awareness of the activities of their government and have risked their lives.

134

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CONCLUSION

Citizen Journalism has its own share of advantages and disadvantages but it is to be noted that it gives every individual a chance to provide his side of the story to the whole world and let the world decide on it. The extent of citizen journalism shows the degree of democracy prevailing in a country. Citizen Journalism has gained much importance and the credit has to be given to the internet. Citizen journalism may have saved many lives, provide a platform for expressing one's view over a matter but it comes along with the responsibility. Every individual has a sense of responsibility to provide truth to the world and not mislead and misinterpret the situations. When an individual observes his sense of duty towards humanity, the world can definitely be made a better place with citizen journalism.

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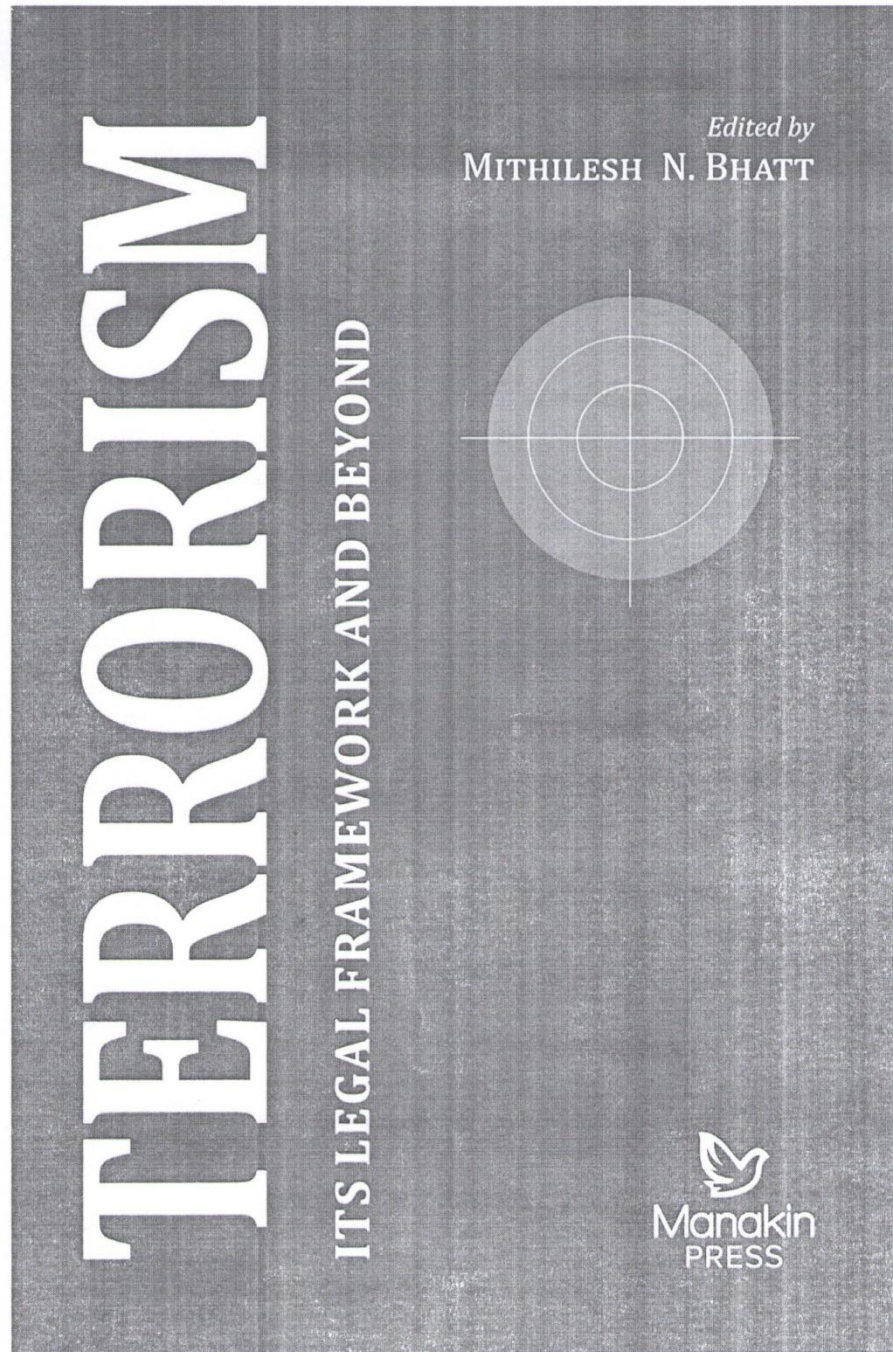
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Terrorism Its Legal Framework and Beyond

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Brief Contents

1. Theories and Different Kinds of Terrorism	1-22
2. Anti-Terror Laws in India: A Study in the Internal Security Mechanism	23-45
3. Terrorism in India: A Potential Threat to the National Integrity Vis-À-Vis Human Rights	47-72
4. Terrorism: A Study of Meaning, Causes and Evolution with Special Reference to India	73-94
5. Critical Evaluation of the Process Under Anti-Terrorist Laws in India	95-118
6. International Conventions and Role of Agencies in Combating Terrorism: An Overview	119-142
7. Terrorism Under International Criminal Law: An Overview	143-152
8. Narco Terrorism: An Infinite Quest for Future Solution	153-172
9. Scrutinizing Armed Forces (Special Powers) Act, 1958 in North East India in Context of Human Rights and Humanitarian Law	173-192
10. AFSPA: The Beginning, Judicial View and Public Perception	193-216
11. Demographic Challenges in North-East India with a Special Focus on Illegal Immigration [An Analytical Study]	217-240
12. Policing in India, Politicization of the Indian Police System and Safeguarding the Human Rights	241-262
13. Human Trafficking-The Indian Perspective	263-296
14. The Law on Parole and Probation in India Requires a Relook	297-308
15. National Cyber Security Policy, 2013: An Analysis	309-318
16. Organized Crime in India	319-340
Annexures	341-362
Bibliography	363-378

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Preface

Mahatma Gandhi rightly said, "Let us forget all thoughts of, I am a Hindu, you a Muslim or I am a Gujarati, you a Madrasi, let us think, I and mine in a common Indian nationality, we shall be free only when a large number of our people are determined to swim or sink together."

India is a country of people with multiple believes religions, casts, values, attitudes etc. This diversity is one of the greatest assets of our nation but at the same time it can be dangerous when coexistence of diversities is covert in to clashes.

The partition of India was in the backdrop of large-scale communal violence. Since then India has been facing both an external aggression as well as internal disturbances. Hence the Internal Security and threats on it are major concerns for all governments.

Internal Security; initially, it was confined to maintenance of law and order, containment of communal violence and in very few cases, counter-insurgencies. Now-a-days threats for India's Internal National security have many faces *i.e.* Cross-border threats-Jammu and Kashmir Militancy, Insurgency, Terrorism, Communal Violence, Caste and Linguistic Violence, Technological challenges, Corruption, Threat due Vote bank politics *i.e.* violent agitations, Left Wing Extremism, Organized Crimes Human trafficking, Illegal migration are threatens peace and human security, violates human rights and undermines economic, social, cultural, political and civil development of societies. The rise of Fundamentalist forces (Sectarian, ethnic, linguistic, Castes, Religion, Communal and secessionist violence) is posing the most serious threat to India's security. Recent violence in Haryana on the demand of reservation for the Jaat community is also one of the burning examples.

Terrorism has also turned into the most dominant danger to peace and security of nation. Though terrorism is a very common phenomenon of the world but there is no official or universal definition of terrorism agreed on all over the world. Despite decade of academic literature on the subject of terrorism no commonly accepted definition has been found.


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viii

Preface

Another face of terrorism is Narco-terrorism which comprises with two very pressing issues *i.e.* the illicit drug dealing and terrorism. This is because they both find symbiotic benefits in each other. Cyber terrorism is advanced version of terrorism and threat for internal security.

Some of the controversial laws like Armed Forces (Special Powers) Act, 1958 have been one of the most severely criticized for the unlimited powers that are bestowed on the military and armed forces. Majority of the times it is the human rights and international humanitarian principles that is alleged to be violated by this Act.

Many legal and judicial steps have been taken to fight all these threats but at the same time threats are changing their faces with the changes of time. Thus, the concept of the Internal Security, threats and laws related to thereto are in immediate need to be addressed.

This book is humble attempt of editor to discuss all these issues and its legal implications. I am thankful to all the contributors who have contributed intellectual inputs in form of chapters and enriched the book academically. Hope this book shall be fruitful for academicians, researcher and policy makers.

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List of Articles

1. Theories And Different Kinds Of Terrorism *Caesar Roy*
2. Anti-Terror Laws In India: A Study In The Internal Security Mechanism
Vijay P Singh, Subir K Bhatnagar
3. Terrorism In India: A Potential Threat To The National Integrity Vis-À-Vis Human Rights
Mithilesh Narayan Bhatt
4. Terrorism: A Study Of Meaning, Causes And Evolution With Special Reference To India
Tweisha Mishra
5. Critical Evaluation Of The Process Under Anti-Terrorist Laws In India
S. G. Goudappanavar
6. International Conventions And Role Of UN Agencies In Combating Terrorism: An Overview
Hotur Krishna Bharadwaj
7. Terrorism Under International Criminal Law: An Overview *Shachi Barot*
8. Narco Terrorism: An Infinite Quest For Future Solution
Saira Gori, A. Maris Port
9. Scrutinizing Armed Forces (Special Powers) Act, 1958 In North East India In Context Of Human Rights And Humanitarian Law *Jinamoni Baruah*
10. AFSPA : The Beginning, Judicial View And Public Perception
Bhavinee Singh
11. Demographic Challenges In North - East India with A Special Focus On Illegal Immigration [An Analytical Study] *S. S. Das*
12. Policing In India, Politicization Of The Indian Police System And Safeguarding The Human Rights
Joshua N. Aston
13. Human Trafficking—The Indian Perspective *Avin Tiwari, Ganeshji Tiwari*
14. The Law On Parole And Probation In India Requires A Relook
Souvik Chatterji
15. National Cyber Security Policy, 2013: An Analysis *Chitta Ranjan Gogoi*
16. Organized Crime In India
Mahak Rathee, Nishit Shah

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6

International Conventions and Role un Agencies in Combating Terrorism: An Overview

Hotur Krishna Bharadwaj

Abstract

The human expense of terrorism has been felt in practically every edge of the globe. Security of the individual is an essential human right and the insurance of people is, likewise, a key commitment of Government. The United Nations has played significant role in combating the terrorism. This paper analyses the international conventions which shows the commitment of various nations and also the role of UN agencies in combating terrorism.

Key Words

terrorism, international conventions, United Nations

INTRODUCTION

The terrorism in the present time is not confined to a specific culture or cause. The present day terrorism is without appropriate cause, for example, political addition or religious showcase or any such thing. The terrorism is not just infringement of law of laws of a nation however is a risk to the entire mankind. In the late years, the quantity of lives lost to the ruthlessness of terrorists is boundless and unlimited. The human expense of terrorism has been felt in practically every edge of the globe. Security of the individual is an essential human right and the insurance of people is, likewise, a key commitment of Government. Terrorism plainly has a quite undeniable and direct effect on human rights,

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120

Terrorism, Its Legal Framework and Beyond

with destroying outcomes for the pleasure in the privilege to life, freedom and physical uprightness of casualties.¹

DEFINITION OF TERRORISM

The Merriam Webster Dictionary defines the word terrorism as, "the use of violent acts to frighten the people in an area as a way of trying to achieve a political goal."

UN Security Council Resolution 1566 also defined the word terrorism as:

"criminal acts, including against civilians, committed with the intent to cause death or serious bodily injury, or taking of hostages, with the purpose to provoke a state of terror in the general public or in a group of persons or particular persons, intimidate a population or compel a government or an international organization to do or to abstain from doing any act."

18 U.S.C. § 2331 defines "international terrorism" and "domestic terrorism" for purposes of Chapter 113B of the Code, entitled "Terrorism":²

"International terrorism" means activities with the following three characteristics:

1. Involve violent acts or acts dangerous to human life that violate federal or state law;
2. Appear to be intended (i) to intimidate or coerce a civilian population; (ii) to influence the policy of a government by intimidation or coercion; or (iii) to affect the conduct of a government by mass destruction, assassination, or kidnapping; and
3. Occur primarily outside the territorial jurisdiction of the U.S., or transcend national boundaries in terms of the means by which they are accomplished, the persons they appear intended to intimidate or coerce, or the locale in which their perpetrators operate or seek asylum.

"Domestic terrorism" means activities with the following three characteristics:

1. Involve acts dangerous to human life that violate federal or state law;
2. Appear intended (i) to intimidate or coerce a civilian population; (ii) to influence the policy of a government by intimidation or coercion;

¹ OHCHR, Human Rights, Terrorism and Counter-terrorism, available at: <http://www.ohchr.org/Documents/Publications/Factsheet32EN.pdf> (last visited on: August 12, 2015)

² FBI, Definitions of Terrorism in the U.S. Code, available at: <https://www.fbi.gov/about-us/investigate/terrorism/terrorism-definition> (last visited on: August 12, 2015)

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Chapter 6 International Conventions and Role of un Agencies in Combating...

