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“Entities like Facebook have to remain accountable to those who entrust them with such power. While Facebook has played a crucial role in enabling free speech by providing a voice to the voiceless and a means to escape State censorship, we cannot lose sight of the fact that it has simultaneously become a platform for disruptive messages, voices, and ideologies. The successful functioning of a liberal democracy can only be ensured when citizens are able to make informed decisions. Such decisions have to be made keeping in mind a plurality of perspectives and ideas.”

- Sanjay Kishan Kaul, J. in
Facebook v. Delhi Legislative Assembly,
ISSN 2394-997X (2022) 3 SCC 529, para 2

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Lex Revolution

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Students, instructors, academics, and professionals in the fields of law, human rights, and social science are all encouraged to submit their original, scholarly research papers on a variety of legal and social science topics to Lex Revolution. The Journal is looking for papers that fit the general requirements of significance and academic brilliance, and it is inviting people to submit those papers. The authors are requested to provide an emphasis on the innovative theoretical standards and downtrodden issues of the aforementioned fields and to do so against the backdrop of the correct objectification of acceptable primary materials and documentation. Lex Revolution was formerly listed at serial no. 45256 in the **UGC Care List** journal index, which placed it in the general social science category.

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OBJECTIVES:

- To develop and promote academic research activities on various contemporary socio-legal issues and trends in law,
- To provide a platform to discuss the problems related to socio-legal and research issues.

The most valuable and suggestive comments of all the readers are always awaited and welcomed to achieve the goal. We are looking forward for your contributions. All communications shall be made only in electronic form emailed to **editor(at)lexrevolution(gmail).com**. The submission guidelines are available at website.

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BANK GUARANTEE WITH SPECIAL REFERENCE TO EXCEPTION III OF SECTION 28, INDIAN CONTRACT ACT, 1872

- Dr. Y. Papa Rao* & Manish Kumar Mahto**

Abstract

A guarantee is considered to be a major facilitator of trade and commerce. When such a function is paired with the reputation of financial institutions such as banks, the result is a tool which has been indisputably considered to be among the most important ones in the arsenal of the participants of trade commerce in the local, national and international markets without which the blood of economy, that is credit and capital, shall cease to flow as freely as it does now. As such the Banks have been granted certain privileges as an incentive for them to play their role in the flow of credit and capital. In this paper, the authors attempt to understand that privilege under the statutory regime and the approach of the Courts.

Keywords: Bank Guarantee, Fraud, National, International, Economy, Courts.

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INTRODUCTION

“*Garantie*,” which translates “*to protect something*” is the origin of the English word “guarantee”. Guarantee is a type of contract under the Indian law and has been dealt under Section 126 of the Indian Contract Act, 1872. A contract of guarantee primarily serves the purpose of making it simpler for a person to obtain loan or make a transaction on credit. “*A contract of guarantee can be inferred to accommodate a second pocket if the first one fails.*”¹ In such contracts of guarantee, the party giving the guarantee is known as the surety, the party to whom it is provided is known as the creditor, and the party to whom it is directed is known as the principal debtor. It is crucial to keep in mind that such a promise may be offered orally or in writing at this point. Guarantee is of two types: *specific* and *continuing* guarantees. The specific guarantee, as its name suggests, is restricted to a specific event, whereas under the “continuing guarantee” numerous transactions are covered, as provided under Section 129 of the Indian Contract Act, 1872.

In this paper, the researchers will try to assess and comprehend the concept of bank guarantees and the issues concerning them. The researchers will put special efforts on Exception III of Section 28 under the Contract Act, 1872 that concerns the contracts of bank guarantee. The authors then try to analyse the clauses of exclusion in standard form of contract of guarantee by the bank and the relevance of Section 28 of the Indian Contract Act, 1872 with respect to bank guarantee.

BANK GUARANTEE

Under a normal creditor-debtor relationship, there are two main parties,

¹ Philip R Wood, *Law, and Practice of International Finance* (Sweet & Maxwell 1980).

called by the role they play in the transaction – a creditor and a debtor. However, another party may be added to this relationship in order to protect the interests of the creditor – a guarantor. As such the contract of guarantee, which is a unique three-party contract, is where the last party assumes a secondary responsibility of paying the creditor in the event that debtor defaults.² Thus, “bank guarantee” is an agreement among three parties - they are “*the banker, the Creditor/ beneficiary, and the Debtor*” wherein “*the Bank*” performs the role of a surety in the transactions carried on between “*the Creditor*” and “*the Debtor*”. This relationship is marked by a formal agreement entered into by a bank with the creditor and the debtor wherein the bank agrees that in case the debtor defaults, the bank would step into the shoes of the debtor and indemnify any loss incurred by the creditor. Since a bank guarantee shields the borrower by enabling the creditor to collect the loan and recover from any plausible loss without having deal with the drawn-out proceedings in the court of law, it is seen as a measure adopted by the markets to promote free trade.³

Typically, a bank guarantee stands distinct from the core contract as the banks are not inclined to involve themselves with any disagreements that the first two parties may develop under the core contract. Consequently, the feature entails that regardless of the disputes that the creditors and debtors may have developed under the core contract, the liability of the contracting bank as a surety shall persist. Bank guarantee comes in two broad categories: 1) *conditional bank guarantee* and 2) *unconditional bank guarantee*. Under the first type of bank guarantee the liability of a bank as a surety arises only when the conditions regulating the guarantee are met, whereas in the second type the

² Anirudh Wadhwa and Dinshah Fardunji Mulla, *Mulla on the Indian Contract Act* (15th edn, Lexis Nexis Butterworths Wadhwa 2016).

³ Akshay Anurag, *Bank Guarantee and Judicial Intervention*, MANUPATRA, (2016).

bank is absolutely liable, and the assured amount is payable at the request of the creditor.

It may be safe to say that the intent behind the conception of the contract of the bank guarantee and addition of a third party to the relationship of a creditor and debtor was to facilitate a trust between said parties of the commercial transaction; and such trust would be cemented more so when the assurance comes from reputed institutions such as banks.⁴ Commercial transactions are marked by their significant amount of moneys and volumes of goods are frequently traded, and the parties who get involved are typically unwilling to assume the danger in the absence of any guarantee from either party. As such bank guarantee has been utilized in situation such as these as a means of to develop mutual trust between the parties.

In *Pollen Dealcom Pvt. Ltd. v. Chambal Fert. & Chem. Ltd.*,⁵ the Court ruled that a contract of bank guarantee has to be as a distinct legal obligation which is payable on demand. The Court further declared that this guarantee is appropriate method for use in commercial transactions as it is not really affected by the relationships between the parties. The court further held that, regardless of any current disagreements between the parties, the beneficiary is required to make the full payment under the contract of guarantee.

In *State Bank of India v. M.S.S. Karkhana Ltd.*⁶, the court ruled that the contract of guarantee must be interpreted in accordance with its own terms and is entirely distinct from the main contract. The Judiciary, through a

⁴ K G White, *Bankers Guarantees and the Problem of Unfair Calling*, 2 Journal of Maritime Law Commerce, 121 (1979).

⁵ MANU/WB/0031/2010.

⁶ (2006) 6 SCC 293.

number of precedents, has gradually established that in such contracts a banker and the debtor bear varied responsibilities. For the purpose of deciding matters involving bank guarantee in the future, the Hon'ble Supreme Court of India established the following guidelines in the case of *HSC Ltd. v. Tarapore*⁷:

“A. A bank guarantee is a stand-alone agreement and is not affected by the main transactions and consequently by the core agreement between the parties.

B. If the guarantee given is unconditional, then the responsibility of the bank is not affected by any ongoing dispute between the rest of the parties and is therefore absolute in such a situation.

C. The court further declared that, barring any instances of fraud or unfairness, it would not interfere with the regular operation of bank guarantee.”

It was further noted in *M/S National Telecom of India v. Union of India and Ors*⁸ that to be able to claim a guarantee, the beneficiary must prove some wrongdoing and or something similar to it in the specific transaction. It is clear that in their view on the concept of Bank Guarantee, the Courts in India have been inspired by and have adhered⁹ to the views expressed in the UNCITRAL Convention of Independent Guarantee.¹⁰

BANK GUARANTEE IN LIGHT OF SECTION 28 OF THE

⁷ (1996) 5 SCC 34.

⁸ AIR 2001 Del 236.

⁹ AIR 2000 Del 1.

¹⁰ United Nations Convention on Independent Guarantee and Stand-By Letters of Credit (NY, 1995).

INDIAN CONTRACT ACT, 1872

This part discusses the effects of Section 28 under Indian Contract Act, 1872 on Bank guarantee and the approach of judiciary with special reference to the interpretation of the Courts of Exception III. First, the understanding of Section 28 by the Courts prior to the Amendment Act, 1997 which amended Section 28 is focused on. Second, the Amendment Act, 1997 has been discussed. This is then followed by the Amendment Act, 2013 and the circumstances leading towards the said amendment of the particular section have been touched upon. Finally, the concept of Bank Guarantee as it is interpreted in current scenario specifically with respect to Exception III has been covered.

BEFORE 1997 AMENDMENT

Surprisingly, before the amendment, a clause in a contract that stated that all rights and benefits would be forfeited if no action was taken within a certain time period would not break the law.¹¹ The types of agreements that were affected by Section 28 were the ones which stipulated that any lawsuits must be filed within a certain window of time and where the parties had given up the right to sue after such a time had passed.

When addressing the guarantee's limitation clause in the case of *St. of Maharashtra v. Dr. M.N. Kam*¹², the Hon'ble Supreme Court concluded that the guarantor's liability must not extend beyond what is specified in the contract. The contention that the "*limitation clause*" incorporated in the guarantee agreement violated the terms of the Contract Act was consistently

¹¹ Law Commission of India, 97th Report.

¹² AIR 1967 SC 1634.

made by the parties. It was argued that agreements which set a shorter period of limitation than as required by the law under as the Limitation Act or any other law in force are in direct contravention under Section 28 of the Indian Contract Act, 1872 because such agreements prevent the exercise of the rights by the parties even when the limitation time were not yet expired. It was further argued that the parties involved in such agreements were incompetent to agree or enter into contracts that would modify their rights guaranteed by the statutes and laws in force. However, the Court held that these contracts must be distinguished from those that do not place a restriction on time by when a party may exercise their legal options, but instead call for a release of such rights if no action is taken or no claim is made within the allotted time. Bearing this difference in perspective, the Hon'ble High Court of Bombay upheld a standard clause relating to limiting the right to sue in the insurance policy on the grounds that said clause did not absolutely bar institution of suits but rather forfeited the said right of the assured in case the claimant before the Court was unable to bring forth the claim under the policy after the period of three months since the claim was denied.¹³

The Supreme Court reaffirmed this view in the *Dr. M.N. Kaul* case.¹⁴ The Hon'ble Judges emphasized that “*an effort must be made to execute the guarantee within the time frame agreed upon by the parties*” and that it would be unacceptable to disregard such a limit since it is a critical element of the contract between them. Similar clauses in the “bank guarantee” would come under the aforementioned rules and be treated at par to the rules that apply to the restriction clause in insurance policies. Even while the law gives the party a

¹³ *Baroda Spg., &c v Weg Co. Ltd. v Satyanarayan Marine and Fire Insurance Co.*, AIR 1914 Bom 225.

¹⁴ *Supra note 12.*

right to a longer term of limitation, if said party agrees to a shorter period and limits his rights to enforce the said rights in the predetermined time limit, said party would be bound by that agreement. This viewpoint is also not in violation of the statute of limitations for the reason that the Limitation Act, 1963 requires that lawsuits be filed well inside the allotted time frame in order to make the claim easier to establish.

The “limiting clause” in a bank guarantee was something that the Hon’ble High Court of Kerala had to take into consideration in the *Kerala Electrical and Allied Engineering* case.¹⁵ The Bank’s main argument was that because the Plaintiff failed to file a lawsuit within six months of the guaranteee’s expiration date, he had forfeited his rights under the guarantee and so no claim could be made under it. The Hon’ble Judges upheld the limitation clause as valid and noted that Section 28 is not violated by a clause in a contract that states that a party’s rights under the agreement will be released or forfeited if he fails to file a lawsuit within a certain amount of time on the grounds that the parties to the contract themselves agreed to release of said statutory right upon passing of decided time period. As a result, such an agreement would not be touched by Section 28 since there was no absolute bar on statutory right but rather a limit on it meaning thereby that an agreement that bars the right to sue itself will be prohibited under the Section.

THE AMENDMENT ACT 1997 AND AMENDMENT ACT, 2013

The Law Commission in its 97th Report while noting the difference between a right and a remedy observed that while a clause in a Contract which terminates one’s own rights is valid, the clause that is in nature of

¹⁵ AIR 1980 Ker 151.

prohibiting the remedies is not valid. The Commission suggested amending the Indian Contract Act, 1872 and more specifically Section 28 to make clauses in contracts which terminate rights arising from and pursuant to the contract upon the expiration of a certain period, and thereby limiting a statutory right to seek a remedy, void in order to address this issue.¹⁶ On January 18, 1997, the Contract Act was amended to make such following provisions void: (a) “*limit the enforcement of rights under or pertaining to any contract*” and (b) “*annihilate the rights of the parties*”. The Amendment paired elimination of rights and the elimination of remedies. The Amendment was however only temporary, and a fresh amendment was sought since under the said Amendment the freedom of Banks to determine the limits and extent of their liability in Bank Guarantees was seriously hampered; further under the said Amendment the Banks were expected to bear their obligations in form of “unsettled liabilities”.

ANDHYARUJINA EXPERT COMMITTEE AND THE AMENDMENT ACT, 2013

As part of their regular business operations, bankers execute guarantees in favour of third parties on behalf of their clients. These are typically referred to as “bank guarantee.” It is a well-established legal principle that the liability of the guarantor is secondary and arises solely in the event that the principal debtor defaults, and hence it is considered such a liability of the guarantor is considered as a mere extension of the principal debtor’s primary liability. The surety holds a special privilege in the eyes of the law as its role helps maintain the flow of blood in the national and international commerce. Therefore, the Andhyarjuna Expert Committee was of the

¹⁶ Law Commission of India, 97th Report.

opinion that the surety has to be granted the option to relieve itself of its liability upon some previously agreed upon terms including specific commissions and omissions of the parties to the transaction.

By including numerous provisions in the contract of guarantee whereby the guarantor is allowed to waive off its statutory rights, the bank enhances its own position. After the aforementioned 1997 Amendment, banks were compelled to adhere to the limitation's periods outlined in the Limitation Act of 1963 in order to discharge their obligations under bank guarantee. These limitations periods were 3 years in case of parties who were private and 30 years in case of entities owned by Governments.

Since banks and financial institutions had expressed concerns, the Sh. T.R. Andhyarujina Expert Committee cited the Second Narasimham Committee Report which was established by the Union of India on February 15, 1999 and observed that:

“With the aforesaid amendment in force, banks will have to carry their liabilities under the bank guarantee till 30 years. Unless, the original guarantee is received back from the beneficiary Government departments, the Banks will not be able to round off all their entries till the limitation period of 30 years.”¹⁷

As a result, the Committee suggested giving the creditor a reasonable time frame of one year to exercise his guarantee rights following the occurrence of the particular event. Subsequently, in the 2013 Amendment Act, the Parliament amended Section 28 of the Indian Contract Act, 1872 to add Exception III.

¹⁷ Committee on Banking Sector Reforms (Narasimham Committee II); See also W.P.(C) 7677/2019.

CURRENT SCENARIO

As things stand now, Exception III given in Section 28 expressly concerns with the rights that a creditor may exercise his rights granted in a contract of bank guarantee following the occurrence of particular incident. The ruling of the High Court of Delhi in the *Larsen & Tubro Limited v. Punjab National Bank and Ors*¹⁸ upholds the aforementioned view. The Court relied upon the decision held in *Explore Computers Ltd. v. Cals Ltd and Anr*¹⁹ and noted that there is a distinction between right to invoke a bank guarantee and a right of the party to seek remedy by instituting a suit upon the violation of said right to invoke the bank guarantee. The Court opined that Exception III did not touch upon the right of a party to invoke bank guarantee nor does it take away the right to remedy. In the Court's opinion, only the time given to enforce the right to seek remedy has been touched upon by the Exception III and which was further based on mutual consensus between the parties under the contract of the guarantee.

As a result, and there seems to be a lot of logic in it, it can be seen that both the Judiciary and the Legislature are of the opinion that it is permissible for any person entering into a contract of bank guarantee to give consent with respect to being held accountable only if the concerned party is notified of indemnification inside the specific time limit. This may be because after considerable time has passed it could give a wide range of allegations that cannot be verified in a Court of Law. The Courts have further observed that limiting the time a party has to file a lawsuit does not violate any legal provisions and is not against public policy. It is not in violation of either the Contract Act, 1872 or the Limitation Act, 1963.

¹⁸ W.P.(C) 7677/2019.

¹⁹ 2006 (90) DRJ 480.

BANK GUARANTEE AND FRAUD

The concept of general fraud which has been dealt under Section 17, Section 142 and Section 143 of the Indian Contract Act, 1872 and the concept of frauds in contracts of bank guarantee have minor differences. Under bank guarantee, the party to which the bank becomes liable to pay may defraud the bank into believing that it has fulfilled its contractual obligations necessary for the claim under the guarantee to arise in order to unjustly obtain the guaranteed sum, when in fact said party has not done so. In such cases, the party on behalf of which the bank stood as guarantor is supposed to file a suit praying that the guarantor bank be prohibited from making the payment in favour of the recipient party. However, the Courts in India have approached these allegations of fraud with great caution. In such suits where the party prays for injunction on the grounds of fraud, the burden of proof that the Courts demand is considerably higher.

In commercial transactions, a bank guarantee is frequently unconditional and payable upon demand by the beneficiary. According to Kerr J²⁰, these guarantees are typically issued based on the credibility and reputation of the recipient party. This, in theory and in practice, could be occasionally detrimental since misuse of such powers given to the beneficiary leaves the other party with no legal choice. As such, in unconditional bank guarantees the scope of exploitation of the banks issuing the guarantee becomes very real. In *Owen v. Barclays Bank*²¹, the *locus classicus* on this topic, The Court laid down the law on bank frauds and has been the bedrock of the decisions of Courts since in cases of bank fraud and has even been incorporated in the legal frameworks of various countries. Here Lord Denning observed that,

²⁰ [1977] 2 All ER 862.

²¹ [1977] 3 WLR 764.

“unless there is a blatant case of fraud, the duty of the banks to pay is independent of any dispute between the parties”. This decision was reaffirmed in *Harbottle v. National Westminster Bank*,²² wherein Kerr J., while signifying the importance of non-interference of Courts in matter of bank guarantees, held that bank guarantee is a tool that ensures the flow of credit and cash in international and national economy and as such it would be prudent upon the Courts to be cautious in passing interim orders to the effect of nullifying bank guarantee.

The approach was reaffirmed in *Howe v. Polimex* case,²³ where Court opined that solid evidence of commission of fraud is an absolute necessity before intervening in the case and decline to do so if the claims were not adequately supported by such evidence. In the *Chase Manhattan Bank*²⁴ case, Sir Donaldson MR expressed a similar opinion, saying that if banks are subjected to frequent injunctions without needing the party claiming relief to present solid evidence the very reputation of the banking system might come under jeopardy. He further observed that intervention of the Courts in these cases of economic nature and more particularly in cases involving bank guarantee, an unbearable burden would be put upon the banks and their reputation. Such burden upon the banks may inadvertently result in a blockage of flow of funds and thereby lead to collapse of the economy. Following this rule, the Courts have generally refrained from making interventions in cases of bank fraud unless the party alleging fraud has strong evidence to support its claim.

Given the nature and risks associated with these types of commercial

²² *Supra note 20.*

²³ [1978] 1 Lloyd's Rep 161.

²⁴ [1984] 1 Lloyd's Rep 251.

transactions, the high standard of proof and evidence in such cases pertaining to fraud is reasonable and also serves as a deterrent for parties intending to institute frivolous suits before the court. In *Ms. Adbunik Power & Natural Resources Ltd. v Central Coalfields Ltd.*,²⁵ the court determined that the type of fraud that must be committed in order for the court to issue an injunction is one that taints the entire transaction and causes irreparable loss.

CONCLUDING REMARKS

The conclusion which can be drawn is that a contract of Bank Guarantee is a tripartite contract of guarantee among the beneficiary, the surety, and the creditor. It is a legal instrument used in business operations. This bank guarantee contract has been made an instrument of law to facilitate trade and business on a national and international scale. A bank guarantee is a contract which at its core provides the parties thereto with independence and autonomy to decide their own rights and obligations. The Judiciary in India has done a lot to advance the ideas of justice and equality. It bears the crucial responsibility to assess laws and deliver judgment keeping in mind various circumstances in order to settle the disputes. Even though this role of Judiciary is restricted in matters concerning disputes relating bank guarantee as such contracts are purely economical in nature, it has made every effort to settle the disputes that have come before it. Nevertheless, there is still a sharp division in the approach of the courts that one may find in cases involving fraud in bank guarantees. The current stance is that bank guarantees are not dependent on the core contracts; that there is an absolute obligation to pay, barring fraud or irreparable damage. Although it is

²⁵ (2017) MANU 112 JH.

claimed that factual analysis determines the majority of the characteristics of such claims, courts tend to interpret the law in a narrow way. Therefore, the best option for resolving this conflict is to devise a strategy that strikes a balance between safeguarding business interests and personal losses, thereby fostering increased trade and broadening the scope of the law.



ASSESSING THE ROLE OF ACTION RESEARCH IN EDUCATIONAL AND LEGAL FIELDS

- Dr. Ankit Awasthi*, Smriti Kashyap** & Barkha Dodai***

INTRODUCTION

Action research works on the principle of engagement of the researcher who is involved in the collection of data to take an active part in the process of solving the problem by actually doing or causing to be done solution-oriented actions, in many ways it elevates the position of the research from simply being a data gatherer to that of a social engineer or social change expert. This form of solution-oriented research makes it all the more relevant in the diagnosis and solution ended process meanwhile making the entire solution regime even more practically suitable and pertinent. It is participatory and involves democratic values by involving people working at the grass-root level.

If there is a social problem, then that must be addressed from a holistic perspective. If take dowry as social problem, to arrive at such a comprehensive approach, the following steps must be taken:

- Realize the wide dimensions of the problem, i.e. in what ways is dowry affecting the bride's family, financially and mentally,
- Gather relevant data to support such assumptions regarding dowry and also,

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- Create a pool of experts who can accurately engage in analysis and statistical interpretation of that data,
- Build a realistic plan to tap this evil,
- Effective implementation of the plan,
- Engaging with apt instruments of implementation machinery and sensitizing them regarding the problem and the plan,
- Meticulous evaluation of the problems arising while implementation,
- Developing another short plan to eliminate the impediments to implementation, and
- Repetition of the process for a significant period until the instances of dowry are reduced to extremely minority cases.

Needless to say, all the above-mentioned techniques are nothing but a '*cycle of action*'¹ or simply, action research. This methodology of research involves enhanced coordination between the instruments of diagnostic and execution machinery, i.e., before endeavouring to bring changes in society; it endeavours to bring changes in the change-making process to generate specific and desired consequences. Rapport described action research as "*a type of applied social research differing from other varieties in the immediacy of the*

¹ The glossary of educational reform, Edglossary.org, available at: <https://www.edglossary.org/action-research> (last seen on 13.07.2022.)

*researcher's involvement in the action process*².

It was in 1944 that German-American Kurt Lewin, the then Professor of MIT³ coined the term '*Action Research*' who believed that vide action research there can be two-fold outcomes:

- Theoretical advancement and
- Acceleration of desired social change.

The other positive outcomes of action research are as follows:

- Action research helps to better understand the problem and this, in turn, leads to tapping the social problem with more appropriate methods,
- As there is no one size fits all mechanism to solve versatile problems, action research methods are flexible enough and customized to suit the needs of the specific result in mind,
- It also helps the participants adopt better research practices since there is a liberty to deviate from orthodox research methods that do not serve any fruitful purpose,
- It helps the change makers in getting alternate and better perspectives of the problem and the people involved in or suffering from the problem,

² Background of Action Research, cei.edu.hk, available at: http://cei.hkust.edu.hk/files/public/ar_intro_background_of_action_research.pdf (last seen on 15.07.2022)

³ Ibid.

- It involves enhanced cooperation and coordination amongst the participants as the observations and suggestions of each participant, right from the diagnosis to plan to build and implementation is given due value,
- It provides room for the evolution of new approaches to regulating the targeted people or situation,
- Not only for change-making but it can also be used to verify the correctness or outcome of any particular policy or decision on the targeted people or community,⁴
- It helps to improve the overall work culture of any organization and enhance its quality of performance,⁵ and
- It provides the researcher with a more lucid partake of the situation and develops a better perception of it.

Action research has been described by Kurt Lewin in his paper *Action Research and Minority Problems* wherein he reduced to pen and paper his observation of people who were trying to eliminate problems faced by minority communities in American society as '*comparative research on the conditions and effects of various forms of social action and research leading to social action' that uses a spiral of steps, each of which is composed of a circle of planning, action, and fact-finding about the result of the action*'.⁶ He expressed that quality research must

⁴ Action Research E Module, cukashmir, available at: https://www.cukashmir.ac.in/departmentdocs_16/Action%20Research%20E%20Module.pdf (last seen on 17.7.2022)

⁵ Ibid.

⁶ *Supra note 2.*

result in bringing actual changes instead of being confined to books.⁷

Lewin's opinion and ideas have not only influenced modern problem diagnostic and solving techniques but have also been enriched by many researchers. Right from targeting social problems to extending the application of action research in the educational sector to the framing of laws role of action research has been constantly extending in the contemporary global world. Given the engaging nature of the process, it is also called *Participatory Action Research*⁸.

TYPES OF ACTION RESEARCH:

In the education sector, there are following four primary types of action-oriented research:

- **Individual Action Research:** Here there is a limited number of targets on whom action is supposed to occur for a social change, for instance, a teacher observing a class of students on whom experiments are to be conducted to make them more disciplined or address a problem prevalent in a particular community, it is interesting to note that it can rightly be called as practical action research,
- **Collaborative Action Research:** In this type of research the mentor or the researcher has to observe a larger section of the target to achieve the desired result, nevertheless, the social

⁷ How to carry out action research, Emerald publishing, available at:

<https://www.emeraldgrouppublishing.com/how-to/research-methods/carry-out-action-research> (last seen on 18.07.2022)

⁸ Action Research, tools hero, available at: <https://www.toolshero.com/change-management/action-research/> (last seen on 18.07.2022)

change sought to be brought is common to the entire targeted section. Comparatively more people are jointly engaged in the process of achieving the targeted end⁹. As a natural corollary, this type of research is more productive. It is interesting to note that this type of action research is called *Participatory Action Research*,

- **School-wide Action Research:** Here a problem about the school, for instance, in school management or course curriculum relevant to the students or students themselves, is the target and the entire fraternity is engaged in creating a solution to achieve the desired change.
- **District-wide Action Research:** Here a particular problem, specific to an entire district is targeted to be solved by the interdisciplinary members jointly, for example, the problem of tobacco consumption by men in the Ranchi district is a social problem that is proposed to be solved by the help of the researchers who present a survey report by conducting a field study of the entire District and later engage the District Collector and the local health corporation members along with the traders and police machinery to solve the problem.

ETHICAL DILEMMAS IN CONDUCTING ACTION RESEARCH

It is noteworthy to consider that while action research is increasingly gaining widespread prominence in the canvass of research methodology given its

⁹ Jenifer Van Baren, What are the types of action research design, Bizfluent, *available at:* <https://bizfluent.com/list-7608678-types-action-research-design.html> (last seen on 20.7.2022)

innovative and collaborative research mechanisms, certain ethical issues surround this noble concept. As the nature of action research methods is organically collaborative, meaning thereby that people are involved in the process of diagnosing and solution reaching multiple stages, it would not be wrong to assume that as humans are fallible by nature, there may be certain unfortunate cases in which incorrect data might have been gathered or incorrectly analyzed or to that end, people incorrectly arrive at a given solution or that there are many pitfalls in the implementation machinery. Such unfortunate circumstances are inevitable¹⁰. Hence to regulate such circumstances, there must be solid legislation or rules regulating such situations otherwise there can be two sets of situations; one would be where there is no accurate accountability of the defaulter who erred in the process and as a result, the entire team of the process gets blamed and the members who have worked hard get demoralized. Similarly, there can be a situation where a powerful or senior member scapegoats a junior for his fault, and ultimately the powerless junior is left prejudiced. More so, a lack of rules or legislation to deal with such a situation might inevitably lead to the team members taking their tasks leniently as there is no effective mechanism to evaluate their performance and get pointed out for their mistakes. Alternatively, the team members who are competitive and require recognition for demonstrating extreme dedication and hard work towards their role get no motivation to work relentlessly as there is no individual accountability. As a natural corollary, it is important to frame certain fine rules or legislation to deal with such circumstances and unfortunately, India

¹⁰ Leslie Gelling and Carol Munn Giddings, Ethical Review of Action Research: the challenges for researchers and research ethics committees, 7 (3) (2011) Sage publication, available at: <https://journals.sagepub.com/doi/pdf/10.1177/174701611100700305> (last seen on 20.7.2022)

has no such legislation in force to govern the abovementioned results.

SCOPE OF ACTION RESEARCH

In the education sector it has gained widespread recognition for providing a better understanding of student behavior, gender disparity amongst students, stage phobia, causes behind the disparity in the performance of students, absenteeism amongst students, hesitation in attending physical activities or completing home-works. Moreover, it can lead to great improvements in classroom teaching methods and strategies, the interaction between teachers and students, and ultimately create a healthy learning environment for students. Here the teacher itself acts as the researcher and the practices adopted by him or her are the centrepiece of the research. It is reiterated that action research generates novel educative practices for teachers and hence higher educational values can be imparted to students. Be it noted that Stephen M. Corey applied the concept of action research in the field of education for the first time and the same has been rigorously followed in modern parlance.

Lex Revolution

In the agricultural sector, action research is addressed with slightly different terminology, it is known as *Farmer Participatory Research*¹¹. In the agricultural sector, this concept has brought a paradigm shift in the farming practices as it involves the farmers also in the identification and solution mechanisms of increasing agricultural productivity. In the domestic context, it is pertinent to note that during the time hybrid seeds were introduced in the Indian market, the government distributed the tons of hybrid seeds sought to be

¹¹ Van de Fliert, E., Braun, A.R., Conceptualizing integrative, farmer participatory research for sustainable agriculture: From opportunities to impact, 19 (2002), available at: <https://link.springer.com/article/10.1023/A:1015081030682> (last seen on 21.07.2022)

grown amongst the farmer community in parts of Punjab, Uttar Pradesh, and Maharashtra, and tracked the productivity, harvest timings and the overall experience of such hybrid farming by staying directly in touch with the farming community. Hence it has already proved its worth in the agricultural sector.

Importantly, in the commercial world action research has manifold room to bring improvements. The need of advancing customer service is a constant cause of deliberation amongst small to macro-level companies and organizations to maintain or create their popularity amongst the customer chain. Additionally, there is an emerging need of improving management practices in the industrial sector to balance customer and worker's interests, in this pursuit the manpower involved in management gets as much involved in the diagnosis of lacunas as does an outsider researcher and the entire process of reaching the result gets more adaptive to novel ideas and professional practices.

John French and Alfred Marrow, two close confidants of Kurt Lewin started the process of action research in a manufacturing plant and the legacy has continued since then. In this vein, it is important to note that action research practices can bring positive changes in the behavioral patterns of the employees and facilitate better collaboration amongst different units of a large corporation and coordination, thereby generating better work culture and monetary gains. Whether a particular corporate policy is gathering fruits or not can also be verified by the different methods of action research and as the process engages researchers, employees, and even manual workers, it gives a message to different levels of members of a company that their opinion equally matters.

Similarly, action research has proved to be of immense use in the health sciences as it facilitates currently relevant healthcare practices to find their rightful place in the set of medical practices that serve a lesser purpose. It allows the engagement of neutral persons inside the change process so that the outcome is fruitful.

Legal Participatory Action Research: It is also termed as applied legal research in general parlance. Action research would contribute towards our well-being in both theoretical and practical forms. There are zillions of problems on the international and national front that require a legal solution and finding the most suitable remedy would be like finding a needle in a haystack. Mari J. Matsuda once deliberated in public on the pressing need for the legal fraternity to analyze the social problems right at the bottom to effectively realize what justice and equality would mean in such a situation and what the law in turn must be.¹² She invoked the researchers to any particular problem to engage the community stakeholders in the process as they are the most appropriate in discovering, interpreting, and proposing a plan to solve the same as they are the ones who are directly affected by it. Many have for various reasons conducted social projects purely on scientific lines assuming that social science experiments must be “*value-free*” and rooted exclusively in scientific research methods¹³.

Nevertheless, advocates of legal action research criticize this existing

¹² Mari J. Matsuda, Looking to the Bottom: Critical Legal Studies and Reparations, Harvard Civil Rights-Civil Liberties Law Review, 22 323 324 (1987) available at: <https://repository.law.umich.edu/cgi/viewcontent.cgi?article=1032&context=mjrl> (last seen on 25.07.2022)

¹³ Emily M.S. Houh and Kristin Kalsen, It's Critical: Legal Participatory Action Research, 19 Michigan Journal of Race and Law 295(2014) available at <https://repository.law.umich.edu/cgi/viewcontent.cgi?article=1032&context=mjrl> (last seen on 22.07.2022)

proposition as untenable on the ground that the objectivity reflected by purely scientific methods is devoid of realism as those methods fail to realize the root of the problem and ultimately all the grievances of the community stakeholders are not properly addressed by the law framed or amendment introduced. They back a complementary relationship between law and realism.

