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## The Indian Journal of Research

Bi-Monthly International Journal of All Research

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## SOCIAL AUDIT PROCESS IN CHHATTISGARH: EXPERIENCE FROM CONDUCTING SOCIAL AUDIT IN A GRAM PANCHAYAT

ANAND RAGUVANSHI\* AND DR. SANGYA SHRIVASTAVA\*\*

### *Declaration*

The Declaration of the authors for publication of Research Paper in The Indian Journal of Research Anvikshiki ISSN 0973-9777 Bi-monthly International Journal of all Research: We, *Anand Raguvanshi and Sangya Shrivastava* the authors of the research paper entitled SOCIAL AUDIT PROCESS IN CHHATTISGARH: EXPERIENCE FROM CONDUCTING SOCIAL AUDIT IN A GRAM PANCHAYAT declare that , We take the responsibility of the content and material of our paper as We ourself have written it and also have read the manuscript of our paper carefully. Also, We hereby give our consent to publish our paper in Anvikshiki journal , This research paper is our original work and no part of it or it's similar version is published or has been sent for publication anywhere else. We authorise the Editorial Board of the Journal to modify and edit the manuscript. We also give our consent to the Editor of Anvikshiki Journal to own the copyright of our research paper.

### *Basis of Social Audit Process*

The basis of social audit process in NREGS implemented by states raises from the legal provisions in NREGS act and operational guidelines of NREGS. An innovative feature of the National Rural Employment Guarantee Act is that it gives a central role to 'social audits' as a means of continuous public vigilance (NREGA, Section 17). The basic objective of a social audit is to ensure public accountability in the implementation of projects, laws and policies. One simple form of social audit is a public assembly where all the details of a project are scrutinized. However, 'social audit' can also be understood in a broader sense, as a continuous process of public vigilance. That is the sense in which the term is used in this chapter. To avoid confusion, the term 'Social Audit Forum' will be used here to refer to the periodic assemblies convened by the Gram Sabha as part of the process of social audit.

In this perspective, a social audit is an ongoing process through which the potential beneficiaries and other stakeholders of an activity or project are involved at every stage: from the planning to the implementation, monitoring and evaluation. This process helps in ensuring that the activity or project is designed and implemented in a manner that is most suited to the prevailing (local) conditions, appropriately reflects the priorities and preferences of those affected by it, and most effectively serves public interest.

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Thus, social audits can be seen as a means of promoting some basic norms in public matters:

*Transparency:* Complete transparency in the process of administration and decision making, with an obligation on the government to suo-moto give people full access to all relevant information. The information about works should be displayed in the local language proforma given in Annexure B-13 at the worksite and in proforma B-14 at a prominent place in Gram Panchayat.

*Participation:* An entitlement for all the affected persons (and not just their representatives) to participate in the process of decision making and validation.

*Consultation and Consent:* In cases where options are predetermined out of necessity, the right of the affected persons to give informed consent, as a group or as individuals, as appropriate.

*Accountability:* The responsibility of elected representatives and government functionaries to answer questions and provide explanations about relevant action and inaction to concerned and affected people.

*Redressal:* A set of norms through which the findings of social audits and other public investigations receive official sanction, have necessary outcomes, and are reported back to the people, along with information on action taken in response to complaints.

In this context, NREGS views social audit as continuous process which should include public vigilance and verification which can be achieved through the following eleven stages: Registration of families, Distribution of job cards, Receipt of work applications and issue of dated receipts, Preparation of shelf of projects and selection of sites, Development and approval of technical estimates and issuance of work order, Allotment of work to applicants, Execution of works and maintenance of muster rolls, Payment of wages, Evaluation of work, Payment of unemployment allowance and Mandatory social audit in the Gram Sabha (Social Audit Forum)

Apart from the ongoing process of social audit, there will be a mandatory review of all aspects of the social audit at the Gram Sabha meetings to be held at least once every six months for this purpose. At these 'Social Audit Forums' information will be read out publicly, and people will be given an opportunity to question officials, seek and obtain information, verify financial expenditure, examine the provision of entitlements, discuss the priorities reflected in choices made, and critically evaluate the quality of work as well as the services of the programme staff.

Thus, the Social Audit Forum will not only give people an opportunity to review compliance with the ongoing requirements of transparency and accountability, but will also serve as an institutional forum where people can conduct a detailed public audit of all MGNREGA works that have been carried out in their area in the preceding six months.

#### *MGNREGA Main Features*

- ▶▶ It is a demand driven scheme under act.
- ▶▶ Payment should be provided in maximum 15 days.
- ▶▶ Provision for unemployment allowance.
- ▶▶ Worksite facilities for labors.
- ▶▶ Provision for the process of self of Project.
- ▶▶ Compensation for late payment.
- ▶▶ Monitoring and Evolution System for every level.
- ▶▶ Social Audit in every six month for Transparency and Accountability.
- ▶▶ Village monitoring committee for every work in village.
- ▶▶ At least 50% works done by village panchayat.
- ▶▶ 100 day work for every family in one financial year\*
- ▶▶ Medical Facilities for worker and his child under 6 years.
- ▶▶ Livelihood activities/works and land labeling works for families.

► Scope for providing or create self employment.

\*(Chhattisgarh Government has decided to provide 50 days extra works to the MGNREGA families from 1 April 2013. Total 150 day work guarantee for job card

*MGNREG Audit of Schemes Rules -2011*

Main features

- Audit of schemes shall include social audit
- Director Local fund audit to carry out audit of the accounts of a scheme under the Act
- State Govts to facilitate conduct of SA in every GP at least once in six months
- Summary of findings of S As shall be submitted by the state government to the Comptroller and Auditor General of India.
- *State govt. shall indentify or establish, under the act, an independent organisation (called as Social Audit Unit)*
- *Social Audit Unit( SAU) responsible for :*
- Building capacities of GS for conducting SA
- Towards this, identify, train and deploy suitable resource persons at village, block, district and state level drawing from primary stakeholders and CSOs with grass roots experience
- prepare SA Reporting formats, resource material, guidelines and manuals for SA process
- Awareness creation among NREGS workers
- facilitation of verification of records
- facilitating smooth conduct of SA
- putting SA reports in public domain
- SA process independent of implementing agency
- implementing agency not to interfere
- implementing agency to provide information
- Resource person not from the same village
- SSU frame annual calendar to conduct at least one SA every six months.
- During SA – facilitation-verification-information to laborers – conducting of SA GS for verification of findings.

*Society for Social Audit, Accountability and Transparency (SSAAT)* for the purpose of ensuring the integrity and objectivity of the social audit processes. *SSAAT* is independent of the mainstream administrative machinery and is responsible for facilitating conduct of the social audit by the rural poor. RD Commissioner enters into an MOU with *SSAAT* now headed by activist with experience and consists of senior resource persons, for conducting of social audits.

*Social Audit Resource Base*

State Resource Persons(SRPs)are drawn from CSOs with experience and worked on people's rights and trained in the social audit processes. They are based at the State and District level for carrying out training and capacity building in social audits on an ongoing basis.

District Resource Persons (DRPs) are social activists selected from CSOs and experience of participation in social audits. The DRPs are allocated distts for conducting of social audit selecting randomly within the zone.



Village Social Auditors (VSAs) help the DRPs in conduct of the social audit by mobilizing the primary stake holders for participating in the social audit. They shall not conduct any audit in their native village and shall be allotted for social audit

An effective Social Audit Forum requires careful attention to three sets of issues: (1) publicity and preparation before the Forum; (2) organizational and procedural aspects of the Forum; and (3) the Mandatory Agenda of the NREGS Social Audit Forum.

There are certain fundamental things as mandated by NREGS act is adopted by all the states like conducting of social audit by gram sabha. It is interesting to note that the act has not adopted any definition of social audit. However it is elaborated what it means social audit by operational guidelines of NREGS. The supposed framework of social audit process mandated and suggested is not time bound so that the intended aims of transparency and accountability of NREGS scheme can be achieved within a particular period. Variations can be seen despite certain fundamental principles and practice to be adopted by various state governments

For understanding the effectiveness of social audit, actual process followed by the administration and present status of social audit process in Chhattisgarh, Lahangar Gram Panchayat, Mahasamund block in Mahasamund district was selected by carrying out social audit. The main reason for selection of this gram panchayat is that it was selected for Rastriya Gaurav Gram Sabha Puraskar for year 2014. In this category state government selects those GP how organize the best Gram Shabha and have done good work in panchayat. It would be interesting to know about how the Gram Panchayat performed in Social Audit

### *Objectives of Social Audit*

The social audit was carried out with the following objectives:

- 1- Understand the present status of Social Audit.
- 2- Understanding the present status of awareness and knowledge of villagers about social audit.
- 3- Knowing the Process followed/ adopted for social audit.
- 4- Clarify the role of panchayat, Line-department, Government and community in social audit.
- 5- Knowing the strength and weaknesses of the social audit process

### *Method*

The social audit was conducted by three teams for two days as part of training of officials on social audit along with the 10 villagers.

The selected villages for this process are; 1. Lahangar, 2. Mohkam.

In the first day the team went to these villages and collected the data for preparation of report writing and conducting the social audit. At the second day in the first half, reports were prepared by both teams based on their field verification of schemes, provisions, payments and documents. After that in the second half a Public Hearing(Jan Sunvai) was organised as per the social audit rules and MGNREGA act.

### *Background of the Village Panchayat*

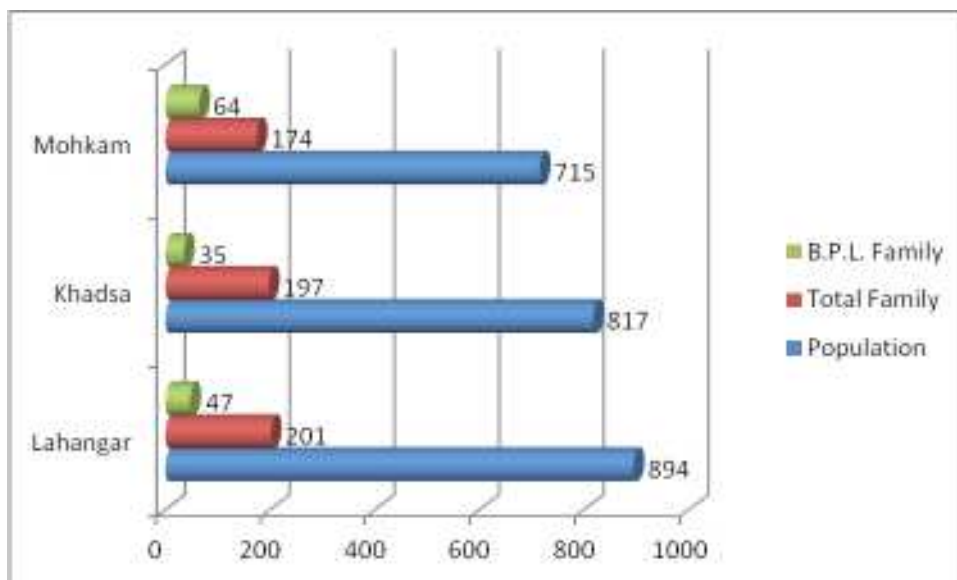
There are three villages under the Gram Panchyat Lahangar:

1. Lahangar.
2. Khadsa.

3. ohkam.

There are following wards in these villages:

1. Lahangar – 06
2. Khadsa – 05
3. Mohkam - 5



Graph – 1, Total Population, Families and B.P.L. Families

There are total 571 Families in Gram Panchayat lahangar. Out of that 201 families in are in Lahangar village, 197 families in Khadsa and 174 families live in Mohkam. The percentage of BPL families in the village Lanangar are: 23.38%, Khadsa – 17.77% and Mohkam – 36.78%. The table also shows that Mohkam has largest number of BPL families

### *Population*

Population and no of adults in these villages are :

Village	Population	Adults
Lahangar	894	547
Khadsa	817	457
Mohkam	715	402
Total	2426	1406

### *Geographical Conditions*

Geographical conditions in these villages as mentioned in the table below :

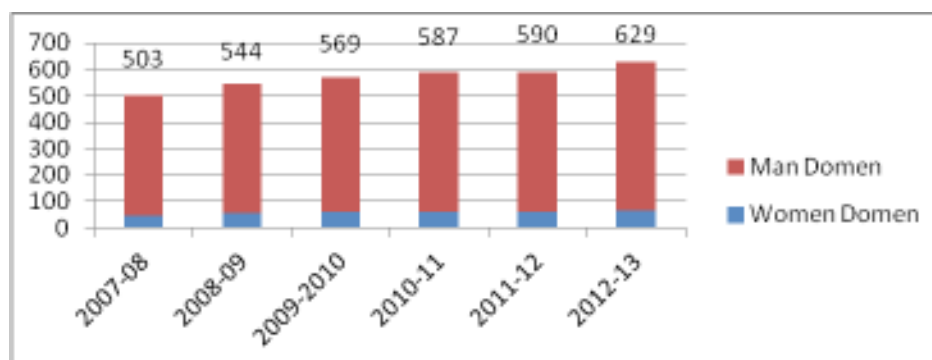
Village	Lahangar (In Hectare )	Khadsa (In Hectare)	Mohkam (In Hectare)	Total (In Hectare)
Residential area	3.50	5.19	2.19	11.60
Agriculture Land	325.25	246.79	205.61	775.65
Forest Land	16.80	58.77	33.67	169.24
Irrigated Land	323.25	246.79	205.61	777.65



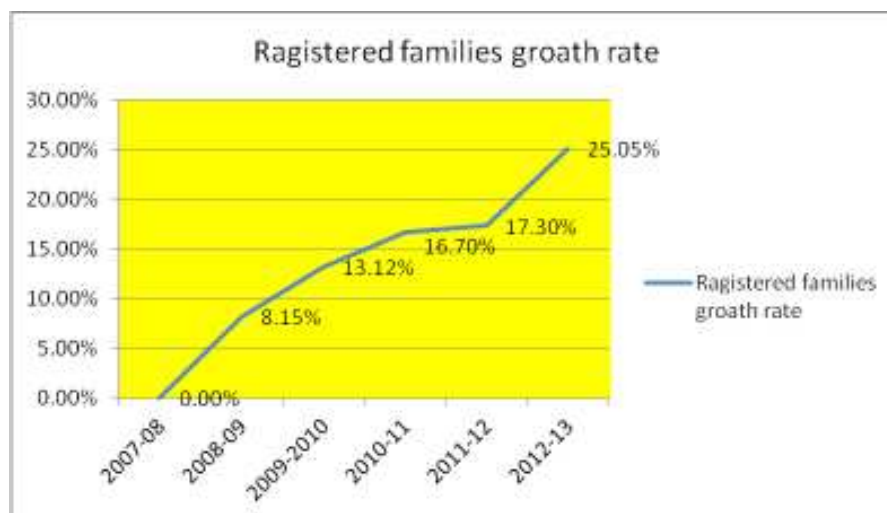
Pastureland	45.25	95.72	43.74	184.71
Agricultural land not in use	12.16	2.09	6.51	20.76
Other land not in use	2.15	6.00	3.00	11.15
Total	484.02	459.16	381.55	1324.73

## Registered Families in the MGNREGA:

Man and Women led Families	Year					
	2007-08	2008-09	2009-10	2010-11	2011-12	2012-13
Women led	49	58	61	63	63	65
Man led	454	486	508	524	527	564
Total	503	544	569	587	590	629



Graph – 2, Total registered families year-wise in MGNREGA



Graph-3, Total registered families' year-wise growth rate in MGNREGA

There are 571 Families in Gram Panchayat but the MGNREGA registered families are 629. It means that almost all families have Job Cards

## Working and Non-working families of MGNREGA:

Year	2007-08	2008-09	2009-10	2010-11	2011-12	2012-13
Total Working Families	461	504	519	532	562	576
Total Non-working Families	42	40	50	55	28	53
Percenteg of non-working families	8.35%	7.35%	8.79%	9.37%	4.74%	8.43%

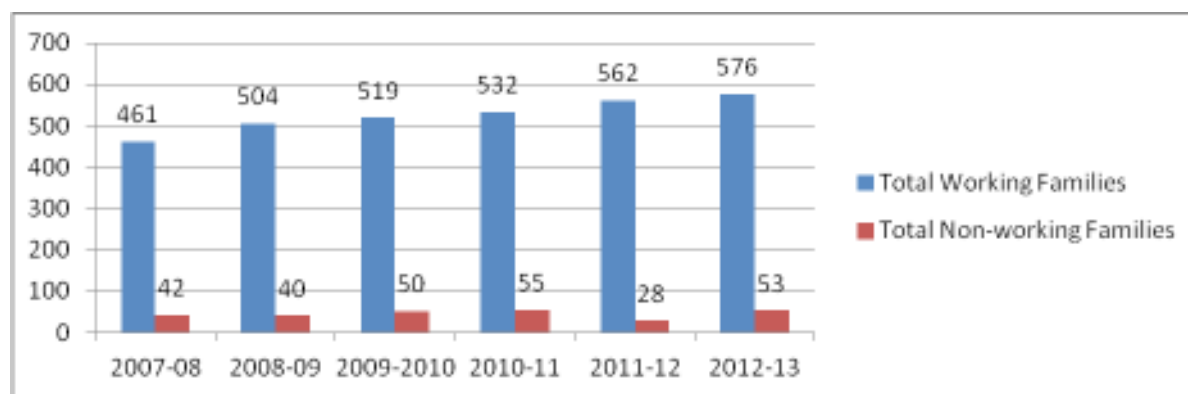
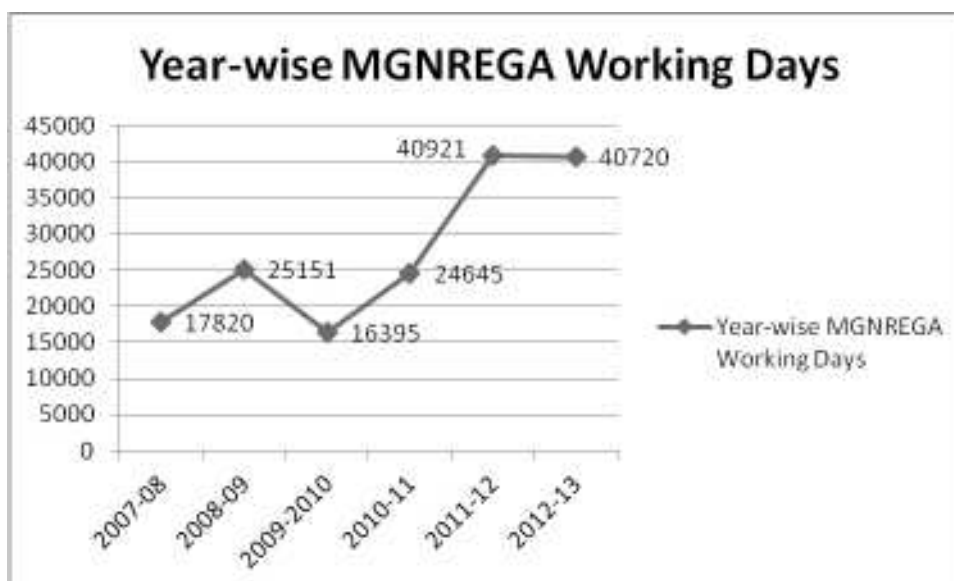


Diagram No. – 4, Total working and non working families year-wise in MGNREGA

Working days of MGNREGA in Gram Panchayat:

Year	2007-08	2008-09	2009-10	2010-11	2011-12	2012-13
MGNREGA Working Days	17820	25151	16395	24645	40921	40720



#### *Process for conduct the Social Audit in Gram Panchayat Lahangar*

Firstly two villages Lahangar and Mohkam for these Social Audit process were selected and 22 officials were trained for conducting the process. They are divided into two groups and each group had 11 members covering Lahangar and Mohkam.