121

or (iii) to affect the conduct of a government by mass destruction, assassination, or kidnapping; and

3. Occur primarily within the territorial jurisdiction of the U.S.

18 U.S.C. § 2332b defines the term "federal crime of terrorism" as an offense that:

Is calculated to influence or affect the conduct of government by intimidation or coercion, or to retaliate against government conduct; and

Is a violation of one of several listed statutes, including § 930(c) (relating to killing or attempted killing during an attack on a federal facility with a dangerous weapon); and § 1114 (relating to killing or attempted killing of officers and employees of the U.S.).

Thus there is no definite definition on terrorism and it is not limited to any country or religion. It is necessary to understand that terrorism is against humanity and has to be dealt effectively in whatsoever manner.

CONVENTIONS AGAINST TERRORISM

In its Global Counter-Terrorism Strategy, the General Assembly stated that Member States of the United Nations resolve to "consistently, unequivocally and strongly condemn terrorism in all its forms and manifestations, committed by whomever, wherever and for whatever purpose." The Security Council has expressed in its resolutions 1269 (1999) and 1566 (2004) that all acts of terrorism are unjustifiable, regardless of their motivation.³

The current legal framework thirteen global conventions have been adopted under the auspices of the UN, or its agencies, to combat specific aspects of terrorism. These have tended to be in response to a particular event or atrocity. They are⁴:

1. Convention on Offences and Certain Other Acts Committed on Board Aircraft, 1963;
2. Convention for the Suppression of Unlawful Seizure of Aircraft, 1970;
3. Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, 1971;
4. Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, including Diplomatic Agents, 1973;

³ Supra note 1.

⁴ OHCHR, Countering Terrorism, Protecting Human Rights, available at: www.osce.org/odihr/29103?download=true (last visited on: January 29, 2015)

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122

Terrorism, Its Legal Framework and Beyond

5. International Convention against the Taking of Hostages, 1979;
6. Convention on the Physical Protection of Nuclear Material, 1980;
7. Protocol on the Suppression of Unlawful Acts of Violence at Airports Serving International Civil Aviation, supplementary to the Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation, 1988;
8. Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, 1988;
9. Protocol for the Suppression of Unlawful Acts against the Safety of Fixed Platforms Located on the Continental Shelf, 1988;
10. Convention on the Marking of Plastic Explosives for the Purpose of Detection, 1991;
11. International Convention for the Suppression of Terrorist Bombings, 1997;
12. International Convention for the Suppression of the Financing of Terrorism, 1999;
13. Convention on the Suppression of Acts of Nuclear Terrorism, 2005.

CONVENTION ON OFFENCES AND CERTAIN OTHER ACTS COMMITTED ON BOARD AIRCRAFT, 1963

The Convention on Offences and Certain Other Acts Committed On Board Aircraft, usually called the Tokyo Convention, is a global settlement, finished up at Tokyo on 14 September 1963. It went into power on 4 December 1969, and starting 2015 hosts been endorsed by 186 gatherings.

The Convention is material to offenses against correctional law and to any demonstrations endangering the security of persons or property on load up non military personnel airplane while in-flight and occupied with global air route. Scope incorporates the commission of or the expectation to confer offenses and certain different follows up on load up air ship enrolled in a Contracting State in-flight over the high oceans and whatever other regions past the domain of any State notwithstanding the airspace having a place with any Contracting State. Criminal purview may be practiced by Contracting States other than the State of Registry under restricted conditions, viz, when the activity of locale is required under multilateral universal commitments, in light of a legitimate concern for national security, et cetera.⁵

⁵ International Civil Aviation Organization treaties, available at: <http://www.snipview.com/q/International%20Civil%20Aviation%20Organization%20treaties> (last seen on: January 28, 2015)

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Chapter 6 International Conventions and Role of un Agencies in Combating...

123

HAGUE HIJACKING CONVENTION

The Hague Hijacking Convention (formally the Convention for the Suppression of Unlawful Seizure of Aircraft) is a multilateral arrangement by which states consent to forbid and rebuff air ship capturing. The tradition does not have any significant bearing to traditions, law implementation or military flying machine, consequently it applies solely to regular citizen air ship. The tradition just addresses circumstances in which a flying machine takes off or arrives in a spot not quite the same as its nation of enrollment. The tradition sets out the guideline of aut dedere aut judicare that a gathering to the arrangement must indict an airplane robber if no other state asks for his or her removal for arraignment of the same wrongdoing.⁶

CONVENTION FOR THE SUPPRESSION OF UNLAWFUL ACTS AGAINST THE SAFETY OF CIVIL AVIATION

The Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation (some of the time alluded to as the Sabotage Convention or the Montreal Convention) is a multilateral bargain by which states consent to forbid and rebuff conduct which may undermine the wellbeing of common flying.

The Convention does not have any significant bearing to traditions, law implementation or military flying machine, accordingly it applies only to regular citizen flying machine.

The Convention criminalises the following behaviour:

1. Committing an act of violence against a person on board an aircraft in flight if it is likely to endanger the safety of the aircraft;
2. destroying an aircraft being serviced or damaging such an aircraft in such a way that renders it incapable of flight or which is likely to endanger its safety in flight;
3. placing or causing to be placed on an aircraft a device or substance which is likely to destroy or cause damage to an aircraft;
4. destroying or damaging air navigation facilities or interfering with their operation if it is likely to endanger the safety of aircraft;
5. communicating information which is known to be false, thereby endangering the safety of an aircraft in flight;

⁶ Hague Hijacking Convention, available at: <http://www.topicsconnect.com/hague-hijacking-convention/> (last visited on: August 12, 2015)

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124

Terrorism, Its Legal Framework and Beyond

6. attempting any of 1-5; and
7. being an accomplice to any of 1-6⁷.

HOSTAGES CONVENTION

The Hostages Convention (formally the International Convention against the Taking of Hostages) is a United Nations settlement by which states consent to restrict and rebuff prisoner taking. The arrangement incorporates meanings of "prisoner" and "prisoner taking" and sets out the rule of aut dedere aut judicare—that a gathering to the bargain must arraign a prisoner taker if no other state asks for his or her removal for indictment of the same wrongdoing.⁸

TERRORIST BOMBINGS CONVENTION

The Terrorist Bombings Convention (formally the International Convention for the Suppression of Terrorist Bombings) is a 1997 United Nations arrangement intended to criminalize terrorist bombings. The tradition depicts terrorist bombings as the unlawful and deliberate utilization of explosives openly puts with expectation to slaughter, to harm, or to make broad annihilation force an administration or a worldwide association to do or to keep away from doing some demonstration. The tradition likewise looks to advance police and legal co-operation to counteract, explore and rebuff those demonstrations. As of February, 2014, the tradition has been sanctioned by 168 states.⁹

TERRORIST FINANCING CONVENTION

The Terrorist Financing Convention (formally, the International Convention for the Suppression of the Financing of Terrorism) is a 1999 United Nations bargain intended to criminalize demonstrations of financing demonstrations of terrorism. The tradition likewise tries to advance police and legal co-operation to counteract, research and rebuff the financing of such acts. As of August 2013, the bargain has been approved by 186 states; as far as all inclusiveness, it is subsequently a standout amongst the best hostile to terrorism arrangements.¹⁰

7 Articles of Convention for the Suppression of Unlawful Acts against the Safety of Civil Aviation.

8 Michael Ruark, Ratification of International Human Rights Treaties, available at: <https://michaelruark.wordpress.com/2014/09/14/ratification-of-international-human-rights-treaties-israel/> (last visited on: January, 28, 2015)

9 Ibid.

10 United Nations Treaties, available at: <http://fintelekt.com/aml> (last visited on: August, 12, 2015)

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Chapter 6 International Conventions and Role of un Agencies in Combating...

125

Article 2.1 defines the crime of terrorist financing as the offense committed by "any person" who "by any means, directly or indirectly, unlawfully and willfully, provides or collects funds with the intention that they should be used or in the knowledge that they are to be used, in full or in part, in order to carry out" an act "intended to cause death or serious bodily injury to a civilian, or to any other person not taking an active part in the hostilities in a situation of armed conflict, when the purpose of such act, by its nature or context, is to intimidate a population, or to compel a government or an international organization to do or to abstain from doing any act."

State gatherings to this bargain likewise confer themselves to the solidifying and seizure of assets proposed to be utilized for terrorist exercises and to impart the relinquished assets to all state parties. Besides, state gatherings confer themselves not to utilize bank mystery as an avocation for declining to co-work in the concealment of terrorist financing.¹¹

NUCLEAR TERRORISM CONVENTION

The Nuclear Terrorism Convention (formally, the International Convention for the Suppression of Acts of Nuclear Terrorism) is a 2005 United Nations bargain intended to criminalize demonstrations of atomic terrorism and to advance police and legal participation to counteract, examine and rebuff those demonstrations. As of December, 2014, the tradition hosts 115 signatories and 99 state gatherings, including the atomic forces China, France, India, Russia, and the United Kingdom.

The Convention covers an expansive scope of acts and conceivable targets, including atomic force plants and atomic reactors; covers dangers and endeavors to perpetrate such wrongdoings or to partake in them, as an associate; stipulates that guilty parties might be either removed or indicted; urges States to participate in sharing so as to avert terrorist assaults data and helping one another regarding criminal examinations and removal procedures; and, manages both emergency circumstances, helping States to understand the circumstances and post-emergency circumstances by rendering atomic material safe through the International Atomic Energy Agency (IAEA).¹²

Article 2 of the convention defines the offence of Nuclear terrorism as follows:

- 11 Terrorist Financing Convention, available at: https://en.wikipedia.org/wiki/Terrorist_Financing_Convention (last visited on: August 12, 2015)
- 12 UN, International Legal Instruments available at: <http://www.un.org/en/terrorism/instruments.shtml> (last visited on: January 29, 2015)

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126

Terrorism, Its Legal Framework and Beyond

"1. Any person commits an offence within the meaning of this Convention if that person unlawfully and intentionally:

- (a) Possesses radioactive material or makes or possesses a device:
 - (i) With the intent to cause death or serious bodily injury; or
 - (ii) With the intent to cause substantial damage to property or to the environment;
- (b) Uses in any way radioactive material or a device, or uses or damages a nuclear facility in a manner which releases or risks the release of radioactive material:
 - (i) With the intent to cause death or serious bodily injury; or
 - (ii) With the intent to cause substantial damage to property or to the environment; or
 - (iii) With the intent to compel a natural or legal person, an international organization or a State to do or refrain from doing an act.

At the same time, article 4 expressly excludes the application of the convention to the use of nuclear devices during armed conflicts, without recognizing though the legality of the use of nuclear weapons:¹³

1. Nothing in this Convention shall affect other rights, obligations and responsibilities of States and individuals under international law, in particular the purposes and principles of the Charter of the United Nations and international humanitarian law.
2. The activities of armed forces during an armed conflict, as those terms are understood under international humanitarian law, which are governed by that law are not governed by this Convention, and the activities undertaken by military forces of a State in the exercise of their official duties, inasmuch as they are governed by other rules of international law, are not governed by this Convention.
3. The provisions of paragraph 2 of the present article shall not be interpreted as condoning or making lawful otherwise unlawful acts, or precluding prosecution under other laws.
4. This Convention does not address, nor can it be interpreted as addressing, in any way, the issue of the legality of the use or threat of use of nuclear weapons by States."

¹³ Ibid.

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Chapter 6 International Conventions and Role of UN Agencies in Combating...

127

BEIJING CONVENTION

The Beijing Convention (formally, the Convention on the Suppression of Unlawful Acts Relating to International Civil Aviation) is a 2010 settlement by which state gatherings consent to criminalize certain terrorist activities against common avionics.

The Convention was finished up on 10 September, 2010 at the Diplomatic Conference on Aviation Security in Beijing. (At the same meeting, the Protocol Supplementary to the Convention for the Suppression of Unlawful Seizure of Aircraft was received.) Parties that sanction the Convention consent to criminalize utilizing common air ship as a weapon and utilizing hazardous materials to assault air ship or different focuses on the ground. The illicit transport of organic, concoction, and atomic weapons is likewise criminalized under the Convention.¹⁴

UN AGENCIES IN PREVENTION OF TERRORISM

United Nations Security Council (UNSC)

The Security Council has essential obligation, under the Charter, for the support of global peace and security. It is so sorted out as to have the capacity to work consistently, and an agent of each of its individuals must be available at all times at United Nations Headquarters. Keeping in mind the end goal to advance the foundation and upkeep of worldwide peace and security with minimal preoccupation for deadly implements of the world's human and financial assets, the Security Council is made in charge of detailing, with the help of the Military Staff Committee alluded to in Article 47 of the UN Charter, arrangements to be submitted to the Members of the United Nations for the foundation of a framework for the regulation of weapons.¹⁵

The objective was to guarantee through the UN that persisting components are made, and that current organizations are used, to raise the capacities of all countries to stand up to the danger of terrorism. On September 28, 2001, the Security Council collectively embraced determination 1373 under Chapter VII of the Charter of the United Nations. This memorable determination built up a collection of lawfully tying commitments on all UN part states. It characterized

14 International Civil Aviation Organization treaties, available at: <http://www.snipview.com/q/International%20Civil%20Aviation%20Organization%20treaties> (last seen on: January 28, 2015)

15 Article 26 of the UN Charter.

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128

Terrorism, Its Legal Framework and Beyond

the normal center of the new global battle to manage universal terrorists, their associations, and the individuals who bolster them.¹⁶

Aims of the Resolution 1373

The principle point of the determination was to make universal participation to forestall and kill demonstrations of terrorism and to consider responsible the culprits and the individuals who harbor or bolster them. That same day, the United Nations Security Council collectively decided, interestingly, any demonstration of global terrorism to be a risk to universal peace and security. This determination established the framework for Security Council activity to unite the universal group under a typical arrangement of commitments in the battle to end global terrorism.¹⁷

Resolution 1456 (2003)

The specialty of the Resolution is the specific reference to human rights considerations which declared that "States must ensure that any measure taken to combat terrorism comply with all their obligations under international law, and should adopt such measures in accordance with international law, in particular, international human rights, refugee, and humanitarian law."¹⁸

Resolution 1566

UN Security Council Resolution 1566 defines terrorism as follows:

"criminal acts, including against civilians, committed with the intent to cause death or serious bodily injury, or taking of hostages, with the purpose to provoke a state of terror in the general public or in a group of persons or particular persons, intimidate a population or compel a government or an international organization to do or to abstain from doing any act."