Action research in law helps in linking the problem and the outcome of the plan by bridging the gap with the social realities and facts as against fundamental legal research which is mostly aimed at applying and advancing the theoretical body also. The three-member Committee on Reform of Legal Education suggested the constitution of the National Legal Knowledge Council (NLKC) comprised of legal jurists and luminaries who purge legal education of less useful legal education, and the first meeting was held in 2010¹⁴.

For instance, the Bar Council of India has kept open a portal on its digital website¹⁵ under the window of '*legislative research*' to invite suggestions from people to bring greater participation in the democracy; nonetheless, they invite suggestions on the legislation only from legal fraternity. This restricts wider dimensions in the coming invitations. The role of action research in the implementation of constitutional goals is ever-growing as the state tries each year to establish itself even more as a welfare state as per the directives enunciated in the Directive Principles of State Policy.

¹⁴ The Bar Council of India, Bar Council of India, available at: <http://www.barcouncilofindia.org/about/legal-education/national-legal-knowledge-council/> (last seen on 21.07.2022)

¹⁵ Legislative research, Bar Council of India, available at: <http://www.barcouncilofindia.org/about/legislative-research/> (last seen on 22.07.2022)

Moreover, it is pertinent to note that law and society where the changes are sought are not watertight compartments, especially in the context of the Indian legal system where every legal statute gives room for compliance with certain customs. For instance, Article 13(3)(a) of the Constitution of India, which is the supreme document of the country uses the phrase “*customs and usages having the force of law*”¹⁶ are also included within the definition of law and they cannot be abridged. Therefore, to even identify the various customs that exist in different parts of our religiously plural country, it is pertinent to introduce action research in the various social surveys undertaken so that the status of the customs and their followers can rightly be traced. In this light, it is important to note that acclaimed Professor Upendra Baxi once stated that, “*the lawyer must know much of sociology and the sociologist must know much of law*”¹⁷.

Action research accords mobilization in research roles and therefore researchers can mingle with the targeted people and identify the problems in their hesitation to comply with the law.

Scheme for Action Research and Studies on Judicial Reforms¹⁸: Since 2013, National Mission for Justice Delivery and Legal Reforms has been implemented and is still in the process of complete implementation of the above-mentioned Scheme. This Scheme is aimed at facilitating monetary assistance to surveys, projects, and schemes for effective utilization of action research methodology, and from Financial Year 2021 to 2022 it is

¹⁶ Art.13, Constitution of India.

¹⁷ Dr. Manish Singh, Socio-legal research, E-content for post graduate courses, available at: http://epgp.inflibnet.ac.in/epgpdata/uploads/epgp_content/law/09._research_methodology/04._socio-legal_research/et/8151_et_et.pdf (last seen on 23.07.2022)

¹⁸ Scheme for Action Research and Studies on Judicial Reforms, Department of Justice, available at: <https://www.doj.gov.in/scheme-for-action-research/> (last seen on 23.07.2022)

demarcated as ‘non-scheme’ under the Department of Justice. National Judicial Academy and various State Judicial Academies, Indian Institute of Public Administration (IIPA), etc. are among the many authorities supposed to implement this noble Scheme. Numerous projects were sanctioned under this Scheme by 2019 and one of them was a project to study major hindrances in the culmination of criminal trials owing to procedural delays undertaken by the Judicial Academy of Jharkhand¹⁹ and the final reports²⁰ submitted by the various legal institutions only add more emphasis on the compelling need of more projects that encapsulate both the researchers and the community stakeholders to arrive at the accurate outcome of respective projects and surveys. Similarly, the ongoing projects surrounding action research under this Scheme include one taken by Chanakya National Law University, Patna which is studying the implementation of the Commercial Courts Act, 2015 in Bihar and Jharkhand.

Ministry of Law & Justice has in the recent past granted the task of assessing the lacunae in the quality of provisions relating to commercial contracts and disputes resolution to a department of the National Law School of India University, Bangalore under the Scheme for Action Research and Studies on Judicial Reforms.²¹ It is therefore important to understand that the principles governing action research are facing burgeoning growth in different legal projects undertaken by the Indian

¹⁹ More such projects available at: <https://doj.gov.in/sites/default/files/List%20of%20Sanction%20Order.pdf>, last seen on 23.07.2022.

²⁰ Final Report available at <https://doj.gov.in/other-programmes/scheme-action-research-and-studies-judicial-reforms> (last seen on 23.07.22)

²¹ Ministry of Law and Justice Grants CEERA, NLSIU A Project under the scheme for action research and studies on judicial reforms, NLS, available at: <https://ceerapub.nls.ac.in/ministry-of-law-and-justice-grants-ceera-nlsiu-a-project-under-the-scheme-for-action-research-and-studies-on-judicial-reforms/> (last seen on 24.07.2022)

government.

It is worth noting that National Law University, Delhi has, besides being a top-notch educational institution, evolved as a significant platform that has made huge contributions towards the legal research data given to the Government of India about major policy formulations and proposed legislations. It has currently engaged with National Legal Services Authority on many projects on legal and social issues, for instance, the relevancy of the death penalty in India, the status of crime against women, and gender justice in northern India,²² etc. This task requires the participation of government experts, research scholars, experienced professors, students, and a lot more professional manpower implying engagement of different hierarchies in versatile roles. This is nothing but an instance of action research as projects wherein such data is gathered are done by requiring questionnaire data from prisoners convicted for such offenses, police officials, victims, and relatives.

The Drug Courts established in the United States of America have started adopting action research mechanisms to collect data regarding drug use and evaluate the drug users undergoing rehabilitation processes²³

CONCLUSION

It is important to note that while developed nations across the globe are readily engaging in action research while proposing legislation and

²² Research projects, Nlu Delhi, *available at:* <https://nlu-delhi.ac.in/res-rp.aspx> (last seen on 24.07.2022)

²³ Michael Rempel, Action research: using data to improve your drug court, 62 (2nd ed., 2010) *available at:* [\(24.07.2022\)](https://www.courtinnovation.org/sites/default/files/documents/ActionResearch.pdf)

implementing existing laws, unfortunately, India is still one of those nations where action research has been given only limited room to intervene in surveys, projects and evaluation mechanisms.

Nonetheless, India is progressively moving forward in its effort to give due value to the application of action research mechanisms in its legal and social projects as is evident from the present study. It would be fruitful for the swift disposal of legal matters that all the ongoing projects targeting Court practices that delay the trial process indulge Courtroom staff and litigants in its projects so that we could arrive at more accurate data and practices to eliminate trial delays.

Action research would prove to act as a catalyst in research and solution paradigms if adopted at the right stages. Flexibility in research techniques adds more space for opinions of the community stakeholders as emphasized earlier in this study and can also help verify the effectiveness of any action undertaken to govern or regulate the particular problem. Perhaps it provides the public with a growing sense of participation in the democratic process apart from the voting process; it makes them feel more valued in the democratic setup.

Any step to indulge in more action research-oriented techniques would be a welcoming move for many developing nations where there are zillions of social, financial, and political problems that require a quick and appropriate solution.

AN ANALYSIS OF TECHNOLOGICAL CHANGES AND INDUSTRIAL RELATIONS IN NIGERIA

- Fanisi Babatunde*

Abstract

Technological changes have had a significant impact on industrial relations in Nigeria. The adoption of new technologies has led to increased efficiency, productivity, and competitiveness in many industries. However, these changes also pose significant challenges for workers, businesses, and policymakers. Job displacement, skills gap, security risks, and ethical concerns are some of the major issues that need to be addressed. To mitigate these challenges, there is a need for proactive responses from all stakeholders. Investing in education and training, encouraging innovation and entrepreneurship, developing appropriate regulations, building critical infrastructure, promoting collaboration, and addressing the digital divide are some of the key strategies that can help maximize the benefits of technological change while minimizing its negative impacts. In this context, it is important to strike a balance between leveraging the opportunities presented by emerging technologies and managing their potential negative effects. By taking proactive steps to address the challenges posed by technological change, Nigeria can position itself as a leader in the digital economy and drive sustainable economic growth.

Keywords: Technological Changes, Industrial Relations, Economic Growth, Infrastructure, Security.

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INTRODUCTION

In recent years, technological change has had a profound impact on industrial relations in Nigeria. The rapid pace of technological innovation has disrupted traditional employment patterns and created new opportunities for workers and businesses alike. However, this transformation has also raised questions about the role of labor unions, the nature of work, and the relationship between employers and employees. The effects of technological change on industrial relations can be seen across a range of sectors in Nigeria, including manufacturing, services, and agriculture. Automation and artificial intelligence have led to the displacement of some types of jobs, while creating demand for others that require new skills and training. At the same time, the rise of the gig economy and flexible working arrangements has challenged traditional notions of employment and job security. These changes have important implications for the nature of work and the role of labor unions in Nigeria. As technology continues to reshape the economy, unions will need to adapt to new forms of work and organize workers in non-traditional settings. They will also need to engage with businesses and policymakers to shape the regulatory environment and ensure that workers' rights are protected.

This paper will explore the effects of technological change on industrial relations in Nigeria. It will examine the challenges and opportunities presented by automation, artificial intelligence, and other emerging technologies. It will also consider the implications for workers, businesses, and policymakers, and propose recommendations for addressing the challenges posed by technological change.

STATEMENT OF THE PROBLEM

The effects of technological change on industrial relations in Nigeria have been significant. However, with the increase in automation and artificial intelligence, some traditional jobs have been displaced or become obsolete, leaving many workers without employment opportunities. This has led to a rise in unemployment rates and underemployment, particularly among low-skilled and vulnerable workers. Also, as new technologies emerge, there is a growing demand for workers with specific technical skills and knowledge. However, many workers in Nigeria lack the necessary training and education to compete in the changing job market. The resulting skills mismatch can lead to long-term unemployment and underemployment. Furthermore, the rise of the gig economy and flexible working arrangements has led to an increase in precarious work, which is often characterized by low pay, limited benefits, and little job security. This type of work can make it difficult for workers to organize and advocate for their rights, leading to weaker collective bargaining power. Current labor laws and regulations in Nigeria were developed for a different era and may not adequately address the new forms of work emerging from technological change. There is a need for updated policies and regulations that take into account the evolving nature of work and the changing role of labor unions. There is a need for greater worker participation in decision-making processes around technological change. Workers must have a voice in determining how new technologies are implemented and how they affect their working conditions and wellbeing. Addressing these challenges will require a coordinated effort from governments, businesses, workers, and civil society organizations to promote inclusive growth and protect workers' rights in the face of technological change.

OBJECTIVES OF THE STUDY

The objectives of a study on the effects of technological change on industrial relations in Nigeria may include:

- To examine the impact of technological change on the nature and organization of work in Nigeria.
- To investigate the effect of technological change on the skills and knowledge required for employment in Nigeria.
- To analyze the impact of technological change on job security, wages, and working conditions in Nigeria.
- To explore the relationship between technological change and labor productivity in Nigeria.
- To identify the challenges and opportunities presented by technological change for the development of industrial relations in Nigeria.

To suggest strategies for managing the effects of technological change on industrial relations in Nigeria.

Overall, the objective of such a study would be to deepen our understanding of how technological change is affecting industrial relations in Nigeria and to provide insights that can inform policy and practice in this area.

CONCEPTUAL CLARIFICATION

Technological Changes

Adeyemo (2020), refers technological changes to the advancements and developments in technology that bring about new and improved ways of doing things. These changes can affect various aspects of society, including communication, transportation, healthcare, manufacturing, and entertainment. Some examples of technological changes include the emergence of smartphones, the use of cloud computing, the increasing use of automation in manufacturing, the development of renewable energy technologies, and the growth of artificial intelligence and machine learning. Technological changes have the potential to drive innovation and improve productivity, but they can also bring about significant societal challenges, such as job displacement and privacy concerns.

Changes in technology are ongoing and occur at an increasingly rapid pace. Some of the recent changes in technology includes artificial Intelligence. The development of AI has revolutionized the way machines learn and process information, leading to breakthroughs in areas such as natural language processing, computer vision, and machine learning. Also, internet of things (IoT) which refers to the connection of everyday devices and objects to the internet, allowing them to communicate with each other and perform tasks automatically. This has led to the emergence of smart homes, smart cities, and other connected environments. Furthermore, the use of cloud computing which has allowed businesses and individuals to store and access data and applications remotely, reducing the need for physical infrastructure and increasing collaboration and efficiency. There is also the introduction of 5G networks which promises faster speeds, lower latency, and increased capacity, enabling new applications and services such as virtual and augmented reality, autonomous vehicles, and remote surgery. Also, the recent introduction of blockchain technology being used to create

decentralized systems that can securely store and transfer data and assets without the need for intermediaries are few amongst the recent changes in the world of work (Oke & Asiru, 2019).

According to Adediran and Adelowo (2021), Nigeria has also seen some significant technological changes in recent years, though at a somewhat slower pace than many developed nations. Some of the most notable changes includes changes in mobile technology. The widespread adoption of mobile phones has transformed the way Nigerians communicate and access information, with over 90 million active mobile phone users in the country. Another change is the influx of fintech firms in Nigeria. Nigeria has become a hub for financial technology innovation, with numerous startups creating digital payment solutions and mobile banking platforms, such as Paystack and Flutterwave. Accordingly, the growth of e-commerce platforms such as Jumia and Konga has made it easier for Nigerians to shop online and access a wider range of products. Furthermore, the energy sector has also experienced its own changes as Nigeria is increasingly looking to renewable energy sources such as solar and wind power to address its growing energy needs. In the Agriculture sector, there is a growing focus on using technology to improve efficiency and productivity in Nigeria's agricultural sector, with companies such as Farmcrowdy and Thrive Agric leading the way.

Industrial Relations

Industrial relations refer to the relationship between employers, employees, and the state in the workplace. It encompasses a broad range of issues, including collective bargaining, workplace safety and health, employment law, and labor-management relations (Aruwa, Muhammad & Dauda, 2021).

Effective industrial relations are essential for maintaining a productive and harmonious workplace. When employers and employees have positive relationships, they can work together to achieve common goals, such as increasing productivity, improving working conditions, and enhancing job security. Effective industrial relations requires open communication, mutual respect, and a willingness to negotiate and compromise. Employers and employees must work together to create a safe and healthy work environment and ensure that workers receive fair pay and benefits. In addition, labor laws and regulations must be enforced to protect the rights of both employers and employees.

According to Adeyanju (2018), Industrial relations in Nigeria refer to the relationships, interactions, and negotiations between employers, employees, and their respective representatives. The industrial relations system in Nigeria is governed by various laws and regulations, including the Labor Act, Trade Unions Act, and the Employee Compensation Act. The labor market in Nigeria is characterized by a high level of informality and low unionization rates, with many workers employed in the informal sector without access to basic employment rights and protections. However, there are several registered trade unions and associations that represent workers in various sectors, including the Nigeria Labour Congress (NLC), Trade Union Congress (TUC), and United Labour Congress (ULC). Also, Uko-Aviomoh (2019) noted that collective bargaining as a key feature of industrial relations in Nigeria, and agreements are often reached through negotiations between employers and employee representatives. Strikes and lockouts are also common methods used by workers and unions to press for better working conditions and improved wages. However, the industrial relations system in Nigeria is not without its challenges. Issues such as lack of job security, poor

working conditions, low wages, and inadequate social protections continue to be major areas of concern. In addition, disputes between employers and employees sometimes escalate into violent clashes, leading to disruptions in economic activities and loss of lives and property. Efforts are being made by the government and other stakeholders to improve the industrial relations system in Nigeria, including strengthening labor laws, promoting dialogue and cooperation between employers and workers, and providing better social protections for workers.

Effects of Technological Change on Industrial Relations in Nigeria

According to Awonuga (2018), Technological change has had a significant impact on industrial relations in Nigeria. Some of the effects of technological change on industrial relations in Nigeria include:

Job Displacement: Technological advancements have led to the displacement of workers as machines and automation take over tasks that were previously performed by humans. This has resulted in reduced job security and increased competition for fewer jobs. Job displacement is the situation where workers lose their jobs due to various reasons such as technological change, economic restructuring, or changes in industry demand. Technological change is one of the primary reasons for job displacement, as machines and automation take over tasks that were previously performed by humans. In Nigeria, job displacement due to technological change has been a major challenge, particularly in industries such as manufacturing, agriculture, and services. As technology advances, many traditional jobs are becoming obsolete, and workers are required to acquire new skills and knowledge to remain relevant in the labor market. Job displacement can have significant negative effects on individuals, families, and communities.

It can lead to unemployment, poverty, and social exclusion, as well as increased stress and mental health problems for those affected. It can also lead to decreased productivity and reduced economic growth in affected regions. To mitigate the negative effects of job displacement, there is a need for policies and programs that support workers who have lost their jobs due to technological change. This can include retraining programs, income support, and job creation initiatives in emerging industries. It is essential to ensure that workers are equipped with the skills and knowledge necessary to adapt to new technologies and remain competitive in the labor market.

Changes in Skill Requirements: The adoption of new technologies often requires workers to acquire new skills and knowledge, leading to changes in the demand for labor and increased training needs. This can result in changes to the structure of the workforce and labor market. Changes in skill requirements are one of the most significant effects of technological change on industrial relations in Nigeria. As new technologies and automation are integrated into workplace processes, workers are required to acquire new skills and knowledge to remain employable.

In Nigeria, the demand for workers with technical skills such as programming, data analysis, and digital marketing has increased due to the growth of the technology industry. At the same time, traditional jobs that do not require these skills are becoming less in demand, leading to a shift in the labor market. This shift in skill requirements presents a challenge for workers who need to adapt to changing job requirements. It can also lead to income inequality, as those with more technical skills are likely to earn higher salaries than those without. To address this challenge, there is a need for policies and programs that promote skills acquisition and retraining. This includes offering training programs and other educational

opportunities to help workers acquire the skills needed for emerging industries. The government can also incentivize employers to invest in training and skills development programs for their employees, particularly those in industries where technology adoption is high. Changes in skill requirements due to technological change are an important issue for industrial relations in Nigeria. It is essential to ensure that workers have access to the necessary resources and support to adjust to these changes and remain competitive in the labor market.

Increased Flexibility: New technologies have enabled employers to adopt more flexible work arrangements, such as telecommuting and flexible scheduling, which can improve productivity and work-life balance for employees. Increased flexibility is another significant effect of technological change on industrial relations in Nigeria. New technologies have enabled employers to offer more flexible work arrangements, such as telecommuting, flexible scheduling, and remote work, which can improve productivity and work-life balance for employees. In Nigeria, flexible work arrangements are becoming increasingly popular, particularly among workers in the technology industry. This has allowed workers to access job opportunities regardless of their location, reducing the need for physical presence at traditional workplaces. Flexible work arrangements have several benefits for workers, including improved work-life balance, reduced commuting times, and increased autonomy over their work schedules. They also benefit employers by improving productivity and allowing them to tap into a larger pool of talent. However, there are also concerns associated with flexible work arrangements. These include potential difficulties in managing remote teams, maintaining team cohesion, and ensuring adequate communication between workers and management. To address these concerns, it is essential

to establish policies and guidelines that promote effective communication, collaboration, and productivity among remote workers. It is also important to ensure that workers receive the necessary support and resources to succeed in a flexible work environment. Increased flexibility due to technological change presents both opportunities and challenges for industrial relations in Nigeria. It is essential to find a balance that supports workers while also meeting the needs of employers and promoting economic growth.

Decentralization of Work: The decentralization of work is another significant effect of technological change on industrial relations in Nigeria. As technology advances, it becomes possible for people to work remotely, reducing the need for physical presence at traditional workplaces. In Nigeria, the decentralization of work is becoming increasingly common, particularly among workers in the technology industry. This has allowed workers to access job opportunities regardless of their location, reducing the need for people to move to urban areas to access employment. Decentralization of work has several benefits for workers, including reduced commuting times, increased flexibility and autonomy over their work schedules, improved work-life balance, and reduced transportation costs. It also benefits employers by improving productivity, reducing overhead costs associated with maintaining physical offices, and allowing them to tap into a larger pool of talent. However, there are also concerns associated with decentralization of work. These include potential difficulties in managing remote teams, maintaining team cohesion, and ensuring adequate communication between workers and management. To address these concerns, it is essential to establish policies and guidelines that promote effective communication, collaboration, and productivity among remote

workers. It is also important to ensure that workers receive the necessary support and resources to succeed in a decentralized work environment. The decentralization of work due to technological change presents both opportunities and challenges for industrial relations in Nigeria. It is essential to find a balance that supports workers while also meeting the needs of employers and promoting economic growth.

New Forms of Communication: Technology has facilitated communication and collaboration between workers and management, leading to greater transparency and better decision-making processes. These includes social media platforms which allows for instant messaging, video and voice calls, and sharing multimedia content with friends and family, Virtual reality technology allows people to communicate with each other in a virtual environment, making it feel like they are in the same physical space. Messaging apps such as WhatsApp or WeChat, which allows for instant messaging, voice and video calls, and the sharing of multimedia content. Video conferencing software platforms like Zoom or Skype allow for video calls and meetings with people from all over the world. Chatbots automated programs which provides assistance and support to customers by responding to their queries through instant messaging. Voice assistants and smart speakers such as Amazon Echo or Google Home that allow users to interact with their devices through voice commands. And tools like Slack or Microsoft Teams which offers teams a centralized platform to communicate, share files, and collaborate on projects.

Increased Monitoring: With new technology comes increased surveillance and monitoring of workers, leading to concerns over privacy and worker autonomy. Increased monitoring refers to the act of closely observing or tracking a person, group, or situation in order to gather information or

ensure compliance with certain rules or regulations. This can take many forms, such as increased surveillance through cameras, monitoring of online activity, or more frequent check-ins with authorities. Increased monitoring can be instituted for a variety of reasons, including concerns about security, safety, or potential risks to public health or other important interests. However, it is important to balance the need for monitoring with individual rights and privacy concerns. Overall, technological change has brought about significant changes to the nature of work and industrial relations in Nigeria. As technology continues to evolve, it is expected that the impact of technology on industrial relations will continue to grow and change.

Challenges and Opportunities Presented by Automation, Artificial intelligence, and Other Emerging Technologies.

Automation, artificial intelligence (AI), and other emerging technologies present both challenges and opportunities for society according to Ojeleye and Olusoji (2020). These includes the following:

Challenges:

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1. Job displacement: Automation and AI have the potential to replace human workers in certain jobs, leading to job loss or reduced demand for certain types of labor,
2. Skills gap: As technology advances, workers may need to acquire new skills in order to remain relevant and employable in the workforce.
3. Security risks: Increased reliance on technology also presents security risks, such as cyber-attacks or data breaches, which can have serious consequences for individuals and organizations.

4. Ethical concerns: The use of AI and automation raises ethical concerns around issues like bias, privacy, and accountability.

Opportunities:

1. Improved efficiency: Automation and AI can increase productivity and efficiency in many industries, leading to cost savings and improved outputs.
2. New job opportunities: While some jobs may be displaced by automation, new job opportunities may also arise as a result of the development and implementation of new technologies.
3. Enhanced decision-making: AI can help improve decision-making processes by analyzing large amounts of data and identifying patterns that humans may not be able to detect.
4. Innovation: Emerging technologies can lead to new products, services, and business models that can drive economic growth and benefit society.

Lex Revolution

As with any new technology, it's important to carefully consider the potential impacts and take steps to mitigate risks and maximize benefits. This requires collaboration between industry, government, and civil society to ensure that emerging technologies are developed and used in a responsible and ethical manner.

The Implications of Technological Changes for Workers, Businesses, and Policymakers in Nigeria

Ojo, Omole, and Adewale (2018), suggested that technological changes have

significant implications for workers, businesses, and policymakers in Nigeria which they highlighted as follows:

■ **For Workers:**

Job displacement: Automation and AI may replace certain jobs, leading to job loss or reduced demand for certain types of labor.

Skills gap: As technology advances, workers may need to acquire new skills in order to remain relevant and employable in the workforce.

Remote work: With the adoption of digital technologies, more jobs can be done remotely, giving workers greater flexibility and access to global markets.

Increased competition: With the rise of the gig economy and online platforms, workers can face increased competition from workers in other countries.

■ **For Businesses:**

Improved efficiency: Automation and AI can increase productivity and efficiency in many industries, leading to cost savings and improved outputs.

New business models: Emerging technologies can enable new business models such as e-commerce and digital services.

Globalization: Digital technologies can help Nigerian businesses reach global markets and compete on a global scale.

Need for skilled workers: As businesses adopt new technologies, they will need skilled workers to operate and maintain these technologies.

▪ ***For Policymakers***

Skills development: Policymakers need to invest in education and training programs to ensure that workers have the necessary skills to thrive in the changing job market.

Regulation: Policymakers need to develop appropriate regulations to ensure that emerging technologies are used in a responsible and ethical manner.

Investment in infrastructure: Policymakers need to invest in critical infrastructure like high-speed internet and digital payment systems to facilitate the adoption of new technologies.

Support for small businesses: Policymakers need to provide support for small businesses to take advantage of the opportunities presented by emerging technologies.

Technological changes have far-reaching implications for workers, businesses, and policymakers in Nigeria. While these changes present numerous opportunities, they also pose significant challenges that require careful consideration and proactive responses from all stakeholders to ensure that the benefits are maximized and the risks are minimized.

Addressing the Challenges Posed by Technological Change in Nigeria

The challenges associated with technological changes are so enormous and requires concerted efforts by all stakeholders. Ademiluyi, Owoyemi and Oke (2019), in a study on “industrial relations dynamics” made some recommendations for addressing the challenges posed by technological change in Nigeria:

Investing in Education and Training: The government should invest in education and training programs that focus on the skills needed to succeed in the digital economy. This will help workers adapt to the new job market and ensure that they can take advantage of the opportunities presented by emerging technologies.

Encouraging Innovation and Entrepreneurship: Policymakers should encourage innovation and entrepreneurship by providing support for startups and small businesses, such as tax incentives, funding, and mentorship programs. This will help create new jobs and business models that can drive economic growth.

Developing Appropriate Regulations: Policymakers need to develop appropriate regulations for emerging technologies to protect the rights and privacy of citizens, ensure fairness and accountability, and prevent abuse or misuse of technology.

Building Critical Infrastructure: The government should invest in critical infrastructure like high-speed internet, digital payment systems, and cybersecurity to facilitate the adoption of new technologies and reduce the risk of cyber-attacks.

Promoting Collaboration: Policymakers should promote collaboration between industry, academia, and civil society to ensure that emerging technologies are developed and used in a responsible and ethical manner, and that the benefits are shared equitably.

Addressing the Digital Divide: The government should work to address the digital divide by increasing access to technology and ensuring that all citizens have access to affordable, high-quality internet services.

These recommendations require concerted efforts from all stakeholders to ensure that the benefits of technological change are widely shared, and the risks are minimized. By taking proactive steps to address the challenges posed by technological change, Nigeria can position itself as a leader in the digital economy and drive sustainable economic growth.

Theoretical Underpinnings

There are several theories of technological change and industrial relations that attempt to explain the relationship between these two phenomena. Here are three of the most prominent ones as suggested by Davenport & Ronanki, 2018).

Skill Biased Technological Change (SBTC): This theory argues that technological change tends to favor workers with higher levels of education and skills, while reducing the demand for less-skilled workers. This can lead to increased wage inequality and reduced job opportunities for low-skilled workers. SBTC is often associated with the adoption of computers and other digital technologies.

Disruptive Innovation: This theory argues that new technologies can disrupt existing industries and business models, leading to significant changes in employment patterns and labor relations. Disruptive innovations often start out as niche products or services but gradually improve in quality and become mainstream, displacing established players in the market. Disruptive innovation can create new job opportunities but also lead to job displacement and skill gaps.

Socio-Technical Systems Theory: This theory emphasizes the interdependence of technology and social systems, arguing that technological change cannot be

understood apart from the social context in which it occurs. According to this theory, technological change should be accompanied by changes in work organization, management practices, and employee participation to maximize its benefits and minimize its negative impacts.

These theories highlight the complex and dynamic nature of the relationship between technological change and industrial relations. They suggest that the adoption of new technologies can have far-reaching impacts on the labor market, employment relations, and the wider society, and that policymakers need to consider these issues when developing strategies to promote economic growth and social welfare.

CONCLUSION

Technological changes have brought significant transformations to the industrial relations landscape in Nigeria. The adoption of new technologies has led to increased efficiency, productivity, and competitiveness in many industries. However, these changes also pose significant challenges for workers, businesses, and policymakers, such as job displacement, skills gap, security risks, and ethical concerns. To address these challenges, there is a need for proactive responses from all stakeholders to ensure that the benefits of technological change are maximized, and the risks are minimized. This requires investing in education and training, encouraging innovation and entrepreneurship, developing appropriate regulations, building critical infrastructure, promoting collaboration, and addressing the digital divide. By taking these steps, Nigeria can position itself as a leader in the digital economy and drive sustainable economic growth while ensuring that the benefits of technological change are widely shared. It is important to balance the opportunities presented by emerging technologies with the

needs and concerns of workers, businesses, and society as a whole, to build a future that is inclusive, equitable, and sustainable.

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IMPACT OF PRIVACY VIOLATIONS ON SOCIAL MEDIA USERS

- Dr. Preeti Singh* & Dr. Avnish Singh**

Abstract

Privacy infractions on social media can be extremely damaging to the people they affect. The issue of privacy breaches has gained attention as a result of a recent change to WhatsApp's privacy policy that permits the sharing of users' personal data and information with Facebook. Due to this, many users are seeking out other messaging services in order to safeguard their privacy. Social media platform privacy breaches can result in a variety of negative outcomes for the victims, including identity theft, financial fraud, and even cyberbullying. In the case of WhatsApp, many users have voiced worries about the sharing of their personal information with Facebook, a company with a track record of privacy violations and improper use of user data for commercial gain.

This demonstrates the requirement for more stringent privacy safeguards on social media sites and more user education regarding the risks and perils of exposing personal information online. Ultimately, people who experience privacy violations on social media sites lose faith in both the network and their own capacity to safeguard their personal information. Social media sites must prioritise user privacy and have effective security measures in place to stop data breaches to reduce these dangers.

Keywords: *Social Media, Privacy, Breach, Victim, WhatsApp etc.*

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INTRODUCTION

The recent privacy hack involving users of WhatsApp emphasises the need for improved user privacy protection on social media platforms. A variety of detrimental effects, such as loss of trust, financial injury, and emotional pain, may befall privacy breach victims¹. Users of WhatsApp, for instance, may have had their personal information, including phone numbers and chat messages, accessible by unauthorised third parties, raising the possibility of identity theft, cyberstalking, and other types of online harassment. Financial impact from this breach could also occur, such as loss of money from hacked bank accounts or fraudulent charges.

Furthermore, it is impossible to disregard the psychological effects of such violations. When their personal information is revealed to others, victims of privacy breaches may feel violated, out of control, and anxious. This might make people reluctant to interact on social media sites in the future or cause them to lose faith in the technology sector as a whole. Social media platforms must prioritise the safety of users' personal data by implementing robust security measures, clear privacy policies, and early notification of any security breaches in order to address these challenges. Additionally, they should give consumers the resources and tools required to keep an eye on and manage their personal information, such as the capacity to decline data sharing and the capacity to erase their data from the platform. Further improving users' privacy and security on social media platforms may be the development of privacy-enhancing technology like end-to-end encryption.

¹ Megha Mandavia, *WhatsApp tweaks privacy policy to share more user data with Facebook*, ETtimes, Jan 12, 2021; available at: <https://economictimes.indiatimes.com/tech/technology/whatsapp-tweaks-privacy-policy-to-share-more-user-data-with-facebook/articleshow/80144280.cms?from=mdr>

In order to develop clear principles and standards for data protection and to hold businesses accountable for privacy violations, governments and regulatory organisations must collaborate.

LAWS AND RULES RELATING TO PRIVACY

To protect data security and privacy, India has put in place a number of laws and regulations. Among the most significant ones are:

*The Information Technology (Reasonable Security Practices and Procedures and Sensitive Personal Data or Information) Rules, 2011*², lay forth standards for businesses that gather, store, process, or manage sensitive personal data or information concerning Indian citizens. Companies must get people's consent before collecting personal data, make ensuring the data is accurate and current, and implement the necessary security measures to guard the data from unauthorised access or disclosure.

*The Personal Data Protection Bill, 2019*³ is a measure that has not yet been passed but aims to give Indian citizens complete data protection. It establishes the Data Protection Authority of India to monitor adherence to the law and lays out criteria for the collection, storage, processing, and handling of personal data.

*The Right to Information Act, 2005*⁴ under certain limitations and exemptions, enables citizens in India to have access to information maintained by public

² The Information Technology (Reasonable Security Practices and Procedures and Sensitive Personal Data or Information) Rules, 2011 (April 17, 2023), *available at*:

https://www.meity.gov.in/writereaddata/files/GSR313E_10511%281%29_0.pdf

³ The Personal Data Protection Bill, 2019, Bill No. 373 of 2019, (April,17,2023), *available at*:
http://164.100.47.4/BillsTexts/LSBillTexts/Asintroduced/373_2019_LS_Eng.pdf

⁴ See, The Right to Information Act, 2005, No. 22, Acts of Parliament, 2005 (India).

bodies.