#### *Process of verification*

- 1- There were many works carried out in the panchayat under MGNREGA. However the team selected three works for verification and study by every group. The methodology of cross verification by every group is to ensure that there is consistency between records and reality. This is the essence of social audit. This ensures that gaps are identified and presented before the Gram Sabha/Stakeholders

meeting. In the gram sabha meeting discrepancies are highlighted by the social audit team and the officials and sarpanch have to give explanation for discrepancies and lack of performance.

A. In Lahangar the following works were carried out:

- I) Lahangar se Pidi sadak Unnayan.
- II) Bhumi Sudhar, Kanhaiya.
- III) Talab Gahrikarn ( Forest Department)

B. Mohkam works were :

- IV) Kamardera Talab Gahrikarn and Pachari nirman.
- V) Phiruram, Bhumi Sudhar.
- VI) Rajendra, Bhumi Sudhar.

2- Comprehensive formats for compilation and collection of information and report writing were designed

3- Every team/ group distributed the works separately to his members just like:

- o Job card Registration and Distribution.
- o MR, Mate and Payment.
- o Worksite Facilities.
- o Work demand and selection.
- o Quality and Monitoring.
- o Management Information System (MIS)
- o Transparency and Accountability.
- o Unemployment allowance and Compensation etc.

4- The team did four types of verifications under these heads:

- a. Physical verification or work site verification; Team members visited the worksite and verified status of work against available documents
- b. Financial verification; Team members cross checked the estimates, Muster roll, AS and other record .
- c. Record verification; Team members went to panchyat office and checked the Registers and all records.
- d. Oral verification; Team members went to village and meet many labors and talk to them and checked their Rojgar card and enquired about the entitlements and payments

### *Report Writing and Meeting for Gram Sabha Preparation*

After the verifications, both teams written the report of social audit in a designed format. First the team members wrote their observations separately and then compiled it.

After the report writing of both teams met for assigning responsibility among the officials/team members for public hearing arrangements and process for the next day such as:

- Sitting arrangement.
- Welcome address
- Motivate the villagers for giving testimony
- Sing a group song for inaugural and Motivation.
- Presentation for objective of the hearing
- Introduction of team.
- MGNREGA main features.
- Social Audit and its process.
- Report Presentation.
- Present the evidence and proof for report and observation.
- Drinking water and tea arrangements.
- Minute writing/documentation.
- Manage and maintain the silence in the Hearing

*Social Audit Gram Shabha/Village level Jansunvai and its process*

The next day, on 27-09-2013, the Gram Sabha was organised in front of Panchyat Bhavan of Lahangar GP at 3-30 pm and it was attended by 300 people.

*The Process of Gram Sabha*

- Sabha started with a motivational song sung by some team members.
- Selection of President of this sabha. These Chairperson selected by the sabha members.
- Invitation for chairing the sabha to selected Chairpeson. Shabha selected a retired teacher for President of sabha.
- Invitation and chaired panel members of sabha.
- After the permission of President the sabha and process started.
- Provided the main features of MGNREGA to villagers by A member of Research team /officer .
- Presentation given by team 1 for his observations and report in order of topics one by one.
- After the gram panchayat Mohkam report presentation given by Team 1, started the presentation of team 2.
- In the village there is no VMC working properly so the VMC report dcould not be presented.
- After the presentation of Research team invited the questions from sabha and documented the questions in the proceeding of sabha.
- After that the implementation agency and Officials of different levels clarified the questions, Facts and figures.
- After that suggestions for improvement and action were given by the present official and panel members
- Speech of President.
- Vote of thanks given by Sarpanch of Gram Panchayat.
- After the permission of president, a message was given to villagers by team that this is their work and their village. This is only an example of process of social audit. It is their responsibility to conduct the social audit.

*Findings and Responses of the Social Audit*

The following were the findings of the team for Mokham:

- \* Some entries were not found in Job cards.
- \* Some Photographs were not in registration register and in job card also.
- \* There is no signature by proper authority in records.
- \* The old job cards were submitted in Panchayat. Job card were not found with labors
- \* Some entries were not written in Job card and other records also.
- \* Works selected by Gram sabha.
- \* Work demand done by villagers.
- \* No information decimation about work.
- \* IEC is very week.
- \* Arrangements done for water and shed.
- \* No selection of work.
- \* There is no working VMC.
- \* Worksite board is not complete.

- \* Late payment made in Talab Gahrikarn.
- \* Payment done but very late as said by Mr. Naresh.
- \* There is no information about compensation and wage rate
- \* There is no record available for public scrutiny.
- \* M.R.is completed by R.S. or Sec.at home.
- \* There is no IEC for Social Audit.
- \* Worksite board not made by forest department.

The followings are the findings of team for Lahangar:

- § Work selection done by Gram Sabha process.
- § Profit gained by land levelling.
- § Payment done by Post Office is good. But there is only staff so people face many problems at payment time.
- § Work acceptance is not done in gram sabha.
- § Worksite facilities are there.
- § Work is useful.
- § Some payment is pending since last 20 days.
- § Job card entries were not completed for year 2013.
- § No board Prepared in Lahangar Road Nirman.
- § Not much information about last social audit.
- § There is no photograph available of Work site of any stage.
- § Munadi done by kotwar.

The following responses were given by the implementation agencies to Gram Sabha:

- § Entries of job card and Muster roll not done by forest department.
- § For photograph arrangements munadi by Kotwar have been done but who they are not in village and had left the village. So their photo is not in job card and records. But it will be done
- § There is no training conducted in social audit. And no order made and send by government of Zill, Block and other departments.
- § Panchayat has only carried out the orders to collect old job cards
- § Gram panchayat is open every day on time but no application received by us for job card.
- § For the demand of online muster roll we send requirement direct to janpad office.
- § Process of work selection done by proper process. Lakshman who has a complain for that is not correct. He has never come to gram shabha and work also.
- § By the Nukkad shabha we have done our IEC.
- § V.M.C. is also working in works. They also report for quality and monitoring.
- § There was a programme in Panchayat so have no sufficient time for making the worksite board properly.
- § The signature is usually done in MR on the worksite .
- § Talab gahrikarn M.R. submitted by gram panchayat timely but delay is made by Programme Officer

Clarifications and Answers made by Programme Officer:

- o Photography is done by tender process. So who are left in this process arrangement in this regard for that will be done shortly and resolve the photograph problem.
- o This is our fault that we have not arranged or organize any social audit training for PRIs and Gram panchayat Staff. This is done because the social audit is a new process. But next time I am ready to resolve this problem.
- o There is some confusion to issue the new and old job card. I release the new clear order on this matter tomorrow.
- o We have not enough amount/allotment for IEC so we have not done good IEC.
- o The Problem of MIS and Monitoring is created for the reasons of lack of the staff.

Clarifications and Answers made by District Officers:

- ✚ We have noted down every problem raised by everyone and we have arranged the solution definitely.
- ✚ In the next time we will arrange the separate training programme for Sarpanch, Sachive and RS for social audit
- ✚ IEC can be done by proper work plan and budget.

### *Conclusion*

The findings of the above social audit process is to enable the implementation agency to correct the gaps in the process of the implementation of MGNREGS. It was not meant to be fault finding exercise as evident from social audit gram sabha. Further, the purpose behind conducting this social audit is for training purposes to enable the participants to learn what social audit means and how to go about doing it in a gram panchayat. Now Government of India has made it mandatory social audit in most of the RD programmes, it is very useful for officials and NGOs in carrying out social audit in any RD programme. This increases the accountability of government towards people in a democracy.

## WOMEN ENTREPRENEURSHIP : ISSUES & CHALLENGES

DR. SOMA MAZUMDAR\*

### *Declaration*

The Declaration of the author for publication of Research Paper in The Indian Journal of Research Anvikshiki ISSN 0973-9777 Bi-monthly International Journal of all Research: I, *Soma Mazumdar* the author of the research paper entitled WOMEN ENTREPRENEURSHIP : ISSUES & CHALLENGES declare that , I take the responsibility of the content and material of my paper as I myself have written it and also have read the manuscript of my paper carefully. Also, I hereby give my consent to publish my paper in Anvikshiki journal , This research paper is my original work and no part of it or it's similar version is published or has been sent for publication anywhere else. I authorise the Editorial Board of the Journal to modify and edit the manuscript. I also give my consent to the Editor of Anvikshiki Journal to own the copyright of my research paper.

“Entrepreneurship is not just confined to any one gender now rather due to multi-faceted economic pressures women have turned up & realized that survival of their families & their own potential lies only in working side by side with men.”- Marlow (2002)

### *Abstract*

*Entrepreneurship is presently the most discussed and encouraged concept all over the world to over come economic challenges. Women being the vital gender of the overall population. They have great capacity and potential to be the contributor in the overall economic development of any nation. There four, programs and policies are not just encourage entrepreneurship as well as women entrepreneurship. Women entrepreneurship improve the socio economic status of women in households and communities. The success of women will contribute to the success of entrepreneurship in that local area market and added to overall nations economic development.*

**Key words:** Women entrepreneurs, women entrepreneurship, Government policies, government reports, Enterprise, problems, challenges.

### *Methodology*

This study is based on secondary data which is collected from different published reports of government of India, research articles, research journals, case studies, census survey, news paper, websites and women entrepreneurship report which is consequently as concept paper.

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### *Objectives*

The present study aims at fulfilling the following objectives :

- \* To find the concept behind the women entrepreneurship.
- \* To know the govt's policies, programmes, institutional networks and the involment of support agencies in accelerating women's entrepreneurship.
- \* To find the problems faced by women entrepreneurs.

### *Introduction*

Global economy in general and Indian economy in particular is poised for accelerated growth driven by entrepreneurship. An entrepreneur is a person who is able to look at the environment, identify opportunities to improve the environmental resources and implement action to maximize those opportunities. Women entrepreneurs with the sustainable economic development are able to contribute to the family's, community's and the nation's development. Development of entrepreneurship among women is a major step to increase women participation in the process of economic development. It will be speedup economic growth and provide employment opportunities for women resulted in improving the economic independence. Thus, governments across the world as well as various developmental organizations are activity undertaking promotion of women entrepreneurs through various schemes, incentive and promotional measures. Several studies around the world have been carried out which throw light on the challenges faced by women entrepreneurs. Women entrepreneurs often face gender based barriers to starting and growing their business.

### *Concept of Women Entrepreneurs*

A women entrepreneur is defined as an enterprise owned and controlled by a women. Just as entrepreneurs, women entrepreneurs are those women who generate business ideas or select the best opportunity, mobilize resources, combine the factors of production, undertake risks and operate the enterprise in the most effective way to earn profit.

Women entrepreneurs engaged in business due to push and pull factors which encourage women to have an independent occupation and stands on their on legs. When women entrepreneurs choose a profession as a challenge and as an urge to do some thing new. Such situation is described as pull factors. While in push factors women engaged in business activities due to family compulsion and the responsibility in thrust upon them. So, motivational factors influencing women to join the leading group of entrepreneurs are of two types. One is entrepreneurship by choice, and the other is entrepreneurship by necessity.

### *Status of women in Entrepreneurship*

There are some examples about the status of women in the area of entrepreneurship as under :

- \* In USA and canada women won one-third of small business.
- \* Since 1980s Britain has seen an increase of over three times of women in work force than that of men.
- \* In france it is one fifth.
- \* In Asian countries women make for 40% of total work force.
- \* In China, women outnumber men by at least two times.

- \* The percentage of women entrepreneurs increased from 2.4% in 1980 to 5.2% in 1995, in Japan.
- \* In India women constitute about 50% of the total population with lower literacy rate than that of men. They, however, constitute 10% of the number of entrepreneurs in India. So, for the economic growth of the nation, women should not be ignored and they should be encouraged to make their share of economic contribution to the country. One way of achieving is by making women comeout and become entrepreneurs.

### *Selected Indicators on status of women*

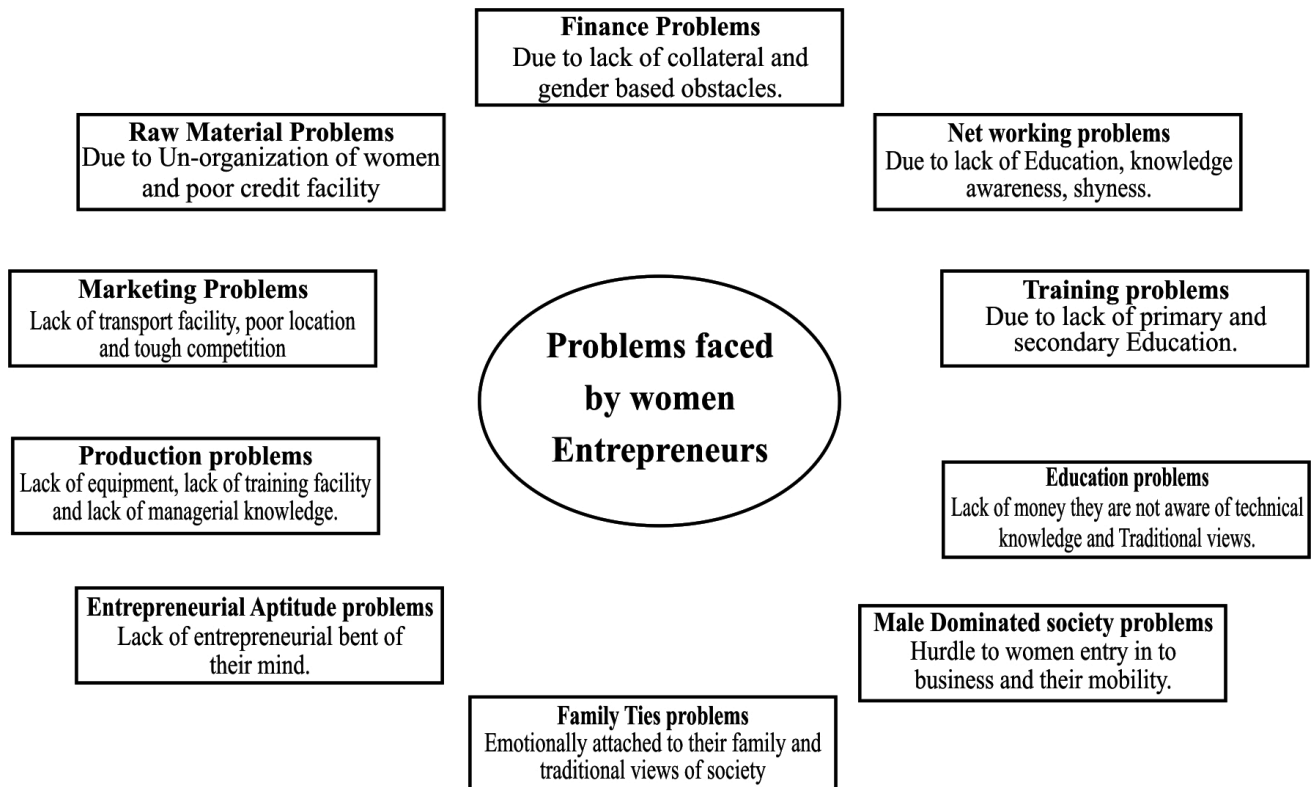
Indicators	Male	Female
Literacy rate (%) Census	82.14	65.46
Maternal Mortality ratio (per 1,00,000 live births) SRS 2009-10	—	212
Sex Ratio census 2011	1,000	940
Child sex Ratio (0-6 Years) Census 2011	1,000	914
Worker Population Ratio	819	336
MP in Lok Sabha (%)	89.18	10.82

Data reflect the status and position of women in society such as work participation rates, sex ratio in the age group of 0-6 years and gender based violence continue to be heavily skewed against women.

New challenges such as increased intra-country migration, changing labour market requiring new skill sets and rapidly changing technology have also emerged.

### *Problems faced by women Entrepreneurs*

Due to gender discrimination women entrepreneurs face a lot of problems right from the beginning till the enterprise functions. Some of the important barriers faced by women are discussed below :



*Government's & Organization's support*

Government of India have been actively participating in promoting self-employment opportunities in urban and rural areas by giving assistance in respect of infrastructure, finance, technology, training, raw material and marketing. Some of programmes ment for the promotion of small and rural industries are discussed below :

- \* National Bank for Agriculture and Rural development (NABARD)
- \* The Rural small Business Development Centre (RSBDC)
- \* National small Industries Corporation (NSIC)
- \* Small Industries Development Bank of India (SIDBI)
- \* Rural and Women Entrepreneurship Development (RWED)
- \* World Association for Small and Medium Enterprises (WASME)
- \* Scheme of Fund for Regeneration of Traditional Industries (SFRTI)
- \* The District Industries Centers (DICS)
- \* Entrepreneurial Policy
- \* The Nationalized Banks and state financial cooperations.

The international agencies like UNCTAD, UNDP and ILO and our national government should adopt appropriate measures to increase free flow of trade or products, manufactured by women entrepreneurs and should provide fiscal and expert assistance in the promotion of entrepreneurship among women.

*Ela Bhatt*

- \* Self employed women's Association (SEVA) was founded by Ela Bhatt in 1972.
- \* Under this rural women in village of Bihar got an opportunity to earn their living by renting solar Bulbs to other families.

*Chetna Gala Sinha*

- \* Founder of mann Deshi Mahila Sahakare Bank a regulated cooperative bank run by women for women.
- \* Udyogi Business School was founded in 2007 by the bank in collaboration with HSBC's indian arm.

*Shri Mahila Griha Udyog Lijjat Papad*

- \* It was founded by 7 Gujrati house wives from Mumbai with the skill they had as cooking.
- \* Today it is giving employment more than 40,000 women.

*Activists for social alternative (ASA)*

- \* It was founded in 1986 to support poor women in Tamilnadu, India.

*Asmitha*

- \* It helps rural women in accessing financial resources in the form of collateral free small loans for income creation.

*Bandhan MF*

- \* It was set up with the objective of poverty eradication and empowerment.

*SKS India*

- \* It was set up in 1998, is one of the fastest growing micro finance organization in the world.

*Challenges*

Women's economic participation is hindered by low skill, capacities as well as lack of ownership and control even assets. One of the major concerns is the gender gap in educational level of the labour force. Where as in 2004-05, 60% of the female employed was illiterate and 3.7% were graduates, these shares for the male labour force were about 28% and nearly 8%, respectively further, gender disparities are reported in technical and vocational Education and Training (TVET), with girls accounting just 7% of enrolment at the secondary level and their courses concentrated in traditional areas such as nursing and sewing. In general, the benefits of vocational training are not immediately apparent. Some 60% of graduates from ITIs are still unemployed three years later, also because they do not derive benefits in entry to higher technical education courses. This needs to be addressed and institutions that have been set up to enhance skills for employability need to be made more sensitive to gender issues<sup>1</sup>.