16 U.S. Report to the UN Counterterrorism Committee, available at: <http://www.state.gov/p/io/rls/rpt/2001/6917.htm> (last visited on: august 19, 2015)

17 Unprecedented Unity Prompted by 'Terrible Evil' of 11 September Attack Says Secretary-General, As General Assembly Begins Terrorism Debate, Available at: <http://www.un.org/press/en/2001/GA9919.doc.htm> (last visited on: August 19, 2015)

18 Blogroll, United Nations Lecture Part IV, available at: <http://ultimate-history-resource.blogspot.in/2011/05/united-nations-lecture-part-iv.html> (last visited on: January 30, 2105)

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Chapter 6 International Conventions and Role of un Agencies in Combating...

129

THE UNITED NATIONS OFFICE ON DRUGS AND CRIME AND TERRORISM PREVENTION

Terrorism keeps on representing a noteworthy risk to global peace and security and undermines the center estimations of the United Nations. Notwithstanding the overwhelming human expense of terrorism, as far as lives lost or forever modified, terrorist acts plan to destabilize governments and undermine monetary and social advancement. Tending to this danger is significantly more troublesome given the complex and continually advancing nature of terrorist action. Its inspirations, financing, techniques for assault and decision of target are continually evolving. Terrorist acts frequently oppose national outskirts; one demonstration of terrorism can include exercises and performing artists from various nations. Given this many-sided quality, solid coordination and participation inside of national governments and in the middle of states and associations at the local and worldwide level is crucial to viably battle terrorism, to share best practices and lessons learned and to help with the examination and indictment of terrorism cases.¹⁹

In light of this risk, bit by bit more than five many years of work, the worldwide group has added to a typical general legitimate system against terrorism. This structure is contained the 19 widespread legitimate instruments against terrorism alongside the pertinent United Nations Security Council Resolutions. The execution of these traditions, conventions and resolutions is educated by the direction gave by the UN Global Counter-Terrorism Strategy alongside United Nations General Assembly Resolutions.

The Terrorism Prevention Branch of the United Nations Office on Drugs and Crime (UNODC) has a particular part to play in these universal endeavors. For over 10 years, the Terrorism Prevention Branch has been the key United Nations substance giving lawful counter-terrorism specialized help to Member States. As ordered by the United Nations General Assembly, the Branch attempts to help Member States, upon solicitation, with the sanction, administrative joining and execution of the all inclusive lawful structure against terrorism.

Within the United Nations system, UNODC possesses significant comparative advantages for offering a comprehensive response to terrorism. In particular, it combines a range of expertise in the related areas of crime prevention and criminal justice, rule of law, drug control, transnational organized crime, money-laundering, corruption and related international cooperation in criminal matters with operational field-level capacity.²⁰

¹⁹ The United Nations Office on Drugs and Crime and Terrorism Prevention, available at: <http://www.unodc.org/unodc/en/terrorism/> (last visited on: January, 30, 2015).

²⁰ Ibid.

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130

Terrorism, Its Legal Framework and Beyond

COUNTER-TERRORISM IMPLEMENTATION TASK FORCE (CTITF)

The Counter-Terrorism Implementation Task Force (CTITF) was set up by the Secretary-General in 2005 and supported by the General Assembly through the United Nations Global Counter-Terrorism Strategy PDF, which was received by accord in 2006. The order of the CTITF is to improve coordination and rationality of counter-terrorism endeavors of the United Nations framework. The Task Force comprises of 34 global substances which by ethicalness of their work have, have a stake in multilateral counter-terrorism endeavors. Every substance makes commitments predictable with its own particular command.²¹

While the essential obligation regarding the execution of the Global Strategy rests with Member States, CTITF guarantees that the UN framework is sensitive to the needs of Member States, to furnish them with the important approach bolster and spread inside and out information of the Strategy, and wherever vital, speed up conveyance of specialized help.

The essential objective is to boost every element's similar favourable position by conveying as one to offer Member Some assistance with stating execute the four mainstays of the Strategy, which are: measures to deliver the conditions helpful for the spread of terrorism; measures to counteract and battle terrorism; measures to fabricate states' ability to avert and battle terrorism and to fortify the part of the United Nations framework in such manner; measures to guarantee regard for human rights for all and the standard of law as the major premise for the battle against terrorism.²²

CTITF sorts out its work through Working Groups and counter-terrorism related activities in territories where participation among United Nations framework performing artists can include esteem for the execution of the Strategy.

International Counter-Terrorism Focal Points Conference on Addressing Conditions Conducive to the Spread of Terrorism and Promoting Regional Cooperation:

The Conference was opened by H.E. Mr. Didier Burkhalter, Vice-President of the Federal Council and Foreign Minister of Switzerland and Mr. Jeffrey Feltman, Under-Secretary-General of the Department of Political Affairs.

The CTITF Office, in association with a select gathering of provincial States and applicable CTITF elements, has sorted out local workshops that united

21 CTITF, Counter-Terrorism Implementation Task Force (CTITF), available at: <http://www.un.org/en/terrorism/ctitf/> (last visited on: January 31, 2105).

22 CTITF, Counter-Terrorism Implementation Task Force (CTITF), available at: <http://www.un.org/victimsofterrorism/en/about/ctitf> (last visited on: January 31, 2105).

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Chapter 6 International Conventions and Role of un Agencies in Combating...

131

States, territorial associations, common society and privately based United Nations workplaces to investigate the approach measurements and down to earth challenges in actualizing the United Nations Global Counter-Terrorism Strategy (A/RES/60/288).²³

At the previously stated provincial workshops, most members underscored the needs, difficulties and opportunities in the execution of Pillar I of the Global Strategy, which refers to "clashes, dehumanization of casualties of terrorism in every one of its structures and appearances, absence of the principle of law and infringement of human rights, ethnic, national and religious segregation, political rejection, financial minimization and absence of good administration" as key components that are conditions helpful for the spread of terrorism. This Conference tried to center consideration on these vital subjects included under Pillar I of the Global Strategy and distinguish reasonable courses, including through common society info, to actualize them.²⁴

Moreover, the Conference additionally united national counter-terrorism central focuses from around the globe to talk about great practices in the Global Strategy's usage and recognize conceivable routes forward to counter terrorism in a far reaching and incorporated way, steady with worldwide human rights commitments.²⁵

UN COUNTER-TERRORISM CENTRE (UNCCT)

In 2006 every Member State of the United Nations recognized that the subject of making a worldwide focus to battle terrorism could be considered as a major aspect of the universal endeavors to counter terrorism, as stipulated in the United Nations Global Counter-Terrorism Strategy (A/RES/60/288).

In 2011, through a deliberate commitment of the Government of Saudi Arabia, the United Nations Secretariat could dispatch the United Nations Counter-Terrorism Center (UNCCT). Around the same time, the General Assembly received determination A/RES/66/10 that observed the commitment with thankfulness, respected the foundation of the UNCCT inside of the CTITF Office, and urged Member States to work together with the Center. Working under the United Nations Secretary-General and the umbrella of the Department

23 Supra note 7.

24 UN Counter-Terrorism Committee, available at: [http://archive-org.com/org/un/un.org/2013-09-11_2832209_37/UN_Counter_Terrorism_Committee/\(last visited on: august 19, 2015\)](http://archive-org.com/org/un/un.org/2013-09-11_2832209_37/UN_Counter_Terrorism_Committee/(last%20visited%20on%3A%20august%2019%2C%202015%29)).

25 Supra note 7.

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132

Terrorism, Its Legal Framework and Beyond

of Political Affairs, it adds to the usage of the Global Counter-Terrorism Strategy.²⁶

Based at United Nations Headquarters in New York, the Center draws in with more than 30 CTITF substances with aptitude on a wide range of counter terrorism related subjects. Along these lines, the UNCCT depends on the current CTITF know-how to strengthen current United Nations counter terrorism activities and to elevate new thoughts to stay away from duplication of endeavors. The UNCCT conducts standard meetings with the distinctive CTITF Working Groups so as to distinguish significant activities falling inside of the key needs of the UNCCT and to screen their usage.²⁷

The UNCCT profits by the political backing and exhortation of 22 of the most vital counter-terrorism players on the world stage that consented to be individuals from its Advisory Board.

Objectives of the Centre

1. The UNCCT aims at buttressing the implementation of all four pillars of the Strategy in a comprehensive and integrated manner through the development of national and regional Counter-Terrorism Strategy implementation plans.
2. The UNCCT will undertake initiatives aimed at fostering international counter-terrorism cooperation and promote collaboration between national, regional and international counter-terrorism centres and organizations.
3. Through collaboration with CTITF working groups, the UNCCT serves a critical role in building capacity of Member States to strengthen their counter-terrorism capability.
4. Secretary-General's Remarks to the Second Meeting of the Advisory Board of the United Nations Centre for Counter-Terrorism (UNCCT).²⁸

Main Strategic Priorities of the Centre:

1. Development of national and regional counter-terrorism strategies.
2. Support for integrated capacity building assistance (I-ACT).
3. Countering the financing of terrorism.
4. Promoting dialogue, understanding and countering the appeal of terrorism.

26 CTITF, UN Counter-Terrorism Centre (UNCCT), available at: <http://www.un.org/en/terrorism/ctitf/uncct/> (last visited on: January 31, 2015).

27 International Conference Engaging Partners for Capacity-Building: United Nations' Collaboration with Counter-Terrorism Centres, available at: http://www.un.org/en/terrorism/ctitf/pdfs/Summary%20of%20Discussions_Collaboration-CT-Centres_Riyadh.pdf (last visited on: August 19, 2015).

28 Supra note 12.

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Chapter 6 International Conventions and Role of un Agencies in Combating...

133

5. Protecting human rights while countering terrorism.
6. Promote and protect rights of victims of terrorism.
7. Protection of vulnerable targets.
8. Border management.
9. Internet.²⁹

VICTIMS OF TERRORISM SUPPORT PORTAL

The United Nations Counter-Terrorism Strategy has established the framework for the United Nation's work on casualties of terrorism. The Strategy, embraced by agreement, as a determination and an added Plan of Action(A/RES/60/288), is an one of a kind worldwide instrument that improves national, provincial and universal endeavors to counter terrorism.

This is the first occasion when that every single Member State have consented to a typical vital way to deal with battle terrorism, not just sending a reasonable message that terrorism is unsuitable in every one of its structures and signs additionally setting out to make viable strides exclusively and all things considered to avert and battle it.

Victims of terrorism issues are addressed under Pillar I and Pillar IV of the Strategy. These strive to "promote international solidarity in support of victims", stress "the need to promote and protect the rights of victims of terrorism", and seek to address the "dehumanization of victims of terrorism" by promoting "solidarity for victims of terrorism and assistance for victims and their families and facilitate the normalization of their lives."³⁰

Objectives of the Support Portal

The UN Victims of Terrorism Support Portal is a broad based, apolitical resource that aims to:

1. Serve as a resource hub for information on issues related to victims of terrorism;
2. Contribute to the rehabilitation of victims of terrorism by providing victims and their families a resource on rehabilitation; and
3. Express international solidarity with victims of terrorism and raise awareness of national and international efforts undertaken to support

29 Briefing to General Membership on UNCCT Activities, available at: <http://www.un.org/en/terrorism/ctitf/pdfs/UNCCT%20General%20Membership%20Briefing.pdf> (last visited on: August 19, 2015).

30 Victims of Terrorism Support Portal, About us, available at: <http://www.un.org/victimsofterrorism/en/about> (last visited on: January 29, 2015).

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134

Terrorism, Its Legal Framework and Beyond

them, in order to highlight importance of including victims in all areas of counter terrorism work.³¹

INTERNATIONAL ATOMIC ENERGY AGENCY (IAEA)

In March 2002, the Agency set out on its first far reaching system to battle the danger of atomic terrorism by helping States in fortifying their atomic security. Endorsed by the IAEA Board of Governors, the initial three-year arrangement depicted a system of work enveloping eight Activity Areas. The accomplishments of the first atomic security arrangement were point by point in the Review of the Implementation of the Nuclear Security Plan of Activities: 2002–2005 which was submitted to the Board of Governors and General Conference in September, 2005.