*The Aadhaar Act, 2016*⁵ is a piece of legislation that creates the Aadhaar unique identity system for Indian citizens and lays out rules for its collection, storage, and use.

*The Information Technology Act, 2000*⁶ establishes sanctions for cybercrimes such hacking, identity theft, and phishing and offers a legal foundation for electronic transactions.

*The Indian Contract Act, 1872*⁷ governs all contracts made in India, especially those that concern the security and privacy of personal data. It outlines the conditions that must be met for a contract to be valid, such as that both parties must offer their free and informed consent.

In general, these laws and rules seek to establish a framework for data protection in India and to guarantee that people have control over their personal data. Some experts, however, contend that the existing regulations are insufficient to solve the current problems with data breaches.

RISKS AND EFFECTS OF PRIVACY VIOLATIONS

For both people and organisations, data privacy violations in India can have serious risks and repercussions. Among these dangers and effects are the following:

Identity theft: Personal information, including name, address, phone number,

⁵ See, The Aadhaar (Targeted Delivery of Financial and other Subsidies, Benefits and Services) Act, 2016, No. 18, Acts of Parliament, 2016 (India).

⁶ See, The Information Technology Act, 2000, No. 21, Acts of Parliament, 2000 (India).

⁷ See, The Indian Contract Act, 1872, No. 09, Acts of Parliament, 1872 (India).

email address, and social security number, may be stolen as a result of a data privacy breach and used to commit identity fraud. Financial losses and damage to credit scores may result from this.⁸

Financial losses: Both individuals and organisations may suffer financial losses as a result of data breaches. Companies may experience legal costs, regulatory fines, and reputational damage in addition to direct cash losses, all of which can have a major negative impact on their bottom line.

Reputational harm: Both individuals and businesses may suffer from data breaches. Data loss can be considered as irresponsibility or incompetence in today's society, as data is increasingly valued as an asset, damaging relationships with stakeholders and customers.

Legal repercussions: Data privacy violations may have legal repercussions. For instance, businesses must guarantee the security and confidentiality of personal data under the Indian Information Technology Act, 2000⁹. Legal action and substantial fines may follow failure to do so.

Regulatory penalties: The Personal Data Protection Bill¹⁰, which India just introduced, will impose harsher rules and restrictions on organisations that handle personal data once it is passed. Businesses who disregard these requirements risk severe fines and penalties.

Psychological effects: Individuals may have psychological effects as a result of

⁸ Jennifer Bellemare, What are your odds of getting your identity stolen? IDENTITY FORCE (Apr.17, 2023), available at: <https://www.identityforce.com/blog/identity-theft-odds-identity-theft-statistics#:~:text=By%20the%20Numbers&text=In%202017%2C%206.64%20percent%20of,than%20twice%20the%20global%20average>

⁹ *Supra note 3.*

¹⁰ *Supra note 6.*

data privacy violations. Anxiety, stress, and feelings of vulnerability brought on by the loss of personal information can have a long-lasting impact on people's mental health.¹¹

Overall, there are serious risks and repercussions associated with data privacy breaches in India, so it is crucial for people and organisations to take precautions to safeguard personal information and avoid data breaches.

USER AWARENESS AND EDUCATION

In India, user education and awareness about data protection are essential because they can help people realise how important it is to secure their personal information and stop data breaches. Here are some suggestions for raising user awareness and education in India:

Government actions: The Indian Government may take actions to raise public awareness of data protection. To raise awareness about the value of data protection, they might hold awareness campaigns, seminars, and workshops.¹²

Education in schools and colleges: Schools and colleges can include data protection in their curricula to teach students the importance of privacy and data protection. This can increase awareness at a young age and help teach students appropriate behaviour.

¹¹ Harrell, E., 2019. Victims of identity theft, 2016. Washington, DC: U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Statistics. 1-29/NCJ 251147.(April, 17, 2023), available at: <https://bjs.ojp.gov/content/pub/pdf/vit16.pdf>

¹² Akash Dutta, *Data Privacy Day is an occasion to raise awareness among people on the issue: Prof. SK Shukla*, HTtech, August 21, 2022; available at: <https://tech.hindustantimes.com/tech/news/data-privacy-day-is-an-occasion-to-raise-awareness-among-people-on-the-issue-prof-sk-shukla-71643340226542.html>

Online resources: People can use a range of internet tools to learn more about data privacy. Government agencies may promote these resources and link to them from their websites.

Social media awareness: Data protection can be made more widely known by using social media platforms. To inform people about data privacy, businesses and individuals can post articles, blogs, and videos on social media.

Company training initiatives: Businesses might hold training initiatives to inform staff about data protection. Employees will be better able to appreciate the value of data security and help the company avoid data breaches.

Public-private partnerships: To raise awareness about data privacy, the government might work with commercial organisations. This can aid in expanding the audience reached and significantly increase user awareness and education.¹³

In order to prevent data breaches and safeguard personal data, it is vital to raise user awareness about and educate users about the importance of data protection in India.

CORPORATE RESPONSIBILITY AND ACCOUNTABILITY

WhatsApp and other social media platforms have a big obligation to safeguard the privacy and data security of their users. Some of the

¹³ National Cyber Security Policy, 2013, Ministry of Electronic and Information Technology, (April, 17, 2023), available at: https://www.meity.gov.in/sites/upload_files/dit/files/National%20Cyber%20Security%20Policy%20%281%29.pdf

explanations are as follows:

User trust: Since, the social media users trust these sites with their personal data, it is up to these platforms to make sure the data is kept secure. Users anticipate that social media sites will protect their privacy and data security by being open and honest about how their data is utilised.

Legal obligations: Social media platforms must abide by the rules and legislation governing data protection in the nations in which they do business. For instance, the Personal Data Protection Bill in India mandates that businesses take steps to protect personal data.

Business reputation: Social media networks have a reputation to protect, and data breaches or privacy violations can harm their brand image and make users lose faith in the platform. As a result, the platform may lose users and income.

Cybersecurity threats: Social media companies must take appropriate security measures to safeguard the data of its users because they are susceptible to cyberattacks. Data encryption, routine security upgrades, and threat detection are all part of this.

Ethical considerations: Social media platforms have an ethical obligation to safeguard the privacy and data security of its users. It is crucial to think about how data breaches or privacy violations may affect users' life and to take precautions to avoid such occurrences.

In general, social media platforms like WhatsApp are responsible for safeguarding the privacy and data security of their users, so it is imperative that they take the necessary precautions to protect that data.

TECHNOLOGY BASED SOLUTIONS

To stop data breaches in WhatsApp and other allied social media platforms, a number of technological options are available. Several of these options include:

End-to-end encryption: Only the sender and the recipient of a message can view the message's content thanks to this security safeguard. With the aid of this functionality, hackers will find it more difficult to intercept messages and steal personal data.

Two-factor authentication: By requiring two separate forms of identity, two-factor authentication is a security feature that stops unauthorised individuals from accessing accounts. As a result, there may be less chance of data breaches and user accounts being accessed without authorization.

Biometric authentication: A security measure known as biometric authentication verifies user identity by employing distinguishing physical characteristics like fingerprints or facial recognition. By doing so, the possibility of data breaches can be reduced, and unauthorised access to user accounts can be stopped.

Anti-phishing tools: Users can avoid falling for phishing attempts, which are frequently used by hackers to obtain personal information, by using anti-phishing tools. By identifying phishing messages, these tools can warn users of the danger.

Data backup and recovery: Tools for data backup and recovery can be used to guarantee that user data is backed up and is retrievable in the event of a data breach or system failure. This can lessen the effects of a data breach and

prevent the loss of data for good.

FUTURE TRENDS AND CHALLENGES

In terms of data protection, there are a number of emerging trends and difficulties that we anticipate in the upcoming years.¹⁴ Here are a few examples:

Increasing data volumes: People, organisations, and devices are all producing more and more data. In such a vast and complicated data landscape, it will become more and more difficult to protect personal data as a result of this development.

Rapid technological development: New data protection concerns are being brought about by the Internet of Things (IoT) and artificial intelligence (AI), among other technologies. For instance, the growing use of IoT devices introduces new security threats and vulnerabilities for personal data.

Stricter regulations: The General Data Protection Regulation (GDPR) in the European Union and the Personal Data Protection Bill in India are two examples of the tighter restrictions that governments around the world are putting into place to protect personal data. For businesses that operate internationally, compliance with these standards will be a substantial problem.

Cybersecurity dangers: Cybersecurity dangers including phishing, ransomware, and data breaches are becoming increasingly complex and difficult to spot and stop. To protect customer data, businesses must invest in strong

¹⁴ Gavin Mills, Identity Theft: Everything You Need to Know to Protect Yourself, Summersdale Publishers (7 May 2006)

cybersecurity measures.¹⁵

Data ethics: Businesses will need to give data ethics top priority in their operations as the ethical use of personal data becomes more and more crucial. This entails being open and honest about how personal data is used, respecting people's right to privacy, and taking precautions to stop data misuse.

CONCLUSION

Overall, data protection will continue to be an important issue in the years to come, and it will be critical for people, businesses, and governments to collaborate in order to address the issues and safeguard personal data.

Finally, the current privacy incident affecting WhatsApp users emphasises the need for improved user data protection on social media networks. Social media platforms may aid in preventing privacy breaches and safeguarding the personal information of their users by putting in place robust security measures, open privacy policies, and privacy-enhancing technologies, as well as by creating precise norms and standards for data protection.

¹⁵ Allison, S.F.H., A.M. Schuck, and K.M. Lersch, Exploring the crime of identity theft: Prevalence, clearance rates, and victim/offender characteristics. *Journal of Criminal Justice*, 33 (1): 19-29, (2017).

CLIMATE CHANGE AND WOMEN'S HUMAN RIGHTS: A CALL FOR GENDER-RESPONSIVE SOLUTIONS

- Shivpriya* & Prof. (Dr.) Preeti Misra**

Abstract

Climate change is one of the most pressing global issues of our time. Climate change is also a human rights issue, as it threatens the enjoyment of a range of human rights, including the right to life, health, water, food, and housing. While climate change affects all people, women are particularly vulnerable, as they often face discrimination and inequality in access to resources, information, and decision-making. This paper explores the linkages between climate change and women's human rights and argues that urgent action is needed to address this critical issue. The paper provides an overview of the impacts of climate change on women's human rights and highlights the ways in which gender inequalities exacerbate vulnerability to these impacts. The paper also provides examples of good practices by women and policy recommendations for action. The paper concludes by emphasizing the need for a human rights-based approach to climate change adaptation and mitigation, which recognizes and addresses the gender-specific impacts of climate change and promotes women's rights and empowerment. The method adopted in this paper writing is doctrinal in nature.

Keywords: climate change, women's human rights, gender equality, adaptation, mitigation, Indian judiciary.

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INTRODUCTION

Climate change is one of the most pressing global challenges of our time, with far-reaching impacts on the environment, the economy, and society. However, the effects of climate change are not distributed equally among all populations. Women, particularly those in developing countries, are disproportionately affected by the effects of climate change.¹ Climate change affects women's human rights, including their health, education, and economic wellbeing. Therefore, it is imperative that policymakers, civil society organizations, and the international community recognize the gendered impacts of climate change and adopt gender-responsive solutions to address them.

This paper explores the relationship between climate change and women's human rights, using a feminist lens to highlight the ways in which climate change is a gendered issue that requires urgent attention.² The impacts of climate change on women's health, education, and economic wellbeing will be discussed, emphasizing the structural inequalities that perpetuate gender-based discrimination and inequality. The paper will also examine the importance of gender-responsive climate policies, which recognize the differential impacts of climate change on women and men and promote women's participation in decision-making processes.

The intersectionality of climate change and gender cannot be ignored.

¹ United Nations Development Programme 2018, Gender and Climate Change, *available at:* <https://www.undp.org/content/undp/en/home/librarypage/womens-empowerment/gender-and-climate-change.html> (last visited on: February 25, 2023)

² A feminist lens refers to an approach that recognizes the intersectionality of different forms of oppression and the ways in which gendered power relations shape social and political structures.

Climate change exacerbates existing gender inequalities, while gender inequality can also make women more vulnerable to the effects of climate change.³ Therefore, it is crucial that gender-responsive solutions to climate change are developed and implemented to promote gender equality and women's empowerment.

IMPACT ON WOMEN'S HEALTH

Climate change has significant impacts on women's health, including an increase in the frequency and severity of extreme weather events such as heatwaves, droughts, floods, and storms.⁴ Women are often more vulnerable to the health impacts of climate change due to a combination of biological, social, and economic factors. For example, pregnant women and young children are at a higher risk of malnutrition due to climate-induced food shortages, and women who lack access to clean water and sanitation facilities are at increased risk of waterborne diseases.⁵ Many cases of sexual violence and trafficking of girls is also reported during the occurrence of climate disasters. Indoor air pollution is also a significant health concern for women in many parts of the world. Women often bear the responsibility for cooking and heating in the household, which can lead to exposure to smoke and other harmful pollutants. This exposure can lead to respiratory diseases, such as chronic obstructive pulmonary disease (COPD), pneumonia, and

³ Pearson, R., & Foufopoulos, J. (2019). Climate change and gender inequality. *Journal of International Affairs*, 73(1), 61-77

⁴ Intergovernmental Panel on Climate Change (IPCC). (2018). Special Report: Global Warming of 1.5°C.

⁵ United Nations Development Programme 2018, Gender and Climate Change, *available at:* <https://www.undp.org/content/undp/en/home/librarypage/womens-empowerment/gender-and-climate-change.html> (last visited on: February 25, 2023)

lung cancer, which are leading causes of death for women globally.⁶

Furthermore, the impacts of climate change on mental health cannot be ignored. Climate-related disasters, such as floods and hurricanes, can lead to trauma, anxiety, and depression, which disproportionately affect women.⁷ Women also bear the emotional burden of caring for family members who have been affected by climate change and may suffer from increased stress and burnout as a result. Same can be seen as an aftermath of COVID-19 pandemic.

To address these gendered health impacts of climate change, gender-responsive solutions are needed. These solutions should include strategies to improve access to clean water and sanitation, reduce exposure to indoor air pollution, and address the specific health needs of women and girls during and after climate-related disasters. Furthermore, these solutions should be developed in consultation with women and should consider the intersectional nature of their identities and the multiple factors that contribute to their vulnerability to climate-related health impacts.

IMPACT ON WOMEN'S EDUCATION

Climate change has a significant impact on women's education, particularly in developing countries where girls are already at a disadvantage in accessing education. Climate change can lead to increased school dropout rates, decreased enrollment, and reduced learning opportunities for girls and

⁶ World Health Organization 2018, Household air pollution and health, *available at:* <https://www.who.int/news-room/fact-sheets/detail/household-air-pollution-and-health> (last visited on: February 25, 2023)

⁷ Clayton, S., Manning, C. M., Hodge, C., & Krygsman, K. (2017). Mental health and our changing climate: Impacts, implications, and guidance. Washington, DC: American Psychological Association and ecoAmerica.

women.⁸ In addition, climate change can lead to increased household responsibilities for women and girls, including the need to collect water and firewood, care for sick family members, and participate in agricultural activities.⁹ These responsibilities can take time away from school and limit educational opportunities, particularly for girls who are more likely to be tasked with these household responsibilities.

Furthermore, climate change can have long-term impacts on women's education and career opportunities. Girls who drop out of school due to climate-related factors are less likely to continue their education or to have access to training and job opportunities that would allow them to build a sustainable livelihood.¹⁰ To address these gendered impacts of climate change on women's education, gender-responsive solutions are needed. These solutions should prioritize the education of girls and women and ensure that they have equal access to educational opportunities despite climate-related challenges. This may include the provision of safe and resilient school infrastructure, the development of flexible and inclusive education systems, and the recognition of the value of girls' and women's education in promoting climate resilience.¹¹ Furthermore, these solutions should be developed in consultation with women and should take into

⁸ UNESCO 2016, Education for People and Planet: Creating Sustainable Futures for All, available at: <https://unesdoc.unesco.org/ark:/48223/pf0000244733> (last visited on: February 25, 2023)

⁹ United Nations Population Fund. (2015). Facing a Changing World: Women, Population and Climate, available at: https://www.unfpa.org/sites/default/files/pub-pdf/Facing_Changing_World.pdf (last visited on: February 27, 2023)

¹⁰ Plan International 2018, The Impacts of Climate Change on Girls' and Young Women's Education, available at: <https://plan-international.org/publications/impacts-climate-change-girls-and-young-womens-education> (last visited on: February 26, 2023)

¹¹ United Nations Framework Convention on Climate Change 2017, Gender and Climate Change, available at: <https://unfccc.int/topics/gender/the-big-picture/gender-and-climate-change> (last visited on: February 26, 2023)

account the intersectional nature of their identities and the multiple factors that contribute to their vulnerability to climate-related educational barriers.

IMPACT ON WOMEN'S ECONOMIC WELLBEING

Climate change has significant impacts on women's economic well-being, mostly in developing countries where women often rely on agriculture and natural resources for their livelihoods.¹² Climate-related disasters and extreme weather events can lead to crop failures, livestock losses, and damage to infrastructure, which can have long-term economic impacts on women and their families.¹³ Furthermore, women are often excluded from decision-making processes related to climate change and are less likely to have access to resources and information that would allow them to adapt to changing environmental conditions.¹⁴ This lack of agency and empowerment can limit women's ability to engage in income-generating activities and can perpetuate gender-based economic inequalities.

To address the gendered impacts of climate change on women's economic well-being, gender-responsive solutions are needed. These solutions should prioritize the economic empowerment of women and ensure that they have equal access to resources and opportunities to adapt to changing

¹² United Nations Development Programme 2018, Gender and Climate Change, *available at:* <https://www.undp.org/content/undp/en/home/librarypage/womens-empowerment/gender-and-climate-change.html> (last visited on: February 28, 2023)

¹³ United Nations Population Fund 2015, Facing a Changing World: Women, Population and Climate, *available at:* https://www.unfpa.org/sites/default/files/pub-pdf/Facing_Changing_World.pdf (last visited on: February 27, 2023)

¹⁴ United Nations Women 2020, Why Climate Change is a Women's Issue, *available at:* <https://www.unwomen.org/en/news/in-focus/climate-change-and-the-sustainable-development-goals/why-climate-change-is-a-womens-issue> (last visited on: February 27, 2023)

environmental conditions.¹⁵ This may include the provision of climate-resilient agricultural techniques and technologies, the promotion of women's entrepreneurship and access to credit, and the development of policies and programs that prioritize women's economic rights and empowerment.¹⁶ By prioritizing the economic empowerment of women, gender-responsive solutions can not only promote gender equality but can also contribute to more sustainable and resilient communities in the face of climate change.

THE INTERSECTIONALITY OF CLIMATE CHANGE AND GENDER

The impacts of climate change are not experienced equally by all individuals and communities, and women are often among the most vulnerable due to their gender and other intersecting identities.¹⁷ The intersectionality of climate change and gender highlights the need for gender-responsive solutions that consider the unique experiences of women and other marginalized groups. Women's experiences of climate change are shaped by their social, economic, and political contexts, as well as by their race,

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¹⁵ United Nations Framework Convention on Climate Change 2017, Gender and Climate Change, *available at:* <https://unfccc.int/topics/gender/the-big-picture/gender-and-climate-change> (last visited on: February 26, 2023)

¹⁶ United Nations Development Programme 2021, Gender-Responsive Climate Action for Sustainable Development. *available at:* <https://www.undp.org/content/undp/en/home/librarypage/environment-energy/gender-responsive-climate-action-for-sustainable-development.html> (last visited on: March 05, 2023).

¹⁷ United Nations Women 2020, Why Climate Change is a Women's Issue. *available at:* <https://www.unwomen.org/en/news/in-focus/climate-change-and-the-sustainable-development-goals/why-climate-change-is-a-womens-issue> (last visited on: February 27, 2023).

ethnicity, religion, age, and other intersecting identities.¹⁸ For example, women in rural areas may face greater barriers to accessing resources and information related to climate change adaptation than women in urban areas.¹⁹ Similarly, women living in poverty may be more vulnerable to the impacts of climate change than those who are more economically secure.²⁰

Furthermore, women are often excluded from decision-making processes related to climate change and are less likely to have access to the resources and technologies that would allow them to adapt to changing environmental conditions.²¹ This lack of agency and empowerment can perpetuate gender-based inequalities and exacerbate the impacts of climate change on women and their communities.

To address the intersectionality of climate change and gender, gender-responsive solutions are needed that consider the unique experiences and needs of women and other marginalized groups. These solutions should prioritize the participation of women and other marginalized groups in decision-making processes related to climate change, as well as ensure that they have equal access to resources and opportunities to adapt to changing

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¹⁸ United Nations Development Programme 2018, Gender and Climate Change. *available at:* <https://www.undp.org/content/undp/en/home/librarypage/womens-empowerment/gender-and-climate-change.html> (last visited on: February 28, 2023).

¹⁹ United Nations Framework Convention on Climate Change, 2017, Gender and Climate Change, *available at:* <https://unfccc.int/topics/gender/the-big-picture/gender-and-climate-change> (last visited on: February 26, 2023).

²⁰ International Union for Conservation of Nature 2018, Gender and Climate Change: Advancing Gender Equality and Women's Empowerment in Climate Action. *available at:* <https://portals.iucn.org/library/sites/library/files/documents/2018-047.pdf> (last visited on: March 15, 2023).

²¹ United Nations Development Programme 2018, Gender and Climate Change, *available at:* <https://www.undp.org/content/undp/en/home/librarypage/womens-empowerment/gender-and-climate-change.html> (last visited on: February 28, 2023).

environmental conditions.²²

One key aspect of gender-responsive climate policies is the inclusion of women's voices and perspectives in decision-making processes related to climate change.²³ This means ensuring that women are represented in relevant policy-making bodies, and that their experiences and knowledge are taken into account when designing and implementing climate policies. Another important aspect of gender-responsive climate policies is the promotion of women's participation in climate-related industries and initiatives. This includes supporting women-led businesses and organizations that focus on climate change mitigation and adaptation, as well as providing training and education opportunities for women in these fields.²⁴ Additionally, gender-responsive climate policies must address the social and economic barriers that prevent women from accessing resources and technologies needed to adapt to changing environmental conditions.²⁵ This can include policies that promote access to land, water, and other natural resources, as well as policies that provide financial and technical

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²² United Nations Development Programme 2021, Gender-Responsive Climate Action for Sustainable Development, available at: <https://www.undp.org/content/undp/en/home/librarypage/environment-energy/gender-responsive-climate-action-for-sustainable-development.html> (last visited on: March 5, 2023).

²³ United Nations Framework Convention on Climate Change 2017, Gender and Climate Change. Available at: <https://unfccc.int/topics/gender/the-big-picture/gender-and-climate-change> (last visited on: February 25, 2023).

²⁴ United Nations Development Programme 2018, Gender and Climate Change. Available at: <https://www.undp.org/content/undp/en/home/librarypage/womens-empowerment/gender-and-climate-change.html> (last visited on: February 28, 2023).

²⁵ United Nations Women 2020, Why Climate Change is a Women's Issue. Available at: <https://www.unwomen.org/en/news/in-focus/climate-change-and-the-sustainable-development-goals/why-climate-change-is-a-womens-issue> (last visited on: February 27, 2023).

support for women's climate resilience initiatives.²⁶

CASE STUDIES OF GENDER-RESPONSIVE CLIMATE SOLUTIONS

To better understand how gender-responsive climate solutions can be implemented in practice, it is useful to examine case studies of successful initiatives that have taken gender considerations into account.

One example is the “Climate-Smart Villages” project in India, which aims to improve the resilience of smallholder farmers to climate change while also promoting gender equality.²⁷ The project involves training women in climate-smart agricultural techniques, providing them with access to new technologies and resources, and promoting their participation in decision-making processes related to climate adaptation. As a result, women have been able to increase their agricultural productivity and income, while also playing a more active role in their communities and households.

Another example is the “Green Climate Fund,” which provides financial support for climate adaptation and mitigation initiatives in developing countries.²⁸ The fund has a gender policy that requires all projects to consider the differential impacts of climate change on women and men, and

²⁶ United Nations Development Programme 2021, Gender-Responsive Climate Action for Sustainable Development, available at: <https://www.undp.org/content/undp/en/home/librarypage/environment-energy/gender-responsive-climate-action-for-sustainable-development.html> (Last visited on: March 5, 2023).

²⁷ International Centre for Integrated Mountain Development 2019, Gender-Responsive Climate Smart Villages, available at: <https://www.icimod.org/gender-and-climate-change/gender-responsive-climate-smart-villages> (last visited on: February 28, 2023).

²⁸ Green Climate Fund 2021, Gender Policy, available at: <https://www.greenclimate.fund/document/gender-policy> (last visited on: March 15, 2023).

to promote gender equality in their design and implementation. As a result, many projects supported by the fund have included measures such as promoting women's participation in decision-making, providing women with access to new technologies and resources, and supporting women-led businesses and organizations.

A third example is the "Women2030" project, which is a global initiative that seeks to promote gender equality and women's empowerment in the context of the United Nations' Sustainable Development Goals, including Goal 13 on climate action.²⁹ The project involves working with women's organizations and networks to build their capacity to engage in climate policy-making and advocacy, as well as to develop their own climate resilience initiatives.

Solar sister is a women-led social enterprise that provides clean energy solutions to rural communities in Sub-Saharan Africa. The enterprise is based on a women-centered business model that empowers women to become clean energy entrepreneurs, thereby creating economic opportunities for women while also promoting renewable energy use in rural communities.³⁰

Coastal Livelihood and Environmental Action Network (CLEAN) is a community-based organization in the Philippines that is working to address the impacts of climate change on coastal communities. The organization has developed a gender-responsive program that promotes the participation of women in climate change adaptation and mitigation activities and provides

²⁹ Women 2030. (n.d.). About Women 2030, available at: <https://www.women2030.org/about-women2030/> (last visited on: March 06, 2023).

³⁰ Solar Sister 2021, Our Model, available at: <https://www.solarsister.org/our-model> (last visited on: March 08, 2023).

women with training and resources to improve their livelihoods and build their resilience to climate change.³¹

Women's Climate Centers are community centers in Ethiopia that are run by women for women, and that provide a range of services to support women's livelihoods and build their resilience to climate change. The centers offer training on sustainable agriculture and natural resource management, as well as support for income-generating activities and community mobilization around climate change issues.³²

Women's Carbon Standard is a voluntary standard that was developed to recognize and reward gender-responsive climate mitigation initiatives. The standard provides a framework for assessing the gender impacts of climate mitigation projects, and for ensuring that women are involved in project design and decision-making processes.³³

Here are some examples of gender-responsive climate solutions in India

Mahila Housing SEWA Trust (MHT) is a non-profit organization in India that aims to improve the living conditions of informal sector women workers by implementing a climate-resilient housing program. The program

³¹ Coastal Livelihood and Environmental Action Network (CLEAN) 2019, CLEAN's Gender-Responsive Climate Change Adaptation Program, available at: <https://www.clean.org.ph/our-programs/gender-responsive-climate-change-adaptation-program/> (last visited on: March 21, 2023).

³² International Union for Conservation of Nature (IUCN) 2016, Women's Climate Centers in Ethiopia: Empowering Women to Adapt to Climate Change, available at: https://www.iucn.org/sites/dev/files/import/downloads/women_s_climate_centers_in_ethiopia_empowering_women_to_adapt_to_climate_change.pdf (last visited on: February 25, 2023).

³³ Gold Standard. (n.d.). Women's Carbon Standard, available at: <https://www.goldstandard.org/women-s-carbon-standard> (last visited on: March 16, 2023)

includes building materials and design features adapted to local climatic conditions and empowers women to participate in the planning and construction of their homes.³⁴

Dharti Mata is a community-led initiative in Maharashtra that promotes sustainable farming practices and natural resource management. Women farmers are trained in organic farming techniques, encouraged to diversify their crops, and maintain agro-biodiversity by establishing a community seed bank.³⁵

Women-led Disaster Risk Reduction³⁶ is a project implemented by UNDP in partnership with the Government of India that aims to strengthen the resilience of vulnerable communities to natural disasters. The project focuses on women and girls, providing training and resources to women leaders to help them develop and implement community based DRR plans.³⁷

Gujarat Women's Water Network³⁸ is a women-led initiative that promotes sustainable water management practices in Gujarat. Women are involved in all aspects of water management, from planning and decision-making to implementation and monitoring. GWWN has developed technologies and

³⁴ Mahila Housing SEWA Trust 2018, Climate Resilient Housing, available at: <https://www.mahilasewa.org/programmes/climate-resilient-housing/> (last visited on: March 17, 2023)

³⁵ Ecomantra Foundation 2021, Dharti Mata – Women Leading Sustainable Farming Practices in Maharashtra, available at: <https://www.ecomantra.org/dharti-mata-women-leading-sustainable-farming-practices-in-maharashtra/> (last visited on: March 14, 2023)

³⁶ Hereinafter referred as DRR

³⁷ United Nations Development Programme (UNDP) 2021, Women-led Disaster Risk Reduction in India, available at: <https://www.in.undp.org/content/india/en/home/ourwork/environmentandenergy/successstories/women-led-disaster-risk-reduction-in-india.html> (last visited on: March 5, 2023)

³⁸ Hereinafter referred as GWWN

innovations to improve water management and increase access to safe water, particularly for women and girls³⁹.

INDIAN JUDICIARY AND CLIMATE CHANGE

The Indian judiciary has played a significant role in addressing climate change and its impacts on the environment and public health. Several landmark judgments have been passed by the Indian courts in recent years, which have helped in shaping the country's climate policy and promoting environmental protection.

One of the most notable cases is the *M.C. Mehta v. Union of India*⁴⁰, where the Supreme Court of India passed several directives to control air pollution in Delhi. The court also directed the closure of polluting industries and the installation of pollution control devices in others. This case set a precedent for the judiciary's role in addressing environmental issues and holding the government accountable for its inaction. In another landmark case, *Subhash Kumar v. State of Bihar*⁴¹, the Supreme Court declared that the right to a clean environment is a fundamental right under Article 21 of the Indian Constitution. The court also directed the government to take measures to protect and improve the environment. In the case of *Alembic Pharmaceuticals v. Robit Prajapati*⁴², the National Green Tribunal⁴³ imposed a fine of Rs 20 lakh on a pharmaceutical company for causing air pollution in Vadodara. The NGT also directed the company to install air pollution control

³⁹ Gujarat Women's Water Network (GWWN) 2018, Empowering Women in Sustainable Water Management in Gujarat, available at: <https://www.gwwnonline.org/empowering-women-in-sustainable-water-management-in-gujarat/> (last visited on: March 25, 2023).

⁴⁰ AIR 1987 SC 965.

⁴¹ AIR 1991 SC 420.

⁴² O.A. No. 1107 of 2020 (NGT).

⁴³ Hereinafter referred as NGT.

equipment and monitor air quality in the surrounding areas. This case highlights the judiciary's focus on ensuring that companies are held responsible for their actions and that they take necessary measures to protect the environment.

The Indian judiciary has also played a vital role in promoting sustainable development and renewable energy. In a recent judgment, the Delhi High Court directed the Delhi government to promote the use of electric vehicles and set up charging infrastructure in the city *Lakshmi Narayan v. Government of NCT of Delhi*.⁴⁴ The court recognized the need for a shift towards clean energy and emphasized the government's role in promoting sustainable development. More recently, the Delhi High Court, in the case of *Jindal Stainless Steel Ltd. v. MoEFCC & Ors.*⁴⁵, directed the Ministry of Environment, Forest and Climate Change to consider the impact of a proposed steel plant on the environment and local communities before granting clearance for the project. The court emphasized the need to balance economic development with environmental protection and held that the principles of sustainable development must be adhered to.

In November 2020, the NGT directed the Ministry of Environment, Forest and Climate Change to constitute a committee to prepare a national framework for monitoring and assessing greenhouse gas emissions. The NGT also directed the committee to develop a mechanism to assess the climate impact of proposed developmental projects.⁴⁶ In December 2020, the NGT directed the Ministry of Environment, Forest and Climate Change

⁴⁴ W.P.(C) 8820/2019.

⁴⁵ W.P.(C) 6172/2018.

⁴⁶ *National Green Tribunal v. Ministry of Environment, Forest and Climate Change*, O.A. No. 593/2017.

to notify the emission standards for the cement industry within six months. The NGT also directed the Central Pollution Control Board to conduct a study on the adverse impact of the cement industry on air quality and public health.⁴⁷

In February 2021, the Delhi High Court directed the Delhi government to take steps to prevent air pollution caused by stubble burning in neighbouring states. The court also directed the government to conduct a study to assess the economic cost of air pollution.⁴⁸ In March 2021, the NGT directed the Ministry of Environment, Forest and Climate Change to notify the emission standards for the thermal power plants within three months. The NGT also directed the Central Pollution Control Board to conduct a study on the adverse impact of the thermal power plants on air quality and public health.⁴⁹

The Supreme Court of India directed the Central Government to file an affidavit on the steps taken to implement the Paris Agreement on climate change. The court also directed the government to indicate its position on a proposal to set up a National Environment Tribunal.⁵⁰

CONCLUSION

In conclusion, climate change is not only an environmental issue but also a human rights issue, particularly for women who are more vulnerable to its effects. Gender-responsive solutions are necessary to address the differentiated impact of climate change on women and protect their human

⁴⁷ *Narsi Ram v. Union of India*, Original Application No. 115/2018)

⁴⁸ *Aditya Dubey v. Union of India*, W.P.(C) No. 1089/2019

⁴⁹ *Ashwani Kumar Dubey v. Union of India*, Original Application No. 91/2016

⁵⁰ *Centre for Wildlife and Environmental Litigation v. Union of India*, W.P. (C) No. 371/2016

rights. Empowering women to participate and lead in climate change decision-making processes is also crucial to ensure that their voices are heard, and their needs are addressed. We must act now to implement gender-responsive solutions and protect women's human rights in the face of climate change.