“Taken together, the decrease in workforce participation rates, large presence in the unorganised sector and increasing stake in agriculture is leading to the feminization of poverty and low level of asset building by women. This is recognized as an extremely “troubling” trend, resulting in ‘Capabilities failure.’” - Dr. Martha Nussabaum and Dr. Amartya sen

*Conclusion*

Opening up of the economy and rapid economic growth have escalated some of the existing structural barriers faced by women and new challenges in the form of dismantling of traditional support structures, displacement due to migration, obsolescence of traditional skill sets have emerged.

Now a days women are achieving sustainable development by association with the technical know how, education, management knowledge and are able to cope up with the changing scenario of the production field. By getting new skills they are able to setting their own enterprise for their development and also they are able to develop other women of their areas.

NSSOs 66<sup>th</sup> round indicates that female work participation rate has decreased between 2004-05 to 2009-10. The share of women in usual status workers declined from 28.7% to 22.8%. In rural areas this has declined from 32.7% to 26.1% and in urban areas from 16.6% to 13.8%.

*Participation in the Labour force*

Indicators	Rural (%)			Urban (%)			Total Persons
	Male	Female	Total	Male	Female	Total	
Labour force							
Participation Rate	55.6	26.5	41.4	55.9	14.6	36.2	40.0
Work Participation Rate	54.7	26.1	40.8	54.3	13.8	35.0	39.2
Proportion Unemployed	0.9	0.4	0.7	1.6	0.8	1.2	0.8
Unemployment Rate	1.6	1.6	1.6	2.8	5.7	3.4	2.0

Source : NSSO 2009-10

While the reasons for this would need to be looked into in greater detail and may partly be attributable to positive factors such as better retention in educational institutions the decline in women's workforce participation rate is a matter for concern and would have implications for their over all economic empowerment.

Thus, the need of training as well as financial assistance & Education to the women entrepreneurs can motivate Indian women to hold a lions share in the GDP of the country. So, entrepreneurship can not be developed without significant training and education.

Now, the participation of women in the work force, the quality of work allotted to them and their contribution to the GDP are indicators of the extend of their being main streamed into the economy. On all these parameters women in India fare worse than men and challenge is to bridge the inequality.

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#### HINTS

<sup>1</sup>*An overview of women's work and employment of India*, Amsterdam Institute of Advanced Labour studies, 2010.

## RISK FACTORS WITH OBESITY ON THE HEALTH OF ADOLESCENT AND CHILDREN'S

SMT. SANGEETA\*

### *Declaration*

The Declaration of the author for publication of Research Paper in The Indian Journal of Research Anvikshiki ISSN 0973-9777 Bi-monthly International Journal of all Research: I, *Sangeeta* the author of the research paper entitled RISK FACTORS WITH OBESITY ON THE HEALTH OF ADOLESCENT AND CHILDREN'S declare that, I take the responsibility of the content and material of my paper as I myself have written it and also have read the manuscript of my paper carefully. Also, I hereby give my consent to publish my paper in Anvikshiki journal, This research paper is my original work and no part of it or its similar version is published or has been sent for publication anywhere else. I authorise the Editorial Board of the Journal to modify and edit the manuscript. I also give my consent to the Editor of Anvikshiki Journal to own the copyright of my research paper.

### *Abstract*

*At present the scenario of obesity among all age group is on alarming stage in India. When we see the current situation of reflecting data's of young and children its indicating very critical ratio of another age group. Now obesity is not a matter of higher socio-economic group but it becomes problem of all income group of society. Obesity is an stage in which there is a generalized accumulation of excess adipose tissue in the body leading to more than 20% of the due to an enlargement of fat cell size (Hypertrophic obesity) or an increase in fat cell number (Hyper plastic obesity) or a combination of both. Obesity is often expressed in terms of body mass index (BMI) A BMI of 30 or more in males and 26.8 in females indicates obesity. Obesity is not just extra fat in the body and increasing weight of the body but it creates lot many major problem and leads towards the physical disease like hypertension, heart diseases, cancer, uterus cancer breast cancer, etc. Diabetes is very favorable disorder in that person having over weight or obesity. Research finding shows the result that why obesity is reaching at very high level in last two decades. There are many factors are responsible for obesity, like life style, fast food, stress, over eating, bad food habits, nibbling between diet, less physical activities and one more important cause is hormonal and in many cases it's because of genetic factor. Genetic factors means obesity syndrome characterized by similar gene defects, including defect in the ob gene, resulting in congenital leptin deficiency milation in the leptin receptor, defective pro- opiomelaniacortin (POMC) processing and mutation in the MC4 receptor gene.*

*Key words:* Obesity, Adolescence, Children's, related diseases.

### *Introduction*

The emerging epidemics of obesity, cardiovascular disease and diabetes form the crux of this phenomenal change. Among these entities, obesity has become a colossal epidemic causing serious public health

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concern and contributes to 2.6 million deaths worldwide every year. Obesity is associated with an increased risk of morbidity and mortality as well as reduced life expectancy. The last two decades of the previous century have witnessed dramatic increase in health care cost due to obesity and related issues among children's and adolescents. New data released by the International Diabetes Federation shows every sixth diabetic in the world is an Indian- earning India the title "The world's diabetes capital". Research over the past decades shows that genetically Indian store more fat per kilogram than Europeans. Leading health professionals agree, obesity puts Indians at an even greater risk of getting diabetic. Obesity is the leading cause of type two diabetes, hypertension, and osteoarthritis, various types of concern in women like breast cancer, uterus cancer, menstrual disorder and infertility and many more disease. According to the experts obesity is a disorder which leads towards heart diseases, like increased lipid profile, high blood pressure, etc. Cardiovascular death rates are high and appeared to be climbing in India, in the past five decades rate of coronary heart disease among urban population have risen from 4% to 11%. The WHO estimates that 60% of the world's cardiac patients will be Indian by 2010. That's true because present data shows Indian's having more than other country people are suffered from heart disease.

Now the next question rise that why Indian are having poor health day by day than another country? Main fact behind this is eating pattern of Indian's and energy expenditure. In India eating is most important thing in any Indian household and how you show your love and gratitude for a person is through the king of food you serve him. In a research a diet expert find and explain this way, "Indian people are used to eating the kind of food cooked at home that are filled with masala's and oil. With the kind sedentary life style we lead towards the obesity. Indian current National Family Health survey indicates that more than 20% of urban Indian's are overweight or obese.

### *Risk factors of Obesity*

Obesity is not a single problem but it accumulation of major health problem. It creates lot of hormonal misbalance and growth of the children's. Study finds out the results that secretion of insulin, parathyroid hormone, leptine etc, is misbalance due to obesity. Metabolic syndrome is defined as constellation of risk factors, including obesity, dyslipidaemia, impaired glucose metabolism and elevated blood pressure, all major predictor for cardiovascular disease. It has been proven that by previous studies that cardiac metabolic risk factors frequently cluster in obese children and adolescents. Next table have shows the risk factors of obesity.

**TABLE 1** *Risk factors of obesity.*

1.	Cardiovascular	High blood pressure, atherosclerosis, Left ventricular hypertrophy.
2.	Endocrine	Insulin resistance, NIDDM, Menstrual abnormality, polycystic ovarian syndrome.
3.	Gastrointestinal	Gallstone, Non alcoholic steatohepatitis, Hepatic fibrosis, cirrhosis.
4.	Neurological	Pseudo tumor cereberi.
5.	Orthopedic	Slipped capital femoral epiphysis tibia var, osteoarthritis.
6.	Psychosocial	Obsessive concern about body image, expectation of rejection progressive withdrawal, self esteem, depression.
7.	Pulmonary	Increased bronchial hyperactivity, asthma exacerbation, obstruction sleep apnea, pickwican syndrome, pulmonary embolism.
8.	Renal	Increased sensitivity to sodium, decreased natriuresis, proteinuria, and focal segmental glomerulerosis.

As the above mentioned table shows that obesity is not comes single but its cause of bunch of disease and disorder in the body and in mental condition too. Endocrine factor of obesity is common in



the obese person, secretion of hormones like hyperthyroidism; hypogonadism and Cushing syndrome are also responsible for obesity. And in other age group another factors like puberty, pregnancy and menopause is again responsible for obesity. As we see the table one it reflecting the danger figure of obesity, how many diseases and disorder may occur due to obesity. An obese person could not find their normal life on social aspect because lack of confidence, and in longer time of period it creates a kind of frustration, and feels alone in the society. These all factors harm the real talent and personality of the person. This study is being done on the school and college going young and children's.

### *Materials and Methods*

This study was conducted on the children's and adolescents. To find out the present condition of obesity. For the study selected sample, and random sampling method were used, sample size were decided after essential mathematical calculations. Before starting to tack the final data's the pre tested questionnaire were used to do the pilot study, so that all the essential information about the subject may be collected for the further study. After collecting primary and secondary data's of the respondent, neccessary tabulation and calculation is being done. In this study correlation between dietary intake pattern and ratio of BMI is also being calculated. The result shows that the respondents those who are taking more fat, carbohydrates and calorie their BMI is increased than the other respondents. This shows the positive correlation between extra dietary intakes. In this study have done on the 100 respondents, 50s are children's and another 50s were the adolescents.

**T A B L E 2** *Distribution of the respondent according to the BMI and Carbohydrate intake.*

S.N.	Carbohydrate (gm)	BMI<25	25-29.9	30-34.9	35-39.9	>40
1.	200-250	6(n- 6)	8(n-8)	4(n-4)	6(n-6)	2(n-2)
2.	250-300	2(n-2)	6(n-6)	2(n-2)	4(n-4)	6(n-6)
3.	350-400	4(n-4)	10(n-10)	0(n-0)	8(n-8)	4(n-4)
4.	450-500	8(n-8)	4(n-4)	8(n-8)	6(n-6)	2(n-2)
5.		n=20	n=28	n=14	n=24	n=14
6.	TOTAL		100			
7.	Percentage	20 %	28%	14%	24%	14%

This table indicates the result that the respondents having extra carbohydrates in their diet have BMI more than are taking less. In above mentioned table as increased BMI shows high correlation of obesity. Correlation between extra intakes of carbohydrates is positive which we can see as follows:

Correlation of carbohydrates and BMI are increasing in positive state.

r = -0.400	-0.400	0.832	0.316	-0.944
r = 0.832	-0.832	-0.832	0.632	0.135
r = 0.316	0.632	-0.239	-0.239	-0.663
r = -0.944	0.135	-0.663	-0.426	-0.426

**T A B L E 3** *Distribution the respondents according to the BMI and fat intake.*

S.N.	Fat (gm.)	BMI< 25	25-29.9	30.34.9	35.39.9	40 >
1.	< 40	—	4(n-4)	2(n-2)	—	2(n-2)
2.	40-50	—	2(n-2)	6(n-6)	—	—
3.	50-60	4	—	8(n-8)	6(n-6)	4(n-4)
4.	60-70	2	—	2(n-2)	16(n-16)	—
5.	70-80	6	4(n-4)	0(n-0)	8(n-8)	2(n-2)
6.	80-90	—	6(n-6)	2(n-2)	4(n-4)	—

7.	> 90	— n= 12	2(n-2) n= 18	4(n-4) n=24	4(n-4) n= 38	— n=8
	Total		100			
	Percentage	12%	18%	24%	38%	8%

This table indicating positive relation with BMI and fat intake in diet by the respondents. Correlation calculated for this table also shows the positive in those who are taking more fat in their diet. Correlation of the above table is as follows:

r = -0.211	-0.211	-0.128	0.530	0.623
r = -0.128	-0.589	-0.589	-0.761	-0.623
r = 0.484	-0.459	-0.288	-0.280	0.329
r = 0.632	-0.218	0.329	-0.208	-0.066

These results are showing positive relation of extra dietary intake is always leads towards the obesity. And obesity never comes alone it creates lot of disorders and disease along with weight gain.

### *Result and Discussion*

This study shows that respondents of any age group if have regular extra energy in their diet they will have extra body weight. Data's and result table of correlation between fat intake and carbohydrates always have positive relation with BMI and intakes. Another study of obesity also shows the similar findings between BMI and energy intake. Data's of NSSO 2001, shows that as we getting good life and availability of food, dietary intake is increasing day by day but energy expenditure is being less, which the main reason of obesity in all age group. According to the NSSO- average daily per capita dietary intake of fat in India is year wise as follows: 1972-73 fat intake of in gm of rural was 24 per day where as in urban areas it was 36 gm per day, but by the year 1999- 2000 it has been increased till 36.1 gm per day in rural and 49.6 gm per day in urban areas. But when we see the energy expenditure of the same year 1972- 2000 calorie intake is increasing but sedentary life style and physical activity is decreasing in present year which are the main reason of body fat. Obesity is cause to create another prevalence of diseases like hypertension, diabetes, dyslipidemias, an obese children is more prone to have these diseases, obese children may have 13.7% changes of hypertension, where non- obese have only 0.4% changes, similarly with the diabetes obese children's 25% have extra risk of having DM, where as normal children's are have very lower risk to have it. Obesity is very harmful for all human beings because it rising the problem of the better life and low life expectancy, and also psychological effect on an obese children, because of that personality development of the children's is affected, it increased frustration and lower the confidence of the respondent with overweight.

### *Suggestions*

As the study shows the draw back and risk factors of obesity, because it is a social hazard and always critical for the healthy and wealthy life. We all must take care to be children's and adolescents because any country is based on the well being of the coming generation. New generation is the future of the country; obesity is not only reaching on the alarming stage in the India but as present its problem of whole world. But in India it's crossing the danger line, because we following the western life style in eating pattern and all but not in respect of health awareness that is any simple problem becomes serious and destroy many lives. Here in India if we see the data of food intake and energy expenditure it's not balanced at all. In Indian culture eating more food is symptom of good status we never think that foods rich in fat and full with carbohydrates are provide very high calorie, which again need extra energy

expenditure, only then we could stay healthy. Continuous intake of extra energy gets converted in to body fat which accumulates in the tissue and cause obesity and many problems. For healthy life we have to make balance in intake and outcomes both. We always eat with this mentality that good and healthy foods are good for health but we not aware of side effects of it.

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## ENTREPRENEURSHIP DEVELOPMENT SKILL PROGRAMME FOR EMPOWERING INDIAN WOMEN

PAYAL MANDHYAN\* AND DR. RAGHUNANDAN PD. SINHA\*\*

### *Declaration*

The Declaration of the authors for publication of Research Paper in The Indian Journal of Research Anvikshiki ISSN 0973-9777 Bi-monthly International Journal of all Research: We, *Payal Mandhyan and Raghunandan Pd. Sinha* the authors of the research paper entitled ENTREPRENEURSHIP DEVELOPMENT SKILL PROGRAMME FOR EMPOWERING INDIAN WOMEN declare that, We take the responsibility of the content and material of our paper as We ourself have written it and also have read the manuscript of our paper carefully. Also, We hereby give our consent to publish our paper in Anvikshiki journal , This research paper is our original work and no part of it or it's similar version is published or has been sent for publication anywhere else. We authorise the Editorial Board of the Journal to modify and edit the manuscript. We also give our consent to the Editor of Anvikshiki Journal to own the copyright of our research paper.

During Ancient days women's role was considered as a component of social welfare programmes and they were regarded as a mother and a home maker and not as a productive worker of a society .The approach was welfare of women. The draft sixth five year plan 1980-85 for the first time incorporate a new chapter entitle " women and development" with special stress on the issue of development of women entrepreneurship , therefore during 1980, the approach was empowering both rural and urban women through entrepreneurship. Since then, in order to promote women entrepreneurship, various efforts have been initiated both at central government as well as the state government for providing basic support for making women for availing the economic opportunities for women entrepreneurship. The following steps have been taken by the government for making support for women entrepreneurship in India such as : 1 Direct and Indirect financial support 2 Yojana schemes and programs 3 technological training and awards 4 Federation and Association.

No doubt, women have been associated with economic activities since ages, but in real sense there was limited recognition of their creative capabilities. Nevertheless, the present scenario under Indian context has been changed and a major segment of women population is coming forward for availing the economic opportunities for establishing themselves both at Rural and Urban levels. There are certain reason for women becoming Entrepreneurs.

- ◆ Women desire additional income to provide support to their family.
- ◆ They have desire to face new challenges and opportunities.
- ◆ Desire to enjoy social status equal to that of men.

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- ◆ For their empowerment and freedom.
- ◆ Women have instinct ideas to prove their innovative skills like men .
- ◆ To improve the quality of life of their own and children.

Women entrepreneurs can be categorized on the basis of different parameters such as :

- ◆ Women entrepreneurs in organized and unorganized sector.
- ◆ Women entrepreneurs in traditional and modern industries.
- ◆ Women entrepreneurs in urban and rural areas.
- ◆ Women entrepreneurs in large scale industries and small scale industries.
- ◆ Single Women entrepreneurs and joint venture entrepreneurship.

On the basis economic and social status , “women entrepreneurs” in India do not belong to single category. Indeed they can broadly be divided in three groups . The first group contains those women who have established themselves in big cities with a higher level of technical and professional qualifications .Such women are commanding medium and large units in the field of non-traditional items such as electronics, engineering pharmaceuticals and services like media entertainment this class of entrepreneurs is endowed with high ambition , creativity and innovation for taking a sort of the challenging role of entrepreneurship . The emergence of entrepreneur from elite class has attached added prestige and significance to the profession of entrepreneurs especially because earlier the profession was considered a forbidden area of women . There is long list such women entrepreneur who are successful not only in India but also globally and adding positively to the economic development.

The second category of women are engaged mostly in handicraft and cottage industries of both traditional or conventional and non- traditional or modern fields. Their ownership in traditional fields such as garments, knitting. Printing sarees , toy and doll making as well as in some non-traditional areas like plastic, chemical, drugs textiles , jewellery and many more etc are very common .They are also bearing risk in new areas related to services like kindergarten,crèches , beauty parlour ,health clinic etc. these women are turning to entrepreneurial activities due to pull and push of traditional and changing social values. These groups of women are educated and have taken training related to respected services. Normally they began with mini finance and later on try to get financial assistance from the Banks or financial institutions.

The third category normally consists of illiterate women and financially weak. Due to push factor they undertake enterprise for solving financial difficulties.Since they do not have sufficient financial resources, they are not able to run a separate unit .Normally they involve themselves in family business such as agriculture, horticulture, animal husbandries, fisheries, agro forestry, handloom and power loom etc.

#### *Organisation For The Women and By The Women*

There are many successful women forums and organizations that are trying to bring the rural women together for development works. These are the some examples of working women’s forum:

- 1 The Working Women Forum (*WWF*)
- 2 Self Employed Women’s Association ( *SEWA*)
- 3 Federation Of Indian Women Entrepreneurs (*FIWE*)
- 4 Association Of Women Entrepreneur Of Karnataka (*AWAKE*)
- 5 Women Entrepreneurs Promotion Association (*WEPA*)
- 6 Tie Strec Shakti (*TSS*)
- 7 *SAARC* Chamber Women Entrepreneur Ship Council.