In September 2009, the Board of Governors endorsed the third Nuclear Security Plan covering the period 2010–2013. The Plan based upon the achievements of the first and second Plan, checked on the risk picture as it has advanced following the design of the needs and approach set in 2002, and elevated fortified universal instruments to battle atomic terrorism.³²

INTERNATIONAL CIVIL AVIATION ORGANIZATION (ICAO)

ICAO, an UN Specialized Agency, is the worldwide gathering for common aeronautics. ICAO attempts to accomplish its vision of protected, secure and supportable improvement of common flying through collaboration amongst its part States. Wellbeing (*i.e.* the nonappearance of peril for human life) and security (*i.e.* the assurance from criminal acts) of worldwide common flight have dependably been the objectives of the International Civil Aviation Organization (ICAO). In spite of the fact that there were no significant occurrences by people in the beginning of aeronautics, the defenselessness of common flight got to be clear with the coming of the Cold War, the Cuban Revolution and the Palestinian issues. The Delegates at the Chicago Conference in 1944 could hardly have foreseen that, one day, hijackers and terrorists could turn the operational vulnerability and the fundamental openness of aviation into their dark opportunity.³³

31 Ibid.

32 IAEA Nuclear Security Plan for 2014-2017, available at: <http://www-ns.iaea.org/security/nuclear-security-plan.asp> (last visited on: August 19, 2015).

33 Annual Report of the Council, available at: http://www.icao.int/publications/Documents/9898_en.pdf (last visited on: August 19, 2015).

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Chapter 6 International Conventions and Role of un Agencies in Combating...

135

Consolidating strategic partnership between ICAO and UNCTC³⁴;

Future prospects – short term

- (a) Intensifying gap analysis and assessment missions
- (b) Intensifying project development and implementation
- (c) ICAO's closer involvement in UNCTC and the Global Counter Terrorist Strategy and CTITF • Developing and launching training programmes
- (d) Supporting regional initiatives
- (e) Developing closer working partnerships with other agencies and donor programmes.

Mid or long term:

- (a) Establishing an ICAO-UNCTC bilateral framework dedicated to providing technical assistance to States in implementing the TRIP Strategy.
- (b) Linking together: – States in need for assistance – Donor programmes – International development agencies
- (c) Objective: to provide a one-stop shop for States in need to access funds and expertise required for Traveller Identification capacity building.

INTERNATIONAL ORGANIZATION FOR MIGRATION (IOM)

IOM attempts to guarantee the deliberate and altruistic administration of movement, to advance universal participation on relocation issues, to help with the quest for useful answers for relocation issues and to give compassionate help to transients in need, including exiles and inside uprooted individuals.

In late 2004, IOM started an undertaking to evaluate outskirt administration and movement issues through direct contact with Caribbean governments. In association with the Inter-American Committee on Counter-Terrorism (CICTE) of the Organization of American States (OAS), IOM is working with these administrations to survey their present movement association, outskirt controls, and administration of standard and unpredictable relocation. IOM finished in-nation appraisals in the Bahamas, Trinidad and Tobago, the Dominican Republic, Haiti, Barbados, Antigua and Barbuda, St. Kitts and Nevis, and St. Vincent and the Grenadines somewhere around 2005 and 2007. As a subsequent measure,

³⁴ Counter-Terrorism Global Strategy Civil Aviation Sector ICAO's Contribution, available at: http://www.un.org/en/sc/ctc/docs/2013/2013-06-27_ICAO_Presentation.pdf (last visited on: August 19, 2015)

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Chapter 6 International Conventions and Role of un Agencies in Combating... 137

INTERNATIONAL TELECOMMUNICATION UNION (ITU) ITU is the main United Nations organization for data and correspondence innovation issues, and the worldwide point of convergence for governments and the private area in creating systems and administrations. For about 145 years, ITU has composed the mutual worldwide utilization of the radio range, advanced universal participation in allocating satellite circles, attempted to enhance telecom base in the creating scene, set up the overall gauges that cultivate consistent interconnection of an unfathomable scope of correspondences frameworks and tended to the worldwide difficulties of our times, for example, alleviating environmental change and reinforcing cybersecurity. Global Cybersecurity Agenda was Launched in 2007 by ITU SecretaryGeneral, Dr. Hamadoun I. Touré, the ITU Global Cybersecurity Agenda (GCA) is a framework for international cooperation aimed at enhancing confidence and security in the information society. The GCA is designed for cooperation and efficiency, encouraging collaboration with and between all relevant partners and building on existing initiatives to avoid duplicating efforts.³⁸ Since its dispatch, the GCA has pulled in the backing and acknowledgment of pioneers and cybersecurity specialists around the globe. H.E. Dr. Óscar Arias Sánchez, Former President of the Republic of Costa Rica and Nobel Peace Laureate, and H.E. Blaise Compaoré, President of Burkina Faso, are both Patrons of the GCA. The GCA has encouraged activities, for example, the Child Online Protection and the ITU-IMPACT association, together with the backing of driving worldwide players from all partner gatherings, is as of now conveying cybersecurity answers for nations around the globe. The GCA is built upon the following five strategic pillars, also known as work areas: 1. Legal Measures 2. Technical and Procedural Measures 3. Organizational Structures 4. Capacity Building 5. International Cooperation. The International Multilateral Partnership Against Cyber Threats (IMPACT) is a key accomplice of the International Telecommunication Union (ITU), a United Nations' (UN) specific office, in the push to guarantee the security of the

³⁸ ITU, Global Cybersecurity Agenda (GCA), available at: <http://www.itu.int/en/action/cybersecurity/Pages/gca.aspx> (last visited on: January 31, 2015).

138 Terrorism, Its Legal Framework and Beyond

internet for everybody. Being the first exhaustive open private association against digital dangers, ITU-IMPACT serves as a politically nonpartisan worldwide stage which unites administrations of the world, business, the educated community, universal associations, and research organizations to improve the worldwide group's abilities in managing digital dangers.³⁹ IMPACT was set up taking after its official dispatch at the World Cyber Security Summit (WCSS) in 2008. Around the same time, IMPACT marked a Memorandum of Understanding with ITU through which both associations consented to work together in appearing ITU's Global Cybersecurity Agenda (GCA). Under the Cooperation of Agreement marked amid the World Summit for Information Society 2011 (WSIS) Forum in Geneva in May 2011, IMPACT is tasked by ITU with the obligation to give ITU's 193 Member States access to ability, offices and

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assets to adequately address digital dangers, and also helping, as required, UN's organizations in ensuring their ICT frameworks. ITU-IMPACT is the biggest cybersecurity organization together of its kind with a sum of 152 nations now formally some portion of the coalition and solid associations. The perils of digital dangers keeps on advancing and spike at a pervasive rate. The dangers are further exacerbated as progressively associated social orders rise above land and physical fringes, where partners impart in realtime. Using the same systems and connections that tie us all inclusive, digital dangers and assaults can strike from for all intents and purposes anyplace on the planet, possibly bringing on calamitous social and monetary mischief to nations that are seas away.⁴⁰

OFFICE OF THE HIGH COMMISSIONER FOR HUMAN RIGHTS (OHCHR) As the 2005 OHCHR Plan of Action stresses, reinforcing the guideline of law has long been an important center of OHCHR. In view of universal human rights, philanthropic and criminal law gauges, an arrangement of equity part apparatuses and manuals has been produced by OHCHR and utilized as a part of numerous nations. The work of OHCHR here draws on its ability concerning worldwide human rights law, in light of its experience and close and exceptional relationship to the bargain checking bodies and to the unique methods. As per the OHCHR far reaching technique goal expecting to scaffold crevices in human rights usage at the national level, OHCHR seeks after its

39 Ibid. 40 Mission and Vision, available at: <http://www.impact-alliance.org/aboutus/mission-&vision.html> (last visited on: August 19, 2015).

Chapter 6 International Conventions and Role of un Agencies in Combating... 139

security and strengthening projects to encourage and fortify access to equity, and to guarantee the harmonization of residential enactment and systems with global human rights law. Consequently, OHCHR proceeds with its engagement with and backing to national legitimate frameworks and judiciaries, incorporating through in-nation preparing and workshops. OHCHR agrees extraordinary significance to the subject of transitional equity, which is reflected in its driving part in creating strategy and direction devices, and doing limit building exercises in a joint effort with the United Nations framework and different on-screen characters. OHCHR has distributed an arrangement of transitional equity instruments, managing a scope of issues.⁴¹ OHCHR assumes a dynamic part in the Counter-Terrorism Implementation Task Force set up by the Secretary-General under the UN Global CounterTerrorism Strategy and arrangement of activity, and leads its working gathering on securing human rights while countering terrorism. It keeps on raising worries about counter-terrorism measures that constitute gross infringement of human rights, including torment and unlawful types of detainment, and to give direction in against terrorism enactment and national strategies.⁴² OHCHR additionally adds to the endeavors of the UN strategy making bodies to characterize a typical system for popular government help. It addresses majority rules system deficiencies through info to worldwide and territorial activity for advancing vote based system and human rights in participation with UN

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offices and local associations, and in addition by giving substantive counseling help to OHCHR field operations. OHCHR keeps on working towards reinforcing law based administration establishments, with an attention on upgrading parliaments' ability close by its long haul engagement with national judiciaries. OHCHR keeps on giving master admonitory help with new Constitution-building procedures and protected change. Moreover, OHCHR gets ready direction material, including best practices, to address the issue of assurance of witnesses to genuine human rights infringement and universal wrongdoings, to help States in the advancement of their procedures on the subject, specifically those that are vital for abnormal state examinations and trials.⁴³

41 UNROL, Office of the High Commissioner for Human Rights (OHCHR), available at: <http://www.unrol.org/article.aspx?n=ohchr> (last visited on: January 30, 2015). 42 Report of the United Nations High Commissioner for Human Rights on the protection of human rights and fundamental freedoms while countering terrorism, available at: <http://www2.ohchr.org/english/bodies/hrcouncil/docs/16session/A-HRC-16-50.pdf> (last visited on: August 19, 2015). 43 Supra note 27.

140 Terrorism, Its Legal Framework and Beyond

UNITED NATIONS DEPARTMENT OF PEACEKEEPING OPERATIONS (UNDPKO) United Nations peacekeeping is an exceptional and element instrument created by the Organization as an approach to offer nations some assistance with tearing by strife make the conditions for enduring peace. The principal UN peacekeeping mission was set up in 1948, when the Security Council approved the organization of UN military spectators to the Middle East to screen the Armistice Agreement in the middle of Israel and its Arab neighbors. From that point forward, there have been a sum of 64 UN peacekeeping operations around the globe.⁴⁴ United Nations Department of Peacekeeping Operations (DPKO) gives refinement preparing to UN staff in Security Sector Reform; courses for prison guards, including pre-arrangement preparing for supported staff and a Management Development Course for revisions work force sent to peace operations; a Rule of Law Training for Judicial Affairs Officers in peace operations; and courses for global police, including pre-organization preparing.

UNITED NATIONS OFFICE ON DRUGS AND CRIME (UNODC) UNODC is a worldwide pioneer in the battle against illegal medications and global wrongdoing. Built up in 1997 through a merger between the United Nations Drug Control Program and the Center for International Crime Prevention, UNODC works in all areas of the world through a broad system of field workplaces. UNODC depends on willful commitments, fundamentally from Governments, for 90 for each penny of its financial plan. UNODC is ordered to help Member States in their battle against unlawful medications, wrongdoing and terrorism. In the Millennium Declaration, Member States additionally set out to escalate endeavors to battle transnational wrongdoing in every one of its measurements, to try harder to actualize the dedication to counter the world medication issue and to make deliberate move against universal terrorism.⁴⁵

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Conclusion In the wake of the developing terrorist exercises, numerous Conventions have been made at the worldwide stage i.e. United Nations. There are numerous Conventions as portrayed above which intend to control the terrorists exercises at the worldwide scale. Be that as it may, there are no adequate endeavors through any of the UN organizations to keep the terrorism nor any genuine activity

44 Ibid. 45 About UNODC, available at: <https://www.unodc.org/unodc/about-unodc/index.html?ref=menutop> (last visited on: August 19, 2015).

Chapter 6 International Conventions and Role of un Agencies in Combating... 141

against the nations which are affirmed to bolster the terrorists through arms or financing. There is a solid need to understand that terrorism is a worldwide risk to humankind and not a subject of legislative issues. The nations ought to keep their political contrasts aside and cooperate for the better world. There are different offices battling the terrorism under the umbrella of United Nations. In any case, it is dismal to say that there is no legitimate union of these organizations to battle the terrorism all inclusive. The insurance of terrorists by some part states is another issue in execution of UN resolutions. There are a few allegations over a few nations, for example, USA and Russia for equipping the terrorists in a roundabout way. Subsequently the length of there is a worldwide concession to the way that terrorism is against humankind and not country alone, there is a desire for the general population. The world needs to hold hands politically regardless of religion and geology and help each other and assemble a worldwide level of hostile technique towards the terrorism. The nations need to co-work and look for help at whatever point fundamental from the UN or the neighbouring nations.

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Achala Munigal
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1

Chapter 1 Construction of a Proper Research Report: An Overview

Sree Krishna Bharadwaj H.