Gender-responsive climate policies and programs that involve and empower women in decision-making processes are key to addressing the intersectionality of climate change and gender. The case studies presented in this paper highlight the importance of community-led initiatives and the involvement of women in designing and implementing climate solutions. These initiatives not only increase resilience to climate change but also promote gender equality and social justice. It is crucial for governments, civil society, and the private sector to take action to ensure that gender-responsive solutions are integrated into climate change policies and programs. By recognizing and addressing the gendered impacts of climate change, we can ensure that women's human rights are protected, and that we build a more sustainable and equitable future for all.

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THE HISTORICAL PERSPECTIVE OF THE CIVIL AVIATION SECTOR ACROSS THE GLOBE AND THE BEGINNING OF LEGISLATIVE POLICIES IN INDIA

- Dr. Nitin R Kumbhar*

Abstract

The man has always dreamed of flying. Despite progress, the dream or goal has not yet been completely realized. The most illustrious period in the annals of human civilization is when man first began to harbor an inner desire to conquer air and space. This wish includes research, hypotheses, exploration, and dreaming as well. Although the current flight's fuse is much greater than in the past, it is not yet fully lit. There are still many steps to be taken even though they have already taken some of the steps to improve the safety of a ship in flight. Everyone entering a ship must have complete assurance that they will travel without a hitch, no matter the weather, time, climate, brightness, weather conditions, temperature, or altitude. The goal of the current article is to present the history of the aviation industry as truthfully as feasible. The following essay is directed at everyone who has or is currently contributing to the realization of this magnificent human dream-flight.

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Keywords: Airships, Dirigibles, Kites, Lighter than Air, Air Navigation

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INTRODUCTION

According to Aulus Gellius, the first artificial flying machine was designed and built around 400 BC. It was a model in the shape of a bird propelled by a steam boost (an engine with a steamer used as the reactor with steam), about whom they say he flew successfully to about 200 m altitude. Archytas was a philosopher of ancient Greek, a mathematician, astronomer, lawyer, and political strategist. This device, which the inventor called "The Dove," could be suspended from a cable and allowed to fly steadily along a path of feed. According to John Harding, the first effort at flight heavier than air in the history of aviation was made by the Berber inventor Abbas Ibn Firnas in the ninth century. A British (English) monk named Eilmer of Malmesbury took control of a crude sliding canoe from the tower of Malmesbury Abbey in the year 1010 AD. Eilmer allegedly soared over 200 meters (180 meters) before coming to rest and breaking his legs. Later, he said that the only reason he was unable to fly further was that he neglected to design his flying instrument and a queue. To address this, he more technically redesigned his aircraft, but his ancestor forbade any further experiments on the grounds that they are dangerous and can result in catastrophic mishaps.

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AVIATION SECTOR DURING VEDIC PERIOD

The development of aviation is an exciting story of accomplishment and expedition. The human spirit and his uncompromising determination created a strong foundation for Aviation History. Man has always risked his life to fulfill the desire to fly and enjoy the freedom of aerial navigation. The latest research into ancient Sanskrit literature has established evidence of flying in India in the hoary past. Some Manuscript has revealed very interesting things relating to Aviation technology. 'Yantra Sarwaswa' also

called as Encyclopedia of Machines is one of the Manuscripts found in India believed to be written by Maharshi Bharadwaj presumably around 2000 B.C.¹ In this Manuscript, a whole chapter is devoted to Vimanika Sastra i.e., Aircraft Manual. It is written in Sanskrit. It is preserved by our generations. The credit for the Discovery of this manuscript goes to Subbaraya Sastri who had explained and re-dictated it a century ago. It is now published in English.² In this manuscript, very interesting information is given. It gives information relating to aerodynamic designs, manufacturing technology, metallurgical composition, and the construction of aircraft. It contains designs of VTOL VEHICLES as also double and treble-decker aircraft. It bears amazing concepts of sophisticated radio and radar and precision photography. It also mentions techniques to harness different types of energies, integral and ambient, through ‘Darpan’, meaning mirrors and lenses. In all probability, this is an allusion to the utilization of solar energy.

In some slokas of this Vimanikasastra, it talks about qualification and training of pilots and the kind of food and clothing to be provided to them according to seasons, to keep them fit for flying. It says that clothing of pilot should be processed, treated and anointed. Regarding food it recommends five meals a day and food balls described as ‘Tadabhavaay-Satva Golavaah’ which is having resemblance to the energy/vitamin pills of today. It further says that the flier is not only a trained professional but a Yogi who has mastered 32 secrets of the “Vimaan”, the aircraft hardware,

¹ S. Bhalchandra Rao, “Aeronautics in Ancient India”, Chapter-IV, Traditions Science and Society (Banglore 1990), pp 54-74

² Maharshi Bhardwaj, Vyamanika Shastra-Aeronautics, propounded by Shri Subbaraya Sastridn translated into English by G. R. Josyer, published by International Academy of Sanskrit Research, Mysore in 1973

and “Uddayan”, the flying skill. It is hard to dismiss this text as fantasy or as a feat of clairvoyance; it sure is a glory of ancient India that stayed hidden for a long in the sands of time.

ANCIENT& MEDIEVAL PERIOD

Flight with Kites

The kites were believed to be the invention by the Chinese around 1000 B.C. It is a successful invention that is heavier than air which can fly. It is proved that the Chinese and Japanese has used huge size kites for military purposes in the 17th Century.³

The historian Roger Bacon (1214-1294), an English scholar and philosopher, is credited with creating the flying chariot. Leonardo da Vinci (1452-1519), an Italian artist and scientist, also created a device that allowed a man to propel a set of flapping wings with his legs. But no “Bird Machine” ever got made. John Damian, a philosopher, and physician at the Court of James IV of Scotland in 1507, fashioned himself a set of wings and tried to fly by leaping off the steep wall of Sterling Castle. He was fortunate to only sustain a fractured leg after falling to the ground. There have been numerous attempts to create excitement and adventure, but none of them have been effective.

Airlift through Balloons

The first known concept for a lighter-than-aircraft is thought to have been created in 1670 by a Jesuit priest by the name of Francisco de Lana Terzi.

³ G. S. Sachadeva, History of Aviation, Air law and Policy in India, (Lancers Books, New Delhi) p. 37.

He came forward with the concept of a ‘flying boat’ with four hollow metallic spheres that would float in the air but it failed. After that, in the 18th century, Europe had amassed sufficient understanding of hot air balloons.

With the aid of artificial wings and feathers, efforts were made to fly like birds during the European Middle Ages. The next step in this path was the invention of the balloons in 1783. The credit for the first balloon journey in India goes to Joseph Lynn who took off from the Lal Bagh Gardens in Bombay on 24th November, 1877. This was followed by several balloon flights in various parts of the country.

The next development in this regard is an airship in 1833 with the use of electric power. In 1877, metal sheets were used by replacing paper or silk cloth for the construction of airships. In 1890 an airship named The Zeppelin was widely used in First World War. It carried passengers as well but soon after it was replaced by a modern airplane.⁴

In the history of aviation, the work of two brothers, Etienne and Joseph Montgolfier constructed the first man-carrying lighter than air machine on 5 June 1783. It measured 35 feet in diameter. On 19th September 1783, the Montgolfier brother successfully demonstrated their invention in the presence of Louis XIV and his Court. They used a silk balloon loaded with hot air to launch their device to a height of roughly 1500 feet while transporting a rooster, a sheep, and a duck in a tiny gondola. Everyone who participated in the experiment came out unscathed, with the exception of the rooster, who fractured his leg; the sheep likely kicked him. The Marquis

⁴ Civil Aviation in India, (The Publication Division, Ministry of Information & Broadcasting, Government of India, 1961) p. 5.

d' Arlandes and M. Pilatre de Rozier would share the honor of being the first menhonory on November 21, 1783, after two courageous French courtiers ventured to fly in a hot air balloon. This was a landmark invention that is termed the beginning of Man's flight in the airspace. The lighter-than-aircraft became very famous and the skies of France had a common scene of this machine. This had given rise to an uncommon situation in France i.e., Trespass. The liability of reckless and unsafe experimentation had been a concern to French Police and hence a decree had been issued by French Police in 1784 that prohibited balloon flights without prior special permits. This was termed as the promulgation of the first Air Law.⁵ Generally, a law to regulate any new activity came after the industry had been developed but in the case of aviation law, it is Law made first and the industry developed later. It was a quiet interesting history of Aviation law.

The French pioneers were joined in the creation of the balloon by the British, Americans, Russians, Poles, and Italians. Balloons were made with adventure and recreation, scientific research, and military applications in mind.

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Sir George Cayley, an English Scientist had propounded the principles of heavier than air flight.⁶ He died in 1857. He invented the glider in 1804 and also told that if this glider is accompanied by suitable engine, it could become a flying machine. The credit of heavier than air flight theory shall goes to Sir George Cayley. Similar flights of heavier than air were made by in 1855 by De Bris in a glider constructed on principles of wings of an

⁵ C. N. Shawcross, K. M. Beaumont & P. R. E. Brown, Shawcross & Beaumont on Air Law, Vol.1, (London, 2nd ed, 1951), p3.

⁶ R. E. G. Davis, A History of World Airlines (London 1954), p.3.

albatross.⁷ But this flight was run on the mercy of wind and afforded scant control to the flyer.

After the Montgolfier brother's invention, One Hundred and twenty years later that is on 17 December 1903 it was again two brothers, Wilbur, and Orville Wright, who built the first successful mechanically driven heavier-than-air aircraft in America. Their vehicle was a biplane equipped with an elevator, rudder, and warping wings which measured 40 feet from end to end and were 6 feet apart. Aircraft constructed by the Wright brothers was fundamentally different from its predecessors the airship and the balloon. It was the first ever authenticated, controlled, and sustained flight by a man in a power-driven, heavier-than-air machine. The new aircraft was heavier than air but still had the ability to fly quicker and with heavier loads than the airship and balloon, which were lighter than air vehicles. The Wright brothers conducted a sequence of five history-making flights on a flat beach at the base of the Big Kill Devil sand dune close to Kitty Hawk, North Carolina, U.S.A. The First flight was made by Orville Wright which lasted twelve seconds and landed one hundred and twenty feet from the point of takeoff. Though it was a small flight it created history. This was a starting point of Modern Aviation technology and hence it's a milestone in the history of aviation and mankind as well.

There is another school of aviation history propounded by Major William O' Dwyer. His research said that it was not the Wright brother who invented the first air flight. He produced conclusive documentary shreds of evidence and said that it was Gustav Whitehead who fled the first airplane on 14 August 1901 off Lordship beach in Bridgeport, Connecticut, USA.

⁷ *Supra note 5*

He flew in a butterfly-shaped acetylene-powered monoplane. This event was taken place two years before the Wrights brother's invention.

Airships and Dirigibles

After the invention of the hot air balloon, the next step of development was the construction of airships. It was also called 'dirigibles or blimps.' It was an adaptation of a balloon but based on the Archimedean principle. It was designed by Meusnier, a French army officer in 1784. It was shaped like Cigar. At that time the steam engine was used for the purpose of propulsion but it was too heavy. Its design was good but because of the heavy engine it was not successful and for that purpose, it waited till 1890. In 1890, a petrol-driven engine was developed and on 9 August 1884, a controlled flight in an electrically powered dirigible was made. Charles Renard and Ac Krebs made up the moniker "La France" for it. It was made up of a bamboo trolley work vehicle and a Chinese silk envelope. It completed a five-mile circular flight and had enough power and control to go back to the starting point.

Shortly after, in 1900, Count Graf Ferdinand Von Zeppelin, a German army commander, created an airship with a large, streamlined hull shaped like a cigar and hydrogen gas-filled compartments inside. Its aircrews were powered by gasoline engines. He used it to fly over Lake Konstanz in July 1900. Zeppelin achieved a triumph. By 1910, he had launched massive, self-propelled dirigible airships capable of carrying passengers and freight, despite being lighter than air. Germany used zeppelin during the First World War to deliver bombs over London. Later, in 1919, the enormous German aircraft "Graft Zeppelin" made a twenty-one-day circumnavigation of the globe. However, airships had a number of

drawbacks, including their shape and enormous size, which made it challenging in strong wind.

Fire posed an even greater threat because hydrogen is readily ignited. A number of mishaps involving airships occurred over the years; the worst of these occurred in 1937 when the “Hindenberg” crashed while landing in Lakehurst, New Jersey, United States, resulting in the loss of 36 lives and putting an end to the era of airships. The catastrophe was tremendous, and it left people feeling insecure.

THE GROWTH OF AIR CARRIERS

Germany is the country who had started world's first genuine operating airline company with an object to carry passengers. Count von Zeppelin, who was known for the fanatical crusader and visionary for air travel, formed an airline called DELAG (Deutsche Luftschiffahrt Altien Gessellschaft) on 16 October 1909. Its capital was 3 million Marks and 6 Zeppelin airships. It was operating a scheduled service between Friedrichshafen and Dusseldorf. During March 1912 –November 1913, it provided scheduled service of 881 flights which covered 65000 miles and carried 19,100 passengers.⁸

Wright brother were not fortunate enough, because the flights they made did not get official recognition and state patronage in United States of America. The people of America had also not shown much interest in such invention and hence the airline service America had been started much later. The first attempt to operate a regular passenger service was made by a company called St. Petersburg –Tampa Airboat Line in 1914 and this was

⁸ *Supra note 6.*

the beginning of commercial aviation in the U.S.

In England, they were aware of the developments of European countries in aviation but made small contributions on their part in the early phases of aviation growth. France had shown much interest in Military aircraft and less in civil aviation. The Soviet Union had also not shown any interest in the early development of aviation. Nevertheless, Aeroflot, the then domestic and international flag carrier of the Soviet Union was acknowledged as the world's largest airline.

GROWTH OF THE INDIAN AVIATION SECTOR DURING BRITISH RULE

The delivery of air mail marked the commencement of commercial air travel in India on February 18, 1911. Henri Piquet, a French aviator, flew a Humber biplane six miles from Allahabad's Industrial and Agricultural Exhibition Ground to Naini Junction carrying approximately 6500 letters and postcards as air mail. India became the first country to fly air mail when this trip took place. This significant occasion prompted the Indian Postal Department to consider expanding and quickly improving their services. British India enacted the landmark Airships Act in 1911 to control airmail operations.⁹ At a time when the motor vehicle was still a novelty in most of the world, this Act regulated the flight of aircraft over Indian Territory in great detail. The Indian Airship Act of 1911 was applicable to all of British India, including the Santhal Parganas, the Pargana of Spiti, and the then-British Baluchistan. According to Section 2(1) of the Act, an airship is any machine equipped with mechanical or other propulsion systems that is intended to fly or float in the air without being connected to the earth. This

⁹ Gazette of India, August 26, 1911, pp.114-116.

definition encompasses any component of a machine. The responsibilities and duties of the Governor General in Council were outlined in Sections 3, 4 and 5 of the Act, including the creation of regulations for licensing the manufacture, possession, use, sale, import, alongside export of airships. Section 4 gave the Governor General the authority to impose import or export restrictions for the greater welfare. He had the authority to purchase airships for public use and to revoke or stop licenses under Section 5. The British India Government gave its approval on October 1st, 1915, for the establishment of a Central Flying School at Sitapur under the command of the army headquarters, with the goal of enabling cadets to acquire experience in Indian conditions. Because India served as a bridge between Europe, the Far East, and Australia during the First World War, the British were acutely aware of the geopolitical significance of the country. British citizens gave nearly 100 aircraft to India as soon as the war was over, and many of them were given to the Royal Air Force, aero clubs, and some Indian nobles.¹⁰

**EARLY DEVELOPMENTS IN INTERNATIONAL AIR LAW
AND INDIA**

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Paris Convention on Air Navigation, 1919

International Convention on air Navigation was signed in 1919 at Paris. This was the first International Convention in this area of aviation. British India had also signed the said convention. This Convention is known for its Basic Features which are as follows:

¹⁰ V. S. Mani & V. Balkista Reddy, The History and Development of Air Laws in India-A Survey, (Lancer Books, New Delhi 1994).

- a. Article 1 says that Every State had complete and exclusive sovereignty over airspace above its territory.
- b. The aircraft, in which nation it is registered is the Nationality of that aircraft.
- c. Rules as to the airworthiness of aircraft, certification, and competence of pilots and their licensing were to be universalized and standardized.
- d. Rights of a State to take measures to ensure the safety of its people were recognized.¹¹

This convention was very important for India because it opens the Indian Skies for foreign air services and facilities to be made available on Indian Territory. Flights had been started from Egypt and England to India during 1918-1919. The Royal Air Force had started Regular Air Mail Service on 24th January 1920 between Karachi and Mumbai with a night stop at Rajkot. This was the beginning, but these services were stopped after six weeks because it had resulted in huge financial loss.

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The First Indian Air Board

In 1920, the government of British India created the Air Board to offer recommendations on how to support and promote civil flight. The Board delivered its report, titled “The Past History and Future Development of Civil Aviation in India” in 1926. The Board had issued a number of precise recommendations for the overall growth of India’s civil aviation industry.

¹¹ Charles S Rhyne, Legal Rules For International Aviation, Virginia Law Review, Vol.31 (1945) p. 271.

The Board had recommended the following:

- a) Creating airports and other on-ground infrastructure.
- b) The hiring of a Civil Aviation Director on a full-time basis.
- c) A thorough investigation of major thoroughfares.
- d) The start of aviation service between Calcutta and Rangoon and the provision of financial aid to the business in charge of running it.¹²

Aerodrome Construction in India

The Air Board's 1927 recommendations were almost entirely approved by the government at the time. Civil aerodrome building began in 1924 at Gilbert Hill in Bombay, Bamrauli in Allahabad, and Dum Dum in Calcutta. The first Director of Civil Aviation was chosen to be Lt. Col. F.C. Shelmerdine. The foundation for air traffic control services was established in 1931 with the establishment of the core of four controlled aerodromes at Karachi, Delhi, Allahabad, and Calcutta. Four Indian aerodrome officers who had received specialized training in the UK were appointed to these four airports.

India had 225 aerodromes as of 1997, 179 of which were governmental and 46 of which were private. Philippines 295, South Africa 278; Australia 436; Brazil 2269; Canada 11758; France 709; Iran 521; Mexico 2042; UK 142; US 17167; Pakistan 65; Sri Lanka 51; and Singapore 2 were all present at that time. These numbers suggest that up until 1997, our performance was substandard.

¹² J. R. D. Tata, The Story of Indian Air Transport, The Journal of Royal Aeronautical Society, Vol. 65, No. 601 (1961), p. 2.

International Air Routes and Indian Aviation

Till 1929-1930, Indian air transport services had attained a big name and fame on the world aviation map. The regular airmail service which was terminated in 1920 immediately after six weeks after its inception again resumed in March 1929 with the commencement of Imperial Airways service to Karachi. In December 1929 Imperial Airways service extended its route from Karachi to Delhi via Jodhpur. The Imperial Airways service did not go beyond India to the East. During the one year from April 1929 to March 1930 there were 36 International Flights across India of which 17 were Dutch, 8 French, 5 Australian, 2 British, 2 American, 1 Swiss and 1 Chinese.¹³

Air Routes provides lifeline for the growth of air transport and are broad indicators of the progress of the geographical region. It also fixes the growth of tourism. Traffic emanating from Europe, America, and from the Gulf region, and Africa, passes through India on way to South-east Asia and the Far East. Similarly, air traffic from South-east Asia and the Fare East for Europe and America passes through India. So far, India had not profited from its geographic position. This was due to the rigid policy followed in respect of the entry of foreign flights. After 1992, India changed its policy and Liberalization helped to promote air traffic from various countries resulting in the growth of trade in India.

THE BIRTH OF INDIAN AIR COMPANIES

The month of October 1932 is having grand importance in the history of

¹³ S. Rammrithan, Development of Civil Aviation in India & Its future, The Aeronautical Society of India, New Delhi, (1975) p.3.

the Indian Civil aviation sector. On The 8th day of October 1932, Indian Air Force was established, and exactly one week after i.e., on the 15th of October 1932 Mr. J.R.D. Tata took off in a high-winged monoplane from Karachi to Bombay. With this, “Tata Airlines”, became the first Indian Airline Company. Soon after some days, it was also granted a weekly airmail service from Karachi to Madras via Ahmedabad, Bombay, and Bellary (later changed to Hyderabad) covering thereby a route of over 1300 miles without any subsidy from Government. Tata Airlines later became Air India. In 1939, this company became a well-organized corporation. It was India’s premier airline company at the time of the Nationalization of the airlines in 1953.

In June 1933, yet another airline business was founded. Goven Grant founded it, and it later went by the name Indian National Airways Ltd. It was founded in Delhi with the intention of developing feeder and other internal aviation services in northern India, as well as participating as a shareholder in the Indian Trans-Continental Airways (I.T.C.A.) Ltd. It was comparable to the merger of two aviation businesses. Both the daily service between Dhaka and Calcutta and the weekly service between Calcutta and Rangoon were subsequently discontinued in 1935.

The Madras Taxi Service was also established, and it started its services on the Madras-Puri-Calcutta route on 10th February 1934. In April 1935 one Himalayan Air Transport Company came forward to start service for pilgrims between Haridwar and Ganchar in the Himalayas for the journey to and beyond Badrinath. It was an eight-seater aircraft that reduce the journey time from 10 days by road to one hour. Another airline company namely Air Service of India was established in 1937 and it started services between

Bombay-Kathiawar and Bombay-Kolhapur.¹⁴ In the meantime, Tata Airlines and Indian National Airways made a slow but steady progress. Karachi to Madras was a main route of Tata Airlines. They had just begun a brand-new route to Trivandrum and Delhi in the North and South, respectively. From 154,000 miles in 1933 to almost 600,000 miles in 1937, its overall operational distance increased.

CONCLUSION

Several stages can be identified in the development of aviation. Men's conceptions of flying machines were more or less practical until the early seventeenth century. Following the creation of aerostation and numerous gliding efforts at the end of the eighteenth century, this period saw the beginning of the conquest of the air. The first launches of self-launching motor vehicles took place during this time. Almost every flight is an effort to break a record. That is why the researcher has studied all the developmental phases of the history of the civil aviation sector in the world and in India.

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¹⁴ *Supra note 12.*

ENFORCING DOMESTIC VIOLENCE LAW IN INDIA: ISSUES AND CHALLENGES

- Dr. Suresh Kumar* & Dr. Karan Singh Gaur**

Abstract

Domestic violence, also referred as abuse of intimate partners, is a widespread and prevalent issue that affects people of all ages, sexes, ethnicities, and economic groups. It is defined by abusive acts committed by one spouse against another in a sexual or family relation. Physically, sexually, emotional, mental, and economic abuses are all examples of abusive behaviours. The significances of domestic viciousness can be devastating, both for the victim and for any children involved. Victims may experience physical injuries, psychological trauma, and decreased self-esteem, while children may suffer from anxiety, depression, and behavioural problems. Domestic violence also has broader societal implications, including decreased productivity, increased healthcare costs, and strain on the criminal justice system. Despite increased awareness of domestic violence in current periods, it remains a significant difficult in many portions of the world. This paper will be discussing introduction domestic violence, causes, issues, laws, cases, prevention and conclusion.

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Keywords: Violence, Mental Abuses, Torture, Injuries, Criminal Justice.

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INTRODUCTION

Domestic violence is a major issue in India, impacting men, women, and children. It is a kind of harm that can take many forms, include physically, sexually, psychological, and financial abuse. Domestic violence is a crime against humanity, and the sufferers can suffer serious psychological as well as physical harm. Domestic abuse is a deep established social issue in India, affecting people from all socio, financial, and religious origins. Gender discrimination, societal standards, and patriarchal views that promote the concept that men are bigger to women and that women should be obedient and faithful to their spouses are frequently at the bottom of it.¹

Even though domestic violence is a serious crime in India, it remains largely underreported and victims often face significant barriers when seeking justice. These barriers can include fear of retaliation, lack of access to legal services, and social stigma associated with being a victim of domestic violence. However, much more needs to be done to create a society where domestic violence is not tolerated and victims are provided with the support and resources, they need to escape abusive situations.²

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Domestic violence is not a new occurrence and has existed throughout history in various forms. However, the issue has not always been recognized or addressed as a serious problem. In ancient times, domestic violence was often accepted as a way for men to assert their authority over women and maintain control over their households. In some cultures, it was even

¹ Jeyaseelan et. al., "Domestic Violence and Its Mental Health Correlates in Indian Women" *British Journal of Psychiatry* Volume 190, Issue 1 (2007).

² Singh et al., "Domestic Violence in India: Causes, Consequences, and Remedies" *International Journal of Innovation and Scientific Research* Volume 10, Issue 2 (2014).

considered to be a man's right to discipline his wife and children. During the middle Ages, the Christian Church played a significant role in shaping attitudes towards domestic violence. The Church considered marriage to be a sacred institution and encouraged wives to submit to their husbands, even if they were abusive. It was not until the Protestant Reformation in the 16th century that attitudes towards domestic violence began to shift, and the idea of marriage as a partnership between equals gained popularity.³

In the 19th and early 20th centuries, domestic violence was largely ignored by society, and victims had few legal protections or resources to escape abusive relationships. In India, the difficult of domestic violence gained national attention in the 1980s when the Indian women's movement began to draw attention to the problem. The movement was successful in raising awareness about domestic violence and advocating for legal reforms that would protect victims. Today, domestic violence is recognized as a serious crime in many countries, and there are laws and resources available to help victims escape abusive relationships and hold perpetrators accountable for their actions.⁴

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The objectives related to domestic violence in India can be summarized as follows:

- Prevention of domestic violence: The primary objective is to prevent domestic violence in all its forms, including physical, emotional, sexual, and economic abuse. This can be achieved

³ *Ibid.*

⁴ *Ibid.*

through various measures such as education, awareness campaigns, legal provisions, and counselling services.

- Protection of victims: Another important objective is to provide adequate protection and support to victims of domestic violence.
- Punishment of perpetrators: It is important to hold perpetrators of domestic violence accountable for their actions. This can be achieved through strict enforcement of laws against domestic violence and ensuring that perpetrators are brought to justice.
- Empowerment of women: Domestic violence is often rooted in gender inequality and discrimination against women. Therefore, an important objective is to empower women by providing them with education, employment opportunities, and access to healthcare and other basic services.

CAUSES OF DOMESTIC VIOLENCE

- Gender Inequality: In many cultures, women are considered to be subordinate to men, and this can lead to violence when men perceive that their authority is being challenged.⁵
- Economic Factors: Economic insecurity can be a significant contributing factor to domestic violence. When there is financial stress in a relationship, it can lead to tensions that result in violence.⁶
- Substance Abuse: Alcohol and drug abuse can contribute to

⁵ *Ibid.*

⁶ Muralidhar and Singh, “Domestic Violence and Women’s Mental Health in India” *Social Science and Medicine* Volume 65, Issue 6 (2007).

domestic violence. Substance abuse can lower inhibitions, increase aggression, and lead to irrational behaviour.

- Social Isolation: Isolation from family and friends can leave victims of domestic violence without a support network, which can make it harder to escape an abusive relationship.
- Cultural Norms: Cultural norms that endorse violence or condone abusive behaviour can contribute to domestic violence.
- Communication Issues: Poor communication skills, including an inability to resolve conflicts effectively, can lead to tension and violence in a relationship.

ISSUES OF DOMESTIC VIOLENCE

Here are common issues related to domestic violence:⁷

- Underreporting: Many victims of domestic violence do not report their abuse to authorities or seek help due to fear, shame, or a lack of trust in the fairness organization.
- Stigma: Domestic violence is still stigmatized in numerous cultures, and victims often face social stigma, blame, or judgment for their abuse.
- Access to Services: Victims may face barriers in accessing services such as healthcare, legal aid, or social support due to a lack of resources, geography, or cultural barriers.

⁷ Ghosh and Prasad, "Domestic Violence in India: A Comparative Study of Rural and Urban Women" *Indian Journal of Social Work*, Volume 76, Issue 1 (2015).

- Victim Blaming: In some cases, victims may be blamed for the abuse they experience, which can lead to further victimization and psychological harm.
 - Patriarchal Norms: Societal norms that reinforce patriarchal values, gender roles, and power dynamics may contribute to the prevalence of domestic violence.
 - Child Protection: Domestic viciousness can disturb youngster protection and access arrangements, which can create a dangerous environment for children and perpetuate abuse.
 - Intersectional Oppression: Domestic violence can intersect with other forms of oppression, such as racism, homophobia, transphobia, ableism, or classism, which can compound the impact of abuse on victims.
 - Economic Dependence: Victims may be economically dependent on their abuser, which can make it difficult for them to leave the abusive relationship or seek help.
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- Legal Loopholes: Some legal loopholes may allow abusers to escape prosecution or punishment or may provide insufficient protection for victims.
 - Lack of Resources: Lack of resources, funding, and political will can hinder efforts to prevent domestic viciousness and deliver adequate support for sufferers.

LAWs DOMESTIC VIOLENCE IN INDIA

India has several laws in place to address domestic violence and provide protection for sufferers. Here are some of the most important laws related to domestic violence in India:

Protection of Women From Domestic Violence Act, 2005

The Protection of Women from Domestic Violence Act (PWDVA) is a comprehensive legal framework enacted in 2005 in India to safeguard women from domestic violence. The act purposed to deliver active remedies to women who are sufferers of domestic violence and to stop the incidence of domestic viciousness in culture.⁸

The act delivers several reliefs and remedies to the victim of domestic violence, including safety instructions, house instructions, financial assistances, and protection instructions for children. A victim can approach a magistrate or a Protection Officer to seek any of these reliefs. The act also delivers for the employment of Protection Officers who are responsible for assisting the victim and ensuring that the orders of the court are followed. The act is gender-neutral, which means that it recognizes that men can also be victims of domestic violence and provides them with legal remedies. However, in practice, the vast majority of victims of domestic violence are women. The act is a significant step towards addressing domestic violence in India and has helped to increase awareness about the issue. However, there are still challenges in effectively implementing and enforcing the act, including a lack of awareness and resources, social stigma, and cultural attitudes that perpetuate violence against women.

⁸ Deshmukh et al., "Domestic Violence Against Women in India: An Overview" *Journal of Health Research and Reviews* Volume 1, Issue 1 (2014).

Indian Penal Code, 1860

The Indian Penal Code, which was enacted in 1860, contains several provisions that can be used to prosecute perpetrators of domestic violence in India. These requirements are not specific to domestic violence but can be applied in cases of domestic violence.⁹

Some of the sections of the IPC that can be used to prosecute perpetrators of domestic violence include:

- Section 498A: This section deals with cruelty by husband or his relatives.
- Section 304B: This section deals with dowry death.
- Section 323: This section deals with voluntarily causing hurt.
- Section 354: This section deals with assault or criminal force to woman with intent to outrage her modesty.

Dowry Prohibition Act, 1961

The law provides for punishment for those who give or take dowry, as well as for those who demand it. The act also makes it an offense to demand dowry from the bride or her family, and anyone who demands dowry can be punished with imprisonment for a term that can range from six months to two years, along with a fine. While the Dowry Prohibition Act does not specifically address domestic violence, it has been used in several cases to

⁹ Babu and Kar, "Domestic Violence in India: A Systematic Review" *Journal of Interpersonal Violence*, Volume 25, Issue 2 (2010).

prosecute perpetrators of domestic violence who have demanded dowry from their wives or their families. The act is an essential legal framework in India to address the issue of dowry and its connection to domestic violence.

Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013

This law aims to prevent and redress sexual harassment of women at the workplace. It defines sexual harassment broadly and requires all employers to establish a mechanism for receiving complaints and conducting investigations. Under the act, every workplace with more than ten employees is required to set up an Internal Complaints Committee (ICC) to deal with complaints of sexual harassment. The ICC is mandated to receive complaints of sexual harassment, conduct an inquiry into the matter, and recommend appropriate action against the accused. The act provides for several remedies to victims of sexual harassment, including monetary compensation, transfer of the accused, and termination of the accused. It also prohibits retaliation against the victim of sexual harassment, and any such act of retaliation is considered an offense under the act.¹⁰

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CASES RELATED TO DOMESTIC VIOLENCE IN INDIA

In *Lalita Kumari v. Government of Uttar Pradesh*¹¹: This case established guidelines for the registration and investigation of complaints of domestic violence and other criminal offenses, including the requirement to register an FIR and conduct a preliminary inquiry in certain circumstances. The case involved a complaint by a woman who alleged that she had been kidnapped

¹⁰ *Ibid.*

¹¹ AIR 2014 SC 187.

and raped, but the police refused to register her complaint. The Court held that the police have a duty to register an FIR in all cases where a cognizable offense has been alleged, and to conduct a preliminary inquiry if necessary. The court also laid down guidelines for the registration and investigation of complaints, including the requirement to record the complainant's statement, conduct a site inspection, and obtain medical examination reports in certain circumstances. The case is often cited as an important precedent for protecting the rights of sufferers of domestic viciousness and other crimes.