### *Microfinance And Women Empowerment*

*Links between microfinance and women 's empowerment* are viewed as optimistic , limited by design, cost effective in eliminating poverty and a misplaced diversion of resources . Microfinance programmes range from small scales self groups to large poverty targeted banks. One model may vary in delivery, group functions and structure and complementary services .There could be 3 contrasting approaches to microfinance and women's empowerment such as the financial sustainability approach, the integrated community development approach , and the feminist empowerment approach. Resources and time invested in economic activity were limited by responsibility for household consumption and unpaid domestic work . Microfinance programe sometimes created domestic tension between spouses and loss to spousal income and support . Group repayment pressures sometimes created pressure between women .Many women focused on personal rather than social objectives . It is clear from the above discussion that the women are dedicating to their enterprises, controlling the units and utilizing the opportunities available efficiently , but are facing complex problems hindering the process of healthy and strong entrepreneurship. Some problems they are facing are as follow :

- 1 Despite the modernization, increase in educational level , enhancement in work participation rate,women have to play dual role as a housewife and also as income earner .They have to discharge responsibility to their children as mother.
- 2 It is well known fact that since inception of sixth five year plan great emphasis was given for the provision for self employment through the scheme of credit facilities with subsidies and pacackages of services such as training, marketing and other guidance for those who wanted to launch self employment occupations and units , but it sad to know that most of the women are not aware of these facilities offered by the government.
- 3 Not only the awareness of the credit and training facility is one of the constraints but the availability of finance due to complex procedure of the sanction of loans and their repayments.
- 4 Raw material has an important place in entrepreneurship because the availability and non availability of material affect the functioning of the enterprises. In this regard small entrepreneur s face competition with big entrepreneur in purchasing the raw materials as elite entrepreneur capable of purchasing of raw material at a high price.

There are some points which prevents potential women entrepreneurs from becoming actual entrepreneurs like lack of confidence and motivation , lack of knowledge about business opportunities, lack of information regarding business plan etc.

An entrepreneurship development programme , which is a training cum counseling programme and takes care of all the above points has produced to be one of the most effective tool s for developing new entrepreneur. So many agencies are there like MDI, KVIC ,NABARD,NIESBD NSIC etc to promote rural women entrepreneurship .

### *Conclusion*

Following suggestions are recommended for women entrepreneurship development to improve women empowerment :

1. To conduct many more entrepreneurship development programme as intensive and comprehensive counseling on opportunities, market survey , management and technology is a critical need in development. Infrastructural facility should be given to women entrepreneur . Special training cum- orientation programmes for appraising officers of bank and state agencies. Reservation for women bill should be passed 33% reservation of seats for women entrepreneur.
2. A separate financial institution should be established for empowering rural women entrepreneurship skill and traits development and to give financial support for establishing their own business and industry.

Therefore we need not debate whether women are better than men or women are the weaker sex in the society. In fact we strive to identify the constraints and limitations which prevent a large number of potential women entrepreneurs from

coming forward entering business and becoming successful . By providing proper education ,comprehensive training , setting up of separate financial cells development of marketing co-operative to a large extent will help to flourish the women entrepreneurship in India. Both government and non- government agencies should play an important role to solve the problem of *women entrepreneurs*. Lastly in this tough competitive market it makes no difference whether the entrepreneur is man or women. Thus, women entrepreneur by all mean can be very effective person of change for better homes, better society, and ultimately for sound and healthy economy in the present global scenario.

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## INDIAN NIGHT LIFE — A CULTURAL PERSPECTIVE

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### *Declaration*

The Declaration of the author for publication of Research Paper in The Indian Journal of Research Anvikshiki ISSN 0973-9777 Bi-monthly International Journal of all Research: I, S. Bali the author of the research paper entitled INDIAN NIGHT LIFE — A CULTURAL PERSPECTIVE declare that, I take the responsibility of the content and material of my paper as I myself have written it and also have read the manuscript of my paper carefully. Also, I hereby give my consent to publish my paper in Anvikshiki journal, This research paper is my original work and no part of it or its similar version is published or has been sent for publication anywhere else. I authorise the Editorial Board of the Journal to modify and edit the manuscript. I also give my consent to the Editor of Anvikshiki Journal to own the copyright of my research paper.

### *Abstract*

*The term nightlife typically refers to social activities in urban commercial spaces — particularly drinking, dancing, dining, and listening to live musical performances ( Peter Baldwin). In the West, nightlife is viewed as an important component of urban economic life and is actively promoted by many municipal governments. In India, nightlife is presumed to be restricted to a few metropolitan cities like Bangalore, Bombay and Goa. In this paper, the author has presented the cultural perspective of so-called nightlife which has existed in India since hundreds of years, only in a different format. This nightlife has also existed in large tracts of rural India, even remote mountain valleys and summits. And has greatly aided in the cultural and social integration of society and the preservation of its traditions.*

Indian city dwellers and tourists coming to India are often heard bemoaning the lack of night life in India. Indian magazines and tabloids also highlight this aspect. We Indians living in India are given to believe that there is no sort of night life in our cultural ethos, and that we are a glum race. But nothing can be further from the truth – after having spent a lifetime in India, I am convinced that Indians have had a night life for millennia, including through all the period of the dark ages of the ‘Western World’ when Europe was in actual fact, wallowing in darkness.

No doubt this night life, like most things in India, was not continuous and regular, but rhythmically cyclical and predictably episodic. And free of cost for the most part. How is it so, is it for real? Very much so; we only have to look at the evidence.

Let us start with that most ubiquitous event in North India – the big fat wedding. During the auspicious months and weeks, dispersed through the year, weddings take place primarily at night. The celebrations

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are day-long, but the *Barat* will finally depart for the marriage venue sometime in the late evening. The barat procession will wind its way through several streets, with bands furiously bleating and drumming away, most times with a crooner in attendance. The procession will be preceded and flanked with bearers carrying floodlights, illuminating the dark alleys all along. In this circle of light will soon appear flashily dressed young women and men, dancing away to their hearts content. During the busy wedding season, most families will have invitations for two or more weddings every day, leaving the field wide open to choose from. Most of the folks living in a town or city have thus several such invitations every wedding season, which are clearly invites to participate in boisterous revelry and gay dancing, all at your own choosing.

Now let us for a moment contemplate upon the essential ingredients of what we consider as night life. These would be : a gathering of socially compatible folks, in a venue having good ambience, where there are facilities for DJ, loud music and dancing. All this to the accompaniment of tasty snacks and drinks, with a delicious meal to round off the merriment. Does not a typical North Indian wedding fulfil most if not all of these criteria ? And wonder of wonders – all free of cost and in a safe environment. After the arrival of barat, the proceedings continue, sometimes all through the night. There is many –a –times a private corner where alcoholic beverages are served, and there is invariably music of some sort – mostly live bands or performances by professional artistes. There is ample time to catch up with the news, socialize with whomsoever one is comfortable with, and enjoy yourself to the hilt.

This was an example of the most commonly available and participative night-life in India, available to most folks for several nights each wedding season. Let us take another example of all-night revelry, the so-called *Jagratas*. Every now and then, in one locality or the other, someone will decide to propitiate the mother-Goddess with a night devoted to her worship. Most of the time, this entails inviting a *mandli*, or band of minstrels, who will lead the gathering of devotees in singing musical bhajans and dancing to gay abandon. Several small skits and items may be interspersed in the bhajans, to lend a comic angle to the festivities and to keep the interest alive. The *pandals* (marquees) are well lit up and the ambience is usually quite good. Singing and dancing carries on into the early hours of the morning, after a sumptuous meal. In a recent tour of the high mountains in Himachal Pradesh, the author witnessed such Jagratas taking place on remote mountain tops in the vicinity of temples, but far away from any habitation. A fair distraction for entertainment starved rural folk in isolated and far-flung areas.

In Gujarat primarily, and also now in several other places, the nine nights of the *Nav-ratras* are also devoted to worship of the Goddess through mass dancing known as the Garbha. Young folks of both sexes inter-mingle freely and dance together, till the hearts and souls are joyously satiated. These nine nights occur twice a year, making a total of eighteen nights.

#### *Footnotes;*

*Barat* — Wedding procession of groom. Many times, it has to travel from the groom's city to the bride's town of residence. There, the barat is housed in caravansarais or hotels and proceeds at the pre-determined hour towards the marriage venue, usually with the groom riding a horse, and to the accompaniment of bands.

*Jagrata* — essentially means an all-night vigil. Usually devoted to the mother Goddess, but may also be devoted to other gods or demi-gods (devtas) eg. Rishi Markandey at Bali Chowki in Mandi district of Himachal Pradesh.

Other kinds of activities are also included in the night life of Indians. These include the two nights of Shiva-ratri — night long worship of the Great God Shiva. These occasions are also all-inclusive, and night-long vigil is maintained by most people. Intoxication is an inherent component of these rituals, and can lead to most exhilarating and liberating experiences. Janam-ashtami, the night devoted to the

worship of the new-born infant Krishna, is another occasion for merry-making, not to forget the wondrously enthralling Diwali – when most homes, buildings and establishments are beautifully lit up, lending an ethereal and surreal ambience to the entire towns and cities. In fact, the Diwali season includes several nights of shopping and visiting friends and relatives. Indian religious festivals are not complete without sumptuous feasting, mostly in communities, usually with several sweet-dishes as desserts.

The list goes on and on — totally falsifying the notion that night life is missing in Indian cities. Only the formulation and format is different; and I believe, the Indian format is much more conducive to social harmony and coherence. Besides providing an opportunity to the individual to experience a vast array of experiences at night, some of which may pave the way for enlightenment or give short glimpses into the real purpose of life. There are the nights kept aside during lunar eclipses for mass bathing and charity. Ditto for the nights where there is no moon (amavasya), or where the moon is full (purnima). And the nights where bon-fires are lit following the revelry of Holi and at Lohri.

The entire gamut of night-life is thus part and parcel of normal life in India. Which is why, perhaps, it has not been considered to be night-life per se. But night-life it is, in all its splendrous variety and glory. And has been so, for hundreds and thousands of years

*Footnotes;*

*Nav-ratri*— Auspicious nine days and nights devoted to praying and fasting. These occur twice in a year, in March and October. While the navratras in March are solely devoted to praying to Goddess Durga in all her manifestations, the navratris in October are also associated with Lord Rama, the tenth day being celebrated as Vijay dashmi — the day of victory over Ravana.

*Garbha*— A dance form typically Gujarati, wherein boys and girls dance together in a circle formation. The circle keeps moving, and the boys and girls strike each others' sticks to create a synchronous sound. Garbha also means the human uterus and so there is a link of the festivities with fertility.

*Janam-ashtami*—The night of the birth of Lord Krishna, the most loved and lovable God. Most temples are decked up with models related to the Lord's birth, and folks visit these brightly lit temples in large numbers at night. The actual birth is celebrated at the stroke of midnight.

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## DRAMATIZATION OF OSCAR WILD'S SHORT STORY THE *HAPPY PRINCE* AS A SLIDESHOW OF SHORT SCENES

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### *Declaration*

The Declaration of the author for publication of Research Paper in The Indian Journal of Research Anvikshiki ISSN 0973-9777 Bi-monthly International Journal of all Research: I, Chandi Mandal the author of the research paper entitled DRAMATIZATION OF OSCAR WILD'S SHORT STORY THE *HAPPY PRINCE* AS A SLIDESHOW OF SHORT SCENES declare that, I take the responsibility of the content and material of my paper as I myself have written it and also have read the manuscript of my paper carefully. Also, I hereby give my consent to publish my paper in Anvikshiki journal, This research paper is my original work and no part of it or its similar version is published or has been sent for publication anywhere else. I authorise the Editorial Board of the Journal to modify and edit the manuscript. I also give my consent to the Editor of Anvikshiki Journal to own the copyright of my research paper.

### *Abstract*

*Listening to stories from our grandparents about gods, demons or fairies forms an integral part of our childhood. Stories are also essentially connected with the student life. As a field of interest, reading stories is very popular either. But what is the story of a drama? The term 'drama' comes from "a Greek word meaning action, which is derived from the verb meaning to do or to act." A drama is a story that is written to be performed. Unlike a story, it involves both movements as well as speech. It not only reaches our ear, but appeals to our visual realization. This multimedia feature of the drama, as far as approach to learning is concerned, has given rise to the dramatization of a story. But this does not necessarily mean that all stories had better be dramatized. The story must possess dramatic elements in itself. However, exploring the scenes from the story is of utmost importance. A scene is the basic unit of a drama. And presenting the whole in bits always creates better effects. This paper dramatizes the popular short story The Happy Prince written by Oscar Wild as Slideshow of Short Scenes.*

**Characters:** The Happy Prince(a statue) Swallow, Town Councillors, Mother, Child, Disappointed Man, Charity Children, Mathematical Master, Reed, Other Swallows, Lover, Queen's maid-of-honour, Boy, Professor of Ornithology, Young Man, Match-girl, Art Professor, Mayor, Overseer, God, Angels and others

### *Scene-I*

*[A city in the north of Europe. A wintry morning. High above the city, on a tall column, stands the statue of the Happy Prince. He is gilded all over with thin leaves of fine gold, for eyes he has two bright*

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*sapphires, and a large red ruby glows on his sword-hilt. Some people are loitering near the statue and the Town Councillors are passing by.]*

*Councillor-I :* [Looking at the statue of The Happy Prince] Oh, it's really admirable.

*Councillor-II:* Right! [To gain a reputation for having artistic tastes] He is as beautiful as a weathercock, [Fearing lest people should think him impractical, which he really was not] only not quite so useful.

#### *Scene-II*

*[Somewhere near the statue, in a moonlit night. A child is crying and his mother trying to console him]*

*Child:* What's that in the sky, mother?

*Mother:* It's the moon, dear.

*Child:* I'll play with the moon. Please, bring it here.

*Mother:* [Diverting attention] Look, child, what is in front of you.

*Child:* No, no, I'll not listen to any thing...I just want the moon [crying]

*Mother:* Why can't you be like the Happy Prince? He never dreams of crying for anything. [Trying to console]

#### *Scene-III*

*[The next day, in the morning. A disappointed man who is passing by the statue]*

*Man:* [Gazing the wonderful statue] I'm glad there is someone in the world who is quite happy.

#### *Scene-IV*

*[After a short while. Some Charity Children in their bright scarlet cloaks, and their clean white pinafores and a Mathematical Master are coming out of the Cathedral of the city]*

*Children:* Oh, how nice! He looks just like an angel!

*Math Master:* How do you know? You have never seen one.

*Children:* Ah! but we have, in our dreams.[ The Mathematical Master frowns and looks very severe, for he does not approve of children dreaming.]

#### *Scene-V*

*[Far away from the city, Seasons ago, early in the spring. A little Swallow flying down the river after a big yellow moth and being attracted by the slender waist of a Reed stops to talk to her]*

*Swallow:* [Falling in love with the most beautiful Reed and coming to the point at once] Oh, you are so beautiful! Shall I love you?

*[The Reed makes him a low bow. And he flies round and round her, touching the water with his wings, and making silver ripples. This is his courtship, and it lasts all through the summer]*

#### *Scene-VI*

*[Towards the end of the summer, in a tree. Some other Swallows twittering about the relationship between the little Swallow and the Reed]*

*Other Swallows:* It is a ridiculous attachment! She has no money, and far too many relations! [*As the river is quite full of Reeds*]

### Scene-VII

[*Wintry morning. The Swallow in a lonely tree near the river. Other swallows has gone away to Egypt six weeks ago, but he has stayed behind for his ladylove. Now he begins to tire of her.*]

*Swallow:* [*To himself*] She has no conversation, and I am afraid that she is a coquette, for she is always flirting with the wind. [*As whenever the wind blows, the Reed makes the most graceful curtsies*] I admit that she is domestic, but I love travelling, and my wife, consequently, should love travelling also. [*Finally flying to the Reed*] Will you come away with me? [*The Reed shakes her head as she is so attached to her home*] You have been trifling with me! I am off to the Pyramids. Good-bye! [*He flies away*]

### Scene-VIII

[*The same day at starry night, over the statue of The happy Prince at the city.*]

*Swallow:* [*Having flown all day long and arriving at the city, to himself*] Where shall I put up? I hope the town has made preparations. [*Seeing the statue on the tall column*] I will put up there, it is a fine position with plenty of fresh air. [*Alighting just between the feet of the Happy Prince, looking around and softly to himself*] I have a golden bedroom. [*He prepares to go to sleep; but just as he is putting his head under his wing a large drop of water fell on him.*] What a curious thing! There is not a single cloud in the sky, the stars are quite clear and bright, and yet it is raining. The climate in the north of Europe is really dreadful. The Reed used to like the rain, but that was merely her selfishness. [*Another drop falls*] What is the use of a statue if it cannot keep the rain off? I must look for a good chimney-pot. [*He determines to fly away. But before he has opened his wings, a third drop falls, and he looks up, and sees that the eyes of the Happy Prince are filled with tears, and tears are running down his golden cheeks. His face is so beautiful in the moonlight that the little Swallow is filled with pity*] Who are you?

*Happy Prince:* I am the Happy Prince.

*Swallow:* What! Why are you weeping then? You have quite drenched me.

*Happy Prince:* When I was alive and had a human heart, I did not know what tears were, for I lived in the palace of Sans-Souci, where sorrow is not allowed to enter. In the daytime I played with my companions in the garden, and in the evening I led the dance in the Great Hall. Round the garden ran a very lofty wall, but I never cared to ask what lay beyond it, everything about me was so beautiful. My courtiers called me the Happy Prince, and happy indeed I was, if pleasure be happiness. So I lived, and so I died. And now that I am dead they have set me up here so high that I can see all the ugliness and all the misery of my city, and though my heart is made of lead yet I cannot choose but weep.

*Swallow:* What! Is he not solid gold? [*Saying to himself as he is too polite to make any personal remarks loud out.*]

*Happy Prince:* [*In a low musical voice*] Far away, far away in a little street there is a poor house. One of the windows is open, and through it I can see a woman seated at a table. Her face is thin and worn, and she has coarse, red hands, all pricked by the needle, for she is a seamstress. She is embroidering passion-flowers on a satin gown for the loveliest of the Queen's maids-of-honour to wear at the next



Court-ball. In a bed in the corner of the room her little boy is lying ill. He has a fever, and is asking for oranges. His mother has nothing to give him but river water, so he is crying. [Changing tone] Swallow, Swallow, little Swallow, will you not bring her the ruby out of my sword-hilt? My feet are fastened to this pedestal and I cannot move.

*Swallow:* I am waited for in Egypt. My friends are flying up and down the Nile, and talking to the large lotus-flowers. Soon they will go to sleep in the tomb of the great King. The King is there himself in his painted coffin. He is wrapped in yellow linen, and embalmed with spices. Round his neck is a chain of pale green jade, and his hands are like withered leaves.

*Happy Prince:* Swallow, Swallow, little Swallow, will you not stay with me for one night, and be my messenger? The boy is so thirsty, and the mother so sad.