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ABSTRACT

Any study undertaken involves the congruous understanding of the subject matter and presentation of subject matter after the research is very much paramount. It is necessary that the research has to be reported in a proper manner and a systematic way. There are various parts of a research report and each part is equally important to adhere. Effective report writing is also an art as well as science. This paper analyses the importance of the research report and also the parts of the research report.

INTRODUCTION

Research while not writing is of very little purpose. Consequently, the analysis report is taken into account a significant element of the analysis task that is still incomplete until the report has been conferred and/or written. There are, of course, different ways that of human activity analysis and its findings, most notably through speechmaking, however writing them up remains of preponderating importance in most areas of analysis. The analysis report, thesis or the journal article, educational text and conference paper are the most important means of information and the researchers communicate with one another, and with different interested parties,

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Construction of a Proper Research Report

across space and time. The speedy development of recent data and laptop technologies have conjointly modified the speed and scope of such communication, however it's not altered the importance of writing because the means that for human activity. So, writing is just an instrument of communicating the researcher's findings and conclusions to the audience or readers, or consumers of the research product.

Writing up isn't simply important, however a continuation, a part of the analysis method, that ought to begin before long, once the commencement of the research, and on the far side of its completion, it becomes inevitable. It begins before you begin pondering and reading around your analysis. Finally, the research worker must prepare the report of what has been done by him. The writing of report must be done with great care, keeping in view the following:

The layout of the report should be as follows:

- The preliminary pages
- The main text, and
- The end matter (Darwish, n. d.) (Darwish)

STRUCTURAL LAYOUT OF RESEARCH REPORT

Any study undertaken should involve the congruous understanding of the subject matter and presentation of this subject matter after the research is withal very much paramount. The layout of the report designates what the research report should contain. A comprehensive layout of the research report should comprise (A) Preliminary pages; (B) the main text; and (C) the end matter.

It is also primarily necessary to understand the contents of any thesis or dissertation or paper. The following provides a glimpse into those contents:

1. Associate introduction, at the start and a group of conclusions, at the end. These is also supplemented or maybe replaced by, severally, an outline and a series of recommendations.
2. A series of distinct sections or chapters, which can be more divided into sub-sections or sub-chapters. Every section or chapter could have its own introductory and last passages.
3. References to existing analysis and publications, probably light by designated quotations. An inventory of the materials stated are enclosed, in all probability at the top of the report or thesis, probably within the variety of a listing.
4. Tables, diagrams, charts and alternative sorts of illustrations.
5. Variety of prefatory sections, like a preface, abstract, dedication and acknowledgement; and/or supplementary sections, within the variety of appendices.

2

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The Preliminary Pages

In its preliminary pages the report ought to carry a title and date, followed by acknowledgements within the sort of 'Preface' or and 'Foreword'. Then there ought to be a table of contents followed by an inventory of tables and list of graphs and charts/illustrations, if any, given within the report. The list of tables and list of charts facilitate the choice maker or anybody fascinated by reading the report back to find simply the desired info within the report. A simple abstract can be added too (Hertzmann, n. d.). (Hertzmann)

The Main Text

The main text of the report should have the following parts:

- **The Text:** The text provides the entire define of the analysis report in conjunction with all details. The title of the analysis study are recurrent at the highest of the primary page of the most text so follows the other details on pages numbered consecutively, starting with the second page. Every main section of the report ought to begin on a replacement page. The main text of the report should have the following sections:
 1. Introduction;
 2. Statement of findings and recommendations;
 3. The results;
 4. The implications drawn from the results; and
 5. The summary/Conclusion.

The text also includes Footnotes or End notes that should be written complying with the research rules of citation.

- **Introduction:** An introduction is that the 1st passage in an exceedingly journal article, treatise, or learned analysis study. It sets the stage for the whole study. The introduction is that part of the paper that has readers with the background data for the analysis according within the paper. Its purpose is to ascertain a framework for the analysis, in order that readers will perceive how-ever it's associated with alternative analysis. It ought to contain a transparent statement of the target of the analysis and an evidence of the methodology adopted in accomplishing the analysis. The scope of the study in conjunction with numerous limitations ought to further be explicit during this half. Setting the stage for a study, the introduction establishes drawback or concern

3
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- The themes of your report or thesis square measure the key problems, ideas or queries you establish as being of relevancy and interest. These can each inform the analysis you undertake, therefore are evident in your discourse discussion, and facilitate to structure your analysis and findings. They the aspects of your field of study or discipline to that your analysis is contributory.
- The ordering of your report or thesis relates to however you commenced your argument piecemeal, and the way you break it down into manageable chunks for the reader. Some aspects of ordering square measure the employment of introductory and terminal sections, contextualization, discussion and reflection.
- Linkages have to be compelled to do with however you aid the reader to find their manner through your report or thesis. They'll take the shape of standard references to the themes you've got known. They're conjointly doubtless to be created apparent through cross-references between chapters, sections or pages. The aim is to gift a coherent whole to the reader; but the report or thesis is also structured and arranged. Once done effectively, the reader ought to be ready quickly to form sense of your work whichever page they begin reading from.
- *The reason I am writing for:* 'Research' may be a method that happens through the medium of someone. After you begin to write down up your analysis, there square measure 2 connected problems that you may got to address, whether or not expressly or implicitly, early on. These square measure the problems of voice and style:
 - Style relates to however you write up your analysis, which can be determined by the necessities of your audience, by your own predilections, or by a mix of the two.
 - Voice has got to do with however you categorical yourself and tell the story of your analysis, and are some things you're doubtless to develop more as you write and analysis
 - Another key issue to be borne in mind throughout your writing up is that you just square measure within the method of production and presenting an illustration of reality. You must conjointly avoid a robust reaction against, or rejection of, your thesis strictly on the idea of the manner during which it's been written up and given. Therefore do not take the chance unless you actually have the liberty and recognize what you're doing.
 - Beyond any formal laws, there's conjointly a general expectation that each one writing can try to be non-discriminatory, to try and

5

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do otherwise would cause you to doubtless to offend your readers, at the terribly least. Another question you will face in writing up your analysis is additionally whether or not to incorporate a list or simply a group or references.

- Being consistent- particularly, no matter audience you're writing for, it's necessary to be consistent in terms of favor and organization. Switch between designs is sometimes confusing for all involved, and thence inadvisable, except in exceptional and/or fastidiously handled circumstances.
- *Grammar, punctuation and spelling:* Several researchers, even experienced ones, have issues with language (grammar), punctuation and writing system after them square measure writing up. Several people might not have had a very smart initial language education, or were additional fascinated by alternative matters at the time.

If you're writing up your analysis on an application program or laptop, you may wish to form use of the facilities that package has for checking your writing system and descriptive linguistics and for suggesting different words to use. These may be terribly helpful for checking drafts, however keep in mind that they'll not acknowledge several specialist words or names, and, maybe most significantly, that they'll usually use American writing system (American University). (University)

1. **Language:** The key to winning cross communication is victimization of the proper language. Altogether writings, the challenge is to seek out the words, phrases, clauses, sentences and paragraphs that categorical your thoughts and ideas exactly which build them fascinating to others. There's still another facet of language to contemplate. In recent years, writers became progressively involved concerning its social connotations. The careful author avoids words or phrases that square measure discriminatory in sex, age, economic category, race, spiritual teams, etc. for instance, conscientious writers now not use he to ask someone in every of some sex.
2. **Spelling**
 - a. **Consistency:** Writing system ought to be consistent throughout the analysis paper except quotation, that should retain the writing system of the first material. to make sure accuracy and consistency continuously adopt the writing system that your lexicon gives initial in an entry.
 - b. **Word Division:** Avoid dividing words at the top of a line. If the word you're getting ready to sort won't work on the road, you'll leave the road short and start the word on ensuing line. If you select to divide a word, consult your lexicon concerning wherever the break ought to occur.

6

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3. **Quotations:** Whereas quotations square measure common and sometimes effective in analysis papers, use them by selection. Quote solely words, phrases, lines and passages that square measure significantly fascinating, vivid, usual, or apt and keep all quotations as temporary as potential. Over quotation will bore your readers and may lead them to conclude that you simply square measure neither an inspired thinker nor a skilful author. In general, a quotation whether or not a word, phrase sentence or more-should correspond precisely to its supply in writing system, capitalization and punctuation. If you alter it in any method, build the alteration clear to the reader.
4. **Punctuation**
 - a. **Consistency:** The most purpose of punctuation is to make sure the clarity and readability of your writing. Whereas bound practices in punctuation square measure facultative, consistency is obligatory. Make certain to use constant punctuation in parallel things.
 - b. **Hyphens:** Hyphens connect variety indicating a spread (1-10) and conjointly kind some kinds of compound words, significantly compound words that precede the words they modify (a well-established policy, a first-rate study). Hyphens conjointly be part of prefixes to capitalized words (Pre-Renaissance, post-Renaissance) and link pairs of equal nouns (singer-Song author, Scholar-Athlete).it's advisable, to consult a customary lexicon or writing manual for steering within the hyphenation of a selected term.
 - c. **Parenthesis:** Parenthesis (opening parenthesis to the left, closing parenthesis to the right) enclose parenthesis remarks that break sharply with the encircling text, around instructive comments following quotations, and around publication info in notes.
 - d. **Periods:** Periods finish declarative sentences, notes, and complete blocks of data in list citations. Periods between numbers indicate connected components of a piece. The amount follows a parenthesis that falls at the top of a sentence. It goes among a parenthesis once the capsule part is freelance.
 - e. **Square Brackets:** Use sq. brackets around a parenthesis among a parenthesis (to avoid 2 pairs of parenthesis), around the interpolation in quotation, and around missing or unproven information in documentation.
 - f. What a tutorial thesis or work report seems like - If you would like your analysis thesis to be fascinating additionally as academically convincing, you ought to follow potential styles of organization.
5. **Conclusion and proposals of the thesis or any report, article or research paper:**

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6. Toward the top of the most text, the scientist ought to once more place down the results of his analysis clearly and exactly, in outline kind. He ought to state the implications that flow from the results of the study, for the overall reader is inquisitive about the implications for understanding the human behaviour. Such implications might have the 3 aspects as declared below:

- A press release of the inferences drawn from this study which can be expected to use in similar circumstances.
- The conditions of this study which can limit the extent of legitimate generalizations of the inferences drawn from the study.
- The relevant queries that also stay unrequited or new queries raised by the study in conjunction with suggestions for the sort of analysis that may give answers for them.

It is thought-about an honest observe to end the report with a brief conclusion that summarizes and recapitulates the most points of the study. The conclusion drawn from the study ought to be clearly associated with the hypotheses that were declared within the introductory section. At constant time, a forecast of the probable way forward for the topic and a sign of the sort of analysis that must be drained that exact space is beneficial and fascinating. Such indication is given within the variety of recommendation.

- In short, it's become customary to conclude the analysis report with a quick outline, restating briefly the analysis downside, the methodology, the foremost findings and therefore the major conclusions drawn from the analysis results.

7. **Using Footnotes or Endnotes:** The footnotes or endnotes serve 2 functions specifically, the identification of materials utilized in quotations within the report and therefore the notice of materials not right away necessary to the body of the analysis text however still of supplemental price. In different words, footnotes or endnotes square measure meant for cross references, citation of authorities and sources, and elucidation or clarification of some extent of read. Footnotes or endnotes are used primarily to avoid plagiarism and to acknowledge the supply of your info -- not solely direct quotations, however conjointly specific facts and opinions. Different usages is to create incidental comments upon your supply or to amplify matter discussions, i.e., to supply an area for material that you think about essential, however which might disrupt the conventional flow of the text. The rule is that everyone statements of explicit opinion that don't seem to be original with you, and every one facts that don't seem to be public knowledge, should be noted. Notes might either



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be placed at all-time low of the page (footnotes) or gathered along on a page or pages at the top of the text (endnotes). For the reader, it's a lot of convenient to use footnotes (Bates College). (College)

The End Matter

The End Matter or References or Bibliography-contains details of all the books, articles, reports and alternative relevant works you've got directly referred or consulted throughout your analysis in your thesis or report. Bibliographies ought to contain 3 sections; table of Cases, Table of laws, and alternative bibliographical Materials (Fisher, n. d.). (John P. Fisher)

CONCLUSION

Therefore, it can be said that the research report is the most important aspect of any research conducted. It is necessary that the research has to be reported in a proper manner and a systematic way. There are various parts of a research report and each part is equally important to adhere. But the fact that it is complex process is undeniable. Keeping in mind the future prospective, a research has to be presented in an effective way. Therefore, the need for proper understanding of research is inevitable.