In *S.R. Batra and Anr. v. Taruna Batra*¹² involved a woman who filed for divorce from her husband, citing cruelty and harassment by her husband and in-laws. The husband and in-laws countered by filing a defamation suit against the wife, claiming that her allegations of cruelty were false and had damaged their reputation. The Supreme Court of India held that the filing of a defamation suit by the husband and in-laws was a form of harassment and retaliation against the wife, and it ordered that the defamation suit be quashed. The court also noted that allegations of cruelty and harassment by the wife must be taken seriously and investigated by the appropriate authorities. The case is significant because it recognizes the right of women to seek redress for domestic violence and harassment without fear of retaliation, and it emphasizes the importance of investigating allegations of domestic violence.

In *State of Haryana v. Bhajan Lal*¹³ this case involved a complaint by a woman who alleged that she had been threatened and assaulted by her husband and his associates, and that the police had failed to take appropriate action. The

¹² AIR 2007 SC 1118.

¹³ AIR 1992 SC 604.

Court held that the police had failed to perform their duty to protect the woman and to investigate the complaint, and that there was evidence of political interference in the case. The court laid down guidelines for preventing and addressing the misuse of power by public officials, including the requirement for police officers to register FIRs in all cognizable offenses, and the appointment of a commission to investigate complaints of corruption and abuse of power by public officials. The case is significant because it established legal mechanisms for preventing and addressing the misuse of power by public officials, and it emphasized the importance of defending the privileges of victims of violence & abuse.

PREVENTION DOMESTIC VIOLENCE

Here are some of the ways in which domestic violence is prevented in India:

- *Legal Remedies:* The PWDVA provides for various legal remedies such as safety instructions, dwelling instructions, financial help, safekeeping instructions, & reimbursement to the victim. These remedies are aimed at protecting the victim from further abuse and providing her with a means of seeking redress.
- *Police and Judicial Intervention:* The police and the judiciary have an essential part to performance in the prevention of domestic violence. The police are responsible for registering complaints and investigating cases of domestic violence, while the judiciary provides the legal framework for the protection of victims and the prosecution of perpetrators.
- *Education and awareness:* Education about domestic violence and its impact should be provided to both men and women, especially to

those in vulnerable communities. This can be done through awareness campaigns, community workshops, and school education programs.

- *Legal reforms:* Governments should enact and enforce laws that protect victims of domestic violence and ensure that abusers are held accountable for their actions. This includes creating dedicated domestic violence courts, training law enforcement officials and judges, and providing legal aid to victims.
- *Economic empowerment:* Economic empowerment programs should be established to enable women to become financially independent and reduce their dependence on their partners. This can be done through microfinance programs, vocational training, and job creation initiatives.
- *Men's involvement:* Men should be actively involved in the fight against domestic violence. This can be done through programs that educate men about gender equality and the harm caused by domestic violence and by encouraging men to become role models for respectful and non-violent behaviour.
- *Community Mobilization:* Community mobilization efforts should be encouraged to build support networks for victims and increase community awareness about domestic violence. This can be done through community meetings, rallies, and public events.

In India, there are several committees and bodies that are responsible for addressing issues related to domestic violence. Here are some of the major committees and bodies that work towards preventing and addressing

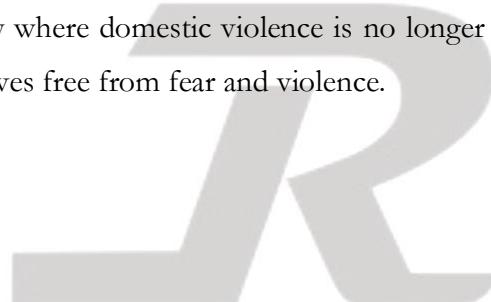
domestic violence:

- *National Commission for Women (NCW)*: The National Commission for Women is a legislative organization that was recognised in 1992 to safeguard and encourage the rights of women in India. The commission is responsible for inspecting & monitoring problems linked to domestic viciousness, & it delivers legal and other assistance to women who are victims of domestic violence.
- *State Women's Commissions (SWCs)*: The SWCs are similar to the NCW but are at the state level. Each state in India has a State Women's Commission that is responsible for addressing issues related to domestic violence within the state.
- *One Stop Centres (OSC)*: The OSCs are set up by the government to deliver medicinal, legal, & counselling services to women who are sufferers of domestic viciousness. These centres are located in every district in India.
- *Crisis Intervention Centres (CICs)*: CICs are set up by NGOs and other organizations to provide immediate assistance to women who are sufferers of domestic violence. These centres provide emergency shelter, medical aid, and legal assistance to women in distress.

CONCLUSION

Domestic violence is a serious issue in India that affects a significant number of women. The Indian government has taken several steps to address the problem, including enacting laws such as the Protection of Women from Domestic Violence Act, 2005. However, despite these efforts,

domestic violence continues to be a major problem in India. Cultural and societal norms that reinforce gender-based discrimination, as well as a lack of awareness and education about domestic violence, continue to contribute to the prevalence of this issue. Additionally, implementation and enforcement of laws and policies aimed at preventing domestic violence remain a challenge in some parts of the country. To truly address domestic violence in India, a multi-faceted approach is required. This includes creating greater awareness about the issue, providing comprehensive support services for victims, ensuring that laws and policies are effectively implemented, and challenging societal norms that perpetuate gender-based discrimination. Ultimately, only through sustained effort can we hope to create a society where domestic violence is no longer tolerated and women can live their lives free from fear and violence.



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GENDER INEQUALITY IN GLOBAL EYE HEALTH

- Priyanka*

Abstract

'Vision' is one of the greatest gifts by God to human beings. No doubt it provides an opportunity to enjoy nature in true senses through eyes. Therefore, it is always considered a delicate part of the human body. If we notice the data related to the eye health issue, it is predicted that there are about 2.2 billion people in the world who suffer from vision impairment. Additionally, there are 1 billion people from the above-mentioned data who could not get any prevention from this issue; also, they are not yet to be addressed. Apart from all these, if we analyze the status of developing countries in the world, we found that a large majority of these types of the population also do not benefit from their national government in any form of rehabilitative care because of their poverty and downtrodden conditions. It is also a serious domain of analysis as in our country the numbers of visual impairments are rising rapidly nowadays. In this context- recently an international agency named "Johnson & Johnson" has done a survey. According to that survey, more than one-third of people have experienced that their eyesight or vision has deteriorated since the starting of the Covid 19 pandemic. Additionally, if we think about the gravity of this topic then it shows very serious issues at the global level, especially in the matter of women. The issue of visual impairment brings attention to gender inequality in global eye health. We always holistically talk about this issue but did not pay attention to the lenses of gender perspectives.

Keywords: Vision, Eye health care services, Gender Inequality, Sustainable Development Goal, World Report on Vision, 2019.

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INTRODUCTION

It is fair to say that since the last decade, women are more affected by the causes of blindness and visual impairment than men. According to the review of the worldwide eye diseases survey (The Global Burden of Disease (GBD) Survey collaboration with the Vision Loss Expert Group¹) between January 1980 to October 2021 showed almost 55% of women are affected by vision loss in comparison to men. In this sense, we assume that Gender Inequality in Global Eye Health is also a major issue in this era, especially in achieving the Sustainable Goal Development of 2030 (particularly the SDG² target 3.8 on universal health coverage). In that sense, we can comprehend that in all culture women suffer this type of gender inequality which is deeply engraved in their social behavior. Because women are always treated as the caregivers for the family, it also leads to a trend that women should give themselves less priority than others in the family to access eye care. There is always a lack of attitude and access to healthcare in terms of women because they have little independence and freedom in terms of their male partners also. Rural women struggle most in terms of the accessibility of eye care. Besides, in some cultures, women are indulged

¹ GBD 2019 Blindness and Vision Impairment Collaborators; Vision Loss Expert Group of the Global Burden of Disease Study. *Trends in prevalence of blindness and distance and near vision impairment over 30 years: an analysis for the Global Burden of Disease Study*. Lancet Glob Health. 2021 Feb; 9(2):e130-e143. doi: 10.1016/S2214-109X(20)30425-3. Epub 2020 Dec 1. PMID: 33275950; PMCID: PMC7820390, available at: [https://www.thelancet.com/journals/langlo/article/PIIS2214-109X\(20\)30425-3/fulltext#%20](https://www.thelancet.com/journals/langlo/article/PIIS2214-109X(20)30425-3/fulltext#%20)

² The 2030 Agenda for Sustainable Development, adopted by all United Nations Member States in 2015, provides a shared blueprint for peace and prosperity for people and the planet, now and into the future. At its heart are the 17 Sustainable Development Goals (SDGs), which are an urgent call for action by all countries - developed and developing - in a global partnership. [Borrowed from Department of Economic and Social Affairs Sustainable Development of United Nations], available at: <https://sdgs.un.org/goals>

in some business and play a vital role in the economy of their society. In this sense, we must understand the importance of equal medical accessibility. Consider, if a woman becomes blind in that family, then how it will adversely lead to economic loss and as well as it increases poverty.³

Also, here one thing became more relevant in this context- recently an international agency named “Johnson & Johnson” has done a survey. According to that survey, more than one-third of people have experienced that their eyesight or vision has deteriorated since the starting of the Covid 19 pandemic.⁴ In this sense, it would not be an exaggeration to say that eye health must be considered an essential part of health and other related healthcare packages because the current pandemic in many ways is increasing poverty and reducing access to services in many countries in many ways. Therefore, it will also cause a decline in the social determinants of eye health.⁵ Additionally, if we think about the gravity of this topic then it shows very serious issues at the global level, especially in the matter of women. The issue of visual impairment brings attention to gender inequality in global eye health. We always talk holistically about this issue but do not pay attention to the lenses of gender perspectives. In this sense, we can

³ Hartnett, Mary Elizabeth, 01/22/2021. *The Burden of Eye Disease in Women*, available at: <https://theophthalmologist.com/subspecialties/the-burden-of-eye-disease-in-women>

⁴ Johnson & Johnson Vision announced findings from a comprehensive, large-scale global eye health survey which revealed both a disconnect in patient views toward the importance of eye health and how patients prioritize it as part of their overall health, as well as unique barriers to care and varying attitudes toward eye health specific to different regions, generations, and genders according to this announcement, available at: <https://www.jjvision.com/feature-story/johnson-johnson-vision-global-eye-health-survey-uncovered-truth-behind-why-people>

⁵ *The Lancet Global Health Commission on Global Eye Health: Vision beyond 2020*. Lancet Glob Health 2021; 9: e489–551. Published Online February 16, 2021 [https://doi.org/10.1016/S2214-109X\(20\)30488-5](https://doi.org/10.1016/S2214-109X(20)30488-5), available at: [https://www.thelancet.com/journals/langlo/article/PIIS2214-109X\(20\)30488-5/fulltext](https://www.thelancet.com/journals/langlo/article/PIIS2214-109X(20)30488-5/fulltext)

articulate how incorporating the gender- perspective on eye health-related intervention/program depicts a significant challenge worldwide.

IMPORTANCE OF GENDER EQUITY IN EYE HEALTH CARE SERVICES⁶

Before understanding the importance of gender equality in eye health care services, during this discussion, we need to pay attention to some so-called basic concepts, only then we will be able to do justice to this issue in the true sense.

The concept of gender equality in health implies that women and men in a social system have equal conditions to realize their full rights and ability to be healthy, contribute to healthy development and benefit from the consequences. Therefore, achieving “**gender equality**” no doubt requires specific measures designed to support groups of people with limited access to such goods and resources. One thing is certain that the gender equality approach always advocates that women and men have different needs, preferences, and interests. Thus, to ensure equality of opportunity in this sense, equality of outcomes may require different treatment of men and women. Here in this context, there is a need to consider the realities of life of women and men. However, the concept “gender equality” is often used interchangeably with gender equity, but these two concepts refer to different and complementary strategies that are needed to reduce gender-

⁶ Roger C, Neyhouser C. [Editors] (2017). *Eye health for women and girls. A guide to gender-responsive eye health programming*. Gender and Eye Health Network convened by IAPB and The Fred Hollows Foundation, available at: https://www.hollows.org/Upload/FHF/Media/au/pdf/2017-Guide-to-eye-health-for-women-and-girls_1.pdf

based health inequalities.

Analyzing the above-mentioned facts, we consider that there is a strong need for discussion in gender perspectives in eye health care services. In that sense, we need to notice the WHO's recognition of how gender plays a vital role in health and is considered an important determinant for the same. Two dimensions advocate that gender inequity only pervades health risks for females. Similarly, if we address the gender disparity with the angle of equity, it always gives us a better understanding of how health has also affected women unequally in society. There is some social construction of identity and unbalanced relationship between men and women which accelerate the risks, health-seeking. Moreover, we need to understand that poverty is always depicted as both a cause and consequence of poor eye health. It is considered a specific issue for women, especially in third-world countries, as they bear the greater burden of blindness. These types of inequities are linked to gender-based vision loss.

No exaggeration to say that women should also be aware of their right to sight then can only demand equitable access to better health facilities. And this also can provoke them to contribute more to their communities in terms of economically, socially, and culturally, leading them to greater gender equality. In this sense, addressing the gender gap becomes a treatment for avoidable blindness because this change will bring economic benefits to society at large and reduce poverty in a true sense.

Evidence

As we know that "Vision" is one of the greatest gifts by God to human beings. It is among the most dominant kinds of senses in mankind. No

doubt it provides an opportunity to enjoy nature in true senses through eyes. Therefore, it is always considered a delicate part of the human body. In this context, it's relevant to discuss the World Report on Vision, 2019⁷ which presents how the issues related to vision are prevalent at the global level. If we notice the data related to the eye health issue, it is predicted that there are about **2.2 billion** people in the world who suffer from vision impairment. Additionally, there are 1 billion people from the above-mentioned data who could not get any prevention from this issue; also, they are yet to be addressed.

The World Report on Vision is committed to stimulating action worldwide and tries to address the challenges by proposing “Integrated People- Centre Eye Care⁸ (IPEC)”. As IPEC is an approach/ a care model related to strengthening the eye health system which also gives a platform for services delivery to address population needs. Additionally, this IPEC focuses on the comprehensive eye care services and its delivery mechanism of the treatment and rehabilitative intervention at global level, as it follows the target to achieve Universal Health Coverage and fulfill the objectives of SDG 3 (Ensure healthy lives and promote well-being for all at ages) truly. Collectively, the IAPB Gender Equity Working Group is addressing SDG #1 – No Poverty, SDG #3 – Good Health & Well-Being, SDG #5 – Gender Equality, and SDG # 17 – Partnerships for the Goals. In fact, with all these initiatives IAPB is trying to bring all the stakeholders related to eye health care to one platform for working to eliminate avoidable blindness

⁷ *World report on vision*. 2019. Geneva: World Health Organization. License: CC BY-NC-SA 3.0 IGO, available at: <https://www.who.int/publications/i/item/9789241516570>

⁸ *Ibid.*

and eliminate all forms of inequity for women and girls⁹.

In addition, we need to keep in mind the concept of VISION 2020¹⁰ also. As it was an established concept to reduce avoidable eyesight loss, which was mainly introduced in 1999. This concept is derived from the joint endeavors of the WHO and the International Agency for the prevention of Blindness. The main goal of it was to promote in addressing the visual impairment issues worldwide and to encourage the blind people with an honest approach “*A world in which nobody is needlessly visually impaired, where those with unavoidable vision loss can achieve their full potential.*”

This global initiative was taken for specific motives related to intensifying and exacerbating the prevention of blindness activities to achieve the goal of eliminating avoidable blindness by 2020. Besides, we need to also keep in mind that World Health Assembly Resolutions had also emphasized Universal Eye Health and introduced a detailed global action plan (GAP) during 2014-2019¹¹. Similarly, the World Health Assembly Resolution in the year 2020 also urged to focus on the integrated people center eye care to be included within the Universal Health Coverage’s segment, so that the scope of eye care can expand, and it can get recognition in the mainstream health issue. In this sense, it is a considerable fact that eye care is also an integral issue for sustainable development. Also, here we need to comprehend the long-term goal of these above-mentioned initiatives (GAP & VISION 2020), as both have been determined in reducing avoidable blindness and visual impairment.

⁹ *Achieving Gender Equity in Eye Health.* Published: 05.03.2020, available at: <https://www.iapb.org/news/achieving-gender-equity-in-eye-health/>

¹⁰ *Supra note 7.*

¹¹ *Supra note 5.*

In this context, we need to analyze the importance of eye health in the SDGs. As we know, the SDGs are a group of comprehensive targeted planning for 2030 by the United Nations and committed to achieving a sustainable future for all. There is a direct relationship between the eye and the SDGs, as we know that a visually impaired person does not exercise all the activities for his/her personality development in full-fledged. In this sense, access to eye health service is a crucial component in achieving the many SDGs, as it contributes to the goal to decrease poverty and helps for more work productivity, which also contributes to achieving better health, education, and equitable condition truly. Therefore, undoubtedly, we have to consider the complementary relation between eye health care and SDGs because it will bring a solution for all human development issues.

Apart from all these, if we analyze the status of developing countries in the world, we found that a large majority of these types of the population also do not benefit from their national government in any form of rehabilitative care because of their poverty and downtrodden conditions. In this regard, the commitment of the GOI also revealed an interesting fact that India was the first country worldwide, who introduce the National Program for Control of Blindness¹² in 1976 itself and it is a 100% Centrally Sponsored scheme¹³, to reduce blindness prevalence to 0.3% by the year 2020. However, this evidence does not give us a prouder moment at much time because if we analyze the data of our country India where alone over 15 million people are blind right now. In this sense, it is also a serious domain of analysis as in our country the numbers of visual impairments are rising

¹² National Blindness & Visual Impairment Survey India 2015-2019- A Summary Report, available at: <https://npcbvi.gov.in/writeReadData/mainlinkFile/File341.pdf>

¹³ National Programme for Control of Blindness & Visual Impairment (NPCBVI), available at: <https://npcbvi.gov.in/Home>

rapidly nowadays. In other words, we can say there is a huge burden of eye disease in women as they face gender disparity at the global level. In this regard, we need to learn the gender inequality in global eye health in a true sense and try to evaluate the root cause of it and robust our understanding with the help of better evidence.

Ground Reality¹⁴

To give the authenticity of this paper, author also contacted some organizations but got only one positive response from an International Non-Governmental Organization named “Sightsavers”.¹⁵ It is a global development organization and committed to working with partners especially in developing countries to treat and prevent avoidable blindness and promote equality for people with visual impairments and other disabilities. They are also working in India since 1966 and collaborated with various departments of at least 13 state governments to scale up operations for eye health, inclusive education, and social inclusion and support adequately to lead lives of independence and dignity.¹⁶

Lex Revolution

Author of the paper contacted this organization and got a chance to interact by chat with a member [Preethi- Changed Name] of it. She shared some ground realities, such as what are the main challenges or concerns of female patients in vision loss. In the initial part of the conversation only, she mentioned that she is not an expert and shared some experiences. According to her, there are some reasons on which females in rural areas are

¹⁴

Available

at:

https://v2.zopim.com/widget/livechat.html?api_calls=%5B%5D&hostname=www.sightsaversindia.in&key=4M2KgDIuSPEDJFXDhtsQij91P4asLJid&lang=en&

¹⁵ *Available at:* <https://www.sightsaversindia.in/what-we-do/>

¹⁶ *Available at:* <https://www.sightsavers.org/>

unable to access healthcare:

- Poor health-seeking behavior/awareness,
- Lack of hygiene and sanitation,
- Inability to afford healthcare,
- Only the least percentage of women benefit from development activities.

When author asked do you notice/marked any specific behavior in female patients, then author got this answer, “*No, as an organization we don't look at behavior. We organize camps in rural and urban areas for eye screening for all adults; any minor issue will be addressed in camp and if major issues are identified will refer them to tidy up hospitals.*”

In this sense, Author must say there is a need to address and talk about this issue in a kind and generous manner along with stringent policy endeavors.

WHY THE GENDER INEQUALITY IN GLOBAL EYE HEALTH?¹⁷ *ISSN 2394-997X*

As we know that women and girls are always at higher risk of availing the medical facility so in that sense the case of visual impairment is also not a new one. In this context, we need to understand why it is important to address these issues, as it is a well-known fact - women constitute the majority of the population but when it comes to the matter of accessibility

¹⁷ Courtright, P., & Lewallen, S. (2009). *Why are we addressing gender issues in vision loss?* Community eye health, 22(70), 17–19. Available at: <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC2760274/>

of eye health programs, then the focus shifts to men only. It is quite a pathetic experience in terms of achieving the SDGs in a true sense, therefore there is a need to recognize the approach of gender mainstreaming and try to make our world with gender balance. Some eye-related conditions only appear in the context of women and they suffer more in comparison to men. For example- Uncontrolled diabetic retinopathy can lead to blindness and especially all pregnant ladies can get more affected in that sense. There are several eye-related issues in which we can see that only the women population is the sufferers, such as Glaucoma, Trachoma, and Cataract, etc.

If we look further into the fact why women are having higher rates of avoidable blindness than men, we can't ignore some "**socio-cultural**" factors because these same factors suggest evidence that these socio-cultural factors play a greater role than biology in the disproportionate representation of women, they can be avoided. It is a sad fact that women are more likely than men to develop certain preventable or treatable blindness conditions, **such as** cataracts and trachoma, due to social factors, regardless of age. At the same time, another strongly visible reason is the disparity between men and women in the so-called modern society, that women do not have access to cataract surgery at a rate high enough to meet the high need. It would, therefore, be no exaggeration to say that the traditional gender roles prevalent especially in developing countries also effectively increase the risk for women at all stages of life, which also hinders the efforts of sustainable development.

Major Causes- In this context, we need to explore the different perspectives which are directly responsible for the higher rates of blindness and visual impairment among women. There are three major reasons which

can cause blindness in them.

1. **Risk Factor:** As we know that in every culture or society at a worldwide level, there is social and cultural discrimination between men and women. Similarly, the biological differences between them also lead to an increased risk of eye disease in women, as there is more chance of cataracts in women due to their hormonal differences. Besides, women always play an important role as childcare providers which also increase the risk of Trachoma, as this eye disease is prevalent in children. This infection is particularly from child to child and from child to mother to child. In addition, high rates of infectious disease and malnutrition also increase the risk of vision loss in women.
2. **Access to Services:** Similarly, the accessibility of medical services related to eye care also leads to gender disparity. As it is a known fact that most the women at global level do not access medical treatment on time due to their social, cultural, and economic discriminations. Moreover, they do not have freedom of movement due to their family responsibilities and lack of financial decision-making authority; therefore, they ignore/ sacrifice their eye care health issues and give no priority at all. It is the saddest part of the concept of our family structure where we knowingly and unknowingly develop the gender disparity at large and women compromise their eye issues for the sake of the family's needs.
3. **Life expectancy:** Here we need to remember that in almost every culture in the world, women have a longer life expectancy rather than men. In that sense, the risk of vision-related issues is also more

relevant in women only because it is unconnected with the age factor. Therefore, women are always more affected with Cataracts in comparison to men.

PREVALENCE OF GLAUCOMA, TRACHOMA, AND CATARACT IN WOMEN¹⁸

In this paragraph, Author would like to discuss those points which denote why the cases of Glaucoma, Trachoma, and Cataract are more prevalent in women-only rather than men. According to the WHO's data, there are at least 1 billion globally, who are suffering from moderate or severe distance vision impairment or blindness. These cases are mainly due to unaddressed refractive error (88.4 million), cataract (94 million), glaucoma (7.7 million), corneal opacities (4.2 million), diabetic retinopathy (3.9 million), and trachoma (2 million). Besides, the near vision impairment cases are caused by unaddressed presbyopia (826 million)¹⁹.

Glaucoma and diabetic retinopathy

Glaucoma is one of the leading causes of blindness (age-standardized prevalence), which results in substantial disability before blindness. This eye issue is yet to remain prevalent, especially in low-income and middle-income countries (LMICs: African and Asian countries) over 90% of people with glaucoma are not in care²⁰. Moreover, it is ironic that the gender issues related to glaucoma and diabetic retinopathy are not yet addressed truly, but it does not mean they should be ignored. It is a noticeable fact that there are

¹⁸ Ibid.

¹⁹ *Blindness and vision impairment*. 14 October 2021, available at: <https://www.who.int/news-room/fact-sheets/detail/blindness-and-visual-impairment>

²⁰ *Supra note 5*.

many cases of ‘**primary angle-closure glaucoma (PACG)**’ found in eastern Asian women in comparison to their male counterparts. Therefore, these issues depict the unequal accessibility of medical care in the case of women, as they don’t receive surgical services easily in comparison to males. In that sense, there is a strong need for monitoring also in terms of providing medical services for Glaucoma and diabetic retinopathy. In recent times, diabetes has also become a common and fast-growing disease in various parts of Asia and Africa. There is lack of data based on gender in this context also. In that sense, there is a need for more equitable and effective management in terms of giving priority to the eye care services related to Glaucoma and diabetes.

***Trachoma*²¹**

Trachoma is the leading infectious cause of blindness, which is more general in endemic areas of the world. In Southern Sudan, the girls were 1.5 times affected by this trichiasis rather than boys²². Undoubtedly, there are some biological reasons that girls develop a more intense response to Chlamydia trachomatis. Along with this, their gender roles and responsibilities as child care providers are also one of the major reasons which increase the 1.8

²¹ Trachoma is the leading infectious cause of blindness worldwide. It is caused by an obligate intracellular bacterium called Chlamydia trachomatis. The infection is transmitted by direct or indirect transfer of eye and nose discharges of infected people, particularly young children who harbor the principal reservoir of infection. These discharges can be spread by particular species of flies. See, <https://www.who.int/news-room/fact-sheets/detail/trachoma>

²² Ngondi, J., Reacher, M. H., Matthews, F. E., Brayne, C., Gatpan, G., Becknell, S., Kur, L., King, J., Callahan, K., & Emerson, P. M. (2009). Risk factors for trachomatous trichiasis in children: cross-sectional household surveys in Southern Sudan. *Transactions of the Royal Society of Tropical Medicine and Hygiene*, 103(3), 305–314. <https://doi.org/10.1016/j.trstmh.2008.08.024>, available at: <https://pubmed.ncbi.nlm.nih.gov/18829058/>

times risk of the Trachoma in them.

At this point of analysis, we need to understand the SAFE²³ strategy [surgery for trichiasis, antibiotic treatment, facial cleanliness, and environmental improvement] endorsed by the WHO, which committed to addressing the issue of trachoma. In other words, this strategy mainly consists of four staged treatments:

- Surgery to correct trachomatous trichiasis,
- Antibiotics for C. trachomatis infection,
- Facial cleanliness to reduce transmission, and
- Environmental improvement to reduce risk of transmission and infection.

If we consider the significance of the above-mentioned initiative, it indicates that addressing trachoma requires planners and health care providers to consider all the various ways. In that sense, a need to adopt the community approach so that we can address the women and girls at large and try to educate them in terms of accessing their medical needs.

Cataract

According to the Global Burden of Disease (GBD) Study 2010 that the percentages of blindness due to cataracts among women and men were 35.5% and 30.1%, respectively; for moderate to severe visual impairment,

²³ The SAFE strategy was formally adopted by WHO member states in 1998 in the World Health Assembly Resolution 51.11 (WHO, 1998), available at: <https://www.trachomacoalition.org/prevention-and-treatment-strategy>

the estimates were 20.2% and 15.9%, respectively.²⁴ Similarly, there is clear evidence that adult men and women still have unequal access to cataract services. A systematic review showed that there is gender disparity in surgical services for cataracts persisted especially in low- and middle-income countries, where men were 1.7 times more likely to undergo cataract surgery rather than women. It is the saddest fact that women do not yet avail of cataract surgery at large, as they are facing a higher incidence of cataracts. Besides, they have a longer life expectancy than males, on that basis, there is a need to emphasize all cataract operations in large numbers.

In addition, we need to understand that in some cases women are less likely to have intraocular lens (IOL) surgery compared to men. However, in this context also no authentic details are available. Considering the issue of Cataracts is very critical in the female population, we can comprehend some of the approaches, which represent improving medical accessibility in gender equity. For example: bringing women and services together, counseling family members, and using women to reach women²⁵.

Bringing women and services together:

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It is a very well-known fact in some of the African and Asian countries that women are solely dependent on their male counterparts in accessing medical assistance. Especially in the rural society of these nations, the financial, social, and cultural constraints are major responsible factors that hinder them to reach health institutions:

²⁴ Lou L, Ye X, Xu P, et al. *Association of Sex with the Global Burden of Cataract*. JAMA Ophthalmol. 2018; 136(2):116–121. doi:10.1001/jamaophthalmol.2017.5668, available at: <https://jamanetwork.com/journals/jamaophthalmology/fullarticle/2665834>

²⁵ *Supra note 17*.

Counselling family members:

In most low- and middle-income countries, women do not take any individual decisions related to their health, without the permission of the male members of the family. In this regard, they need some counseling for the family members so that they cannot be afraid of the economic burden of surgery. As in many countries, Cataract surgery is free available or at a subsidized rate²⁶ for all, but it is strange that whenever cases of women appear the family of her do not consider this issue seriously.

Using women to reach women:

After observing this issue, Author must say that there is a need for ‘woman-to-woman contact’ in the gender equality campaign of vision health worldwide. Through that only we can gain success in this direction, as this approach will bring trust between women and health care providers truly.

STRATEGIES TO ADDRESS THE GENDER INEQUALITY IN GLOBAL EYE HEALTH²⁷

Lex Revolution

Continuing with the discussion, in this paragraph Author will cover some of the strategies to understand, which will inevitably prove to be effective. For example: Gender-mainstream²⁸ projects & Gender-targeted outcomes or

²⁶ In India, the National Program for Prevention of Blindness (NPCB) at the national level, provides a subsidy to eye hospitals for every cataract surgery performed free of charge, especially for patients screened and brought from rural community outreach eye camps. *See also, supra note 6.*

²⁷ *Supra note 6.*

²⁸ In 1997, the first UN resolution on gender mainstreaming was adopted, emphasizing the importance of gender sensitivity and women’s empowerment as a critical cross-cutting enabling condition in all policies and programs in all sectors to reduce inequalities. *See, supra note 6.*

projects etc. In this context, it is important to note that “gender-mainstream projects” are primarily those that integrate gender into their identification, development, implementation, and evaluation. Also, “gender-targeted outcomes or projects” especially those that go beyond gender mainstreaming and meet specific gender needs and circumstances of groups, regions, or organizations. It is therefore fair to say that ‘gender-targeted projects’ involve specific gender outcomes or that it is gender equality as a broad objective.

In this context, we need to understand the Gender-mainstreamed projects introduced by the United Nations (UN) Entity for Gender Equality and the Empowerment of Women. It is known as the UN Women²⁹- Organization and presents the concept of gender mainstreaming as the process of assessing the implications for women and men of any planned action, including legislation, policies, or programs, in any area and at all levels. Importantly, it is a strategy that honestly works for making women’s as well as men’s concerns and experiences; undoubtedly it is an integral dimension in the design, implementation, monitoring, and evaluation of policies and programs in all political, economic, and social spheres³⁰.

It is, therefore, important to note that the collection and use of gender-

²⁹ UN Women is the United Nations entity dedicated to gender equality and the empowerment of women. A global champion for women and girls, UN Women was established to accelerate progress on meeting their needs worldwide, available at: <https://www.unwomen.org/en>

³⁰ Definition of the concept of gender mainstreaming: “*Mainstreaming a gender perspective is the process of assessing the implications for women and men of any planned action, including legislation, policies or programs, in all areas and at all levels. It is a strategy for making women’s as well as men’s concerns and experiences an integral dimension of the design, implementation, monitoring, and evaluation of policies and programs in all political, economic, and societal spheres so that women and men benefit equally and inequality is not perpetuated. The ultimate goal is to achieve gender equality*”, available at: <https://www.un.org/womenwatch/daw/csw/GMS.PDF>

segregated data is an important starting point for gender mainstreaming, towards understanding any health challenges because it allows the identification of gender inequalities in existing projects. It is a strategy that allows the identification of ways to incorporate measures to address these inequalities through gender mainstreaming. However, it is also worth considering that data collection and analysis is not the only way to mainstream gender and should be combined with qualitative analysis and a range of other health strategies.

Therefore, to ensure that gender interventions are sustainable, there is a need for gender mainstreaming by various stakeholders or partners in the delivery of eye health care. During this initiative, it is imperative to include capacity building for participants in the awareness of gender definitions and concepts and to propose examples of gender-responsive approaches as it emphasizes how everyone can benefit from gender equality.

In other words, we can say that the above-mentioned arguments give a clear picture of the gender disparity in global eye health and have a direct and negative impact on the eye health of women. Therefore, Author believe that there is a strong need to address these issues, in that direction we have to think more seriously about gender inequality and the main barriers of it and try to address these issues holistically with the help of different stakeholders³¹ such as - local NGOs, public administration, and community leaders, and another social marketing platform, etc.