*Swallow:* I don't think I like boys. Last summer, when I was staying on the river, there were two rude boys, the miller's sons, who were always throwing stones at me. They never hit me, of course; we swallows fly far too well for that, and besides, I come of a family famous for its agility; but still, it was a mark of disrespect. [*But the Happy Prince looks so sad that the little Swallow is sorry.*] It is very cold here, but I will stay with you for one night, and be your messenger.

*Happy Prince:* Thank you, little Swallow [*So the Swallow picks out the great ruby from the Prince's sword, and flies away with it in his beak*]

#### *Scene-IX*

[*Flying over the roofs of the town and passing the cathedral tower, where the white marble angels are sculptured, he now passes by the palace and hears the sound of dancing.*]

#### *Scene-X*

[*On a balcony of the palace. The loveliest of the Queen's maids-of-honour with her lover*]

*Lover:* How wonderful the stars are and how wonderful is the power of love!

*Girl:* I hope my dress will be ready in time for the State-ball. I have ordered passion-flowers to be embroidered on it; but the seamstresses are so lazy.

#### *Scene-XI*

[*The Swallow passes over the river, and sees the lanterns hanging to the masts of the ships. He passes over the Ghetto, and sees the old jews bargaining with each other, and weighing out money in copper scales.*]

#### *Scene-XII*

[*At the poor house where the Swallow has finally come. The boy is tossing feverishly on his bed, and the mother has fallen asleep, she is so tired. In he hops, and lays the great ruby on the table beside the woman's thimble. Then he flies gently round the bed, fanning the boy's forehead with his wings.*]

*Boy:* How cool I feel! I must be getting better. [*He sinks into a delicious slumber.*]



*Scene-XIII*

*[Coming back to the Happy Prince]*

*Swallow:* *[Having told what he has done]* It is curious, but I feel quite warm now, although it is so cold.]

*Happy Prince:* That is because you have done a good action. *[The little Swallow begins to think, and then he falls asleep. Thinking always makes him sleepy.]*

*Scene-XIV*

*[Next day, in the morning. A bridge over the nearby river where the Swallow comes to have a bath. A Professor of Ornithology happens to pass over the bridge]*

*Professor:* What a remarkable phenomenon! A swallow in winter! *[He writes a long letter about it to the local newspaper. Every one quotes it, it is full of so many words that they could not understand.]*

*Scene-XV*

*[At a certain place at the city.]*

*Swallow:* To-night I go to Egypt. *[He is in high spirits at the prospect.]*

*Scene-XVI*

*[The Swallow visits all the public monuments, and sits a long time on top of the church steeple. Wherever he goes the Sparrows chirrup]*

*Sparrow:* What a distinguished stranger! *[The Swallow enjoys himself very much.]*

*Scene-XVII*

*[Flying back to the Happy Prince]*

*Happy Prince:* Have you any commissions for Egypt?

*Swallow:* No. I am just starting.

*Happy Prince:* Swallow, Swallow, little Swallow, will you not stay with me one night longer?

*Swallow:* I am waited for in Egypt, To-morrow my friends will fly up to the Second Cataract. The river-horse couches there among the bulrushes, and on a great granite throne sits the God Memnon. All night long he watches the stars, and when the morning star shines he utters one cry of joy, and then he is silent. At noon the yellow lions come down to the water's edge to drink. They have eyes like green beryls, and their roar is louder than the roar of the cataract.

*Happy Prince:* Swallow, Swallow, little Swallow, far away across the city I see a young man in a garret. He is leaning over a desk covered with papers, and in a tumbler by his side there is a bunch of withered violets. His hair is brown and crisp, and his lips are red as a pomegranate, and he has large and dreamy eyes. He is trying to finish a play for the Director of the Theatre, but he is too cold to write any more. There is no fire in the grate, and hunger has made him faint.

*Swallow:* Ok. I will wait with you one night longer. *[Thinking that he has really had a good heart]* Shall I take him another ruby?

*Happy Prince:* Alas! I have no ruby now, my eyes are all that I have left. They are made of rare sapphires, which were brought out of India a thousand years ago. Pluck out one of them and take it to him. He will sell it to the jeweller, and buy food and firewood, and finish his play.

*Swallow:* Dear Prince, I cannot do that. [*He begins to weep.*]

*Happy Prince:* Swallow, Swallow, little Swallow, do as I command you. [*So the Swallow plucks out the Prince's eye, and flies away.*]

#### *Scene-XVIII*

[The room of the young man, where the Swallow gets in through a hole in the roof. The young man has his head buried in his hands, so he does not hear the flutter of the bird's wings, and when he looks up he finds the beautiful sapphire lying on the withered violets.]

*Young Man:* Thank God! I am beginning to be appreciated, this is from some great admirer. Now I can finish my play. [*He looks quite happy*]

#### *Scene-XIX*

[*Next day at the harbor. The Swallow sits on the mast of a large vessel and watches the sailors hauling big chests out of the hold with ropes.*]

*Sailors:* [*Shouting as each chest comes up*] Heave a-hoy!

*Swallow:* [*Crying*] I am going to Egypt. [*Nobody minds*]

#### *Scene-XX*

[*Coming back to the Happy Prince when the moon rises*]

*Swallow:* So, I am come to bid you good-bye.

*Happy Prince:* Swallow, Swallow, little Swallow, will you not stay with me one night longer?

*Swallow:* It is winter, and the chill snow will soon be here. In Egypt the sun is warm on the green palm-trees, and the crocodiles lie in the mud and look lazily about them. My companions are building a nest in the Temple of Baalbec, and the pink and white doves are watching them, and cooing to each other. Dear Prince, I must leave you, but I will never forget you, and next spring I will bring you back two beautiful jewels in place of those you have given away. The ruby shall be redder than a red rose, and the sapphire shall be as blue as the great sea.

*Happy Prince:* Oh, listen. In the square below, there stands a little match-girl. She has let her matches fall in the gutter, and they are all spoiled. Her father will beat her if she does not bring home some money, and she is crying. She has no shoes or stockings, and her little head is bare. Pluck out my other eye, and give it to her, and her father will not beat her.

*Swallow:* [*Thinking*] Ok, ok. I will stay with you one night longer, but I cannot pluck out your eye. You would be quite blind then.

*Happy Prince:* Swallow, Swallow, little Swallow, do as I command you. [*So he plucks out the Prince's other eye, and darts down with it*]

*Scene-XXI*

*[Near a gutter, the Swallow slips the jewel into the palm of the match-girl's hand while swooping past her]*

*Match-girl:* What a lovely bit of glass! *[She runs home laughing]*

*Scene-XXII*

*[Coming back to the Happy Prince]*

*Swallow:* You are blind now, so I will stay with you always.

*Happy Prince:* No, little Swallow, you must go away to Egypt.

*Swallow:* No, I'll not listen to you this time. I will stay with you always. *[He sleeps at the Prince's feet]*

*Scene-XXIII*

*[All the next day he sits on the Prince's shoulder, and tells him stories of what he has seen in strange lands. He tells him of the red ibises, who stand in long rows on the banks of the Nile, and catch gold fish in their beaks; of the Sphinx, who is as old as the world itself and lives in the desert, and knows everything; of the merchants, who walk slowly by the side of their camels, and carry amber beads in their hands; of the King of the Mountains of the Moon, who is as black as ebony, and worships a large crystal; of the great green snake that sleeps in a palm-tree, and has twenty priests to feed it with honey-cakes; and of the pygmies who sail over a big lake on large flat leaves, and are always at war with the butterflies.]*

*Swallow:* What're you thinking?

*Happy Prince:* Dear little Swallow, you tell me of marvellous things, but more marvellous than anything is the suffering of men and of women. There is no Mystery so great as Misery. Fly over my city, little Swallow, and tell me what you see there. *[He flies away]*

*Scene-XIV*

*[The Swallow flies over the great city, and sees the rich making merry in their beautiful houses, while the beggars are sitting at the gates. He flies into dark lanes, and sees the white faces of starving children looking out listlessly at the black streets. Under the archway of a bridge two little boys are lying in one another's arms to try and keep themselves warm.]*

*Scene-XXV*

*[Coming back to the Happy Prince, the Swallow has said what he has seen]*

*Happy Prince:* I am covered with fine gold, you must take it off, leaf by leaf, and give it to my poor; the living always think that gold can make them happy.

*[Leaf after leaf of the fine gold the Swallow picks off, till the Happy Prince looks quite dull and grey.]*

*Scene-XXVI*

*[Leaf after leaf of the fine gold he brings to the poor, and the children's faces grow rosier.]*

Scene-XXVII

*[The snow comes, and after the snow comes the frost. The streets look as if they were made of silver; they are so bright and glistening; long icicles like crystal daggers hang down from the eaves of the houses, everybody goes about in furs, and the little boys wear scarlet caps and skate on the ice. The poor little Swallow grows colder and colder; but he will not leave the Prince, he loves him too well. He picks up crumbs outside the baker's door where the baker is not looking, and tries to keep himself warm by flapping his wings. But at last he knows that he was going to die. He has just strength to fly up to the Prince's shoulder once more.]*

Swallow: *[Murmuring]* Good-bye, dear Prince! Will you let me kiss your hand?

Happy Prince: I am glad that you are going to Egypt at last, little Swallow. You have stayed too long here; but you must kiss me on the lips, for I love you.

Swallow: It is not to Egypt that I am going, I am going to the House of Death. Death is the brother of Sleep, is he not?

*[He kisses the Happy Prince on the lips, and falls down dead at his feet. At that moment a curious crack sounds inside the statue, as if something has broken. The fact is that the leaden heart has snapped right in two. It certainly is a dreadfully hard frost]*

Scene-XXVIII

*[Early the next morning the Mayor is walking in the square below in company with the Town Councillors and others. They are passing the column]*

Mayor: *[Looking up at the statue]* Dear me! How shabby the Happy Prince looks!

Councillors: *[Agreeing]* How shabby indeed! *[They go up to look at it.]*

Mayor: The ruby has fallen out of his sword, his eyes are gone, and he is golden no longer, in fact, he is little better than a beggar!

Councillors: Yes, Little better than a beggar.

Art Professor: As he is no longer beautiful he is no longer useful

Mayor: And here is actually a dead bird at his feet! We must really issue a proclamation that birds are not to be allowed to die here. *[The Town Clerk makes a note of the suggestion. And they finally pull down the statue of the Happy Prince]*

Scene-XXIX

*[At a meeting of the Corporation after they have melted the statue in a furnace, to decide what is to be done with the metal.]*

Mayor: We must have another statue, of course, and it shall be a statue of myself. Each Councillor: Of myself. *[They begin to quarrel]*

Overseer: *[Informing others as the Head of the workmen at the foundry]* What a strange thing! This broken lead heart will not melt in the furnace. We must throw it away. *[So they throw it on a dust-heap where the dead Swallow is also lying.]*

*Scene-XXX*

*[Heaven, God and His Angels]*

*God:* Bring me the two most precious things in the city. [*One of the Angels brings Him the leaden heart and the dead bird.*] You have rightly chosen, for in my garden of Paradise this little bird shall sing for evermore, and in my city of gold the Happy Prince shall praise me.

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## OPTIONAL PROTOCOL TO THE CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN- AN INTRODUCTION

DR. BIBHA TRIPATHI\*

### *Declaration*

The Declaration of the author for publication of Research Paper in The Indian Journal of Research Anvikshiki ISSN 0973-9777 Bi-monthly International Journal of all Research; I, *Bibha Tripathi* the author of the research paper entitled OPTIONAL PROTOCOL TO THE CONVENTION ON THE ELIMINATION OF ALL FORMS OF DISCRIMINATION AGAINST WOMEN- AN INTRODUCTION declare that , I take the responsibility of the content and material of my paper as I myself have written it and also have read the manuscript of my paper carefully. Also, I hereby give my consent to publish my paper in Anvikshiki journal , This research paper is my original work and no part of it or it's similar version is published or has been sent for publication anywhere else. I authorise the Editorial Board of the Journal to modify and edit the manuscript. I also give my consent to the Editor of Anvikshiki Journal to own the copyright of my research paper.

Very often, human rights treaties are followed by “Optional Protocols” which may either provide for procedures with regard to the treaty or address a substantive area related to the treaty. Optional Protocols to human rights treaties are treaties in their own right, and are open to signature, accession or ratification by countries who are party to the main treaty.

The optional protocol to the Convention on the Elimination of All Forms of Discrimination against Women includes:

*The Communications Procedure;* Gives individuals and groups of women the right to complain to the Committee on the Elimination of Discrimination against Women about violations of the Convention. this procedure is known as “the communications procedure”. United Nations communications procedures provide the right to petition or the right to complain about violations of rights. Under all procedures, the complaint must be in writing.

*The Inquiry Procedure;* It enables the Committee to conduct inquiries into grave or systematic abu 06-Nov-2006 e party to the Optional Protocol. Known as an inquiry procedure, this capacity is found in article 8 of the Optional Protocol.

### *History of the Optional Protocol*

In 1976, During the drafting of CEDAW, a complaints procedure was suggested, but this was not taken up. In June 1993 the world conference on human rights in vienna acknowledged the need for new procedures to strengthen implementation of women’s human rights and called on CSW and the Committee to “quickly” examine the possibility of introducing the right of petition through the preparation

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of an Optional Protocol to CEDAW. In September/October 1994 an independent expert group met at the Maastricht Centre for Human Rights and adopted a draft Optional Protocol. Participants came from all regions and included members of CEDAW, the Human Rights Committee, the Committee on the Elimination of Racial Discrimination and other experts in the field of international human rights and the human rights of women. In January 1995, the CEDAW adopted those suggestions setting out the desirable elements of an Optional Protocol. In March 1995, Governments, inter-governmental organisations and non-governmental organisations (NGOs), at the request of CSW, were invited by the Secretary-General to submit their views on an Optional Protocol. In September 1995, the 4th World Conference on Women called on UN member States to support the elaboration of the Optional Protocol. In March 1996, CSW established an open-ended working group on the Optional Protocol. The group discussed the idea of the Optional Protocol and some of the main issues raised by it. CSW recommended that the group continue its work in 1997 and requested two reports from the Secretary-General:

- ◆ A comparative survey of other international procedures (E/CN.6/1997/4)
- ◆ A report on the views of Governments, intergovernmental organisations and NGOs on the idea of an Optional Protocol (E/CN.6/1997/5)

In March 1997, the Working Group discussed a draft Optional Protocol prepared by the Chairperson, Ms. Aloisia Wörgetter, of Austria, in informal meetings. A member of the CEDAW, Ms Cartwright, participated as a resource person. Representatives of NGOs made statements about some issues relating to the violation of women's human rights.

#### *The Working Group*

- ◆ completed a first reading of the Chairperson's draft,
- ◆ agreed to the text of some articles of the draft Optional Protocol,
- ◆ refined and amended alternative formulations for the outstanding articles.

In March 1998, the Working Group resumed its deliberations on the draft Optional Protocol during the 42nd Session of CSW. Ms Aloisia Wörgetter of Austria continued as the Chairperson of the Group. Finally in October 1999, the General Assembly adopted the Optional Protocol to the Convention. The Optional Protocol was open for signature on 10 December, 1999, Human Rights Day. On 22 December 2000, following receipt of the tenth instrument of ratification, the Optional Protocol entered into force.

#### *Provisions of the Optional Protocol*

The preamble is the introductory part of the Protocol which sets out the object and purpose of the Protocol. It refers to the principles of equality and non-discrimination as embodied in the UN Charter, the Universal Declaration of Human Rights, and other international human rights instruments, including the Convention on the Elimination of All Forms of Discrimination against Women. It reaffirms the determination of States parties which adopt the protocol to ensure the full and equal enjoyment by women of all human rights and fundamental freedoms and to take effective action to prevent violations of these rights and freedoms.

*Article 1;* Establishes that States who become parties to the optional protocol recognise the competence of the Committee to receive and consider communications under the protocol.

*Article 2;* Provides a Communications Procedure which allows either individuals or groups of individuals to submit individual complaints to the Committee. Communications may also be submitted on behalf



of individuals or groups of individuals, with their consent, unless it can be shown why that consent was not received.

*Article 3;* Establishes that a communication will only be considered by the Committee if it concerns a country that has become party to the protocol. In addition, a communication must be submitted in writing and may not be anonymous.

*Article 4;* Stipulates admissibility criteria of communications. Before a complaint is considered, the Committee must determine that all available domestic remedies have been exhausted and the complaint is not, nor has been examined by the Committee or has been or is being examined under another procedure of international investigation or settlement. In addition, a complaint will only be admissible provided the complaint is compatible with the provisions of the Convention; is not an abuse of the right to submit a communication; the claimants' allegations can be substantiated, and the facts presented occurred after the State party ratified the Protocol.

*Article 5;* After receipt of a communication and prior to its final decision, the Committee has the option of contacting the State Party with an urgent request that the State Party take steps to protect the alleged victim or victims from irreparable harm.

*Article 6;* Establishes the communications procedure. Where a communication has been found admissible, the Committee will confidentially bring a communication to the attention of the State Party, provided the complaint has consented to disclosure of their identity to the State Party. The State Party is given six months to provide a written explanation or statement to the complaint.

*Article 7;* Outlines the process of complaint consideration. The Committee will examine and consider all information provided by a complaint in closed meetings. The Committee's views and recommendations will be transmitted to the parties concerned. The State Party has six months to consider the views of the Committee and provide a written response, including remedial steps taken. The Committee may request further information from the State Party, including in subsequent reports.

*Article 8;* Establishes an inquiry procedure that allows the Committee to initiate a confidential investigation by one or more of its members where it has received reliable information of grave or systematic violations by a State Party of rights established in the Convention. Where warranted and with the consent of the State Party, the Committee may visit the territory of the State Party. Any findings, comments or recommendations will be transmitted to the State Party concerned, to which it may respond within six months.

*Article 9;* Establishes a follow-up procedure for the Committee. After the six-month period referred to in article 8, the State Party may be invited to provide the Committee with details of any remedial efforts taken following an inquiry. Details may also be provided in the State Party report to the Committee under article 18 of the Convention.

*Article 10;* Provides an opt-out clause. At ratification of the Optional Protocol, a State Party has the option of refusing to recognize the competence of the Committee to initiate and conduct an inquiry as established under articles 8 and 9. However, this declaration may be withdrawn at a later time.

*Article 11;* Requires a State Party to ensure the protection of those submitting communications.

*Article 12;* A summary of the Committee's activities relating to the Protocol will be included under article 21 of the Convention.

*Article 13;* Establishes a requirement that States Parties widely publicize the Convention and its Protocol and provide access to the views and recommendations of the Committee.

*Article 14;* Requires the Committee to develop its own rules of procedure when dealing with communications and inquiries considered in accordance with the Optional Protocol.

*Article 15;* Governs eligibility for States to sign, ratify or accede to the Protocol. Any State Party that is party to the Convention may become party to the Protocol.

*Article 16;* Establishes that a minimum of ten countries must have ratified or acceded to the Protocol before the Protocol enters into force. The Protocol will enter into force three months after the 10th ratification or accession.

*Article 17;* Provides that there shall be no reservations to the Protocol.