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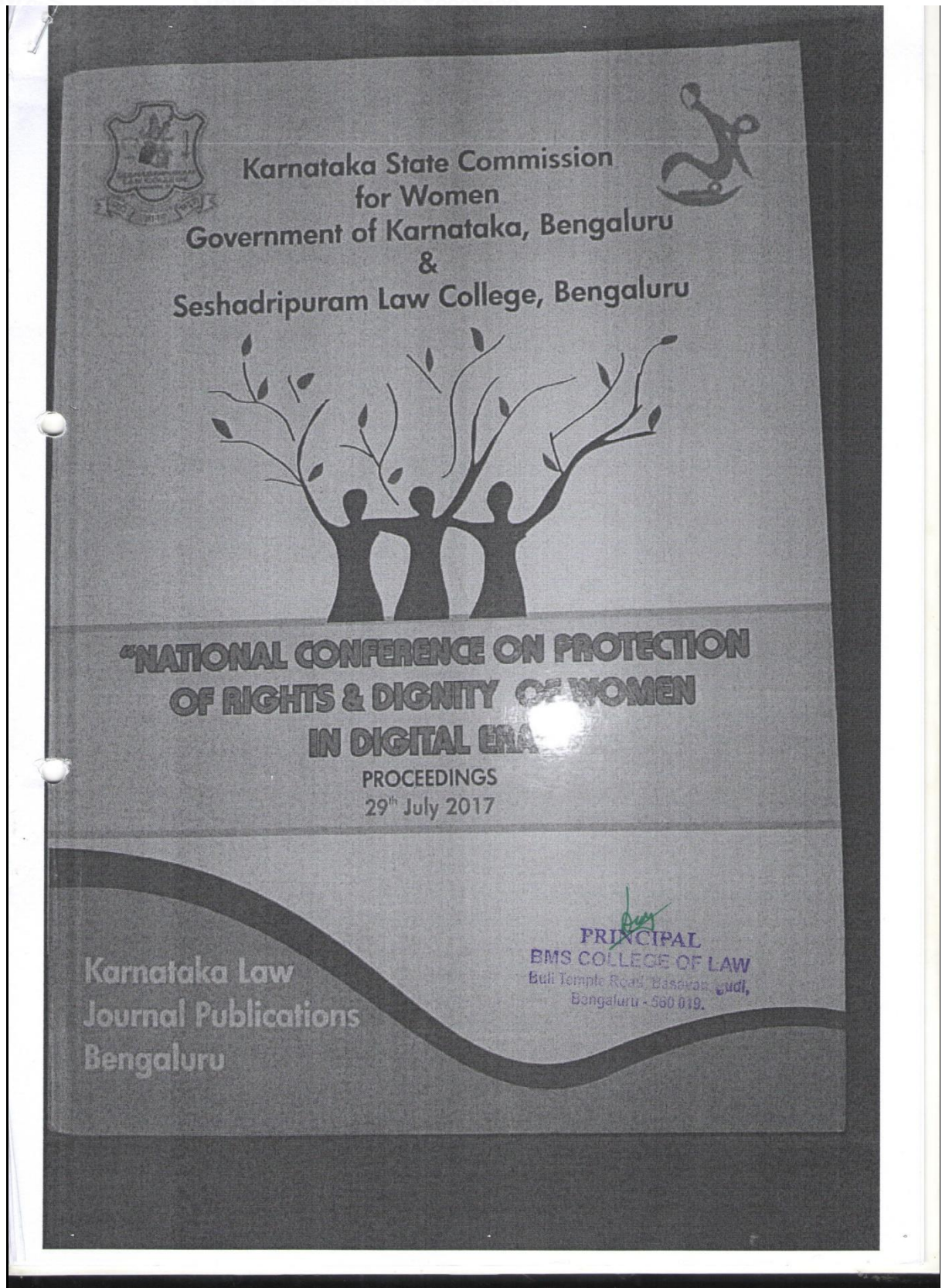
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A Critical Study on Present Day Violations of Rights of Women in India

Sree Krishna Bharadwaj H/ Assistant Professor of Law/ BMS college of Law/ Bengaluru

Abstract

The Constitution of India in Preamble and Parts III, IV and IVA pertaining to Fundamental Rights, Fundamental Duties and Directive Principles respectively reflects the idea of gender equality and removes any form of social or other discriminations against women in the Indian society. Various legislations have been passed and international instruments signed from time to time to ensure the rights of the women are protected and there are no violations against women. The government has also framed many guidelines, policies, action plans, schemes etc. to further promote the gender equality and improve the social status of women.

For example, significant changes were made in the Hindu Succession Act (Amended) Act, Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013 was passed after many incidents. It seems that it has taken a long time to realise that the women have rights to be protected.

But the real question is whether these instruments have been effective in removing the social stigmas, discriminations and violations of human rights against women in the society. Has the government failed to protect the women in the country? This paper analyses the present situation of women in the society and tries to answer the questions.

I. Introduction

Indian culture comprises of wide range of religious beliefs. In each religion women are given an uncommon place and each religion shows us to approach women with deference and nobility. Be that as it may, by one means or another the general public has so built up those different sorts of practices, both physical and mental, against women and have turned these practices into a standard from many centuries. For example, *sati pratha*, dowry, *pardapratha*, female child infanticide, sexual brutality, inappropriate behaviour at work place, aggressive behaviour and domestic violence at home etc. Every single such act comprises of both physical and mental component.

The explanations behind such conduct against women are numerous. A majority of cases being about the male superiority complex and patriarchal system of society. In spite of

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the fact that to kill these evil practices and victimization of women several legislations were enacted, yet in all reality it seems that there is lot not done. A few self-help gatherings and NGOs are working in this course. Women themselves are breaking the societal boundaries and accomplishing extraordinary statures in all measurements: political, social and financial.

But society in general has still not acknowledged women as being equivalent to men and violations or abuse against women are still seen as a common routine. For that to change, the general public's well established mentality should be changed through social moulding and sensitization programs.

1.1 Need for the Study

Despite of independence and entering the 21st century, it can be clearly seen that human rights violations in society against women are on rise every year. There have been various legislations passed and international instruments signed. But the question is: have they had any impact on the reduction of violations of human rights against women? Therefore, the study is required to bring the present situation of women despite various instruments conferring rights and protecting the rights of the women.

1.2 Objectives of the Study

1. The study aims at understanding the present violations against women especially social stigmas and crime.
2. To identify the reasons for the violations of rights of women.
3. To bring out suggestions and changes required in the society.

1.3 Hypothesis

The existence of legislations and international instruments have been of little significance in reduction of violations against women.

1.4 Methodology

The doctoral type of research is adopted in the paper. Analytical and descriptive style of writing has been adopted throughout the paper.

II. Protection of Women Rights in India: An overview

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The Constitution of India has given many rights to women. The makers of the Constitution from the beginning were aware of situation of women such as subordination and their low status in the society. Many efforts were put in since the beginning to uplift the women in our country. The Supreme Court too has from time to time ensured that these rights were protected. The Supreme Court apart from this has also enshrined many new rights as fundamental rights.

Among many other rights, the following are the most important for women: Right to life; Right to live with dignity; Right to equal pay; Right against harassment at work; Right to anonymity; Right against domestic violence; Right to maternity-related benefits; Right against female foeticide; Right to free legal aid; Right not to be arrested at night; Right to dignity and decency; Right to property etc.

Constitutionally guaranteed rights are as under:

1. The state shall not discriminate against any citizen of India on the ground of sex [Article 15(1)].
2. The state is empowered to make any special provision for women. In other words, this provision enables the state to make affirmative discrimination in favour of women [Article 15(3)].
3. No citizen shall be discriminated against or be ineligible for any employment or office under the state on the ground of sex [Article 16(2)].
4. Traffic in human beings and forced labour are prohibited [Article 23(1)].
5. One-third of the total number of seats to be filled by direct election in every Panchayat shall be reserved for women [Article 243-D(3)].
6. One-third of the total number of offices of chairpersons in the Panchayats at each level shall be reserved for women [Article 243-D(4)].
7. One-third of the total number of seats to be filled by direct election in every Municipality shall be reserved for women [Article 243-T(3)].
8. The offices of chairpersons in the Municipalities shall be reserved for women in such manner as the State Legislature may provide [Article 243-T(4)].

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The Directive Principles of State Policy states that the state has to provide for maternity relief to female workers¹, Article 51-A declares it as a fundamental duty of every Indian citizen to do away with the practices which would affect the free exercise of rights of women and to respect the dignity of women. Other Directive Principles include:

1. The state to secure for men and women equally the right to an adequate means of livelihood²
2. The state to secure equal pay for equal work for both Indian men and women [Article 39(d)].
3. The state is required to ensure that the health and strength of women workers are not abused and that they are not forced by economic necessity to enter avocations unsuited to their strength.³

The Parliament has also passed many legislations to protect the rights of the women. Some of them are: Indian Penal Code for preventing crimes such as Rape⁴, Kidnapping & Abduction for different purposes⁵, Homicide for Dowry, Dowry Deaths or their attempts⁶, Torture, both mental and physical⁷, Molestation⁸, Sexual Harassment⁹; The Dowry Prohibition Act 1961; The Immoral Traffic (Suppression) Act (SITA) (1956); The Protection of Women from Domestic Violence Act, 2005; The Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013; The Family Courts Act, 1954; The Special Marriage Act, 1954; Hindu Marriage Act, 1955; The Maternity Benefit Act, 1961; The Medical Termination of Pregnancy (MTP) Act; The Equal Remuneration Act, 1976 etc.

Internationally, many instruments have been accepted under the unionship of United Nations with some instruments being universal and other adoptive in nature. These instruments confer rights to women and direct the countries to protect these rights. Some of the instruments are: Universal Declaration of Human Rights (1948); Convention on the Political Rights of Women (1952); International Covenant on Civil and Political Rights (1966); International

¹ Article 42 of the Constitution

² Article 39(a) of the Constitution

³ Article 39(e) of the Constitution

⁴ Sec. 376 of Indian Penal Code

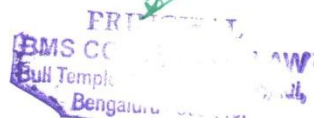
⁵ Sec. 363-373 of Indian Penal Code

⁶ Sec. 302/304-B of Indian Penal Code

⁷ Sec. 498-A of Indian Penal Code

⁸ Sec. 354 of Indian Penal Code

⁹ Sec. 509 of Indian Penal Code





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Covenant on Economic, Social and Cultural Rights (1966); Declaration on the Elimination of All Forms of Discrimination against Women (1967); Declaration on the Protection of Women and Children in Emergency and Armed Conflict (1974); Convention on the Elimination of All Forms of Discrimination against Women (1979); Declaration on the Elimination of Violence against Women (1993); Inter-American Convention for the Prevention, Punishment and Elimination of Violence against Women (Belém do Pará Convention) (1995); Universal Declaration on Democracy (1997); Optional Protocol to the Convention on the Elimination of All Forms of Discrimination against Women (1999) etc.

III. An Analysis of Current Situation of Women and their Rights

a) Crime against women

According to the XII Five Year Plan Report of the Working Group on Women's Agency and Empowerment, it is widely acknowledged that deep-rooted ideologies of gender bias and discrimination - the confinement of women to the private domestic realm, restrictions on their mobility and exclusion from the public political sphere continue to daunt the majority; and the entitlements and public services, which constitute the poor women's life line, do not reach them. Such social and structural barriers to women's empowerment manifest themselves in various ways. Major amongst these is violence against women- in the home and outside. Violence against a woman affects her sense of self-esteem, demolishes her self-confidence and is often used as a potent tool of subjugation and disempowerment. The 2005-06 National Family Health Survey (NFHS- III) reported that one-third of women aged 15 to 49 had experienced physical violence, and approximately one in 10 had been a victim of sexual violence. The survey also found that that only one in four abused women had ever sought help, and that 54% of women believed it was justified for a husband to beat his wife. A study of the data from National Crime Records Bureau (NCRB) shows the increasing incidence of crimes against women. The total number of crimes against women increased by 29.6 per cent between 2006 and 2010. Further, these numbers have to be viewed keeping in mind that not all crimes against women are reported. The actual numbers may give even greater cause for concern.¹⁰ The Crime Committed against Women During 2014 in India is 337922 Incidences and Rate of Total Cognizable Crimes is 56.3. Uttar Pradesh has the highest number of incidences i.e. 38467 followed by West Bengal with 38299.¹¹

¹⁰ XII Five Year Plan Report of the Working Group on Women's Agency and Empowerment, http://planningcommission.nic.in/aboutus/committee/wrkgrp12/wcd/wgwp_women.pdf (last visited on: august, 26, 2016)

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The 2015 statistics reveal that there were around 327394 cases filed for crimes against women throughout India. 53.9% of the case filed were Cognizable Crimes. Uttar Pradesh had the highest number of cases filed with 35,527 cases being filed. This is followed by West Bengal (33218) Maharashtra (31126) Madhya Pradesh (24135). Uttar Pradesh with 16.8% share of country's female population has reported nearly 10.9% of total crimes committed against women at all India level and West Bengal accounting for nearly 7.4% of the country's female population, has accounted for 10.1% of total cases of crimes against women in the country during the year 2015.¹²

The report also suggests that a total of 34,651 cases of rape under section 376 IPC were registered during 2015 (excluding cases under the Protection of Children from Sexual Offences Act, 2012). An increasing trend in the incidence of rape has been observed during the periods 2011 - 2014. These cases have shown an increase of 9.2% in the year 2011 (24,206 cases) over the year 2010 (22,172 cases), an increase of 3.0% in the year 2012 (24,923 cases) over 2011, with further increase of 35.2% in the year 2013 (33,707 cases) over 2012 and 9.0% in 2014 (36,735 cases) over 2013. A decrease of 5.7% was reported in 2015 (34,651 cases) over 2014 (36,735 cases). 12.7% (4,391 out of 34,651 cases) of rape cases were reported in Madhya Pradesh followed by Maharashtra (4,144 cases), Rajasthan (3,644 cases), Uttar Pradesh (3,025 cases) and Odisha (2,251 cases) accounting for 11.9%, 10.5%, 8.7% and 6.5% of total cases respectively. Delhi UT reported highest crime rate of 23.7 followed by A & N Islands at 13.5 as compared to national average at 5.7.¹³

b) Mapping of Social issues regarding women

1. Inequality- Women have always been treated as weak because of their low physical strength compared to men. The society grew as a male dominated one since the man was physically able to overcome a woman. Women are discriminated in education, jobs, and other preferences.
2. Early Marriage: Early marriage effects the health of the women and also limits their option in life. It has also effected their freedom to pursue education and skill development.