WAY FORWARD

³¹ Khair, Zareen. Published: 17.07.2020. *When Seeing Is Believing – Building a Gender Equitable Eye Health System in Bangladesh*, available at: <https://www.iapb.org/news/when-seeing-is-believing-building-a-gender-equitable-eye-health-system-in-bangladesh/>

Therefore, for all the above-mentioned arguments we need to decide that how can we achieve an equal and inclusive world for women and girls in the true sense³². What should the authentic endeavors or actions in this direction be addressed so that we can bring gender equity also in global eye healthcare? Moreover, it is an undeniable fact that “gender” determines how power and privilege are distributed and maintained in a given social system. It would therefore not be an exaggeration to say that, in turn, it shapes people’s life opportunities, health and well-being, and career and directly affects their human rights, including their right to good eye health.³³

After evaluating the gender disparity in global eye health, Author found that there is a strong need for a policy that is based on Equity, diversity, and inclusion in eye health research and leadership. Then that only we can achieve the SDGs and make an inclusive world for all. It is argued that eye health inequality is prevalent in society because of some interlinking factors including gender, ethnicity, and socio-economic status. In this regard, especially in Low and Middle-Income Countries, where women do not have access to eye care due to socially constructed gender norms, etc. Therefore, there is a requirement of strong leadership from the female section itself so that they can make a decision from their perspective and implement the eye HealthCare schemes accordingly with their need³⁴. In that sense, it's time to

³² How can we achieve an equal and inclusive world for women and girls? 05.03.2020, available at: <https://www.iapb.org/news/how-can-we-achieve-an-equal-and-inclusive-world-for-women-and-girls/>

³³ Gersbeck, Jennifer. *Unleashing the power of gender equity in eye health*. Published: 05.03.2021, available at: <https://www.iapb.org/blog/unleashing-the-power-of-gender-equity-in-eye-health/>

³⁴ Yashadhana, A., Zhang, J.H., Yasmin, S. et al. (2020). *Action needed to improve equity and diversity in global eye health leadership*. Eye 34, 1051–1054. <https://doi.org/10.1038/s41433-020-0843-y>, available at: <https://www.iapb.org/blog/unleashing-the-power-of-gender-equity-in-eye-health/>

begin gender equality in eye health because more involvement of women at the senior managerial post in any organization will bring a positive social response in this area. In this context, Author would like to share some experiences of a senior faculty member [Sasipriya Karumanchi] at Lions Aravind Institute of Community Ophthalmology (LAICO³⁵), in Madurai, India. According to her, it is not an easy task for women to work in the field of eye care. Undoubtedly, a strong woman leader can bring change in a true sense. It is an interesting fact that LAICO has the majority of staff is women.³⁶

Besides, there is a strong need for alignment between international donors and national governments to ramp up funding, multi sectoral collaborations, and a global commitment for every nation worldwide. Then can only achieve gender equality or equity in vision loss at large in truly. Also, to ensure a gender equality agenda in health, nations must incorporate gender-responsive budgeting into their finances. Undoubtedly, this move will demonstrate the accountability and transparency of women's accounts of eye health care. In short, gender budgeting is concerned with gender-sensitive legislation, plans, and programs, allocation of resources, implementation, and execution, accounting of plans and programs. Besides,

³⁵ Lions Aravind Institute of Community Ophthalmology is the training and consulting arm of Aravind Eye Care System. LAICO was established in 1992 with the mandate to support eye care programs globally through consultancy and capacity building, management training, and research. Activities also include offering IT-based products and services as well as being of service to INGOs and Governments. For over two decades, LAICO has been working comprehensively with individuals involved in eye care, eye hospitals, and agencies supporting eye care and policymakers in the Government, available at: <https://laico.org/index.php/who-we-are/about-us/>

³⁶ Seva Spirit of Service Newsletter, Spring 2016. *Seva Donors Make The Miracle of Sight Possible in Cambodia*, available at: https://www.seva.org/site/DocServer/Seva_Newsletter_May_2016.pdf/409970490?docID=2941&verID=3

it is needed to audit and impact assessment and further corrective action to reduce gender inequalities.³⁷

Finally, author believe that in the era of globalization, determination towards change in society is much needed. In the same sequence, we always have to keep in mind how to overcome all the social and cultural barriers. Similarly, we need to understand the many prejudices and stereotypes at the grassroots level which are hindering our progress. Only then, towards changing the power dynamics that exist globally, encouraging gender diversity and behavior change, can the gender inequality gap in ophthalmology be bridged by including men as champions of change.



³⁷ *Supra note 6.*

IMPLEMENTATION OF MGNREGA SCHEME: A CASE STUDY OF TISSA DEVELOPMENT BLOCK OF DISTRICT CHAMBA OF HIMACHAL PRADESH

- Anil Kapoor*, Narender Kumar** & Naren Zangmo***

Abstract

The National Rural Employment Guarantee Act is a significant stage toward giving security of work to rural workers by giving no less than 100 days of ensured wage business yearly to each family whose grown-up individuals volunteer to embrace untalented manual work. The fundamental goal of the MGNREGA is to improve occupation security of individuals in provincial regions by ensuring hundred days of wage employment in a financial year, to a rural family whose individuals volunteer to accomplish untalented manual work.

The NREGA was sent off on 2nd February 2006 from the Anantpur Area of Andhra Pradesh. In the stage I (2006-07), the demonstration was presented in 200 most in reverse areas of the country. It was extended to 330 during the stage II (2007-08). The inclusion was reached out to all rural regions of the country in the stage III (2008-09). At present plan currently cover 714 areas 7,143 blocks and 2, 68,849-gram Panchayats in the financial years 2020-2021. On 2nd October 2009 a correction was made in National Rural Employment Act, 2005 to change the terminology of the Act from NREGA to MGNREGA.

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In present study data were collected from primary as well as secondary sources. Primary data were collected from structured interview and secondary data were collected from books, articles and official report of the Govt.

Keywords: MGNREGA, Tissa, Chamba, Himachal Pradesh.



INTRODUCTION

NREGA has been imagined according to the point of view of ‘right to work’ and ensures 100 days’ work at least fixed wage rate, yet more critically it presents a privilege. The Act plays likewise recognized parts and responsibilities regarding the Central and State legislatures, locale and block organizations and the Panchayats. The onus of ensuring 100 days of business rest with the public authority and the candidate can interest for joblessness recompenses on the off chance that he/she doesn’t get work. Aside from production of work open doors, the Act likewise accommodates essential offices at the worksite specifically creche, safe drinking water and clinical aid.

The notable elements rotate around acknowledgment of the right and respect to work. These include, A right based structure, with work on request. Something like 120 days of ensured wage work in a monetary year to each family. For those whose grown-up individuals volunteer to attempt untalented manual work.

NREGA is the very first regulation universally, that ensures wage work at an extraordinary scale. The essential target of the Act is to enable work by creating business a right by which the provincial specialists can request for employment. Its primary objective is to fortify normal asset the board through works that address reasons for ongoing neediness like dry season, deforestation, soil disintegration and consequently to empower feasible turn of events. The Act expects to give work through open works, which would prompt advancement of framework, land improvement, water system and development. The cycle results incorporate fortifying grass root cycles of a

vote-based system and mixing straightforwardness and responsibility in administration.

OBJECTIVES OF THE STUDY

- To examine the implementation of NREGA in Tissa Development Block.
- To assess the benefits and identify the factors affecting the implementation of NREGA Tissa Development Block.

NEED OF THE STUDY

Present study was conducted in development block Tissa, District of Chamba. Chamba is aspirational District in Himachal Pradesh. Tissa Block is interior area in district Chamba. People in Tissa Block are economically backward. MGNREGA is wide scheme which decrease poverty and uplift economic condition of the people of Tissa block. Tissa Block was selected to study “implementation of the MGNREGA scheme”.

RESEAECH METHODOLOGY

In the present study both primary and secondary data was collected.

Primary data- Primary data was collected using a pre-tested schedule. The primary data was collected with the help of schedule questionnaire from 100 households. Primary data was collected by conducting interview of elected representatives of Panchayati Raj Institutions. In addition to schedule focus group discussion technique was also used to make the present study more effective.

Secondary data- Secondary data was collected from books, journals, articles, Census reports, Reports of the National Sample Survey Organization (NSSO), reports of the Ministry of Rural Development of the Government of India, Department of Rural Development and Panchayati Raj of the Government of Himachal Pradesh

Sampling design and sampling Procedure- The interview with cross-section of 100 job card holders was carried out to collect the required information. 2 Panchayats were selected through purposive sampling method and 50 respondents were selected from each Panchayat to constitute 100 respondents.

The secondary source included newspapers, monthly magazines and journals, published books, articles, etc. The data collected from both the sources formed the basis for qualitative and quantitative analysis.

Tools and Techniques- For the analysis of data simple statistical and mathematical tools were used. In addition to these tools flow chart, diagrams, tables were used in the study. Chi-Square test was also applied in present study.

PROFILE OF DEVELOPMENT BLOCK TISSA

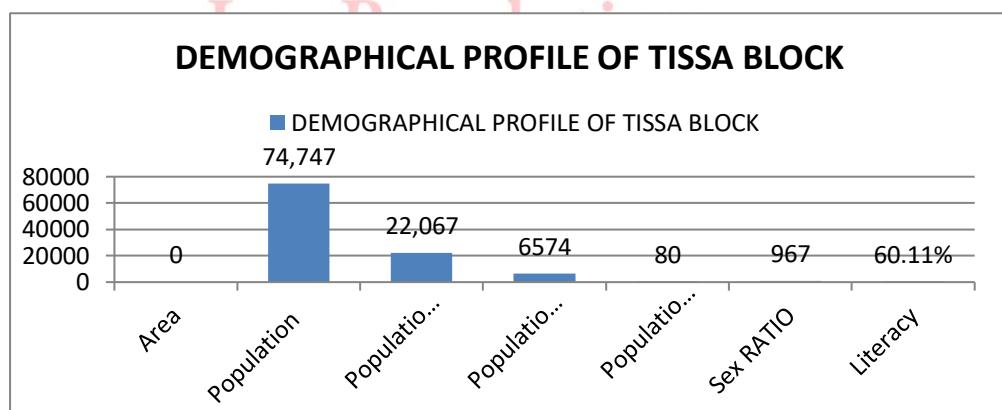
TISSA Development Block is situated in one of the remote corners of north India, State of Himachal Pradesh District Chamba. It covers a total geographical area of 996.51 Sq kilometres and has a population of 70697 as per 2011 census. It comprises of 264 revenue villages and 42 Gram Panchayats. Scheduled caste population in TISSA Block was 20,338 which is 28.77 of total population. Scheduled tribe in Block was 6,574 which

comprise 8.56 of total populations (2011 Census) Sex ratio in TISSA block is 967, and literacy rate is 60.11%.

1.1 DEMOGRAPHICAL PROFILE OF TISSA BLOCK

1.	Area	99651 km ²
2.	Population	74,747
3.	Population SC	22067
4.	Population ST	6574
5.	Population Density	80
6.	Sex Ratio	967
7.	Literacy	38537

Source: Census of India 2011



Source: Census of India 2011

Above table shows that total area of TISSA block is 99651km. Population as per census 2011 was 74,747. SC/ST population was 22067,6574 respectively. Population density in TISSA block was 80. Sex ratio was 967 women per 1000 man which is satisfactory comparatively. According to the census 2011 38537 people are literate.

1.2 Socio-Economic status in TISSA Block

1.	Agriculture Occupation	Total Population - 75,747 Main workers – 31890 Marginalised workers- 41,578 Non agriculture -9388 Total =41,278	
2.	Animal husbandry	Animal Hospital -2 Veterinary and other animal institutions -45	
3.	Electricity	No of electrified villages -172	100%
4.	Drinking Water	No. of villages having drinking water-172	100%
5.	Health institutions	Citizen Hospital-1 PHC-7 CHC-0 Health sub centre-18	Population per institution =2913
6.	Ayurvedic institutions	15	Population per institution = 5050

7.	Primary school	159 (2011)	Population per thousand=2.09
8.	Middle school	37	Population per thousand=0.49
9.	High school	4	Population per thousand=0.05
10.	Secondary school	21	Population per thousand=0.28
11.	College	1	Total population =75,747
12.	Technical institution	1	Total population =75,747
13.	Banking facilities	7	Per bank population =10,821
14.	Cooperative societies	34	Per cooperative society population=2,228
15.	Fair price shops	69	Per shop population=1,098
16.	Post offices	32	Per post office population =2,367

Source: <http://himachalservices.nic.in/economics/en-IN/index.html>

As per the socio-economic profile of Development block Tissa, the population is 75,747 and among them 31890 are main workers, 31890 marginalised workers, 41,578 non agriculture -9388 it has depicted in the above analysis that main occupation in TISSA block is agriculture around 55% total population depends on agriculture for their livelihood. Animal husbandry was second occupation resource in TISSA block.

There were hundred percent electrified villages (i.e. 172 villages) it had shown in economic and statics department that whole TISSA block is fully electrified. Drinking water is insufficient. There was only one civil hospital in TISSA it shows that health services are very poor and need to improve health institutions in which major population of the block get health facilities.

In TISSA block education infrastructure were quite good primary school, middle school, high school, and senior secondary schools were sufficient for total population. lack of higher institutions only one college were there for whole population, only one vocational centre in TISSA it shown that higher and vocational education should be promoted in TISSA block.

Banking facilities were also very poor in TISSA block all banks were situated in headquarter of TISSA block it shown that financial institutions should be set up in TISSA block in every panchatat.co-operative society and post offices services were in good for total population.

In the Tissa Development Block, the two Gram Panchayat that were identified also based on the performance of the scheme in terms of completed and on-going works. This study covers various dimensions in terms of allocation of funds, employment generation, types of works carried out or infrastructure created under the scheme, the quality of the works, the system of maintaining the muster-rolls (attendance register of the labourers), mode of payment variation in payment, facilities provided at the work site, functions of the village council (Gram Sabha) and Gram Panchayat, the process of social audit, role of officials, etc. Similarly, the study focused on the process of issuing job cards to employment seekers, the awareness and perception of the workers about the scheme, the employment provided to

the people, including women, etc. To assess the performance of the scheme and measures taken on the state parameters, the study focused on two Gram Panchayats namely, TikriGarh, TISSA-1. During the discussions, the beneficiaries, officials both technical and non-technical, etc. were mobilised. The study concentrated on the performance of the scheme between 2018-19,2019-2020 and 2020-2021.

1.3 Physical progress of the scheme in block Tissa FY 2018-2021

Name of Block	FY 2018-2019		FY 2019-2020		FY 2020-2021		Total Completed works
	Total Approved works	No. of works completed	Total Approved works	No. of works completed	Total Approved works	No. of works completed	
	1173	1172	2514	953	2405	1499	3,624
Total	1173	1172	2514	953	1405	1499	3,624

Source of data: www.nrega.nic.in

Table 1.3 shows that in financial year 2018-2021 total Physical progress of the Scheme in block Tissa in FY 2018-2019 total works approved 1173 and works completed 1172. That means in year 2018-19 the progress was very good. In year 2019-2020 out of 2514, 953 works completed & year 2020-2021 out of 2405, 1499 works completed. The table shows that in these five year 3624 work totally completed.

1.4 Financial Allocation of the scheme in Tissa Block FY 2018-2021 (In Lakhs)

Name of block	2018-2019	2019-2020	2020-2021	Total
Tissa	2796.7	2842.84	3469.14	9,108.68
Total	2796.7	2842.84	3469.14	9,108.68

Source of data: www.nrega.nic.in

Financial allocation under the scheme for Tissa Block for the FY years 2018-2021 is depicted this table it is evident table that there is continue increase in financial allocation under NREGA for Tissa Block. It is clear from the table that funds allocated for scheme in 2018-2019 were 2796.7 lakh which increased to 2842.84 lakh in 2019-2020 and further increased to 3469.14 lakhs in 2020-2021.

1.5 Physical progress report of the scheme in different blocks in Chamba district, H.P. FY 2019-2020-2021-2022

Name of Block	FY 2019-2020		FY 2020-2021		FY 2021-2022		Total Completed works
	Total works	No. of works completed	Total works taken up	No. of works completed	Total Approved works	No. of works completed	
Bharmour	418	418	961	961	209	209	1588
Bhattiyat	1028	1028	1838	1838	701	701	3567
Chamba	727	727	1349	1349	541	541	2617

Mehla	1480	1480	2168	2168	854	854	4502
Pangi	215	215	234	234	89	89	538
Salooni	1669	1669	2168	2168	1050	1050	4887
Total	5537	5537	8718	8718	3444	3444	17699

Source of data: www.nrega.nic.in

It is evident from above data that in Chamba there were seven blocks in the district, Physical progress report of the scheme in different blocks in Chamba district, H.P. that in FY 2019-20 maximum works has been taken up in Mehla Block that is 1669 and maximum works had completed in Mehla Block. There were two blocks lied in schedule tribe areas that are Pangi and Bharmour. Total works in FY 2019-20 had done 5537. In FY 2020-21 Salooni block again stood no. one in taken up works that were 2168 and completed whole taken works.

1.6 Financial Allocation of the scheme in different blocks in Chamba district, H.P FY 2019-2021 (In Lakhs)

Name of block	2019-2020	2020-2021	2021-2022	Total
Bharmour	670.51	1153.65	384.51	2208.67
Bhattiyat	1731.89	3943.34	1304.43	6979.66
Chamba	1332.06	2404.14	1001.33	4737.4
Mehla	2261.28	3036.81	1227.12	6525.21
Pangi	1151.48	1650.47	391.06	3193.01
Salooni	1925.63	2946.83	1263.56	6136.02
Total	9072.85	15135.23	5572	29779.97

Source of data: www.nrega.nic.in

It is depicted that Financial Allocation of the scheme in different blocks in Chamba district, H.P FY 2019-2021 (In Lakhs) ,It is analysed from above data that Bhattiyat block had allocate maximum financial allocation that were 6979.66 lacs and less budget had allocated to Bharmour block that were 2208.67 lacs. Total budget had allocated in FY 2020-21 2021-22 were 29779.97 lacs for seven blocks in district Chamba.

1.7 Households Completed hundred days in chamba DISTRICT FY 2019-2021

S.NO.	Block	Household Employed in FY 2019-2020	Hundred days completed in FY 2020-21
1	Bharmour	843 (3.34%)	1238 (4.56%)
2	Bhattiyat	4235 (16.81%)	4178 (15.39%)
3	Chamba	2820 (11.19%)	3309 (12.19%)
4	Mehla	5797 (23.01%)	5023 (18.50%)
5	Pangi	3461 (13.74%)	4453 (16.40%)
6	Salooni	3412 (13.54%)	3839 (14.14%)
7	Tissa	4617 (18.33%)	5098 (18.78%)
	Total	25185 (100%)	27138 (100%)

Source of data: www.nrega.nic.in

It is evident from above data those Households Completed Hundred days in FY 2019-2021. In Mehla block has completed maximum hundred days that were 4178 and total households completed hundred days 27138 in district Chamba.

1.8 Employment Generated During the Financial Year 2019-2020

Name Of Blocks	SC's	ST's	Others	Total	Hundred days completed
Bharmour	792	4777	193	5762	843
Bhattiyat	2143	4246	7328	13717	4235
Chamba	3015	3113	4845	10973	2820
Mehla	2616	3114	11364	17094	5797
Pangi	561	4201	126	4888	3461
Salooni	3528	898	12111	16537	3412
Tissa	4373	1595	11764	17732	4617
Total	17028	21944	47731	86701	25185

Source of data: www.nrega.nic.in

It is depicted form above table that employment generated during the financial Year 2019-2020, for different category and community that were SC's ST's and others in seven blocks in district Chamba SC population got employment 17028, ST 21944 and others 47731. It is analysed from above data that others category got more employment in 2019 -20 FY and SC population got less employment rather than other category.

1.9 Employment Generated During the Financial Year 2020-2021

Name Of Blocks	SC's	ST's	Others	Total	Hundred days completed
Bharmour	856	5509	227	6592	1238
Bhattiyat	2426	5034	8653	16113	4178
Chamba	3311	3294	5128	11733	3309
Mehla	2417	3258	11329	17004	502
Pangi	587	4557	145	5289	4453
Salooni	3665	925	13059	17649	3839
Tissa	4392	1522	12337	18251	5098
Total	17654	24099	50878	92631	27138

Source of data: www.nrega.nic.in

It is depicted from above table that employment generated during the financial Year 2020-2021, for different category and community that were SC's ST's and others in seven blocks in district chamba SC population got employment 17654 ST 24099 and others 50878. It is analysed from above data that others category got more employment in 2020 -21 FY and SC population got less employment rather than other category.

1.10 Employment Generated during the year 2018-2019 Gram Panchayat Tikri Garh and Tissa-I

Sr. N o	Item	Househo lds/ Persons	2018-19		2019-20		2020-21	
			Tikri Garh	Tissa-I	Tikri Garh	Tissa-I	Tikri Garh	Tissa-I
1.	No. of Registered	Households	706	437	762	470	793	537

	HHs and Person	Persons	1773	916	1904	955	1943	1041
2.	Job Card Issued	SC	156	120	170	120	176	121
		ST	102	0	111	0	112	0
		Other	448	317	480	350	504	385
		Total	706	437	761	470	792	506
3.	Employment Demanded	Household	427	236	609	293	496	333
		Persons	594	303	985	399	645	405
4.	Employment Offered	Household	427	236	609	293	496	333
		Persons	594	303	985	399	664	405
5.	Employment Provided	Household	342	220	549	272	551	323
		Persons	454	275	839	355	594	384
6.	No. of Family Completed 100 days	Household	11	20	48	99	12	146
		Persons	1023	1176	2570	1967	1585	2622
7.	Days		6	2	9	5	8	9

Source: www.nrega.nic.in

The above table depicts the employment generated in Gram Panchayat Tikri Garh during financial year 2018-2019. It is evident from the table that there were 706 households registered and 1773 persons registered. As far as job cards are concerned 156 job cards were issued to SC Households, 102 for ST and 448 for others. Employment was demanded by 427 households and 594

persons. It is evident from table that employment was provided to 342 households and 456 persons and total 10236 Person days were generated. It is also evident from the table that 12 families in Tikri Garh and 146 in Tissa-I completed 100 days in FY 2020-21.

1.11 Block wise Allopathic Health Institution and per institution population

Sr. N o.	Name of the block	Popul ation	Number of the Health Institutions					Per Instituti on populati on
			Civil Hospit al	PH C	CH C	S C	Tot al	
1.	Chamba	74575	0	8	1	29	38	1963
2.	Mehla	84745	0	3	1	31	35	2421
3.	Bhattiyat	113423	0	13	1	43	57	1990
4.	Tissa	75747	1	7	0	18	26	2913
5.	Salooni	76506	2	9	0	22	33	2318
6.	Pangi	18868	1	4	0	16	21	898
7.	Bharmour	39108	1	2	1	19	23	1700
Total		482972	5	46	4	17	233	2073
Total (including urban)		519080	8	46	4	17	236	2199

population)							
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Source: Development Block Index, 2019-20, Economics and Statistics Department, Government of Himachal Pradesh

Table shows that in block Bhattiyat there are highest number of PHCs that's 13, one CHC and 43 Sub Centre. Above table shows that there are 57 health institutions in Bhattiyat block of District Chamba which covers 1990 person per institution. After Bhattiyat block the highest number of health institutions are available in Chamba block which consist of 8 PHCs, One CHC and 29 Sub Centre. The total no. of health institutes are 38 in number. There are 35 heath institutions in Mehla block which consist of 3 PHCs, one CHC and 31 Sub centre. In Salooni block there are 33 health institutions which consist of PHCs, CHC and Sub Centre 2,9,22 respectively. There are two civil hospitals in Salooni block. In Tissa block total number of health institution are 26 which consist of civil hospital, PHCs and Sub centre 1,7,18 respectively. In tribal areas of district Chamba Pangti and Bharmour area consist of 21 and 23 health institution respectively.

Lex Revolution

1.12 Block wise Ayurvedic Health Institution in Chamba District

Sr. No.	Name of the block	Population	Number of the Health Institutions			
			Hospital	Health Centre	Total	Per Institution population
1.	Chamba	74575	1	19	20	3729
2.	Mehla	84745	0	8	8	10593
3.	Bhattiyat	113423	0	16	16	7089

4.	Tissa	75747	0	15	15	5050
5.	Salooni	76506	0	22	22	3478
6.	Pangi	18868	0	7	7	2695
7.	Bharmour	39108	1	18	19	2058
Total		482972	2	105	107	4514
Total (including urban population)		519080	2	107*	109	4762

Source: Development Block Index, 2019-20, Economics and Statistics Department, Government of Himachal Pradesh

Table shows the Ayurvedic health institution in Chamba district of Himachal Pradesh. From the above table shows that Salooni block has highest number of Ayurvedic health institution which is 22 in number. In second place Chamba block consist of 20 Ayurvedic heath institutions. Bharmour, Bhattiya, Tissa, Mehla and Pangi consist of 19, 16, 15, 8, 7 Ayurvedic health institution respectively.

IMPLEMENTATION OF MGNREGA IN TISSA BLOCK OF DISTRICT CHAMBA: PRIMARY DATA ANALYSIS

This part of the study explains the empirical results of the study taking in to consideration of the objectives of the study in view, the sampling method.). The present data aims to study implementation of MGNREGA in TISSA Block. Primary data was collected from the MGNREGA workers. The data was collected from the 100 respondents in two Panchayat.

From each of the Panchayat 50 job card holder were selected randomly. So, response from total of 50 each from Panchayats was included for the study. Hence, the total 100 size of the study was 100 (all were job card holder)

AGE GROUP: It is one of the characteristics of demography of any area. It is defined as no. of people in particular age. On the basis of age group population of particular area is classified in to three group child group (0-14), adult group(15-60) and old age group (above 60). Present study trying to represent adult group.

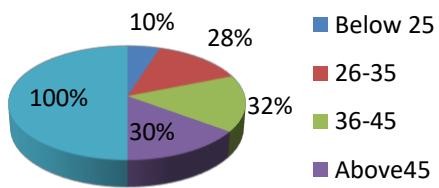
AGE GROUP

Table 1.13

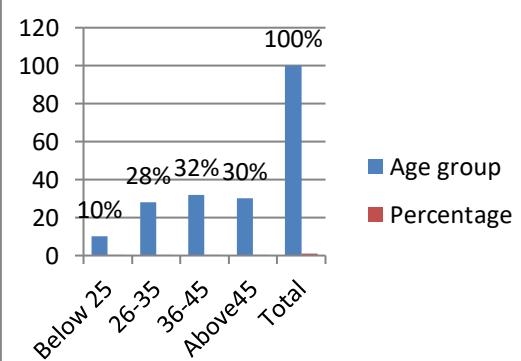
Sr. No	Age group	Frequency	%
1	Below 25	10	10
2	26-35	28	28
3	36-45	32	32
4	Above 45	30	30
	Total	100	100

Source: Primary Data

Age group



Source:
Primary
Data



It is evident from above analysis of the table no. 1.13 that 10 percent of the respondents were in the category of below 25 years age group. 28 percent of the total respondents were in the category of 26-35 years age group. 32 percent of the total respondents were in the category of 36-45 years group. Remaining 30 percent of the total respondents were in the category of above 46 years age group.

Thus, it is clear from above analysis that majority of the respondents in NREGA were of 36-45 years old. It is observed from above analysis that of the age group, there was much to improvement and awareness among old, aged group above 50 years old.

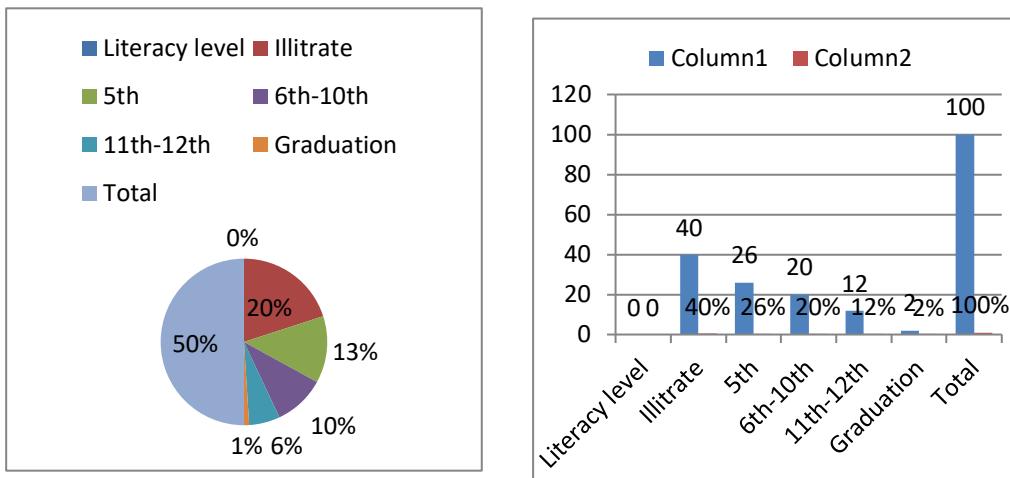
Education: education plays an important role in development of the society. It is associated with the literacy level of the people.

Table 1.14

Educational Status of Respondents

Sr. No.	Literacy level of the respondents	Frequency	%
1	Illiterate	40	40
2	5 th	26	26
3	6 th -10 th	20	20
4	11 th -12 th	12	12
5	Graduation and above	2	2
	Total	100	100

Source: Primary Data



Source: Primary Data

It is evident from above analysis of table no. 1.14 that 40 percent of the total respondents were illiterate. 26 percent of the total respondents were educated up to 5th class. 24 percent of the total respondents were educated up to 5th to 10th class 12 percent of the total respondents were educated upto 10th to 12th class and 2 percent of the total respondents were educated up to graduation level.

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Thus, it is clear that majority of the respondents were illiterate. They have no knowledge of the NREGA act and not aware about process of work apply.

Marital status: it is one of the dynamic characteristics of demography of the particular area. It is associated with how many people is married/unmarried within total population of an area.

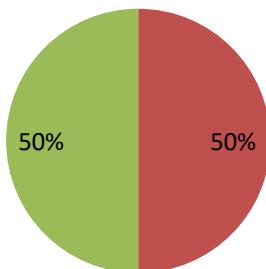
Table 1.15

Marital Status of the Respondents

Sr. No	Status	%
1	Unmarried	50
2	Married	50
	Total	100

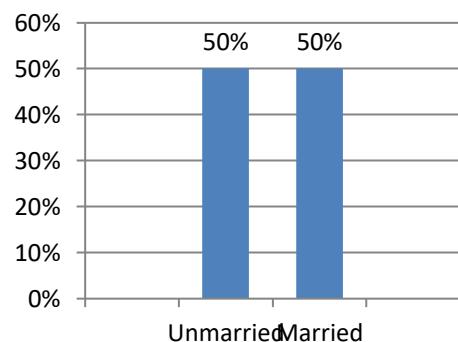
Marital Status of the Respondents

■ Unmarried ■ Married



Marital Status of the Respondents

■ Marital Status of the Respondents



Source: Primary Data

It is evident from table no. 1.15 that 100 percent of the respondents were married. Thus, it is clear from analysis that the majority of the respondents were married.

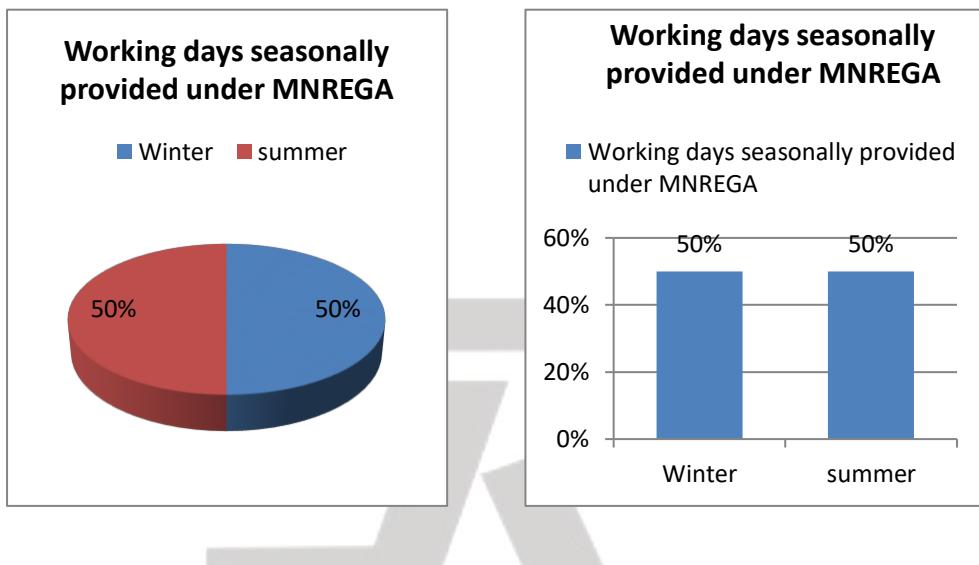
Working days seasonally provided under MNREGA

Table 1.16

Sr. No.	Seasons	%

1	Summer/winter	50
2	Summer	50
	Total	100

Source: Primary Data



Source: Primary Data

Lex Revolution

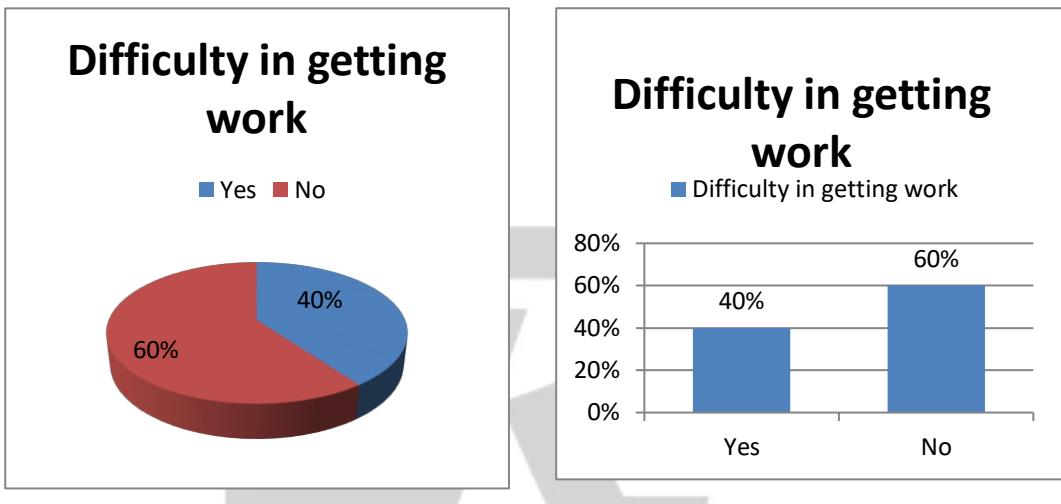
It is analyzed from table no.1.16 (i.e. 50 days) 50 percent of job card says that employment was given in only one season. 50 percent of job card holders say that work was provided in both summer and winter seasons.