*Article 18;* Establishes procedures for amending the Protocol. Any State Party may suggest amendments to be sent to the Secretary-General of the United Nations to be communicated to all States Parties to the Protocol. If requested by a minimum of one-third of States Parties, a conference may be convened to discuss and vote on any amendments. With the support of a two-thirds majority and the General Assembly, an amendment comes into force and is binding on States that have accepted the amendments.

*Article 19;* Provides for a State Party to withdraw from the Protocol by written notification to the Secretary-General. Withdrawal will not impact any communications submitted prior to the effective date of withdrawal.

*Article 20;* States that the Secretary-General of the United Nations shall inform States of signatures, ratifications and accessions, the date the Protocol comes into force and any amendments and withdrawals.

*Article 21;* Provides that the Protocol will be deposited in the United Nations archives, made available in Arabic, Chinese, English, French, Russian and Spanish and sent to all States Parties by the Secretary General.

### *Conclusion*

It is submitted through the paper that this optional protocol serves the interest of women in a more peculiar way. It successfully fulfils the objectives of improving States' and individuals' understanding of CEDAW as well as it stimulates States to take steps to implement CEDAW and stimulates changes in discriminatory laws and practices. It also enhances existing mechanisms for the implementation of human rights within the UN system and creates greater public awareness of human rights standards relating to discrimination against women.

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## “CONSTITUTIONAL AND LEGISLATION SAFEGUARDS FOR WOMEN IN INDIA”

MD. ABDULLAH\*

### *Declaration*

The Declaration of the author for publication of Research Paper in The Indian Journal of Research Anvikshiki ISSN 0973-9777 Bi-monthly International Journal of all Research: I, *Abdullah* the author of the research paper entitled “CONSTITUTIONAL AND LEGISLATION SAFEGUARDS FOR WOMEN IN INDIA” declare that, I take the responsibility of the content and material of my paper as I myself have written it and also have read the manuscript of my paper carefully. Also, I hereby give my consent to publish my paper in Anvikshiki journal, This research paper is my original work and no part of it or its similar version is published or has been sent for publication anywhere else. I authorise the Editorial Board of the Journal to modify and edit the manuscript. I also give my consent to the Editor of Anvikshiki Journal to own the copyright of my research paper.

### *Abstract*

*Social change is an inevitable phenomenon of every society because social conditions never remain static. Social change whether it comes through legislation or through judicial interpretation indicates the change in accepted modes of life, or perhaps a better life. The changing pattern does have an impact on the laws and the life of a given society, law must keep pace with the changing socio- economic trends, and political movements of the society, while at the same time preserving necessary balance between individual rights and duties. Thus, law and justice provide a potential force for the attainment of a progressive social change.*

*Women's struggle for equality took a big step forward with the coming of independence. Articles Hand 15 of the Indian Constitution (1950) guaranteed the complete equality of men and women. The Hindu Succession Act of 1956 made the daughter an equal co-heir with the son. The Hindu Marriage Act of 1955 permitted dissolution of marriage on specific grounds. Monogamy was also made man-datory for men as well as women. But the evil custom of dowry still continues even though the demanding of dowry has been banned. The Constitution gives women equal right to work and to get employment in state agencies. The Directive Principles of the Constitution lay down the principle of equal pay for equal work for both men and women.*

**Keywords:** Constitution, Legislation, Monogamy, Employment

### *Introduction*

In spite of women contribution in all spheres of life and they enjoy a unique position in every society and country of the world, but they suffer in silence and belong to a class which is in a disadvantaged

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position on account of several barriers and impediments. India, being a country of paradoxes, is no exception. Here too, women, a personification of Shakti, once given a dignified status, are in need of empowerment. Women's empowerment in legal, social, political and economic requires to be enhanced. However, empowerment and equality are based on the gender sensitivity of society towards their problems. The intensification of women's issues and rights movement all over the world is reflected in the form of various Conventions passed by the United Nations.

Gender equality is always escaped the constitutional provisions of equality before the law or the equal protection of law. This is because equality is always supposed to be between equals and since the judges did not concede that men and women were equal. Gender equality did not seem to them to be a legally forbidden inequality. In India, the Constitution makers while drafting the Constitution were sensitive to the problems faced by women and made specific provisions relating to them. In various articles, not only mandates equality of the sexes but also authorizes benign discrimination in favor of women and children to make up for the backwardness which has been their age-old destiny. But categorical imperatives constitutionals by the Founding Fathers are not self acting and can acquire socio-legal locomotion only by appropriate State action.

Our Constitution is the basic document of a country having a special legal holiness which sets the framework and the principal functions of the organs of the Government of a State. It also declares the principles governing the operation of these organs. The Constitution aims at creating legal norms, social philosophy and economic values which are to be affected by striking synthesis, harmony and fundamental adjustment between individual rights and social interest to achieve the desired community goals.

#### *Important Constitutional and Legislation Provisions For Women in India*

The principle of gender equality is enshrined in the Indian Constitution in its Preamble, Fundamental Rights, Fundamental Duties and Directive Principles. The Constitution not only grants equality to women, but also empowers the State to adopt measures of positive discrimination in favor of women. Within the framework of a democratic polity, our laws, development policies, Plans and programmes have aimed at women's advancement in different spheres. India has also ratified various international conventions and human rights instruments committing to secure equal rights of women. Key among them is the ratification of the *Convention on Elimination of All Forms of Discrimination against Women (CEDAW)* in 1993.

#### *Constitutional Provisions*

The Constitution of India not only grants equality to women but also empowers the State to adopt measures of positive discrimination in favor of women for neutralizing the cumulative socioeconomic, education and political disadvantages faced by them. Fundamental Rights, among others, ensure equality before the law and equal protection of law; prohibits discrimination against any citizen on grounds of religion, race, caste, sex or place of birth, and guarantee equality of opportunity to all citizens in matters relating to employment. Articles 14, 15, 15(3), 16, 39(a), 39(b), 39(c) and 42 of the Constitution are of specific importance in this regard.

#### *Constitutional Privileges*

(i) Equality before law for women (Article 14)

- (ii) The State not to discriminate against any citizen on grounds only of religion, race, caste, *sex*, place of birth or any of them (*Article 15 (i)*)
- (iii) The State to make any special provision in favor of *women* and children (*Article 15 (3)*)
- (iv) Equality of opportunity for all citizens in matters relating to employment or appointment to any office under the State (*Article 16*)
- (v) The State to direct its policy towards securing for men and *women* equally the right to an adequate means of livelihood (*Article 39(a)*); and equal pay for equal work for both men and *women* (*Article 39(d)*)
- (vi) To promote justice, on a basis of equal opportunity and to provide free legal aid by suitable legislation or scheme or in any other way to ensure that opportunities for securing justice are not denied to any citizen by reason of economic or other disabilities (*Article 39 A*)
- (vii) The State to make provision for securing just and humane conditions of work and for maternity relief (*Article 42*)
- (viii) The State to promote with special care the educational and economic interests of the weaker sections of the people and to protect them from social injustice and all forms of exploitation (*Article 46*)
- (ix) The State to raise the level of nutrition and the standard of living of its people (*Article 47*)
- (x) To promote harmony and the spirit of common brotherhood amongst all the people of India and to renounce practices derogatory to the dignity of *women* (*Article 51(A) (e)*)
- (xi) Not less than one-third (including the number of seats reserved for *women* belonging to the Scheduled Castes and the Scheduled Tribes) of the total number of seats to be filled by direct election in every *Panchayat* to be reserved for women and such seats to be allotted by rotation to different constituencies in a *Panchayat* (*Article 243 D(3)*)
- (xii) Not less than one- third of the total number of offices of Chairpersons in the *Panchayats* at each level to be reserved for *women* (*Article 243 D (4)*)
- (xiii) Not less than one-third (including the number of seats reserved for *women* belonging to the Scheduled Castes and the Scheduled Tribes) of the total number of seats to be filled by direct election in every *Municipality* to be reserved for *Women* and such seats to be allotted by rotation to different constituencies in a *Municipality* (*Article 243 T (3)*)
- (xiv) Reservation of offices of Chairpersons in *Municipalities* for the Scheduled Castes, the Scheduled Tribes and *women* in such manner as the legislature of a State may by law provide (*Article 243 T (4)*)

### 1. Preamble

The Preamble contains the essence of the Constitution and reflects the ideals and aims of the people. The Preamble starts by saying that we, the people of India, give to ourselves the Constitution. The source of the Constitution is thus traced to *the people, i.e. men and women of India*, irrespective of caste, community, religion or sex. The makers of the Constitution were not satisfied with mere territorial unity and integrity. If the unity is to be lasting, it should be based on social, economic and political justice. Such justice should be equal for all. The Preamble contains the goal of equality of status and opportunity to all citizens. This particular goal has been incorporated to give equal rights to women and men in terms of status as well as opportunity.

*1.1 Political Rights;* Even though the fact that women participated equally in the freedom struggle and, under the Constitution and law, have equal political rights as men, enabling them to take part effectively in the administration of the country has had little effect as they are negligibly represented in politics. There were only seven women members in the Constituent Assembly and the number later decreased



further. Their representation in the Lok Sabha is far below the expected numbers. This has led to the demand for reservation of 33% seats for women in the Lok Sabha and Vidhan Sabhas. Political empowerment of women has been brought by the 73rd and 74th Amendments<sup>4.2</sup> which reserve seats for women in Gram Panchayats and Municipal bodies. Illiteracy, lack of political awareness, physical violence and economic dependence are a few reasons which restrain women from taking part in the political processes of the country.

*1.2 Economic Rights;* At hand there has been series of legislation conferring equal rights for women and men. These legislations have been guided by the provisions of the fundamental rights and Directive Principles of State Policy. Here again there is a total lack of awareness regarding economic rights amongst women. Laws to improve their condition in matters relating to wages, maternity benefits, equal remuneration and property/succession have been enacted to provide the necessary protection in these areas.

*1.3 Social justice;* For providing social justice to women, the most important step has been codification of some of the personal laws in our country which pose the biggest challenge in this context. In the area of criminal justice, the gender neutrality of law worked to the disadvantage of a woman accused because in some of the cases it imposed a heavy burden on the prosecutor, for e.g. in cases of rape and dowry.

Certain areas like domestic violence and sexual harassment of women at the workplace were untouched, unthought-of. These examples of gender insensitivity were tackled by the judiciary and incorporated into binding decisional laws to provide social justice in void spheres.

Although a Uniform Civil Code is still a dream in spite of various directions of the Court, the enactment of certain legislations like the Pre-Natal Diagnostic Techniques (Prevention of Misuse) Act and the Medical Termination of Pregnancy Act prevent the violation of justice and humanity right from the womb.

In spite of these laws, their non-implementation, gender insensitivity and lack of legal literacy prevent the dream of the Constitution makers from becoming a reality. They prevent the fulfillment of the objective of securing to each individual dignity, irrespective of sex, community or place of birth.

## *2. Fundamental Rights*

Part III of the Constitution consisting of Articles 12-35 is the heart of the Constitution. Human Rights which are the entitlement of every man, woman and child because they are human beings have been made enforceable as constitutional or fundamental rights in India. The framers of the Constitution were conscious of the unequal treatment and discrimination meted out to the fairer sex from time immemorial and therefore included certain general as well as specific provisions for the upliftment of the status of women.

Justice Bhagwati in *Maneka Gandhi v. Union of India* (AIR 1978 SC 597) 4.3 said, “These fundamental rights represent the basic values cherished by the people of this country since the Vedic times and they are calculated to protect the dignity of the individual and create conditions in which every human being can develop his personality to the fullest extent.”

*2.1. Article 14* guarantees that the State shall not deny equality before the law and equal protection of the laws;

*Article: 14 Equality before Law;* The State shall not deny to any person equality before the law or the equal protection of the laws within the territory of India.

*2.2. Article 15* prohibits discrimination against any citizen on the ground of sex: and Article 15(3) empowers the state to make positive discrimination in favor of women and child;

*Article: 15* Prohibition of discrimination on grounds of religion, race, cast, sex, or place of birth;

- (1) The state shall not discriminate against any citizen on grounds only of religion, race, cast, sex, or place of birth or any of them.
- (2) Nothing in this article shall prevent the State from making any special provision for women and children. Accordingly Article 15(1) prohibits gender discrimination and Article 15(3) lifts that rigor and permits the State to positively discriminate in favor of women to make special provisions to ameliorate their social condition and provide political, economic and social justice. The State in the field of Criminal Law, Service Law, Labor Law, etc. has resorted to Article 15(3) and the Courts, too, have upheld the validity of these protective discriminatory provisions on the basis of constitutional mandate,

2.3. Article 16 provides for equality of opportunity in matter of public employment'

*Article: 16* Equality of opportunity in matters of public employment

- (1) There shall be equality of opportunity for all citizens in matters relating to employment or appointment to any office under the state.
- (2) No citizens shall, on grounds only of religion, race, cast, sex, descent, place of birth, residence or any of them, be ineligible for, or discriminated against in respect of, any employment or office under the state. The Constitution, therefore, provides equal opportunities for women implicitly as they are applicable to all persons irrespective of sex. However, the Courts realize that these Articles reflect only de jure equality to women. They have not been able to accelerate de facto equality to the extent the Constitution intended.

There is still a considerable gap between constitutional rights and their application in the day to-day lives of most women. At the same time it is true that women are working in jobs which were hitherto exclusively masculine domains. But there are still instances which exhibit lack of confidence their capability and efficiency. There remains a long and lingering suspicion regarding their capacities to meet the challenges of the job assigned.

2.4 Gender equality becomes elusive in the absence of right to live with dignity.

*Article 21* Protection of life and personal liberty.

"No person shall be deprived of his life or personal liberty except according to procedure established by law". Denial of right of succession to women of Scheduled Tribes amounts to deprivation of their right to livelihood under article 21; *Madhu kishwar v. state of Bihar*, ((1196) 5SCC 125)

In *Vishaka v. State of Rajasthan* (AIR 1997 SC 3011) 4.9, the Supreme Court, in the absence of legislation in the field of sexual harassment of working women at their place of work, formulated guidelines for their protection. The Court said, "Gender equality includes protection from sexual harassment and right to work with dignity which is a universally recognized basic human right. The common minimum requirement of this right has received global acceptance. In the absence of domestic law occupying the field, to formulate effective measures to check the evil of sexual harassment of working women at all workplaces, the contents of international conventions and norms are significant for the purpose of interpretation of the guarantee of gender equality, right to work with human dignity in articles 14, 15, 19(1)(g) and 21 of the Constitution and the safeguards against sexual harassment implicit therein and for the formulation of guidelines to achieve this purpose".

2.5 Article 23 prohibits trafficking in human beings and forced labor; Article 23 of the Constitution specifically prohibits traffic in human beings. Trafficking in human beings has been prevalent in India for a long time in the form of prostitution and selling and purchasing of human beings.

*Article 23.* Prohibition of traffic in human beings and forced labor.



- (1) Traffic in human beings and beggar and other similar forms of forced labor are prohibited and any contravention of this provision shall be an offence punishable in accordance with law.
- (2) Nothing in this article shall prevent the State from imposing compulsory service for public purposes, and in imposing such service the State shall not make any discrimination on grounds only of religion, race, caste or class or any of them.

In *Gaurav Jain v. Union of India* (1997 (8) SCC 114) 4.10, the condition of prostitutes in general and the plight of their children in particular was highlighted. The Court issued directions for a multi-pronged approach and mixing the children of prostitutes with other children instead of making separate provisions for them. The Supreme Court issued directions for the prevention of induction of women in various forms of prostitution. It said that women should be viewed more as victims of adverse socio-economic circumstances than offenders in our society.

### *3. Directive Principles Of State Policy*

However Directive Principles of State Policy are not enforceable in any court of law they are essential in the governance of the country and provide for the welfare of the people, including women. These provisions are contained in Part IV of the Constitution. Fundamental Rights furnish to individual rights while the Directive Principles of State Policy supply to social needs.

*3.1 Article: 39* certain principles of policy to be followed by the state.

The State shall, in particular, direct its policy towards securing :

- (a) That the citizen, men and women equally, have the right to an adequate means of livelihood;
- (d) That there is equal pay for equal work for both men and women;
- (e) that the health and strength of workers, men and women, and the tender age of children are not abused and that citizens are not forced by economic necessity to enter avocations unsuited to their age or strength;

*Article 39(a)* directs the State to direct its policy towards securing that citizens, men and women, equally have the right to an adequate means of livelihood.

*Article 39(d)* directs the State to secure equal pay for equal work for both men and women. The State in furtherance of this directive passed the Equal Remuneration Act, 1976 to give effect to the provision.

*Article 39(e)* specifically directs the State not to abuse the health and strength of workers, men and women.

*3.2 Article: 42* Provision for just and humane conditions of work and maternity relief.

The State shall make provision for securing just and humane conditions of work and for maternity relief.

*Article 42* of the Constitution incorporates a very important provision for the benefit of women. It directs the State to make provisions for securing just and humane conditions of work and for maternity relief.

The State has implemented this directive by incorporating health provisions in the Factories Act, Maternity Benefit Act, Beedi and Cigar Workers (Conditions of Employment) Act, etc.

*3.3 Article: 243 D* Reservation of seats. (73rd Amendment - w.e.f. 1-6-1993)

(1) Seats shall be reserved for :

- (a) The Scheduled Castes; and
- (b) The Scheduled Tribes,

In every Panchayat and the number of seats so reserved shall bear, as nearly as may be, the same proportion to the total number of seats to be filled by direct election in that Panchayat as the population of the Scheduled Castes in that Panchayat area or of the Scheduled Tribes in that Panchayat area

bears to the total population of that area and such seats may be allotted by rotation to different constituencies in a Panchayat.

- (2) Not less than one-third of the total number of seats reserved under clause (1) *shall be reserved for women* belonging to the Scheduled Castes or, as the case may be, the Scheduled Tribes.
- (3) Not less than one-third (including the number of *seats reserved for women* belonging to the Scheduled Castes and the Scheduled Tribes) of the total number of seats to be filled by direct election in every *Panchayat shall be reserved for women* and such seats may be allotted by rotation to different constituencies in a Panchayat.

### *Legislation Provisions*

#### (1) The Crimes Identified Under The Indian Penal Code (IPC)

- (i) Rape (Sec. 376 IPC)
- (ii) Kidnapping & Abduction for different purposes (Sec. 363-373)
- (iii) Homicide for Dowry, Dowry Deaths or their attempts (Sec. 302/304-B IPC)
- (iv) Torture, both mental and physical (Sec. 498-A IPC)
- (v) Molestation (Sec. 354 IPC)
- (vi) Sexual Harassment (Sec. 509 IPC)
- (vii) Importation of girls (up to 21 years of age)

(2) *The Crimes Identified Under The Special Laws (SLL)*; Although all laws are not gender specific, the provisions of law affecting women significantly have been reviewed periodically and amendments carried out to keep pace with the emerging requirements. Some acts which have special Provisions to safeguard women and their interests are:

- (i) The Family Courts Act, 1954
- (ii) The Special Marriage Act, 1954
- (iii) The Hindu Marriage Act, 1955
- (iv) The Hindu Succession Act, 1956 with amendment in 2005
- (v) Immoral and Illegal Traffic (Prevention) Act, 1956
- (vi) The Maternity Benefit Act, 1961 (Amended in 1995)
- (vii) Dowry Prohibition Act, 1961
- (viii) Equal payment Act 1971
- (ix) Vulgar show prohibition Act 1986
- (x) Commission of Sati (Prevention) Act, 1987
- (xi) National Women Commission Act 1990
- (xii) The Protection of Women from Domestic Violence Act, 2005
- (xiii) The Prohibition of Child Marriage Act, 2006

### *2.1 The Special Marriage Act, 1954*

In 1872 Act III, 1872 was enacted but later it was found inadequate for certain desired reforms, and parliament enacted a new legislation. Henry Sumner Maine first introduced Act III of 1872, which would permit any dissenters to marry whomever they chose under a new civil marriage law. In the final wording, the law sought to legitimate marriages for those willing to renounce their profession of faith altogether (“I do not profess the Hindu, Christian, Jewish, etc. religion”). Overall, the response from local governments and administrators was that they were unanimously opposed to Maine’s Bill and believed the legislation encouraged marriages based on lust, which would inevitably lead to immorality.