¹¹ NCRB, <http://ncrb.gov.in/cii-2014/Compendium%202014.pdf> (last accessed on: September 28, 2016)

¹² National Crime Record Bureau, <http://ncrb.nic.in/> (last accessed on: January 28, 2017)

¹³ Ibid.

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3. Dowry: The harassment and death due to dowry is a big bane to the growth of the country. There has been legislations of recent origins to combat the issue but have been implemented ineffectively.
4. Crime against women: With the development of latest technology, newer forms of crimes and offences have evolved much to the distress and freedom of women in India such as cyber stalking, pornography etc.
5. Domestic Violence: The domestic violence is another area of concern for development. Harassment both physical and mental by the husband and his relatives has been on the rise despite new laws have been framed.
6. Female Infanticide and Feticide: The old fashioned thinking of men that a boy is necessary to carry on his legacy has created a sickness in the society and has been a worry for the sex ratio in the country.
7. Political Issues: The women are suppressed and kept out of the political sphere as well. Their empowerment depends upon political stand as well. As long as they are not a part of the administration and politics, India cannot develop.

c) Socially Accepted Cultural Crimes

The term social accepted is used to imply that a vast majority of Indians still feel these cultural crimes are justified which is very sad considering the age we live in and the Constitution we have adopted for ourselves. There are many crimes which are considered as socially accepted cultural crimes in India. Some of them are:

1. Love marriage: Although love marriage is a common thing as read in ancient mythological books, such as Lord Krishna¹⁴, a lot of issues are raised in the name of love marriage. The dominant men kill their own sisters and brothers when there is a love marriage, especially inter-caste marriage. In our agriculture- based economy, joint families and traditions played important roles for growth and stability. Arranged marriages served the purpose to a great extent and survived the test of time.

¹⁴SharanyaSunderamoorthy, Why do you think Indian culture doesn't allow for love marriages?, available at: <http://www.quora.com/Why-do-you-think-Indian-culture-doesnt-allow-for-love-marriages> (last visited on February 17, 2016)

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2. Engaging in extra marital relations: Extra-marital affair is considered as a great sin in India.¹⁵ Firstly, women are married against their wishes and secondly, they are forced not to love anyone or look anyone which is unfair.
3. Engaging in homosexual acts: Although, there is a positive mention of homosexuals in Indian Puranas, the homosexual acts are considered unholy and against culture. Many people are killed when caught doing the homosexual acts. "The mentally challenged and the homosexuals [the non-reproductive], do not inherit but must be supported (laws of inheritance)." (Gautama CCVIII:43). Homosexuals [the non-reproductive], and the disabled are entitled to clothing and food so long as they live, but they are not entitled to inherit property. (Mahanirvana Tantra 12:104).¹⁶

Main reasons why homosexual acts are considered a crime against society are:

- Homosexuality is unnatural.
 - Evolution demands that we procreate.
 - Homosexuality leads to health problems.
 - Homosexuality leads to mental health problems.
 - Homosexuality is dangerous to children.
 - Homosexuality could lead to the extinction of the human race.
 - If homosexuality isn't wrong, then consensual incest isn't wrong.
 - If homosexuality is found acceptable, then more people will become homosexual.
 - If homosexuality is found acceptable, then we will become prejudice against people who think homosexuality is wrong.
 - The Bible/Qur'an is against homosexuality.
4. Justification of honor killings: It is sad to note that people justify the honor killings and such killings to save so called family's honour/reputation which is absurd. In many cases, the brothers and fathers take pride in killing their daughters and sisters

¹⁵ Dr. Tilak S. Fernando, Hard facts behind extra marital affairs!, available at: <http://infoLanka.com/org/diary/233.html> (last visited on February 19, 2016)

¹⁶ Ibid

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for the sake of saving of their family's reputation.¹⁷ Secondly, many of the people feel sympathized towards the fathers and brothers who have killed their daughter or sister rather than feeling sorry for not able to save the girl which is very disturbing.¹⁸

IV. Draft National Policy for Women 2016

The Draft was released by Hon'ble Minister Maneka Gandhi and comments are invited on the same. The draft aims to achieve the following objectives: i) Creating a conducive socio-cultural, economic and political environment to enable women enjoy de jure and de facto fundamental rights and realize their full potential. ii) Mainstreaming gender in all-round development processes/programmes/projects/ actions. iii) A holistic and life-cycle approach to women's health for appropriate, affordable and quality health care. iv) Improving and incentivizing access of women/ girls to universal and quality education. v) Increasing and incentivising work force participation of women in the economy. vi) Equal participation in the social, political and economic spheres including the institutions of governance and decision making. vii) Transforming discriminatory societal attitudes, mindsets with community involvement and engagement of men and boys. viii) Developing a gender sensitive legal-judicial system. ix) Elimination of all forms of violence against women through strengthening of policies, legislations, programmes, institutions and community engagement. x) Development and empowerment of women belonging to the vulnerable and marginalized groups. xi) Building and strengthening stakeholder participation and partnerships for women empowerment. xii) Strengthen monitoring, evaluation, audit and data systems to bridge gender gaps.¹⁹

The priority areas identified under the Draft are: Health including food security and nutrition; Education; Economy; Agriculture; Industry, Labour and Employment; Governance and Decision Making etc.

V. Findings

Violations against rights of women are a shame to the nation. The statistics reflect that the violations of rights which is very sad and agonising. The discriminations and social stigmas

¹⁷ Rahul Rajvanshi, What is the justification behind honour killings?, available at: <http://www.quora.com/What-is-the-justification-behind-honour-killings> (last visited on: January 30, 2016)

¹⁸ Ibid

¹⁹ Ministry of Women and Child Development, National Policy for Women 2016, Articulating a Vision for Empowerment of Women -DRAFT, <http://wcd.nic.in/sites/default/files/draft%20national%20policy%20for%20women%202016.pdf> (last visited on: January 30, 2017)

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are clearly visible in the society. Not much has changed in spite of so many legislations and international instruments.

VI. Conclusion and Suggestions

If a convention/statute is to be made effective at both national and international stages, women must be better informed about their rights under international agreements. The existence of knowledge of rights is prerequisite for realisation of rights. It is very important that the State promotes these rights and active support and participation is also required from other parties including legislative bodies, human rights lawyers, academic and research institutions, local community groups, NGOs, the media, and youth organizations. Apart from these, the acceptance of legislations in the minds of the people is necessary. In order this to happen, it is really important that good values are to be inculcated and incepted from childhood itself.

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23	WOMEN LABOUR IN INDIA POST GLOBALIZATION - AN OVERVIEW E. Ajitha <i>Full time Ph.D Scholar in the Department of Legal Studies , University of Madras</i>	188
24	SOCIAL JUSTICE FOR WORKERS IN THE AFTERMATH OF LPG IN INDIA WITH SPECIAL REFERENCE TO CONTRACT LABOUR Veerabhadraiah C <i>Research scholar, University Law College, PG Department of Law, Bangalore University, Bangalore-560 056</i>	196
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SOCIAL JUSTICE FOR WORKERS IN THE AFTERMATH OF LPG IN INDIA WITH SPECIAL REFERENCE TO CONTRACT LABOUR

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ABSTRACT

Indian Constitution contemplates different kinds of justice namely Social, Economic and Political Justice as mentioned in the preamble. While on the other hand the policies of LPG is bringing new dimension on the concept of social justice by way of shrinking of workforce in unorganized sector and gradual diminution of workforce in organized sector.

As a result of LPG policies the socio-economic status of workers is greater challenge to government at Center and states.

The policies of LPG is leading to emerging of Contract Labour, Migrant Labour and Casual Labour.

The existing labour laws are more in favour of 5% organized workforce leaving behind 95% unorganized work force. There for there is a need to relook at the existing socio-economic status in India through Constitutional, Legislative and judicial delineation.

The author through this article wise to focus on masseurs for enhancing socio-economic status of workers, more particularly the workers belonging to unorganized workers.

Key-words -Justice, Preamble, Status, LPG and Unorganized workforce

Introduction

The term "Justice" to spell is "easy" but for delivering justice to people is difficult. The term Social and economic justice can be traced in the "Preamble" of Indian Constitution. The social and economic justice to the working class in India is reflected firstly in Article 23 which prohibits trafficking inhuman being and forced labour (bonded labour). Whereas there are few Directive Principles of State Policy in part IV of Constitution which mandate for Socio economic justice of working class. The articles namely Article 42 which enunciate the 'right to secure just and humane conditions of work', Article 43 which enunciate the right to just and favorable remuneration conditions of work ensuring a decent standard of life and full enjoyment of leisure and Articles 39 (a) and 47 which are enunciate right to a standard of living adequate for him and his family. But it is quite evident that for the Indian contract workers, these ideals are mere platitudes.

Unfortunately there is no exclusive article in the Indian Constitution that speaks about Socio Economic justice of contract labour. But then we need not lose any hope for justice to contract

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196 | Page



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Government to adopt a general direction of policy to abolish such practices in due course, and where it was extremely unavoidable to have stricter regulations, to ensure to contract workers the facilities that other regular worker enjoyed.

These historical developments led to the enactment of the Contract Labour Act in 1970, which laid down a procedure for the abolition of the contract labour system and the regulation of this employment relationship. This Act gave legal recognition to the practice of employing contract labour by Indian employers.

The 2nd National Commission on Labour (2002) was constituted with the mandate to look comprehensively at the plethora of labour legislations and to suggest a simplified law aligned to the needs of the liberalized and globalized world. In the area of contract labour, the Commission drew a distinction between core and noncore activities and recommended that contract labour be engaged only for non-core activities. However, in cases of seasonal demand, the employer was to be allowed to engage temporary labour for core activities as well. But no Central legislation could be enacted based on these recommendations because of political reasons.

Nevertheless, Andhra Pradesh became the first state to amend its contract labour laws to recognize the distinction between 'core' and 'non-core' activities and to generally prohibit contract labour in core activities. Although this legislation was a step forward in minimizing the use of contract labour, it was termed an anti-labour legislation by many. One needs to study the impact of this legislation on the contract labour system in Andhra Pradesh to understand its efficacy. The Gujarat Government passed amendments that took away the powers of the appropriate government to prohibit contract labour in certain non-core activities, special economic zones, etc. But it also recognized the employment relationship between the contract worker and the contractor and introduced the concept of retrenchment compensation.

The contract labour system is widely practised all over the world and the protection afforded to contract workers varies widely from country to country. China has gone the whole hog by adopting a labour contract system. However, the Chinese contract system is a fixed term appointment and not contract employment through intermediary contractors, so it is possible that the moral and legal responsibilities of the employers vis-à-vis their contract employees is enforced more satisfactorily.

Impact of the policy of LPG on the emergency of Contact Labour

The employment relationship is a critical and relevant issue in the domain of labour policy and social development in the context of the changed global economic landscape. The number of people going out of the formal employee-employer framework due to weakening of linkages, globalization of work, integrating economies, cross-border investments, and speed of information technology and scientific advancements is ever increasing. Countries are faced with serious

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199 | Page



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labour. Since article 14 the touchstone of Indian Constitution can we taken aid for ensuring equality, equal opportunity, equality of statutes for ensuring socio economic justice for contract labour.

Quite often the question is raised that how many types of workers are recognized by labour jurisprudence. The author of this article submits that there are mainly two types of workers namely permanent workers and contract workers. However the permanent workers socio economic justice is taken care of under most of the major labour legislations in India. While on other hand the socio economic justice to contract labour is partly taken care of by major labour legislation reflected through the **Contract Labour (Regulation & Abolition) Act, 1970** Neither the said Act strives for absolute abolition of contract labour nor for complete regulation of contract labour.

There is a history regarding the origin and development of contract labour in India. However the attention of contract labour is increasing in the aftermath of Liberalization, Privatization and Globalization (LPG).

It is admitted fact in different countries that the polity of Liberalization, Privatization and Globalization (LPG) has led to increasing emergency of contract labour, casual labour and other forms of unorganized labour.

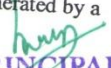
The contribution of judiciary in India of course is immense towards protection of contract labour and for regulation of the same but then nothing major has been done in ensuring socio economic justice for contract labour employed in core and non-core Industries (as classified by 2nd National Commission on Labour 2002).

The author through this article wish to focus upon the concept of contract labour and how such labour is impacted due to the policy of LPG. Furthermore few suggestions are made to overcome the crisis done to impact of policy of LPG on contract labour in India.

Concept of Employment and Contract Labour

The concept of employment involves three aspects: Employer, Employee; and The employment contract., The employer is the one who employs, i.e., the one who engages the services of other people. The employee is the one who works for another for hire or reward. The employment contract is the contract of service between the employer and the employee under which the employee agrees to serve the employer for a legitimate consideration, subject to the employer's control and supervision.