Thus, it is clear from above analysis that employment was not provided continuously.

Table 1.17

Difficulty in getting work:

Sr.No	Difficulty in Getting Work	Frequency	%
1	Yes	40	40
2	No	60	60
	Total	100	100



Source: Primary Data
Lex Revolution
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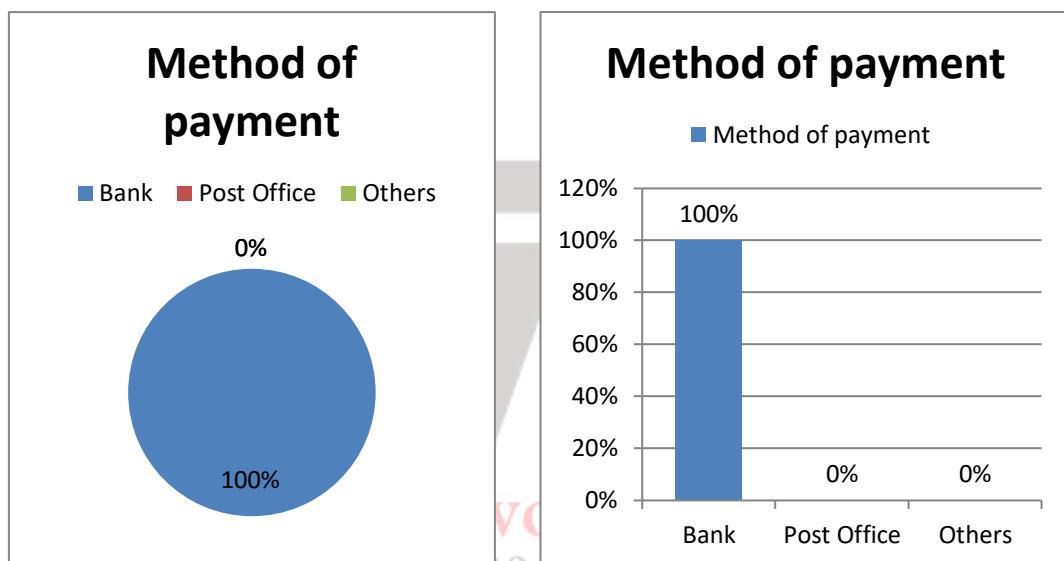
It is evident from table no 1.17 that 40 percent of respondents have difficulty to getting enrolled in work. 60 percent of the total respondents were not any problem to getting enrollment.

It is clear that from above analysis that majority job card holder has no difficulty to getting enrolled in panchayat.

Table 1.18

Method of Payment

Sr. No.	Method of Payment	Frequency	%
1	Bank	100	100
2	Post office	0	0
3	Others	0	0
	Total	100	100



Source: Primary Data

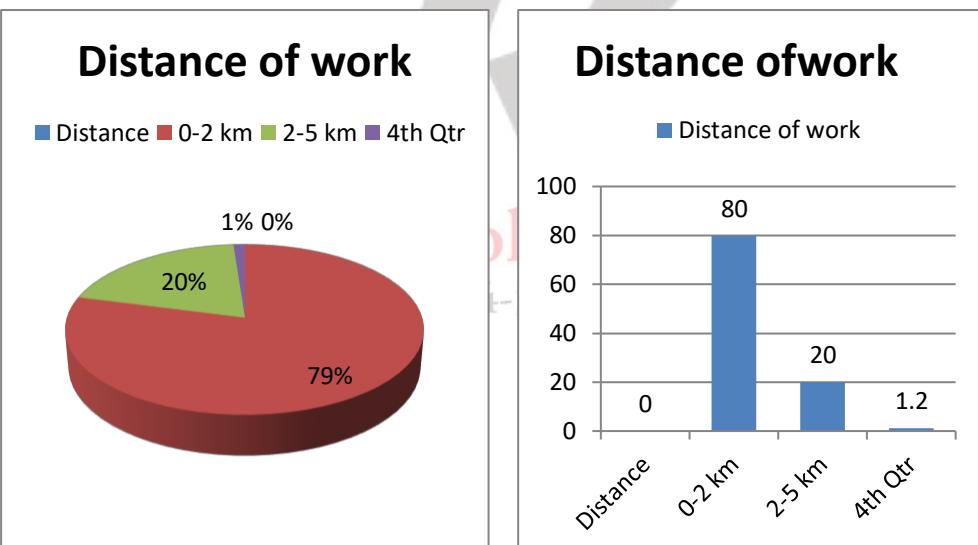
It is evident from above table no. 1.18 that 100 percent of the total respondents were getting payment from banks no third party was allowed to withdraw money from the bank without the due authorization of the workers in writing all data regarding wage payment through bank were recorded in job card.

Thus, it is clear from above table that all the job card holders were getting payment from bank. It is observed that banks are playing a vital role in MNRGA.

Table 1.19**Distance of work**

Sr. No.	Distance	Frequency	%
1	0-2	80	80
2	2-5	20	20
	Total	100	100

Source: Primary Date



Source: Primary Data

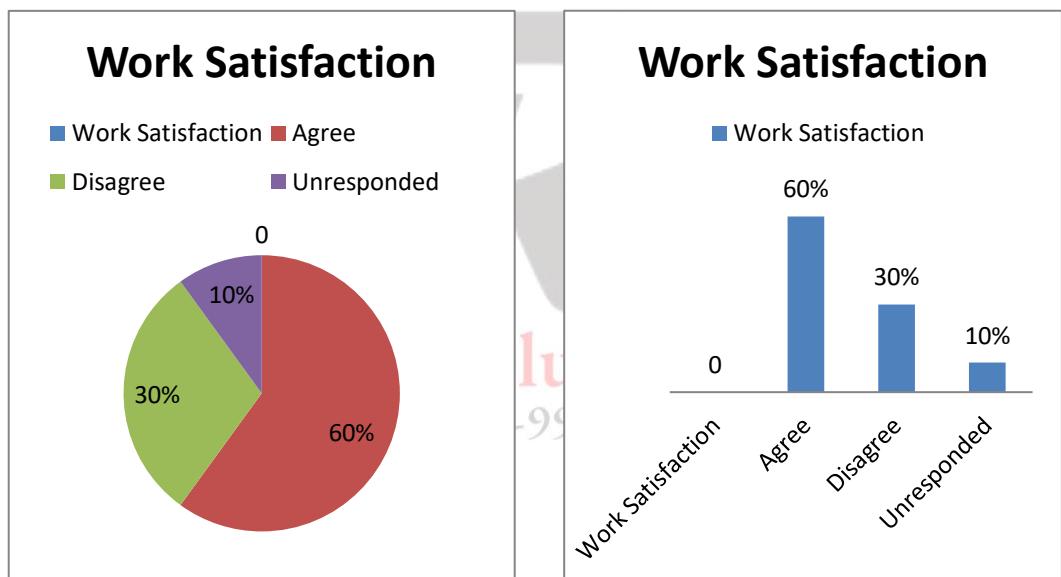
It is observed from above table no. 1.19 that 80 percent of the total respondents work 0-2 kilometer from home.

Table 1.20

Work Satisfaction

Sr.No.	Work Satisfaction	Frequency	%
1	Agree	60	60
2	Disagree	30	30
3	Un-Responded	10	10
	Total	100	100

Source: Primary Data



Source: Primary Data

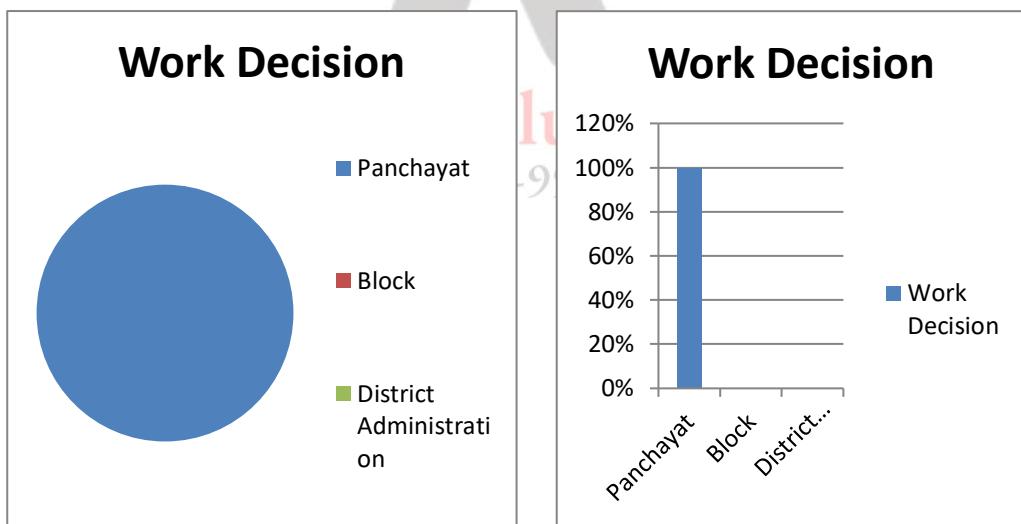
It is observed from Table no. 1.20 that 60 percent of the total respondent were satisfied with work provided to do.30 percent of the total respondents were disagreed with work required to do.10 percent

of the total respondents were could not say anything. They don't know about work satisfaction or work condition. it is clear from above table majority of the respondents were satisfied with work provided to do.

Table 1.21**Work Decision**

Sr. No	Work Decision	Frequency	%
1	Panchayat	100	100
2	Block	0	0
3	District Administration	0	0
	Total	100	100

Source: Primary Data



Source: Primary Data

It is observed from table no 1.21 that 100 percent work decision were taken by the panchayat (Gram Sabha) at village level. Not block administrator or political parties interfere in the work decision.

Table 1.22

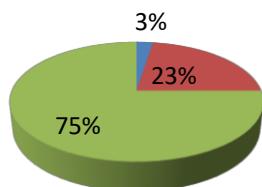
Site Facilities First Aid Kit, Drinking Water, Shade and Crèches

Sr. no.	Work Site Facilities	Frequency	%
1	Good	2	2
2	average	18	18
3	Need Improvement	60	60
	Total	100	100

Source: Primary Data

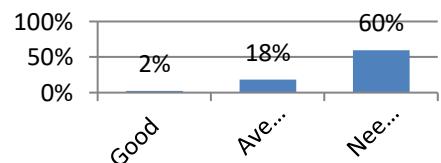
Site Facilities First Aid Kit, Drinking Water, Shade and Crèches

■ Good ■ Average ■ Need Improvement



Site Facilities First Aid Kit, Drinking Water, Shade and Crèches

■ Site Facilities First Aid Kit, Drinking Water, Shade and Crèches



Source: Primary Data

It is evident from above table no. 1.22 that 2 percent of the work site facilities that's drinking water, Crèche; first aid was generally absent in worksite. More over the respondents were hardly aware about the entitlement of the basic worksite facilities awarded to them as per the provision of the scheme. The result of interview shows that awareness about crèche, first aid 2 percent, drinking water 100 percent accordingly. First Aid arrangements in case of injury at work site.

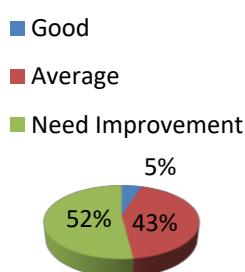
First Aid Facility

Table 1.23

Sr. no.	First Aid Facility	Frequency	%
1	Good	5	5
2	Average	43	43
3	Need improvement	52	52
	Total	100	100

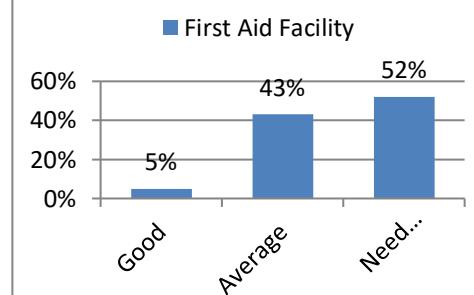
Source: Primary Data

First Aid Facility



Source:
Primary
Data

First Aid Facility



It is evident from above table no 1.23 that 100% percent of the total respondents were suggested that there is good medical (i.e. first aid) related facilities at the worksite should be improved.

Skill Requirement for Work

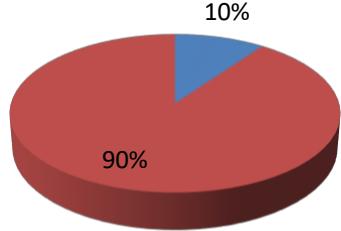
Table 1.24

Sr. no.	Skill/unskilled requirement work	Frequency	%
1	Skilled	10	10
2	Unskilled	90	90
	Total	100	100

Source: Primary Data

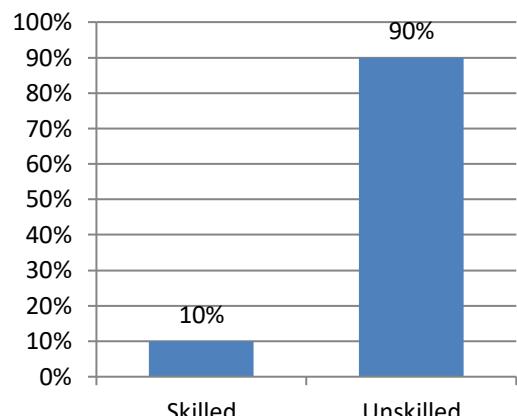
Skill Requirement for Work

■ Skilled ■ Unskilled



Skill Requirement for Work

■ Skill Requirement for Work



Source: Primary Data

It is evident from above table 1.24 that 10% of the respondents required skilled work to do and other 90 %of the total respondent's required unskilled work to do.Thus it is clear from above analysis that majority of the respondent's required unskilled work to do. so it was in need to train MNREGA workers.

OBSERVATIONS

Based on the findings of the study the following observations have made:

- Work or Employment should be provided during the lean season which does not affect the other modes of the beneficiaries' livelihood in terms of agriculture, sericulture, horticulture, animal husbandry, fishing, etc. which are important for the block.
- For effective implementation of the scheme the funds disbursement in one instalment with proper justification may be made so that the gap between the employment and allocation does not disrupt development. As delay in disbursement of wage payment was one of the major grievances of the beneficiaries under the scheme; the delivery mechanism needs to be improved.
- The grassroots level functionaries especially the leaders of Gram Panchayats needs orientation well in advance about the features of the scheme.
- There was low level of awareness among the beneficiaries about the work facilities available in the worksites as well as unemployment allowances. It is therefore suggested that the Panchayat members address the features of the scheme.
- It was observed that people were keen to work and some of them were also registering for work, however, employment could not be

provided according to demand so the implementing agencies need to create works provisions frequently in order to arrest migration.

- The social audit should be a regular feature of the scheme to strengthen vigilance, transparency and accountability. These are some major initiatives that are recommended for adoption while implementing the NREGA in the TISSA Development Block.
- It is important to bear in mind that very effective civil society initiatives needed in the block, these would also succeed if there is any administrative apathy and no political commitment. Moreover, committed administrative machinery with political support is necessary for the adoption and building of appropriate institutional structures for socially fruitful implementation of the NREGA.
- It may seem repetitive, but it is worth concluding that although NREGA enshrines a demand-driven, legally binding right to work, if there is no proactive political and administrative commitment to provide a continuous and adequate supply of productive works, implementation of the scheme may not bring the desired results.
- The NREGA could be made more effective if the above mentioned observations are considered while implementing the scheme in the TISSA development block. NREGA has been welcomed by each and every sections of the society, thus, if implemented in an efficient manner, the scheme can be a channel in transforming the lives of the people in the block.

CONCLUSION AND SUGGESTIONS

Mahatma Gandhi national rural employment guarantee act is considered as a silver shot for killing rural neediness and joblessness, via creating interest

for useful workforce in villages. It gives and elective wellspring of business which will affect lessening relocation, limiting youngster work, reducing neediness and making of water tanks, soil and water preservation work. However, the progress of this act relies on its appropriate execution. A large part of the entanglements of MGNREGA execution can be survived on the off chance that legitimate cycles and methodology are set up. Along these lines there ought to be persistent endeavors towards making sufficient mindfulness on various arrangements of MGNREGA among individuals. Making awareness is fundamental not exclusively to persuade individuals to work under the plan yet in addition to urge them to take part in its preparation and execution.

SUGGESTIONS

- Guarantee demand driven legitimate qualification,
- Lessen trouble movement from rural region,
- Lessen postpone in the installments of laborers,
- Give the essential number of the times of work according to request,
- Work on nature of resources made under MGNREGA and their significance to job of the needy individuals,
- Guarantee full installments of pay specified under MGNREGA,
- Anchor participatory grassroots preparation,
- Support customary progression of assets,
- Fortify complaint redressal component,
- Fortify the cooperative energy among MGNREGA and rustic work especially in farming,
- Further increase wage rate in MGNREGA,

- Increment number of working days in MGNREGA.

CHALLENGES IN MGNREGA IMPLEMENTATION IN BLOCK TISSA, HIMACHAL PRADESH

MGNREGA of an act, to provide hundred days unskilled work, right to work for every rural household in every financial year. Every household's adult member will be capable to get unskilled manual work. MGNREGA has a most significant tool for inclusive growth of rural India. MGNREGA have impact on social protection, work security, livelihood security, and democratic governance through participation of every household of the rural in PRI's. It has a legal provision to get work, unemployment allowance, compensation from state if not providing work on demand.

Hence it can be easily say that MGNREGA has a significant relevance to strengthen rural growth. In TISSA block of District Chamba has found few challenges to implementation of MGNREGA, described below:

Lack of Planning: MGNREGA is a demand driven programme; plan is most important variable in this programme. It is expected from panchayat that they create their own works needs like infrastructure creation, assets for community. It is found in the study that Peoples are unable to make work site plan at their own village because lack of technical knowledge and understanding of acts frame work.

Awareness among people about MGNREGA Act: It has analyzed that peoples are not much aware about the act. Respondent has no knowledge about the facility provided to the worker at their work site like first aid, drinking water, and crèches. Respondents had no idea about unemployment allowance. Respondents had also no information about the receipt given to

the workers after applying for work. Respondents were also not aware about 10% extra wage is payable to the MGNREGA workers if work is provided within the radius of 5 kilometers from the village .Till now not even single awareness camp has been organized by administration and governess, that has a major challenge.

Role of local administration: according to the study it has been analyzed that the role of MGNREGA implementing agency was pathetic. People were ignored by administration when they approached for the work; applications were not accepted or registered for the demand of work in MGNREGA scheme. Unavailability of muster roll was found on worksite in study area. Only 50% days of seasonal work are provided in the study area. Which it seems that the attitude of the administration in implementing MGNREGA scheme completely disappointing.

Intervention of Local Politics in MGNREGA work: The study revealed that work is not decided in ward sabha, in gram sabha, the work is selected only at the behest of influential people. Ruling parties leader influence the panchayat representatives to take up work for themselves. There is complete interference of local MLA's in the matter of releasing the funds at block level.

Role of Bureaucracy: The study revealed that bureaucracy played the vital role in implementing the MGNREGA; it is found that due to bureaucracy, there was delay in the work demanded by the respective panchayat. Works are not approved at time by office of block development TISSA. Works were declined citing lack of funds. Only influential PRI's elected representatives get work order or approval time to time.

Irregularity of wage payment: The study has analyzed that worker did not getting their wage payment at time, it is the provision in act that wage payment will be made within 15 days, but contrary, there is still a need to improve the process of wage payment. Many times, it has been seen in the study that the wage payments of many job card holder not get their wage since six months.

Ridiculous low wage rate: In the study analyzed that wage rate in MGNREGA is very low it resulted in lack of interest among worker in working for MGNREGA scheme. It is making way for contractors and middleman to take control locally. It is found that peoples are demanding for increment in wage rate in MGNREGA.

Non-payment of unemployment allowance: It has found in the study that there has huge difference between MGNREGA provision regarding unemployment allowance and ground level implementation of act. In the study area no single respondents was getting unemployment allowance in the absence of work. To avoid unemployment allowance issue implementing agency didn't register job card holder's application for work demand.

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Lack of technical staff in PRI: In this study revealed that there has not sufficient technical staff in respective Panchayat and development block. Shortage of technical staff affected the work. Only single person handling the whole works even technical or non-technical.

Social audit and accountability: In this study it has been found that there has no social audit conducted in the respective panchayat. Officials shows social audit process only on the papers. In both panchayat TISSA and

Tikri Garh where this study has been conducted peoples are not aware about social audit .The study revealed that government officials are not accountable towards peoples and making corruption by hiding important social audit concept.

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ROOT CAUSE OF WOMEN DISCRIMINATION: A CASE OF SOCIAL ENTREPRENEURS

- Ghanshyam Dos* & Dr. Doa Naqvi**

Abstract

Society and nation cannot be imagined without women. She has been an important part of the development of society and mankind, no matter whatever situation she has been in, she has always been giving her contributed. Similarly, today they are running spaceships along with the business. The main objective of this article is to study participation of women social entrepreneurs in social innovation.

This article is divided into various sections, first introduces women's situation from ancient times to the present, and social innovation. The second section reviews the literature and reviews the available literature on social innovation and women's interference in social entrepreneurship. The third section's research method is based on secondary data with exploratory research and analysis done with Microsoft word. Finding and discussion articles found that their representation is just 29% in this field. The last section's conclusion, there is women must work on themselves because no one is here to work for them as per Buddha's learning.

Keywords: Social Innovation, Social Entrepreneurs, Women Entraprenures, Discrimination.

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INTRODUCTION

Indian society also known as Buddhist or rational society, Buddhist Philosophy treated every living being on earth and gave equal rights not only human being, plant and animals etc. as archeological evidence showed that they made of the Bhikkhuri Sangh established by them women had right to read and share their knowledge with others. But when Hinduism came into existence, they divided society into various sections i.e. Hindu's, women, Sudras, Kshatriyas, and Vaishyas, etc. to establish the caste system through their various Vedas, Upanishads, Gita, Mahabharata, etc., Kshatriya, Vaishya). higher Verna brahmin kept exploiting women of other Verna and took away the right to study from all of them. Even child marriage flourished during the Mughal and British eras, first lady teacher of India Savitribai Phule during 19th-century set up various schools to teach women of Indian society after that British Indian government passed the charter act of 1813 was the first step towards education being made an objective of the government. After independence Dr. Babasaheb Bhimrao Ambedkar gave everyone rights to prestigious life and study through Indian constitution. It gave women legal and separate identity in society by giving them legal, social and educational rights. But still, the percentage of women's literacy in India is very less (66%) compare to men's literacy. And the representation of women in other organizations is only 11%, even if you can count women CEOs in the Indian business world.

Social Innovation: The term “Social Innovation” was introduced by Schumpeter J. (1939) to describe a process of creative destruction leading to the emergence of new combinations of resources in business, political and cultural environments. Now we can say that Jyotiba Phule and Ambedkar were the first social innovator who not only changed the thinking of society

but also changed the way of living by modifying already available resources and manpower. “*Social innovation is the process of the institutionalization of social ideas, determined by social movements or due to a loosely organized group of interested people*” Tynjala and Nikkanen (2007). On another side, Heiskala (2007) “Social innovations are changes in multilevel institutions of the society (Cultural, Normative and Regulative) which enhance its collective power resources and improve its economic and social performance.” “Social innovations are new social practices created from collective, intentional, and goal-oriented actions aimed at promoting social change through the re-configuration of how social goals are accomplished” Cajaiba-Santana (2014). Social Innovation works collaboratively with its own elements i.e., Social Innovator, Social Incubator, Social Entrepreneur Social Enterprise, etc. for the betterment of society, environment, country, state, and public. If a person who has a burning desire to make a change in society or in a country for its betterment is called a social innovator. Incubators catalyze economic growth and support fragile enterprises spawned and conceived largely by first-generation entrepreneurs, they make it possible for innovative technologies and research originating in universities and research labs to be converted into businesses, therefore unlocking economic and social value, the partnership of government and academic institutions for nurturing of startups through the incubator is symbiotic (Supriya S. and Neharika V. 2020).

Aim of this article to get insight women representation in a social enterprise.

LITERATURE REVIEW

While studying women’s social entrepreneurship in the case of Lijjat Papad (Dutta P. B. and Gailey R., 2012), said that empowerment elements are

embedded in the business models of for-profit social entrepreneurial ventures, there is the absence of government support in the growth of the venture over five decades. Kabeer N., 1999, women's empowerment with three dimensions (i.e. resources, agency, achievement) of choice are indivisible in determining, the condition of choice, the need to distinguish between a choice made from the vantage point of alternatives reflecting the absence, or the punishingly high cost of the alternative, second consequences of choice, to differ from strategic life choice, second order choice. Saving habits and other financial awareness provided by MFIs and financial institutions help women to be more empowered by the area of empowerment is really very limited (Srimonyee and Sahu T,2008).

MFIs have been an important tool in poverty alleviation, empowerment of women, and bringing about financial inclusion, however, India has the highest number of households, about 145 million, which are excluded from the formal banking system (Bi Z, and Dev Pandey S.L. 2011). The economic and social empowerment of women needed to be given greater importance, non-governmental organizations are playing a significant role in the empowerment of disadvantaged women (Pradeep M.D. 2016). the micro-credit has significantly improved the income of the women respondents which in turn has increased their participation in the household decision, this impact among large borrowers than small borrowers, thus micro credit is highly significant and established a positive relationship with empowerment index in the rural area of Punjab, thus women mobilization toward self-help group should be encouraged the process of motivation which lead to empowerment and is very essential for their upliftment and overall economic development of the country (Kaplia M., Singla A. and Gupta M.L. 2016).

It enhanced in the position where women's contribution in the field of entrepreneurship is increasing at a noteworthy rate (Swapna K 2017).

Research Gap: hence there are many problems with women's empowerment and entrepreneurial activities, but there is a problem with women in India. So there is a very wide scope of research and work in the field of women's empowerment.

Research Methods: to get research objectives we adopted secondary data and exploratory research methods; we adopted a social incubator to get an insight into women's participation in social innovation. And analysis has been done with help of Microsoft word software.

Finding: social Alpha is one of the prominent social incubators working in India, which works in tech-based firms to support young entrepreneurs. Social alpha works in various sectors to support young social entrepreneurs which have given below:

1. **Agri tech:** As we all know that India is an agricultural country in the world. This means that it accounts for twenty percent of India's GDP, and almost 40 percent of the total working population, showing that the focus on the agriculture sector is essential if India is to become one of the most developed economies in the world.
2. **Assistive tech:** Social Alpha helps new social entrepreneurs helping the poor, farmers, sick, and physically challenged.
3. **Civic tech:** Social alpha provides assistance to tech firms that are working on the welfare of civil society for sustainable development.
4. **Clean tech:** Social Alpha promotes and supports social

entrepreneurs working in the field of keeping the environment clean and tidy.

5. **Consumer tech:** Every living being on earth uses either man-made or natural things as a consumer, but the subsystems of these products cause great harm to the environment. To reduce these losses, Social Alpha helps social entrepreneurs create eco-friendly products by using technology in consumption.
6. **Educational technology:** The Government of India released its literacy report on the International Literacy Day 2022. According to which the average literacy rate in India was 74.4. In which the male literacy rate was 84.4 and the female literacy rate was 65.8. This shows that even today, much attention is not being paid to the literacy of women in India.
7. **Health care technology:** After education, the second medical field is a very important field. Due to which it is necessary to provide easy and affordable treatment to the public, which can be easily transported to every corner of India.
8. **NGO:** Social Alpha helps new social entrepreneurs as well as NGOs, so that they can help the poor and downtrodden people in the society, and An NGO ‘Small Change’ working to create innovative way for citizens to engage with civil society and raise funds for causes they care about, they also supporting new NGOs.
9. **Social Investor:** Social Alpha not only assists new enterprises but also works in the area of financial inclusion. The process of reaching these services to people who do not have access to formal financial

services is called financial inclusion.

10. ***Industrial design:*** The representation of the idea of a product or service on paper is called design or art. A design is a preliminary or conceptual representation of an idea so that its shortcomings and changes can be made before creating the final product and service. If a product that is made in a factory is called industrial design.
11. ***Network support:*** A market network is very important for the new enterprise to reach the new product to the customers. For this, Social Alpha also supports those firms that allow new enterprises to use their network.
12. ***Promotion or endorsement:*** So far we have learned that many social enterprises were known in this article, but no one knew about them before us. This happened because all these entrepreneurs do not promote their products and services through TV, newspaper, and Bollywood actors like for-profit companies. For this reason, Social Alpha also helps the organization promote its product and service.

The participation of women in sectors given below:

Sr.No.	Field	Man	Women
1	Agri-Tech (12)	10	2
2	Assistive Tech (14)	8	6
3	Civi-Tech (13)	8	5
4	Clean tech (16)	15	1
5	Consumer Tech (3)	2	1

6	Edu. Tech (6)	3	3
7	Med. Tech (15)	12	3
8	Other sector (5)	2	3
Total	84	60	24

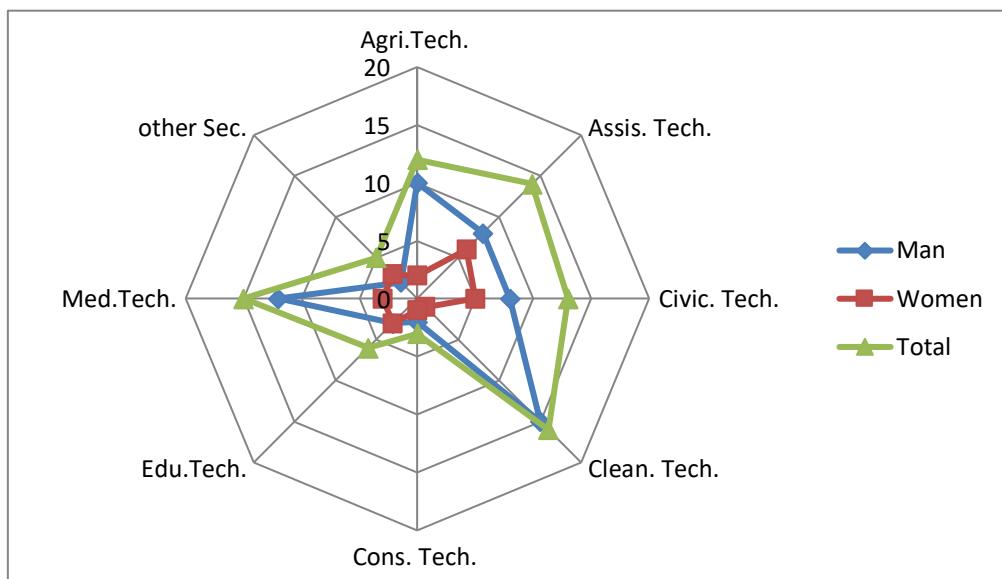


Table-1: Women participations all sectors

Fig.:1; Women representation in various sectors

Discussion: as the finding shows that women's representation in education and other sectors (NGOs etc.) is comparatively high other than sectors. Overall, here also women's representation is 24 (29%). As one can imagine about society, without overall women's development none of the nation's get a mark on the world pace. So, for the society's development men and the government of state and center have to support them in every sector of the country.

CONCLUSION

There is a saying in ancient to modern Indian society that if a woman is educated then not only a house or society but the society itself is educated. There are some Indian women create own place in the world's pace i.e. Sunita Williams, Kalpana Chawla, Draupadi Murmu, and many more. The name of such women can count on your fingertip. In the same way, women industrialists in the world also count on the same, and the finding of this research also shows that women social entrepreneurs are working in sectors but not according to their population representation.

Here not only is society responsible for their less representation but also their mindset of dependence on others may be causing, here we suggest to them it's your life than the problem and solution of it only you can do it. A better life and standard of living can achieve with the core work of Buddha's philosophy that "here there is no ideal person in the world, not have to follow them or on me if my statement does not come up to your critical thinking". If there is any problem in your life, then you will have to find its solution, no outside person or power will come to solve it. In this paper, the share of women social entrepreneurs in social innovation was found to be only 29%, this research is based on only one social innovator, and if it is done with many social incubators then maybe it can change. This study can be done in every sector specific with primary data.