The *Special Marriage Act, 1954* replaced the old Act III, 1872. *The new enactment has three major objectives:*

- (1) To provide a special form of marriage in certain cases,
- (2) to provide for registration of certain marriages and,
- (3) to provide for divorce.

#### *Applicability of the Special Marriage Act, 1954*

- (1) Any person, irrespective of religion.
- (2) Inter-caste marriages are performed under this Act.
- (3) This Act is applicable to the entire territory of India (excluding the states of *Jammu and Kashmir*) and extends to intending spouses who are both Indian nationals living abroad.

#### *2.2 The Hindu Marriage Act, 1955*

The *Hindu Marriage Act* was established by the Indian parliament in 1955 as part of the Hindu Code Bills. Three other important acts were also created during this time and they include the Hindu Succession Act (1956), the Hindu Minority and Guardianship Act (1956), and the Hindu Adoptions and Maintenance Act (1956). All of these acts were put forth under the leadership of Jawaharlal Nehru, and were meant to modernize the then current Hindu legal tradition.

*Purpose of the Hindu Marriage Act, 1955;* As part of the Hindu Code Bill, the Hindu Marriage Act was enacted by parliament in 1955. It is an act to amend and codify the marriage law among Hindus. Its purpose was to regulate personal life among Hindus, especially their institution of marriage, its validity, conditions for in-validity, and applicability.

*Applicability of the Hindu Marriage Act, 1955;* The bill was viewed as conservative because it applied to any person who is Hindu by religion in any of its forms, but it was also modern in the sense that it recognizes the modern offshoots of the Hindu religion (Jains, Buddhists, or Sikhs) as specified in Article 44 of the Indian Constitution. However, with the passage of Anand Karj marriage act, Sikhs now also have their own personal law related to marriage.

#### *2.3 The Maternity Benefit Act, 1961*

An Act to regulate the employment of women in certain establishment for certain period before and after child-birth and to provide for maternity benefit and certain other benefits.

##### **1. Short title, extend and commencement :**

- (1) This Act may be called the Maternity Benefit Act, 1961.
- (2) It extends to the whole of India.
- (3) It shall come into force on such date as may be notified in this behalf in the Official Gazette :
  - (a) in relation to mines and to any other establishment where in person are employed for the exhibition of equestrian, acrobatic and other performances, by the Central Government, and
  - (b) in relation to other establishments in a state, by the State Government.

##### **2. Employment of, or work by, women prohibited during certain period :**

- (1) No employer shall knowingly employ a women in any establishment during the six weeks immediately following the day of her delivery or her miscarriage.
- (2) No women shall work in any establishment during the six weeks immediately following the day of her delivery of her miscarriage.

- (3) Without prejudice to the provisions of section 6, no pregnant women shall, on a request being made by her in this behalf, be required by her employer to do during the period specified in sub-section
  - (4) any work which is of an arduous nature or which involves long hours of standing or which in any way is likely to interfere with her pregnancy or the normal development of the foetus, or is likely to cause her miscarriage or otherwise to adversely affect her health.
3. *Leave for illness arising out of pregnancy, delivery, premature birth of child, or miscarriage;* A women suffering illness arising out of pregnancy, delivery, premature birth of child or miscarriage shall, on production of such proof as may be prescribed, be entitled in addition to the period of absence allowed to her under section 6, or as the case may be, under section 9, to leave with wages at the rate of maternity benefit for a maximum period of one month.

#### 2.4 *The Dowry Prohibition Act, 1961*

An Act prohibit the giving or taking of dowry. Be it enacted by parliament in the Twelfth Year of the Republic of India as follows:

1. Short title, extent and commencement :

- (1) This Act may be called the Dowry Prohibition Act, 1961.
- (2) It extends to the whole of India except the state of Jammu and Kashmir.
- (3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. *Definition of dowry;* In this act, dowry means any property or valuable security given or agreed to be given either directly or indirectly:

- (a) by one party to a marriage to the other party to the marriage, or
- (b) by the parents of either party to a marriage or by any other person, to either party to the marriage or to any other person, at or before any time after the marriage in connection with the marriage of said parties but does not include dower or mahr in the case of persons to whom the Muslim Personal Law (Shariat) applies.

3. *Penalty for giving or taking dowry;* If any person, after the commencement of this Act, gives or takes or abets the giving or taking of dowry, he shall be punishable with imprisonment for a term which shall not be less than five years, and with the fine which shall not be less than fifteen thousand rupees or the amount of the value of such dowry, whichever is more. Provided that the court may, for adequate and special reasons to be recorded in the judgment, impose a sentence of imprisonment for a term of less than five years.

#### 2.5 *The National Commission for Women Act, 1990*

The Central Government shall constitute a body to be known as the National Commission for Women to exercise the powers conferred on, and to perform the functions assigned to, it under this Act.

*Function of the Commission;* The Commission shall perform all or any of the following function, namely :

- (a) investigate and examine all matters relating to the safeguards provided for women under the constitution and other law,
- (b) present to the Central Government , annually and at such other times as the commission may deem fit, reports upon the working of those safeguards,
- (c) make in such reports recommendation for the effective implementation of those safeguards for improving the condition of women by the Union or any State,
- (d) take up the cases of violation of the provision of the constitution and of other laws relating to women with the appropriate authorities,
- (e) inspect or cause to be inspected a jail, remand home, women's institution or other place of custody where women are kept as prisoners or otherwise, and take up with the concerned authorities for remedial action, if found necessary,
- (f) fund litigation involving issues affecting a large body of women,
- (g) any other matter which may be referred to it by Central Government.

### Conclusion

The principle of gender equality is enshrined in the Indian Constitution in its Preamble, Fundamental Rights, Fundamental Duties and Directive Principles. The Constitution not only grants equality to women, but also empowers the State to adopt measures of positive discrimination in favor of women. Within the framework of a democratic polity, our laws, development policies, Plans and programmes have aimed at women's advancement in different spheres. India has also ratified various international conventions and human rights instruments committing to secure equal rights of women. Key among them is the ratification of the Convention on Elimination of All Forms of Discrimination Against Women (CEDAW) in 1993. India ranks 134 in 2011 among 187 countries in terms of the UNDP Human Development Index (HDI) and Gender Inequality Index (GII).

As per Census 2011, the population of India is 1210.19 million comprising 586.47 million (48.5%) females and 623.72 million (51.5%) males. Females have a share of 48.1% in the urban population and of 48.6% in the rural population. The workforce participation rate of females in rural sector was 26.1 in 2009 10 (NSS 64th Round) while that for males was 54.7. In Urban sector, it was 13.8 for females and 54.3 for males. Among the States/UTs, workforce participation rate of females in the rural sector was the highest in Himachal Pradesh at 46.8% and in the urban sector; it was the highest in Mizoram at 28.8%. As per Census 2011, 74.0% of the population is literate comprising 65.5% females and 82.1% males. The incremental increase over Census 2001 of 11.8% for females is higher than 6.8% for males.

In 2012, women occupied only 8 out of 74 Ministerial positions in the Central Council of Ministers. There were 2 women judges out of 26 judges in the Supreme Court and there were only 54 women judges out of 634 judges in different High Courts.

Cruelty by husband and relatives continues to occupy the highest share (43.4%) among the crimes committed against women in 2011 followed by molestation (18.8%). 15.6% cases are that of kidnapping and abduction, 10.6% of rape, 3.8% of dowry deaths and 3.7% of sexual harassment. 10.4% cases of cruelty by husband and relatives underwent trial by the Courts of Law in 2011 and conviction was done in 8.3% cases. The highest conviction rate of 16.5% was observed for the crime 'importation of girls' and the lowest of 4.0% for 'indecent representation of women. Out of a total 24270 victims, there were 875 victims who were less than 10 years of age, 1707 in the age group 10 14 years, 4646 in the age group 14 18 years, 13264 in the age group 18 30 years, 3637 in the age group of 30 50 years and 141 in the age group greater than 50 years.

In keeping with the public outrage over Nirbhaya's brutal gang rape in Delhi on November 16, the Justice J S Verma Committee has raised the bar of punishment for a wide range of existing and proposed sexual offences even as it rejected the demand for introducing death for rape.

The report released on 23rd January, 2013, has proposed codification of a stringent alternative to the life sentence, evolved through judicial activism in the last five years.

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## POSITION OF MINOR UNDER VARIOUS STATUES IN INDIA: WITH SPECIAL REFERENCE TO VARIATION IN THE AGE WHILE GIVING THE RIGHTS AND FIXING THE LIABILITIES

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### *Declaration*

The Declaration of the author for publication of Research Paper in The Indian Journal of Research Anvikshiki ISSN 0973-9777 Bi-monthly International Journal of all Research: I, *Inderjot Kaur* the author of the research paper entitled POSITION OF MINOR UNDER VARIOUS STATUES IN INDIA: WITH SPECIAL REFERENCE TO VARIATION IN THE AGE WHILE GIVING THE RIGHTS AND FIXING THE LIABILITIES declare that, I take the responsibility of the content and material of my paper as I myself have written it and also have read the manuscript of my paper carefully. Also, I hereby give my consent to publish my paper in Anvikshiki journal, This research paper is my original work and no part of it or its similar version is published or has been sent for publication anywhere else. I authorise the Editorial Board of the Journal to modify and edit the manuscript. I also give my consent to the Editor of Anvikshiki Journal to own the copyright of my research paper.

### *Introduction*

In law, a minor is a person under a certain age, usually the age of majority, which legally demarcates childhood from adulthood. The age of majority depends upon jurisdiction and application, but is generally 18 years. According to Indian Majority Act, 1875, “A Minor is a person who is below the age of 18 years and if any guardian is appointed for his property or person then the age of majority is regarded as 21 years”.

Under Article 1 of the Convention on Rights of the Child, “A Child is recognized as a person under 18, unless national laws recognize an earlier age of majority”.

The word child has two meanings, biologically; a child is generally a human between the stages of birth and puberty. Legally, a Child refers to a minor, otherwise known as a person younger than age of majority. So the word child and minor are many times used inter-changeably.

There are various civil and criminal statutes in India including Constitution under which many rights are given to the minor's but where there is a right, there is a responsibility also, that's why even minor is not an exception, when it comes to fixing of liabilities. But minor because of his tender age and immaturity is not treated at par with Major's while fixation of liability. Generally if a minor is not of the legal age of adulthood, he or she may not be responsible for his/her own actions under civil or

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criminal laws. But this is not an absolute rule. Even under civil laws like contract, minor is liable for the payment of necessities supplied to him or his dependents, but he is not personally liable, as the liability is only towards his property. In same way he is not absolutely protected from criminal liability if he is of the age of discretion and he could understand, what is done by him is contrary to law. But under both the laws the age of minor is different as under contract its 18 years and under Indian Penal Code a child below 7 years is considered as Doli incapax means not of all liable for any criminal Act done by him. Infants under the age of discretion, “ought not to be punished by any criminal prosecution whatever” wrote Blackstone. But if he is between 7 to 12 years then he will be liable for his Act, if known what he has done is wrong or contrary to law. There is a wide difference between the various statutes in relation to the age of a minor, as age for marriage of a male is 21 where as for a female its 18. Age for adoptions should not be more than 15 years and under Juvenile Justice Act a child below 18 years is treated as a juvenile. Recently because of incident of Delhi rape case an amendment bill was presented in Lok Sabha for changing the age of juvenile from 18 to 16, so that a person above 16 years could be tried under ordinary Courts if the juvenile justice board so decides. So there is a clear disparity in treating a child under various laws in relation to his age, which has to be regulated and uniformity must be brought under all the laws.

#### *Position of Minor in India under Various Statutes*

*Constitution of India*; Undoubtedly, children are future of the nation and need special protection because of the physical and mental faculties they possess. That’s why following provisions are made in the Constitution of India for their betterment and protection. Article 15(3) of the Constitution empowers the State government to make special provisions for children and Article 21A, provides for Free and compulsory education for all the children until they complete the age of 14 years. Third provision is Article 24 of Constitution which prohibits employment of children who are below age of 14 years in factories, mines or any other hazardous employment. Fourth provision is Article 39 (f) of Constitution which provides that the children of tender age should not be subject to abuse and they should be given opportunities and facilities for their development in a healthy manner. Fifth provision which exclusively deals with children is Article 45 of Constitution which makes provision for free and compulsory education for all children.

*Indian Penal Code, 1860*; Following are the provisions which are specially related to children. Section 82 states that nothing is an offence which is done by a child under age of 7 years and according to Section 83, nothing is an offence which is done by a child more than 7 years of age and under 12 years, who has not attained sufficient maturity of understanding and to judge the nature and consequences of his act on that occasion. So the age above which every person is liable for his criminal Act is 12 years. As per Indian Penal Code, 12 years is the age at which a person attains sufficient maturity to understand nature of his Act and can form mens rea or intention to commit an offence. So, no privilege is provided to a person who is above 12 years and below 18 years under Indian Penal Code, 1860 whereas under Section 305 which provides for punishment to a person who abets suicide of a child or insane person under the age of 18 years. So anyone who abets a person below 18 years of age to commit suicide, he shall be punished with death or imprisonment for life or imprisonment for a term not exceeding ten years and shall also be liable to fine. Further, Section 317 punishes father or mother of a person having care of child under 12 years of age, who leaves or exposes such child in any place with the intention of wholly abandoning such child, with imprisonment of either description for a term which may extend to seven years or with fine or with both. Section



361 describes the offence of kidnapping as whoever takes or enters any minor under 16 years of age if a male or under 18 years of age if a female, or any person of unsound mind, out of the keeping of the lawful guardian of such minor or person of unsound mind, without the consent of such guardian, is said to kidnap such minor or person from lawful guardianship. So in this Section there is a difference of age of maturity between males and females, which is 18 years for girls and 16 years for boys. Section 363A punishes a person with imprisonment up to 10 years who kidnaps or maims minor for purpose of begging. Next comes the most debatable Section i.e. Section 375 which defines rape, as sexual intercourse with a woman without her consent, and age of consent which was earlier 16 years, has been raised to 18 years by the amendment of 2013, after Delhi Rape case. This Section differs as to age of consent of a married woman in relation to sexual intercourse with her husband, which is now 16 years after amendment of 2013, earlier it was 15 years. So Indian Penal Code clearly prohibits criminal and unlawful acts against minors but makes difference according to gravity of offence and sex of child, in relations to age of their minority.

*Code of Criminal Procedure, 1973*; Code of Criminal Procedure, 1973 is a procedural law which provides for procedure for implementation of provision of substantive laws such as Indian Penal Code, 1860, etc. This code also confers some special Rights to minors as under Section 160, no male person under age of 18 years and female of any age can be called to police station for investigation by police.

Proviso to Section 167 states that woman under eighteen years of age shall be detained in the custody of a remand home or recognized social institution. So, this code provides 18 years as age of minority. Further, Section 173(1-A) provides time limit for completing investigation by police, in case of rape of child, the time limit is 3 months from date of FIR. Section 198(6) of this code prohibits a Court from taking cognizance of an offence under Section 376 of Indian Penal Code, 1860, where the offence of marital Rape is committed by a man with his own wife and the wife being under 18 years of age, if more than one year has elapsed from the date of the commission of the offence. So this age is in contradiction with the age provided under Section 375 of Indian Penal Code, 1860, which is 16 years in case of rape of married women by her husband. Section 125 is the only Section in Code of Criminal Procedure which provides substantive right to wife, children and parents for maintenance from their husband, father, son and daughter respectively. Her father is bound to provide maintenance to his minor children. Here age of minority is 18 years.

*Indian Evidence Act, 1872*; Section 118 of Indian Evidence Act makes a child witness competent to testify, if he understands the questions put to him, which means that even a minor or a child who is prudent and can understand the matter before Court of law is a competent witness and his evidence is a reliable one. He is given one more Right under section 112 of the said act under which the title of legitimacy is conferred on every child who is born during the continuation of marriage and within 280 days from its dissolution.

*Juvenile Justice (Care and Protection of Children) Act, 2000*; This Act fixes age of minority as 18 years i.e. person below 18 years of age is a juvenile. This Act outlines two targeted groups: Children in need of care and protection and juveniles in conflict with law. This Act provides for a special treatment for juvenile offenders which include formation of Juvenile justice boards to conduct trial of juvenile offender's special remand homes or observation homes for such juveniles who are in conflict with law and adopting reformatory measures in place of giving them ordinary punishments like imprisonment up to 3 years, etc. This Act aims to providing a friendly environment to juveniles and to make them a peace loving and better citizens. A person to be treated as juvenile must be below 18 years of age on the day when offence was committed.

*The Hindu Marriage Act, 1955*; This Act regulates marriages of all Hindu's. Section 5 provides conditions for a Hindu marriage and Section 5(iii) imposes a condition that at the time of marriage, bridegroom must have completed 21 years of age and bride to be above 18 years. But if this condition is violated, marriage does not become invalid, it remains valid. Only under Section-18(a) the imprisonment of 2 years and fine up to 1 lakh rupees is given for the violation of such condition. Section 13(2)(iv), provides a special right to female whose marriage was solemnized before she has attained the age of 15 years and she can repudiated the marriage after attaining that age but before attaining the age of eighteen years.

*The Hindu Adoption and Maintenance Act, 1956*; The Hindu Adoption and Maintenance Act, 1956 is a comprehensive legislation for welfare of children. This Act abolishes the complex ceremonies of adoption and simplifies the procedure for adoption. Now under this Act, both boy and girl can be adopted. Section 10(iv) states that adoption can only be made in relation to a child who is under age of 15 years unless a contrary provision is provided under the custom or usage applicable to the parties, which permits persons who are above the age of 15 years to be taken in adoption. So, this Act does not permit adoption of a child above 15 years, whereas the standard age of minority which is 18 years is not applicable to this Act. Section 20 provides another right to the minor children including illegitimate children that is Maintenance from their father, who are dependent of the father as per Section 21 of the Act.

*The Hindu Minority and Guardianship Act, 1956*; Section 4(a) of this Act defines minor as a person who has not attained the age of 18 years and this Act has been drafted for the welfare of children/minors. Section 6 states that father and after him mother shall be natural guardian of minor's person and property and in cases, where guardian is to be appointed by Court, welfare of the minor should be the paramount consideration as its clearly provided under Section 13 of the Act.