Generally, contract workmen are employees who are hired, supervised, and remunerated by a contractor who, in turn, is compensated by the principal establishment.


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197 | Page



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The *Encyclopedia Britannica* defines contract labour as 'the labour of workers whose freedom is restricted by the terms of a contractual relation and by laws that make such arrangements permissible and enforceable'.

The Indian contract worker is essentially an employee of the principal employer, doing work for him, but who, legally, has an employment contract with neither the principal employer nor the contractor. He is pawned as a commodity by the contractor in the premises of the principal employer and exploited on all fronts by both the principal employer and the contractor.

Whatever be the real causes of the employment of increasing numbers of contract workers, the contract labour system shows certain clear trends and characteristics across a wide range of industries. Contract workers get one-third to one-tenth the wages of regular employees. The frequency of accidents and the seriousness (sometimes even fatal nature) of the accidents are five to 10 times higher in the case of contract workers. The higher fatalities may be partly due to the lack of skills, training opportunities, and provisioning for protective accoutrements for contractworkers. According to an International Labour Organization (ILO) publication, in many cases of contract labour, 'high work pressure, unclear responsibilities with regard to observance of conditions of work, including safety and health regulations and a general lack of training exposes the contract workers to higher risks of occupational accidents and diseases'.

In regard to the History of contract labour system in India the author submits that, the contract labour system is not a new phenomenon in India. However, during the last three decades, there is an increasing trend among employers to initiate this type of employment relationship. This recourse to the contract labour system is not confined to understandably temporary and seasonal work like construction, exploration, plantation, and agriculture, but also extends to other sectors such as maintenance, loading-unloading, cleaning-sweeping, housekeeping, security services, catering, gardening, driving, and even shop floor manufacturing in almost all industries. As far back as 1931, the Royal Commission on Labour commented on the hardships of contract and casual workers in the docks in Indian ports and observed that they should be protected against the caprices of the intermediaries. The Bihar Labour Enquiry Committee (1940) condemned the practice of recruiting through contractors because they ordinarily lacked the sense of moral obligation towards the labour that an employer is expected to have. The Rege Committee (1946) observed the contract labour system rampant in mines, plantations, and factories and tried to enlarge the meaning of 'worker' under the various relevant labour laws to include contract labour. The Bombay Textile Labour Enquiry Committee (1957) observed the rampant exploitation of contract workers by contractors in the textile industry and recommended the abolition of such labour.

The 1st National Commission on Labour (1969), inter alia other recommendations, advised the

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198 | Page



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- For contravention of the provisions of the Act or any rules made thereunder, the punishment is imprisonment for a maximum term upto 3 months and a fine upto a maximum of Rs.1000/- (Section 23 & 24).
- Apart from the regulatory measures provided under the Act for the benefit of contractlabour, the 'appropriate government' under section 10(1) of the Act is authorised, after consultation with the Central Board or State Board, as the case may be, to prohibit, by notification in the official gazette, employment of contract labour in any establishment in any process, operation or other work.

Sections 16-18 of the Contract Labour Act, which deal with welfare and health, authorize the appropriate government to make rules for the establishment of a canteen, and for the provisions to be made for restrooms, first aid, and wholesome drinking water. If the contractor fails to provide these facilities, the principal employer has to provide them. The contract workers have to be provided all the stipulated facilities as per the rules made by the appropriate government. The principal employer has been empowered to recover from the contractor the expenses incurred by him for providing welfare amenities as prescribed in the Rules under the Act. The Supreme Court¹ has held that the various measures, which are provided for in the Contract Labour Act, are not violative of Article 14 of the Constitution of India.

A contractor is required to pay the contract workers their wages and a duty is cast on him to ensure the disbursement of the wages in the presence of the authorized representative of the principal employer. If the contractor fails to pay the wages, either in part or in full, the principal employer is liable to pay the workers. The principal employer is authorized to recover the amount either by deduction from the amount due to the contractor or as a debt payable by the contractor, who has to pay the money back.

The Supreme Court in **Gammon India Limited and others Vs. Union of India and others**, has held that the principal employer is liable to pay the wages if the contractor defaults, and the term, 'wages', includes balance or arrears thereof. When contract workers are doing the same work as was being performed by regular workers working in the same establishment, the contract workers are entitled to the same wages as were being paid to the regular employees. Report of the Study Group on Contract Labour System in Karnataka by the National Law School of India University (NLSIU), Bangalore, for the Government of Karnataka.)

Judicial response to Contract Labour

Prior to the enactment of the Contract Labour Act, the Supreme court in **Standard-Vacuum Refining Company of India v. Its workmen and others**, laid down a test for deciding whether contract labour should be continued on a regular basis in an establishment. It spelt out the circumstances when

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the workmen of an establishment could espouse the cause of contract labour who were not the direct employees of the establishment and raise an industrial dispute, and when the industrial adjudicator would have the jurisdiction to investigate whether the contract was genuine or not, and offer a suitable remedy if he concluded that it was not. The Supreme Court had held that even if the contract was genuine, the industrial adjudicator would have the jurisdiction to abolish the contract labour system in an establishment and offer appropriate relief to the workers.

The Supreme Court declared that if the job is of perennial nature done by the contract labours and if less salary is being given to the contract labours when compared to regular workmen, then court can order regularization of service of the contract workmen with the principal employer.

Gammon India Limited and others Vs. Union of India and others,

The Supreme Court declared that intention of parliament was to regulate the working conditions of contract labour to ensure payment of wages and other essentials.

Hussain Bhai v. Alath Factory, Tezbilali Union, Workmen under CLRA Act is also a workman under Industrial Disputes Act. The contractor would be the employer of such person. The principal employer under the Act would be employer under I.D. act in certain circumstances.

Deenanath v. National fertilizers Ltd., The court held that Neither the act nor the rules framed by the Central Government provide that upon abolition of contract labour, the said labour would be directly absorbed by the principal employer. Hence, automatic absorption is not possible.

R.K. Panda v. Steel Authority of India, Whether the contract labourers have become employees of principal employer in course of time and whether the engagement of labourers through contractor is a mere camouflage and a smoke screen is a question of fact. Normally Labour Court or Industrial Tribunal under the I.D. Act are competent fora to adjudicate such disputes on the basis of oral and documentary evidence. The Act was enacted to regulate the employment of contract labour in certain establishments and to provide for its abolition in certain circumstances and for matters connected therewith. Held: The primary object of the Act is to prevent the exploitation of the Contract labour by the contractor or the establishment. Supreme Court ordered absorption of all the workmen, subject to few conditions.

Gujarat Electricity Board, Thermal Power Station, Ukai, Gujarat v. Hind Mazdoorsabha, The court held that Thermal power in Gujarat - 1500 workers under Contract - Hail from Adivasi. - Contractors exploited the workers - Worked more than 20 years and more - Supreme Court ordered absorption of most of the contract labourers by appointing a Committee.

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202 | Page



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Air India Statutory Corporation v. United Labour Union,

the court held that the Writ Petitions filed by the workmen of the contractor to abolish contract labour in sweeping, dusting, cleaning etc, was allowed by Single Judge of the High court Bombay, which was upheld by the Supreme Court, by the Three Judges Bench.

Steel Authority of India v. National Union Water Front Workers & Ors. The Supreme Court examining the issue as to whether automatic absorption of contract labour follows on issue of Notification u/s. 10 prohibiting contract labour, the Supreme Court held that the principal employer cannot be required to order absorption of contract labour working in the said establishment, as neither S.10 nor any other provision in the Act, whether expressly or by necessary implication, provides for automatic absorption of contract labour, on issuing notification prohibiting employment of contract labour in any process, operation or any other work in an establishment.

Steel Authority of India v. Union of India, The Supreme Court in another matter held that neither Labour Court nor High Court could determine question, as to whether contract labour should be abolished or not, same being exclusive domain of appropriate Government. Before issuing notification under the Act, State would have to proceed on the basis that principal employer had appointed contractor, which was valid one, but while referring dispute for industrial adjudication, validity of appointment contractor, would itself be an issue, as State must prima facie satisfy itself that there exists a dispute as to whether workmen, in fact, are not employed by a contractor, but by management. For exercising jurisdiction u/s. 10 of the Act, appropriate Government is required to apply its mind before making a reference on materials put before it by workmen and/or management as the case may be, and while doing so, it may be appropriate for the same authority on the basis of materials that a notification u/s. 10(1)(d) Act be issued although it stands judicially determined that the workmen were employed by the Contractor.

Rashtriya Chemicals and Fertilisers Ltd. v. G. Employees Association, in this case respondent Union challenged by writ petition the Government Circular refusing to abolish contract labour in civil works and carpentry of appellant Company. Employer's Association conceded that this issue could not be decided in writ petition. High Court directed reference of industrial dispute, framing issues to be decided by Industrial Tribunal and meanwhile even granted interim relief to workers. Allowing the Appeal, Supreme Court held that it is appropriate Government to apply its mind and satisfy itself about the existence of dispute, before deciding to refer the dispute. The exception is when the Court finds that the refusal to refer the dispute was unjustified. The High Court should not have given the directions, it did.

Food Corporation of India v. Pala Ram, In this case a Notification dated 28th May 1992, there was no prohibition to engaging contract labour in FCI establishments. The effect of the 1992 notification

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financial and social problems and high unemployment rates due to fierce competition, which may fuel social unrest unless countered by social protection. Due to practices the policies of LPG in India.

Legislative responses to Contract Labour in India

Salient Features of the "Contract Labour (Regulation & Abolition) Act, 1970

- The Contract Labour (Regulation and Abolition) Act, 1970, was enacted to protect and safeguard the interests of contract workers. It aims to ensure regular payment of wages and other facilities to contract workers.
- The Act applies to every establishment and contractor that employs 20 or more workers. It also applies to government and local authority establishments.
- It provides for regulation of the employment of contract labour and its abolition under certain circumstances.
- It does not apply to establishments where the work is of intermittent and casual nature unless work performed is more than 120 days and 60 days in a year respectively (Section 1).
- The Act provides for setting up of Central and State Advisory Contract Labour Boards by the Central and State Governments to advise the respective Governments on matters arising out of the administration of the Act (Section 3 & 4).
- The establishments covered under the Act are required to be registered as principal employers with the appropriate authorities. Every contractor is required to obtain a license and not to undertake or execute any work through contract labour, except under and in accordance with the license issued in that behalf by the licensing officer. The license granted is subject to conditions relating to hours of work, fixation of wages and other essential amenities in respect of contract as prescribed in the rules (Section 7 & 12).
- The Act has laid down certain amenities to be provided by the contractor to the contract labour for establishment of Canteens and rest rooms; arrangements for sufficient supply of wholesome drinking water, latrines and urinals, washing facilities and first aid facilities have been made obligatory. In case of failure on the part of the contractor to provide these facilities, the Principal Employer is liable to provide the same (Section 16, 17, 18, 19 and 20).
- The contractor is required to pay wages and a duty is cast on him to ensure disbursement of wages in the presence of the authorized representative of the Principal Employer. In case of failure on the part of the contractor to pay wages either in part or in full, the Principal Employer is liable to pay the same. The contract labour who performs same or similar kind of work as regular workmen, will be entitled to the same wages and service conditions as regular workmen as per the Contract Labour (Regulation and Abolition) Central Rules, 1971 (Section 21).

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200 | Page



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issued u/s. 10(1) of the Act, could not be taken away by circulars of Central Government or of appellant to engage contract labour in the light of the earlier notification dated 9th December 1976. The right of the workmen for obtaining a writ of mandamus must be based on a legal right. The Court in *Steel Authority of India* case recognized an existing right and not a future one. Writ petitions of workmen do not disclose names of contractors; whether they are registered, terms and conditions of employment, from which date each workman were employed and by which contractor. No authority or forum has scrutinized records.

In *Bhilwara Dugdh Utpadak Sahakaris Ltd. Vs Vinod Kumar Sharma* Dead by LRS & ORS the Supreme Court of India dismissing the appeal of the appellate hold that, the workmen employed through a contractor are the employees of the Principal Employer and not of the Contractor and added that the judgment on *SAIL Vs. National Union Waterfront Workers* (2001) has no application in the present case.

Suggestions

The author respectfully submits that though the dreams for realization of socio economic justice for contract labour in aftermath of LPG is seeming to be a long distancing dream yet one need not lose hopes for the regulations and necessary abolitions of contract labour by way of ensuring socio-economic justice to them. In this connection the author put forth the following suggestions for the socio-economic empowerment of contract labour.

- Introduce short-term and fixed-term employment policies;
- Better enforcement and implementation of the Contract Labour Act; Review the application and implementation of the existing social security schemes with a view to extending them to the informal sector;
- Develop a framework for a tripartite agreement at the national level, in which the obligation of the principal employer and the immediate employer are well defined and fair indicators are laid down as to what constitutes the employment relationship.
- A dialogue in this context may be initiated at the earliest; and
- The supportive role of the government.

Conclusion

The author concludes by submitting that Today, the attitude of the state, employer, trade union, and the judiciary needs to be sympathetic to contract workers in order to enable them the enjoyment of their human and constitutional rights. An emergent, early affirmative action in this direction is imperative.

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204 | Page



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