*The Hindu Succession Act, 1956*; This Act amends and codifies the law relating to intestate succession among Hindus. This Act recognizes a minor as a coparcener and a member of a joint family. A minor can even claim partition through a guardian if his interest in coparcenary property is being misuse of by Karta or other coparceners. Section 20 gives right to child in womb of her mother to get share in partition reopened if no share is allocated to him on the Partition. Age of minority under this Act is also 18 years.

*Muslim Law*; Major part of Muslim law is uncoded where as some part of it also codified under acts like Shariat Act, 1937, Dissolution of Muslim Marriage Act, 1939 and Waqf Act, 1913 etc. under Section 2(vii) of Dissolution of Muslim Marriage Act, 1939, a minor wife is given right to repudiate her marriage, if she is given in marriage by her guardian before the age of 15 years then she can repudiate her marriage before attaining the age of 18 years. But the marriage should not be consummated with her consent after attaining the age of 15 years. Almost same provisions are there for boys too. But there is no age limit prescribed within which they should repudiate the marriage, but they should not have impliedly ratified or consented to the marriage by payment of dower or by its consummation. Even the marriage by children below the age of puberty without the consent of their guardians is also declared void. Under Muslim law there are two different ages for two different purposes for example: in case of marriage etc. age of puberty i.e. 15 years is considered as age of majority, where as in case of will and gift etc. it is considered as 18 years.

*The Indian Contract Act, 1872*; According to this Act, a minor is not competent to enter into a valid contract, as per Section 11, minor here means a person below 18 years of age and a contract entered into by a minor is void ab initio.

But according to Section 68 of this Act, when a minor is supplied with necessities suited to his condition in life, the person who has supplied such necessities is entitled to be reimbursed from the property of

such minor. Under Section 72 also, a minor is liable to return the thing or article which has been delivered to him under a mistake. Under Section 184 of Indian Contract Act, a minor can be validly made as an agent and can form a contract with third party on the behalf of his principal. But, the principal cannot make him personally liable for the acts done by him, as minor is immune from personal liability because of the fact of his minority.

*The Specific Relief Act, 1963*; Similar provisions have also been given under Section 33 of the Specific Relief Act, 1963, under which, when a minor went to the Court of law, to get the contract entered into by him declared as void because of his minority, the Court can order him to return the benefit or the goods taken by him under such contract if they are present in his possession in same form.

*The Indian Partnership Act, 1932*; As per Section 30 of the said Act, a minor can only be added to the benefits of a partnership firm and he can never be made personally liable, like other partners because of the fact of his minority. His liability is limited up to his share in the profits of the partnership firm.

*Code of Civil Procedure, 1908*; Order 32 of this Act exclusively deals with minors. According to Order 32 Rule 1 explanation, minor means a person who has not attained his majority within the meaning of Section 3 of the Indian Majority Act, 1875 which is 18 years. This Section provides right to minor to institute a suit through his next friend and right to be defended through a guardian.

*The prohibition of Child Marriage Act, 2006*; This Act deals with the prohibition of child marriages in India. This Act declares that child marriages are not only avoidable at the option of contracting party being child, but also a punishable offence on the part of one who promotes and permits solemnization of such marriages. It also lays down the circumstances when marriage of a minor child can be declared void. This Act also makes it obligatory for the child marriage prohibition officer to see that such marriages do not get materialized. The age provided under this Act is same as that given under Section 5(iii) of Hindu Marriage Act, 1955 i.e. 18 years for girls and 21 years for boys.

*The protection of children from Sexual Offences Act, 2012*; This Act is also exclusively made for welfare of children. This Act protects a person under age of 18 years, from offences of sexual assaults, sexual harassment and pornography. This Act clearly defines these offences and provides punishment ranges from simple to rigorous of varying periods along with fine, to be given by special Courts established under this Act.

*The Immoral Traffic (Prevention) Act, 1956*; This Act has been framed in pursuance of the International Convention signed at New York on May 9, 1950. This is one more statute made for welfare of children. Under this Act, person under age of 16 years, is included in definition of child and gets all the rights provided under this Act, which safeguards children against immoral trafficking and other related activities.

### *Conclusion*

The concept of the position of minors in India with special reference to the variation of age of minority is of cardinal importance because children are the most important asset of the nation and the bright future of the nation depends upon their growth and development. Under the various statutes there is a great variation in the age of a minor when it comes to fixation of his liability or in the matter of giving him any protective right. This variation has to be regulated and a uniform civil code has to be strictly implemented for the welfare of children as welfare of children is of paramount consideration. There is a great variation in relation to the age of a minor under various laws which is at present of no importance because of the changing needs of the society. For example the age of marriage of a male is minimum of 21 years whereas for a female it is 18 years, the age for the adoption of a child is fixed as below 15 years, the age of consent for the sexual intercourse of a woman is 18 years, whereas when it comes to the consent of a wife it is 16 years. What a great lacuna of law that on the one side child marriage is prohibited below 18 years and on the other side where it comes to the age for the consent of sexual intercourse with the husband then it is legally allowed after the age of 16 years. Adoption related laws are made for the

welfare of children, but this welfare is restricted for the minors who are between 15 to 18 years. On one side, males and females are considered equal, on other side, we made difference in relation to their maturity for marriage. Because of these kinds of shortcoming in the laws, the purpose for which the laws are made is not properly achieved. So there is a great need for the stabilization of the age of minors so that the real objective behind the child related laws could be achieved with its full force. And the children who constitute over 400 million of the one billion plus population of India and are considered as important factor in shaping the future of the nation should be endowed with the best provisions of the laws so that a healthy environment could be provided for their growth and development.

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## POSTCOLONIAL FEMINISM IN THE WORKS OF AMITAV GHOSH

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### *Declaration*

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### *Abstract*

*Writers of various periods reflect the role of women characters of their period. Indian- English Fiction Writers have depicted women and their experiences in patriarchal societies with a deep sympathetic understanding. The lists of contemporary Indian-English writers remain incomplete without the name of Amitav Ghosh. This paper is an attempt to reveal how Ghosh has tried to depict the sufferings of women from all sections of Indian society during the nineteenth century and how his female protagonists eventually come out victorious from the clutches of patriarchy.*

Man is born free, but not woman .She is not born with just an umbilical cord tied to her mother . But with lot of chains that shuns her from any individuality. The role of women, changes according to the need and demand of the society. Each culture creates a unique context in which various roles and identities of women are determined. In India women plays a multifaceted role like mother, wife, daughter and the bread winner of the family. The patriarchal society does not care to the Indian women's social and economic rights and does not let them take part in important activates of society. The male agents of power support the patriarchal society and accept its notions regarding women in order to reach their own wishes. Amidst this the Indian woman struggles to keep-up her own identity. Though bound by affection she seeks to be independent.

Writers of various periods reflect the role of women characters of their period. Indian- English Fiction Writers have depicted women and their experiences in patriarchal societies with a deep sympathetic understanding. The lists of contemporary Indian-English writers remain incomplete without

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the name of Amitav Ghosh. Ghosh has tried to depict the sufferings of women from all sections of Indian society during the nineteenth century. Amitav Ghosh portrays his women sensitively. Women are the leading spirits in his works. Ghosh's women are the representative of the Indian society. Amitav Ghosh has brought out the real struggle of women characters at various social statuses. Ghosh's women begin their life as puppets whose strings are controlled by the patriarchs. But they slowly realize that they have life and come to being. They act as independent entities, growing and developing according to their own inclinations and finding social acceptance, fighting their own battles, enjoying the fruits of victory. Amitav Ghosh has attempted to explore the emotional world of women through the major characters like, Dolly, Uma and the Queen Supayalat in *The Glass Palace*, Piya, Nilima, Kusum and Moyna in *The Hungry Tide* and Deeti and Paultte in *Sea of Poppies*.

The novel *The Glass Palace* is an extraordinary achievement by Amitav Ghosh. He has taken sincere and sustained effort to present the historical document through the women characters. The history of the 20th century is unfolded across the generations with an unerring narrative skill of Amitav Ghosh. It is a novel where the narrative spans over three generations. It is a saga of three families and their inter-connections. He portrays the cultural complexities and feminine consciousness through family relationships. The character Dolly in *The Glass Palace*, at the age of ten serves as a maid in the palace. When the king's family was banished, she also moves along with the king's family to Ratnagiri. There she grows up into a charming young girl. As she does not have anybody to share her feelings with, she longs for it and is soothed by Sawant, a servant in the palace. Finally, she falls in love with him, who serves the king's family in Ratnagiri. But later she comes to know that the first princess is carrying the child of Sawant. Understanding the pathetic position of the princess she conceals her love and parts with him. Dolly is a personification of the spirit of endurance and acceptance. Her very weakness is her source of strength. She stands for courage, honour, hope, compassion and sacrifice. Her tenacity of spirit lifts the other characters.

Uma Dey, the Madame collector, is attractive, charming, lively and self-possessed. The character Uma Dey, the Madame Collector, is an attractive and self-possessed character in the novel *The Glass Palace*. She gets married to Benni Prasad Dey, the Collector, who is under the impression that British people are much better than Indians. But Uma is quite opposite to his attitude and when she starts to reassess the entire meaning of her life, she sobs. Uma wishes not to be flattened into a role, where all her individualizing traits are stripped off. She wills for a companionship based on understanding and love, and for autonomy of self. But she is denied the requisite space. She finds it difficult to cope with this atmosphere of "constrained enactment". She gives up the legacy of humiliation and dependence and grows into a confident individual fighting for peace and non-violence. Uma in *The Glass Palace* plays a very important role in moulding other characters. Her contribution to the development of the novel can be witnessed throughout the novel. It is Uma who advised Dolly to marry Rajkumar and proceed with the journey of her life, leaving the King's family. With the help of Uma, Dolly marries Rajkumar and she gets herself involved in her family. The women in this novel like Dolly, Uma, Queen Supalayal try to seek different levels of liberation.

In *Sea of Poppies*, Amitav Ghosh has exposed numerous issues concerning the Indian women, for instance, double colonization and analyzes different relationships between male members of a patriarchal society and its female members besides their relationships with power.

Ghosh opens *Sea of Poppies* with a rural woman named Deeti with her daughter Kabutri who live in a very bad condition. Deeti, like the other women in that society, is a woman with a poor family who has to work on the poppy farm to help her husband who works for a British factory. She is married with an opium addicted man, Hukam Singh, who is her brother's friend. In her wedding night, her husband

makes her unconscious with opium and she is therefore raped by her brother-in-law, Chandan Singh, instead of her husband because of his infertility. This event happens while some of her husband's relatives participate in this terrific ceremony. When she discovers anything about that night told by her brother-in-law and while her husband is near to death she is confronted with the shameful request of her brother-in-law on having sexual relationship with her in order to have his support. She chooses to die with her husband's funeral pyre rather than accepting such humiliating status. Being saved from Sati—a ceremony which refers to an action in India in which a widow, when loses her husband, is inevitable to be burnt in the funeral pyre of her husband—by Kalua, Deeti runs away from his homeland to an unknown destination while she surrenders his only daughter to her aunt. In the novel there is a situation in which some landlords request for more women as labourers in order to work in agricultural fields. These labourers are transported on the *Ibis* in which Deeti has the same destination with the other women going to Mauritius. Indian women experience the same situation on the *Ibis* just like when on the land. They have hard responsibilities on it such as cleaning, cooking, serving food, and washing the clothes. At the end of the novel Kalua, Deeti's current husband, with some other men escapes from the *Ibis* and leaves Deeti alone and unsupported. The character Deeti in *Sea of Poppies* is another symbol of endurance. Ghosh makes her as a complete woman in the ship *Ibis*, which carries coolies to Mauritius. Deeti takes up the role of a senior and helps and guides a group of women in the *Ibis*, with the experience she had gained in her earlier part of life. She takes decision on her own. Ghosh has changed the life style of Deeti, and has given the liberty to decide the destiny not only of her life but also the life of other women in *Ibis*. Ghosh has tried to depict sufferings women from all sections of Indian society during the nineteenth century through this novel.. He has dealt with social problems like sati, rape by brother of the groom in the name of marriage to conceal impotency of groom etc. Ghosh gives us a ray of hope that if women get support from their male counterparts, they can be empowered to become independent and can become leader as Deeti in the novel. They are more than equal to men in the novel.

*The Hungry Tide* presents women's unique experience through the characters of Nilima and Kusum on one hand, and Piyali Roy, an American scientist, and Moyna Mondal on the other hand.. Nilima and Kusum represent yester years whereas Piyali and Moyna belong to the current generation. In *The Hungry Tide*, the character Piya plays an important role. She is a cytologist by profession and is doing her research on marine mammals especially about Irrawaddy Dolphins. Out of own interest she visits Sunderban as she wants to explore the marine. As a young lady she is confronted with trouble in the form of forest guards. She is rescued by Fokir, with whom she feels at ease. Her stay in India is extended by her tenacious spirit to explore the hidden secrets about the marine mammals. Though she is Western by birth, she remains essentially Indian in sensibility. She defines her life through her career and says her home is where Oracella is; she stands as a strong representative of the present generation. Kusum, a tribal woman devotes her life to the cause of the refugees. Nilima Mashima of Lusibari belonged to an aristocratic family with a good educational background. Due to her ardent love for her husband, she moves along with him and settles in the tide country, where she over comes major problems. She overcomes all odds with strong will. Nilima is an embodiment of endurance and she disciplines her life in such a way that does not deviate either willingly or unwillingly and finally she also succeeds in it. Moyna Mondal is a woman of self-respect with soaring aspirations, unlikely for a tribal woman.

Women are a well-known group of a colonized society who tolerate unpleasant conditions. They are colonized twice, first by the patriarchal society and then by imperial power. Ghosh focuses on the concept of double colonization through his novels. However, through his novels Ghosh has also proved that women are much more determined in progress towards their desired goal, in spite of all odds they come across in the form of male gender. . In his novel women are strong, they travel and take decisions to live an independent life. To conclude Ghosh's women are the representative of the Indian society.



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## FRAGMENTATION OF SELF AND A NEW IDENTITY: A NEW APPROACH TO SALIM SINAI, A CREATION OF POSTMODERN CULTURE

PRIYANKA MONDAL\*

### *Declaration*

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### *Abstract*

*Post modernism is a literary and theoretical tool to interpret any text in terms of micro-narratives, hyperreal world, hybridity, multimeaning, fragmentation of self and cultural studies. Post modernism celebrates lamentation of self and the micronarratives. Midnight's children is such kind of text which celebrates fragmentation of self of an individual and it brings out the micronarratives. Salim Sinai, the protagonist of Midnight's Children is grown up in a multicultural environment and his identity is mixed identity.*

**Keywords:** Cultural Study, Postmodernism, Hybridity, Micro-narrative, Fragmentation etc.

Salman Rushdie is a prominent leading writer of today. He has a versatile personality. Satanic Verses, Shame, Fury-all have made him a famous writer in Indian English. Rushdie's mode of writing has made him a post modern writer. Postmodernism came in the literary field after high modernism of W.H. Auden, W.B. Yeats, T.S. Eliot of 1920-1930. Postmodernism celebrates the fragmentation of self. The unified self is not found in post modern culture. My paper will focus on the new identity of Salim Sinai in the context of his fragmented self and post modern culture.

Salim Sinai is a creation of Salman Rushdie. Salim Sinai is constructed by the imagination of Salman Rushdie. He is the representative of post modern culture which celebrates the fragmentation of self and Salim Sinai lives with this fragmented self like a post modern man. In this Post modern world unified self is not found anywhere. Freud and Lacan had analysed how individual self is constituted. In Freudian

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concept the self of an individual is not fixed one. Traditionally it was believed that one's self is fixed one but such kind of conception of a fixed self is deconstructed by Freudian and Lacanian psychoanalysis theory. According to Freud, self of an individual is not fixed one, rather it is in flux condition. It varies time to time. Unified self is fragmented and it consists of so many experiences of human life, good and bad.

Freud has talked of the unconscious mind of an individual person and how our conscious mind is governed by the unconscious desire. Salim Sinai, the protagonist of *Midnight's Children* is such kind of figure who has lost his unified self. He has been grown up in a Muslim culture though by heredity he is a Hindu. His blood comes from Vanita, his real mother who was a Hindu woman. His real father was Methwold, a Christian. Hence Salim is a product of the mixed blood of Hindu and Christian religion. Salim's culture is not of one culture. Simultaneously he is a person with so many cultures (He has been grown up in a Muslim culture). Rushdie's multicultural outlook is reflected through the character of Salim Sinai. Salim's identity is constructed by the social environment. Identity is a socially constructed thing. Louis Tyson in his Essay "New Historical Cultural Criticism" has said :

In a similar manner our subjectivity or selfhood is shaped by and shaped the culture into which we were born. For most new historicist, our individual identity is not merely a product of society. Neither it is merely a product of our own individual will and desire. Their relationship is mutually constitutive (They create each other) and dynamically unstable.

Salim Sinai is a man of various experiences. His multi-culture has constituted his inner psyche with multi-layer. The identity of Salim is of mixed identity-hybrid one. Homi Bhaba has elaborated the term hybridity in the context of migration in the process of decolonization. W.B. Yeats in his *Among School Children* has said that one identity is related two other identities. He has said, "How can we know the dancer from the dance."

Post modernism celebrates such kind of hybrid culture. Raymond Williams has given us the conception of the dominant culture, residual culture and emergent culture. Salim Sinai is grown up in such kind of emergent culture that is hybrid culture. The chutni image of *Midnight's Children* brings the concept of mixture. In this regard Ronald Charter and John Mcrae in their "The Routledge History of Literature in English" has said : "In *Midnight Children* Rushdie uses the image of chutni, one jar per year, to indicate the glorious rich mixture that is India". Salim has gone through a traumatic experience when he was sent to Sundarban, his subconscious mind. His experience on battle, his psychic journey to surreal world of Sundarban, his love affair with Padma, his experience on the Independent Day of India- all have shaped Salim's identity and his selfhood. Salim's unified selfhood is fragmented and his identity is mixed identity that is hybrid identity. At Grass, a poem of Jayanta Mahapatra brings the role of memory and root of selfhood of our psyche. *Midnight's Children* is a memory novel where Salim's experience of life is stored. His fragmented self is highlighted in the text and this kind of fragmented self is celebrated in the post modern cultural scenario. Salim is a product of many races, many religions, many political groups. His sense of self is conflicted and contradictory within himself. His disintegration of self indicate the disintegration of India. Salim's radio conference has multitude voices and it shows model for postcolonial and postmodern self which is neither singular nor pure but hybrid like India itself. To Rushdie, the disintegration of self is a kind of liberation and a source of strength.

To conclude we can say that *Midnight's Children* celebrates the fragmentation of self through the individual character of Salim Sinai. Here the right of a common man is highlighted. The life of Salim Sinai is a full of experiences, sometimes good or bad or traumatic. He is grown up in multicultural environment. The identity of Salim Sinai is not of one culture but of multicultural world. The fragmentation of self and the mixed identity of Salim Sinai are important issues of the text.

WORKCITED

*New Historical Cultural Criticism”- ‘Critical Theory Today”* by Louis Tyson.published-2006  
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