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SOCIAL MEDIA PROMOTES FREEDOM OF SPEECH AND EXPRESSION: MYTH OR REALITY

- Sujata Paul*

Abstract

Social sites become an integral part of the day-to-day life. Social sites are a place where anyone can share and at the same time can discuss certain things. Due to technology revolution internet becomes a free place for sharing and taking information and through the internet, there is a free global village where anyone can communicate with different people. People use social media like Facebook, Twitter, Instagram, Blog, Snapchat YouTube, etc. Social media makes the place very short, and anyone can share information through these sites and within a moment it will reach millions of people. In a democratic country like India according to article 19(1) (a), every Indian citizen has the right to freedom of speech and expression and these sites give massive exposure to express their thoughts. In social media, the number of receivers is very high, so the communication process becomes very fruitful. In a democratic country like India, anyone has the right to freely express their opinion. These social sites give an absolute freedom to express and impart information from it. The study mainly focuses on is social media is capable enough to promote Freedom of Speech and Expression. Because there are different reasonable restrictions and what are limitations of these social media to give absolute freedom to Article 19(1) (a).

Keywords: Social Media, Article 19(1)(a), Freedom of Speech and Expression, Media Censorship, Social Media and IT Act.

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INTRODUCTION

In the age of digitization, mass media plays a major role to motivate people. Now a day we can't imagine a single day without the internet. In social media, anyone with an internet connection can create an account and through that account, anyone can enjoy their freedom of speech and expression. In the present age, social media is a big part of day-to-day life because whenever we get free time, we serve social media. The internet is a place where anyone can impart information. Now a day's a smartphone with an internet connection can change a life. Social sites are the most common and powerful tool to communicate with different people. These sites not only give information but also elaborate on it and there is always a flow of information. Even these sites change the pattern of communication. There anyone can share any information very easily and within a second it will reach millions of people. Different age group's people also can access social media easily because it is user-friendly. Social sites also have an impact on people's decision-making power, and they can influence very easily. Different public opinions can be seen in a place so social media at the same time analyze the story. Even women can get a free place where they can share their points of view fearlessly. There are different hashtag movements on social sites where people can raise their voices and can protest injustice. Women also can raise their voices and fight for their selves with the help of these social media. On social sites sometimes there are some restrictions on sharing information. With the help of these social media if there is some protest raised uncountable people to get the information at the same time and people can jointly participate in the protest. But at the same time, freedom of speech can hinder the Right to Privacy so that is a very much important thing to make a balance between them. Different laws in India

can protect citizens from different crimes on social sites at the same time sometimes obstructs the freedom of speech and expression. Through these sites, one can exercise human rights. There are different cyber laws mainly 66 A of the Information Technology Act plays a major role in the use of social media.

SOCIAL MEDIA

Social media is a very popular medium for transmitting the information. Social sites not only give information but also entertains. Now a day's it gets massive exposure among different age groups. These sites are too much user friendly and easy to use¹. There are different social sites for different purposes and with the help of these people try to meet their needs. On these sites, anyone can share information, pictures, videos, etc. These sites mainly communicate with the masses and try to create a public sphere. There are different social sites for a different purpose. There is Facebook for communicating with different people worldwide and it became a social communicating platform. With the help of Twitter, one can Tweet their point of view. On YouTube, anyone can share different videos, and anyone can express their view. Facebook launched in the year of 2004, and it has 2 billion active users. Now a day's it is a very popular social networking site and through this site, anyone can share their point of view by posting a simple post on their timeline even anyone can raise their voice against injustice. These social sites can be used multi purposely. Twitter was founded in the year of 2006. These users can write something as a "Tweet". Twitter has 450 million monthly active users as of 2023. YouTube is also a

¹ R. Singh "The Scope of Free Speech in Social Media", 2019

very popular video-sharing platform, and it launched in the year of 2005.² Through this site, anyone can record a video and share it. These social sites try to give freedom to free speech and expression but there are certain restrictions also. The communication style of social media is different from other traditional media because it is a very much free space where users have the freedom to express themselves. But at the present age, most social media is based on mobile phones and operated by cell phones. Social sites' content is based on "User Generated Content" which means users are sharing the content according to their point of view.³ Andreas Kaplan and Michael Haenlein define social media as "a group of internet-based applications that build on the ideological and technological foundations of Web 2.0, and that allow the creation and exchange of user-generated content."⁴

SOCIAL MEDIA AND FREEDOM OF SPEECH AND EXPRESSION

Freedom of Speech and Expression means if anyone feels something they have the right to speak and the right to express themselves that can be verbally or in any written format. Everyone can have some opinion and ideas and they need not get any interference even that can't be hindered by someone or some organizations or even by the government then it can consider absolute freedom of speech and expression. Article 19 (1)(a) of the

² Dr. C. Thanavathi, "Social Media and Empowering Women in Globalisation" (December 2019)

³ *Ibid.* at 60-61 (noting that Web 2.0 may be contrasted with Web 1.0 platforms, which simply provide content to users without allowing them to interact with or modify the information online).

⁴ Andreas M. Kaplan & Michael Haenlein (2010), "Users of the World, Unite! The Challenges and Opportunities of Social Media", *Business Horizons*, vol. 53, 2010, pp. 59-68, at 61.

Indian Constitution consists of these rights. Freedom of speech and expression is linked with democracy if people can't express themselves properly then it can't be a true democracy and with the help of social sites people can easily get a free place to express themselves. People can express their political points of view through these social sites.

The internet becomes a vital tool for communication. In the previous year, people witnessed these social sites promote change, gender equality, and justice, giving them a place to express themselves, and promoting human rights.⁵ Freedom of expression is a vital fundamental right and social media try to protect and exercise these rights with different sites and different features. On Facebook, Instagram, Twitter, YouTube, etc. anyone can express their thoughts on any relevant topic. And with this growing age and after globalization even these sites try to become a platform to raise voices against injustice. UDHR's Article 19 and ICCPR's Article 19(2) give freedom of speech and expression on the internet and social media.⁶ But this Article 19(1)(a) is not an absolute right there are some reasonable restrictions on it.

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REASONABLE RESTRICTIONS ON FREEDOM OF SPEECH AND EXPRESSION

Every freedom comes with some duties and responsibilities similarly, Article 19(1)(a) not only gives freedom of speech and expression but also there are certain responsibilities. Article 19(2) of the Indian Constitution describes

⁵ "Freedom of Expression Everywhere", available on the Web, *available at:* <http://www.ohchr.org/EN/NewsEvents/Pages/Freedomofexpressioneverywhere.aspx> (last visited on: 05.04.2013).

⁶ Shishir Tiwari and Gitanjali Ghosh "Social Media and Freedom of Speech and Expression: Challenges before the Indian law", October 2018.

reasonable restrictions on the following grounds:

- a) Sovereignty and integrity of India,
- b) Security of the State,
- c) Friendly relations with foreign States,
- d) Public order,
- e) Decency or morality,
- f) Contempt of court,
- g) Defamation, and
- h) Incitement to an offense

CENSORSHIP IN SOCIAL MEDIA

In today's technology world maintaining transparency is very important and through social sites, information will spread rapidly. Internet works differently any change the communication style. But in this process, if anything works like a watchdog then people can't enjoy their freedom to express themselves. Even people can't enjoy their democratic rights without transparency in information flow. So, social media can play a role as an open information platform but in social sites, there are some restrictions on posting content which means sometimes social sites also censored some content to maintain peace and harmony. Sometimes government censored the way of using social media by the citizens.⁷ Social sites do not violate

⁷ Greeshma Govindarajan and Nanditha Ravindar "Freedom of Expression on Social Media: Myth or Reality" Vol. 7, No. 1, June-2016.

anyone's right but those content can spread dispute this type of thing can be censored. These social media work as a mutual benefit tool those who don't like the platform are free to remove their account from the site. In mainstream media, the media owner can decide about the content but in social media, every user has the freedom to decide about their content so, there is the freedom to express oneself. So, users are more responsible about their content.⁸

People use cyberspace for expressing themselves but if here the owner of the company and the government used to control the content and monitor the whole thing then the freedom is not absolute. But at the same time, users must be sincere enough about their information. Sometimes fake information on social sites can mislead people heavily and can spread agitation so it is the responsibility of the users to use this platform accurately. Sometimes government tries to control social sites to maintain harmony among people and serve as a watchdog.⁹ In China, there is huge media censorship. In India if the information is not harmful then it will not be censored so, people can enjoy the freedom of speech and expression as much as possible.

SOCIAL MEDIA AND INFORMATION TECHNOLOGY ACT

Information Technology Act plays a pivotal role in social media activities. This Act tries to monitor computer-generated content and certain sections deal with different categories.

Sec 66 A: In the Information Technology Amendment Act of 2008 gives

⁸ Pavel Slutskiy "Freedom of Expression, Social Media Censorship, and Property Rights" No. 48, 13 My 2020

⁹ *Supra note 7*

punishment for sending an offensive message through any channel. If anyone conveys a false message knowingly and the main purpose is to create enmity, annoyance, agitation, hatred, etc. that is also a punishable offense. Even any “electric mail” which spread offensive content there is also the punishment of imprisonment for a term that may extend to three years with a fine.¹⁰

Section 69: According to Section 69 Central and State Government has the right to monitor any information which is coming through a computer source.

Section 69 A: In this section Central government has the power to block public access to any information which is coming from any computer mediates source.¹¹

Section 69 B: In this section, Central Government has the power to appoint any agency to monitor the data traffic of any information which is coming through computer resources.

Section 73: This section deals with false digital signatures and the punishment is 1 lack and imprisonment for 2 years or both.

Case Study-

In the year 2012, a girl was arrested. She throws a question on her Facebook post that why the city is not vocal about the death of Shiv Sena leader Bal

¹⁰ Aleena Rose Jose & Anagha O “Freedom of Speech and Expression and Social Media: An Exigency for Balancing”, Indian Journal of Integrated Research in Law Vol.-2

¹¹ Sidharthan R “The Information Technology Act And Media Law”, available at: <https://www.legalserviceindia.com/legal/article-417-the-information-technology-act-and-media-law.html>

Thackery. She also said that “With all respect, every day, thousands of people die, but still, the world moves on. Just due to one politician dying a natural death, everyone just goes bonkers”. She also writes the whole of Mumbai keeps their mouth shut only because of fear not for the sake of respect. A friend of hers liked the post and was arrested for liking the post.¹² In this type of case, we can see how Government tries to control social media and try to influence people according to their choice. So, there are Freedom of Speech and Expression on social sites but there are lots of barriers also to expressing yourself.

CONCLUSION

Social media is a platform through which anyone can express their point of view but there are some restrictions also. Though it is an open platform so these sites can be used for illegal purposes. So, sometimes monitoring these sites is important but at the same time, it has to notice that this monitoring should not violate people’s rights because maintaining the civil rights of the citizens is important for maintaining democracy. There are different cyber laws in India but that is not sufficient to maintain misuse of cyberspace. Maintaining citizens’ right to freedom of speech and expression is important but preventing the misuse of the open place is also important otherwise social media can be a source of conflict.

Censorship in social media hinders citizens’ rights but if the purpose of censorship is for maintaining peace, then it is meaningful. Social media gives people an open and multipurpose platform to express but that is also the

¹² Ram Parmar, 21-Year-Old Girl Held for Facebook Post Questioning Mumbai’s Bal Thackeray Shutdown, The Times of India, 20th November 2012, available at: <https://m.timesofindia.com/india/21-year-old-girl-held-for-facebook-post-questioning-mumbais-balthackeray-shutdown/articleshow/17276979.cms>

responsibility of the users to use the platform in the right way. There are certain laws, but awareness of the citizens is important only they can enjoy their freedom of speech and expression in a right and meaningful way.



CHALLENGES IN THE IMPLEMENTATION OF LABOUR CODES IN INDIA

- Shambhavi Tripathi* & Meher Sachdev**

Abstract

The labor laws in India trace back to the British Empire era. However, these laws must be modernized. The government recently repealed 29 labor law statutes and introduced 4 labor codes. This article explains how labor rules ensure a single licensing method for each business, simplifying compliance. It will also examine how technology has formalized labor, a vital step toward social entitlements. Finally, all employees formerly excluded from labor legislation will be shown to be laborers. The author will critically analyze these codes' ability to hamper overall goals. The 2020 Industrial Relations Code gives companies more recruiting and firing power. The minimum number of staff needed to apply standing orders has increased from 100 to 300. These codes also cause central-state tension, which the author will examine. Labor is a concurrent issue; thus, the Center and states must regulate it. The Center alerted states in September 2020, but none have submitted regulations under this legislation. Only 12 states have drought guidelines. Code implementation requires state consensus. In the concluding section of this article, the author will draw parallels to GST implementation to advocate smooth integration of the new labor regulations in each state.

Keywords: *Labor Codes, Centre, States, Employee Safety, Workplace, Concurrent list.*

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INTRODUCTION

‘Dignity of labour’ must be our patriotic obligation, which should be ingrained in our character.¹ Laborer’s and workers are the segment of our society that aids in the implementation of brilliant ideas conceived by intellectuals. We prefer to elevate such individuals and praise them with wealth and prestige. Those who work in the background are frequently overlooked. Their liberties, integrity, living-standards, and even an improved working environment, all of which are essential for human survival, are frequently disregarded. Since India’s independence, the country’s labour laws have centered on the rights and benefits of workers while ignoring those at the management level. Approximately seventy-six years later, laborers yet continue to get exploited by their employers. Even though, the government throughout the years, has attempted, with good intentions, to meet the majority of individuals’ needs by developing and drafting numerous labour laws, but their inadequate execution on the grassroots continues to be a cause for concern. In the light of these circumstances, the “New Labour Code” has attempted to address many issues, even though the obstacles remain. In addition, it continues to be observed as to how they will be implemented, as both the Centre and the states must collaborate in drafting rules that adhere to the codes and executing them in their real essence. Inside this time term, innovations such as freelancers, platform employees have emerged, among others wherein there is no contractual relationship with the employer, and as such the usual employer-employee relationship is circumvented, thereby making it difficult for employees to seek recourse against the employer in the instance of a

¹ Meenakshi Lekhi, “Dignity of labour important to realise PM Modi’s dream of Make in India”, The Economic Times, Sept. 24, 2014

mistreatment/disagreement. Further, issues such as the gender inequality continue to exist, which is a serious issue because it impacts the economic-prosperity and, more crucially, the lives of women who are compelled to live inhumane lifestyles.

In the light of these above circumstances, this article discusses the New Labour Codes and the issues related with it; the associated challenges faced by the poorly organized platform workers and gig; the prevalent invisible labour and, finally, the conclusion and suggestions drawn throughout.

LEGAL BASIS FOR LABOURS IN INDIA

Legislation: The legislature has also taken several steps to enhance workplace conditions and clarify labour regulations. This includes merged sets of four labour codes, as will be observed in the following section.

Constitutional Structure: In accordance with the Indian Constitution; ‘Labour’ as a subject form a part of the Concurrent List. This implies that both the Centre and State governments have the authority to create laws on the topic, except for matters reserved specifically for the Centre. **Judicial Interpretation:** In the landmark judgement of *Randhir Singh v. Union of India*², the Honorable Apex Court held, “*While the principle of “Equal Pay for Equal Work for both Men and Women” is not defined in the Constitution per se, it is however an objective to be attained through Articles 14, 16, and 39(c)*³. While article 14 of the supreme law guarantees “*equality before the law and equal protection of the laws*” throughout the territory; Article 16 addresses the “*right of equal opportunity in the matters of public-employment*”.

² AIR 1982 SC 879

³ The Constitution of India, art. 14, 16 , 39

Further, Article 39(c) states that the economy must not culminate in the accumulation of “*wealth and means of production to the disadvantage of society*” as a whole.

INTRODUCTION TO THE VARIOUS LABOUR CODES IN INDIA

Many industry experts applauded the Indian state’s policy to consolidate around twenty-nine Central labour laws into four Labour Codes, as the action heralded a very much stride forward into reduced complexity and a simplified labour legal regime that might benefit both employees and employers. In the following months, the execution process led in the emergence of various voids and unresolved issues, with the industry expressing significant worries over specific parts and requesting further clarity.⁴

Characteristics of New Labour Codes

The New Labour Code addresses Social-Security, Labour-Relations, Workplace Safety and Wages. The introduction of the new code is set to change the salaries, P.F., working hours of employees et cetera. Further,

- The legislation has also enacted new payroll regulations. Under the New Wage Code, an employee’s base income must include at least fifty percent of his entire remuneration. Thus, a rise in basic salary will contribute more funds to the Provident Fund of the employees, thereby resulting in a substantial retirement benefit.

⁴ Khaitan & Co., “*Understanding India’s New Labour Codes: Challenges in Implementation*”, available at: <https://www.mondaq.com/india/employee-benefits--compensation/1072672/understanding-indias-new-labour-codes-challenges-in-implementation> (last visited on: March 15, 2023)

- Also, employees with salaries will have the choice of working 4 days per week and take 3 days off⁵. Under the Factories Act, a worker who exceeds the daily limit for nine hours or the maximum of forty-eight hours is entitled to double the standard wage rate. The revised Codes maintain this overtime wage rate for any job that exceeds eight hours per day or forty-eight hours per week.
- By expanding the P.F. and H.R.A. categories of the wage structure, the employees ‘take-home payment’ will be reduced. Further, there is also a possibility for altering the Basic Pay of the employees.

Code on Wages, 2019

This code that was enacted in 2019 superseded 4 statutes. The statutes that were repealed included the ‘*Payment of Wages Act, 1936*’, ‘*Minimum Wages Act, 1948*’, and the ‘*Payment of Bonus Act, 1965*’, ‘*Fair Remuneration Act, 1976*’. The code was enacted to modify and unify the laws pertaining to wages, bonuses, and related things.

Features:

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Wages: A unified definition of ‘Wages’ is introduced, thereby streamlining, and standardizing numerous wage-related concerns. The term encompasses allowances, salaries, and any other form of monetary compensation, does not cover, Bonuses or Travel Allowances.⁶

Minimum wages: In accordance with the code, the Central government determines the minimum salary for workers based upon their Living-

⁵ Joydeep Bose, “4-day work-week, change in salary: India’s new labour codes”, Hindustan Times, Dec. 20, 2021

⁶ The Code of Wages, 2019, (No. 29 of 2019), s.2(y).

Standards. The minimum wages may vary based on the different geographical area. These minimum wages set by the respective governments should be higher than the floor wages. If the existing minimum wage is higher than the floor wages, neither the central nor the state governments can cut them. When determining such wages; the central government may consult with respective state and Central Advisory Board.⁷

Deductions: Under the provision, an employee's pay may be deducted for the reasons listed including fines, abstention from duties, and accommodation by the employer et cetera. Furthermore, these deductions must not exceed fifty percent of the employee's salary.

Payment: Remuneration shall be paid Currency notes, Coins, cheques or by crediting Bank Accounts or electronically. The employer will determine whether the pay period is daily, weekly, fortnightly, or monthly.

Code on Social Security, 2020

Social security is a fundamental human right that fulfils the fundamental requirement for protection against social demands and Specific life dangers. Efficient social-security systems ensure Health Protection and Economic Stability, contributing towards the elimination and avoidance of inequality and poverty, in addition to the basic human rights and promotion of social-inclusion. This Code is a law that modifies and integrates the social-security regulations and extends them to all workers and employees within the organised, unorganised, and various other sectors. It aims to meet the longstanding desires and expectations of Gig, Platform,

⁷ The Code of Wages, 2019, (No. 29 of 2019), ss. 5, 6, 8.

and unorganised workers. It incorporates nine prior Central Laws.⁸

Features:

- The objective of the Code is to safeguard as many employees and staff as possible. It provides a broad understanding of the term ‘employee’ that encompasses contract employees and those in administration, management, and supervision roles.
- To evaluate an employee’s eligibility for certain social-security benefits, the Code creates differences based upon the employee’s job schedule and/or wages-cap. The meaning of ‘Interstate Migrant Workers’ as defined in the Code has been augmented to include individuals who resettle through one region for recruitment in an establishment in the desired region and who have the capability to efficiently impact their organization in the desired region pursuant to a configuration by the employee. These migrants, however, must earn at least eighteen thousand per month to qualify as an Interstate Migrant Labourers.
- It further specifies the heightened and graduated consequences for a multitude of infractions, a few of which could be compensating in specific situations. While the maximum fine for a contravention can be as high as one lakhs rupee and three lakhs’ rupees for subsequent violations, the longest term of confinement for a contravention can vary from 2 months for the preliminary unlawful act to 3 years for a

⁸ Minu Dwivedi & Shreya Chowdhury, “*India: Evaluating the Code on Social Security*”, available at: <https://www.mondaq.com/india/employee-benefits-compensation/1001268/evaluating-the-code-on-social-security-2020>. (last visited on: March 10, 2023)

second or additional violation following a prior conviction. The restrictions limit allowances up to fifty percent, implying that the basic pay would account for up to half of the compensation.

- Moreover, the P.F. contribution is established as a proportion of basic wages, which further includes Basic Pay and Dearness Allowances.⁹

Code on Occupational Safety, Health, and Working Conditions, 2020

This code, gained the approval of the president in 2020, has replaced thirteen outdated central labour law regulations, was enacted to unify and revise the regulations governing the occupational health, safety and workplace circumstances of those who work for various businesses.¹⁰

Features:

- The workspace ought to be void of hazards that have the potential to harm the health and well-being of workers and any such hazards must be properly eliminated. Disabled workers cannot be employed in the construction industry,
- It mandates that workers must conduct yearly medical screening camps,
- In accordance with the Code, centre is required to create a “National Advisory Board”; which stands for the “National Occupational Safety and Health Advisory Board” with the competence to offer suggestions to the Central Government.

⁹ Martine Humbert & Rosinda Silva, “*Standards for the 21st century: Social Security*” (2002).

¹⁰ New Labour Code, Ministry of Labour & Employment.

- Further, the appropriate Government can also appoint “Inspector-cum-Facilitators” who will practise the authority delegated to them throughout their respective domains and additionally to their other responsibilities, may undertake an electronic internet evaluation as well as call of the necessary information required by this Code.
- The Employers must further create and maintain “Employee Welfare Programmes” in accordance with the requirements of the central government.

Code on Industrial Relations, 2020

According to the Industrial Relations and International Labour Organization concerns either with the connection between the ‘employer and the state’ and the ‘worker organizations’, or the interaction among the occupational groups themselves. This code on such relations is an act to unify and revise the laws pertaining to the Trade-Unions, employment-conditions within an undertaking, investigation, and settlement of industrial disputes, as well as for matters connected with or incidental thereto¹¹.

Features:

- *Application of Standing-Orders:* Such orders must be written on issues listed in an appendix to the rules and every facility with three hundred or more workers must use them.
- *Fixed-term contracts:* It intends to allow firms to recruit people for any

¹¹ Rama Priya Gopalakrishnan, “The Industrial Relations Code, 2020: Implications For Workers’ Rights”, Live Law, Oct.20, 2020, available at, <https://www.livelaw.in/columns/the-industrial-relations-code-2020-implications-for-workers-rights-164921> (last visited on: March 20, 2023)

length of time. The employees for the fixed term are such individuals that are hired on contractual basis that stipulates their restricted job duration.

- *Timeframe for the disciplinary hearing:* The ‘Industrial-Employment Standing Orders’ Act did not establish a timeframe for the implementation of disciplinary actions. Yet, the Code imposes a “Ninety-Day Limit” on the conclusion of the investigations into misbehavior.
- *Conflict-Resolution:* It proposes for the creation of two tribunals, with a joint ‘Decision-Making’ for significant civil cases and a sole decision-making for less significant civil disputes, resulting in a quick response to cases.
- *Lower Threshold:* Industries with less than three hundred employees are excluded from developing codes of behavior for industrial facility employees. Presently, only businesses with up to one hundred employees are needed to conform.

ADVANTAGES OF LABOUR CODE

The Labour Codes streamline such regulations by collecting twenty-nine essential statutes which have been sitting on the table for at least seventeen years.

They anticipate that these improvements will eliminate internal inconsistencies, increase adaptability, and improve safe working conditions requirements.

It will give a massive benefit to the industries and jobs and minimise the

number of definitions and authorities applicable to firms.

Ease in Doing Business: According to several industry and economic professionals, these measures will increase investment and facilitate doing business.¹²

Faster Resolving Conflicts: The rules streamline antiquated labour regulations and revise adjudication procedures, resulting in quick resolution of disputes.

Gender Equality: All industries must let women to work overnight, but employers must guarantee that adequate security measures are in place, and women must approve to night shifts.

ISSUES ASSOCIATED WITH THE IMPLEMENTATION OF LABOUR CODE

Constitutional Challenge: As 'Labour' is a matter of concurrent list; both the central and the state government must establish laws and regulations. Although Parliament approved the 4 Labour Codes in 2020 and the Centre published the draught rules for all such codes in advance; certain individual states still need to finalize the process.¹³

Issues with the different codes as follows¹⁴

Code on Wages:

¹² Remya Nair, "Ease of doing business?" *The Print*, July 8, 2020, available at <https://theprint.in/economy/ease-of-doing-business-india-still-has-1536-acts-69233-compliances-for-firms-to-follow/456867/>. (last visited on: March 25, 2023)

¹³ Aseem Muhammed "Labor Codes Explained" available at <https://www.clearias.com/labour-code/#conclusion>. (last visited March 25, 2023)

¹⁴ PRS Legislative Research, "Overview of Labour Law Reforms", *PRS India*, Sept. 17, 2020, available at: <https://prsindia.org/billtrack/overview-of-labour-law-reforms> (last visited on: Apr. 5, 2023)

Individual states are prohibited from establishing the minimum wage below the base price. However, the problem is that all individual states set their minimum wages merely above the mandatory price cap. This means Instead of establishing a ‘mandatory floor pays’ the government should establish a mandatory minimum wage rate to avoid a “dual wage rate”.

According to section 45 of the code, any disagreement will be heard and resolved by an officially designated gazette officer. It is a cause for concern that such officials may hear “complex legal concerns” without any legal knowledge.

Section 52 of the Code contains a new provision stating that the authority to inflict a punishment has been transferred from a judicial magistrate to an officer of at least the rank of secretary. This provision, however, is contrary to Article 50 of the supreme law, which mandates the separation of the executive and judiciary.

Section 56 of the Code absolves employers from criminal penalties if they can show that they exercised reasonable attention (also known as due diligence) in ensuring the implementation of the Code and that the other party perpetrated the infraction without his “knowing, consent, or connivance”.

Social Security Code, 2020

The code excludes a huge number of workers from the program since it only comprises workers from businesses with a specified minimum number of employees (for instance 10/20) and only gives benefits such as medical insurance and pension to them. The other group of workers, who are covered by various discretionary schemes, includes the self-employed

workers and others working in the unorganised sector, where the min. number of employees is less than ten.

This code also demands workers and employees to disclose their Aadhar Card number to obtain the “social security benefits” from the career centre, which may be in violation of the ruling given by the Hon’ble Apex Court in *K. S. Puttaswamy v. Union of India*.¹⁵

In addition, the code stipulates those other advantages, such as P.F., Pension benefits, and Health insurance benefits, are only accessible to employees who make earnings beyond a “government-specified threshold”. As such this provision leaves the remaining employees high and dry.¹⁶

Issues to be addressed:

- Further, this code does not apply to charity or N.P.O. (Non-Profit organisations) and
- It provides that the journalists can’t work more than one hundred and forty-four in four weeks which appears discriminatory to other employees.

Code on Industrial Relations, 2020:

It states that the judgements of an Industrial Tribunal are enforceable within a period of thirty days post issuance. In any event, the public authority may waive the obligation for honour under certain conditions if the social justice or national economy is affected.

¹⁵ (2017) 10 SCC 1

¹⁶ Suresh Nadagoudar and Rajashree Patil, “Social Security Code 2020: An Analysis” 10 *Christ University Law Journal* 19-42 (2021).

Since the Code requires all workers at an organization to provide Fourteen-Day prior notice to a Lock-out or Strike that is effective for a maximum of sixty days, this capacity to strike and lock out employees will be diminished. Its further outlaws' lockouts and strikes in 2 circumstances:

- 1) During and up to 7 days post conciliation and
- 2) During and up to 60 days post a tribunal proceeding.¹⁷

Delayed Implementation of the Code: The 'Ministry of Labour & Employment' approved the revised labour codes, which were scheduled to take force on 1st July 2022. However, since there has not been any consensus among the individual-states, the new code has not yet been implemented.

Further, the trade unions have informed the Centre about their engagement in the protest measures if the administration proceeds with their implementation. Further, the union fear that the codes been touted as "Reforms", will erode employees' rights.

Although expenses such as "payment for overtime" and "gratuities" may increase, industry officials have agreed that acknowledging and safeguarding the employees' rights, especially those who regarded as the 'fixed term' is a great move.

Owing to the concurrent nature of the topic, both the central and the state government are required to pass rules and regulations prior to the implementation of this code. Since many states have pre-published the

¹⁷ Saraswathi Kasturirangan, Atul Mittal "*Labour codes of India: Prepare for the challenges ahead*", available at <https://www2.deloitte.com/content/dam/Deloitte/in/Documents/tax/in-tax-presentation-23-feb-2021-noexp.pdf> (last visited on: March 25. 2023).

draught rules for at least the Code on Wages and the Social Security, it indicates that the Centre is planning for a delayed implementation with an initial adoption of these regulations. Nonetheless, they were certain that once the execution process begins, further obstacles may emerge. Participants agreed that, to ensure a seamless transition, the criteria's including:

- i. Take-home pay for employees and
- ii. Cost to recruiters; must stay unchanged and unaffected by the transition.

Additional Obstacles

- Absence of a specific provision which indicates the employers' obligations in extreme circumstances.
- Further, worries about engaging with unions and acknowledging them into industries with limited experience in this field such as the Information Technology.
- The social security of employees is not explicitly addressed in small and medium-sized enterprises, and
- No definite steps taken for boosting the career options for them.

It can be indicated that the goal of centralization may/may not be achieved by the codes for the fact that they still include ambiguity. Considering situation, it has become necessary that the government should make every effort and adopt all necessary rules to ensure that the labour codes are applied in the proper spirit.

SOCIAL ECONOMIC FACTORS

India had over five hundred million workers in 2020, which accounts for the 2nd largest labour force after China. The agricultural industry accounts for more than forty-one percent (41.19%) of the entire labour force, while the industrial sector accounts for around twenty-six per cent (26.18%) and the service sector accounts for around thirty-two per cent (32.33). India's labour force can be separated into an organised and unorganised sector. The majority of India's inhabitants strive to make a living, which accounts for the most significant socio-economic issue.

Other factors that create their troubles include:

- The poor work-quality,
- Poor work-conditions irrespective of where they work alongside
- Uncertain and meagre salaries.¹⁸

This thereafter gave rise to various principles of labour law in India, which includes:

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Social-Equity

The core element of this idea is the maintenance of labour-friendly social justice laws, given that conditions fluctuate and are not always the same. Hence, laws must be periodically revised. In accordance with this concept, the government intervenes to adjust or modify accordingly so as to

¹⁸ Amarchand & Mangaldas & Suresh A. Shroff & Co; “Report on Labour Laws in India” available at: https://www.jetro.go.jp/ext_images/jfile/report/07000147/Report_on_Labour_Laws_in_India_.pdf (last visited on: March 26. 2023).

reflect the changing circumstances. In an essence, this principle provides for the establishment of an equitable standard for everyone by legal mandates.

Social-Justice

The core premise of this principle indicates that all the social groups, irrespective of the situation, must be fairly treated. It tries to eliminate social inequality because it is evident that certain groups face social disadvantages in terms of labour or work. Its goal is to make certain that all individuals, irrespective of their socio-economic standing, must have equivalent opportunity for employment opportunities.

Social-Security

This principle refers to an individual's entire safety within their family, place of employment, and society. In order to maintain an adequate standard of living, this system provides coverage for both fundamental requirements and unforeseen life occurrences. It anticipates joint action against social dangers, which is central to labour legislations.

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Based on this principle, the country's general economic position should be taken into consideration when drafting labour laws, as the condition of a country's economy has a substantial impact upon its labour laws.¹⁹

CONCLUSION AND SUGGESTIONS

Although enterprises have the "right to an adequate return" on their

¹⁹ Naveen Talawar, "Labour Laws in India" available at https://blog.ipleaders.in/labour-laws-in-india-2/#Principle_of_social_justice. (last visited on: March 26. 2023).

investments, employees too have the “right to acceptable salaries” alongside the “safe workplaces”. It is difficult to create and codify laws that are suitable for all parties, and harmonizing their interests must be the objective of any legislation related to labour. The 4 labour codes have been appropriately put together for this purpose. Notwithstanding the fact that the labour regulations are nearly a century in the making, it is an exaggeration for the Union to regard them as “game-changer” and “Landmark”. The rules have been evolved as per the prevalent commercial and industrial activity, but there is still more work to be done to strike a balance between the interests of the industry and the worker. Focusing on economic expansion without wealth-redistribution contributes towards rising unemployment and socially unaccountable success, which the government must work more to recognise. Further, all legislations must attempt to maintain the finest possible balance between opposing interests and should endeavour to provide as much consolation to the weakest of the opposite wings as feasible in the wider interest of our nation. However, if they are executed with integrity and truthfulness only then the country can achieve the desired aim of boosting “economic growth” and unlocking the unrealized potential of tens of thousands of our businesses and entrepreneurs to propel the state to greater levels. In the light of the modifications that the new labour codes have made to the standard Employment Laws in India, it will be crucial for businesses to evaluate the ramifications and reconsider the regulatory requirements within each law once it is implemented alongside the ultimate regulations and modifications of the state.

The new regulations represent the much-needed changes to the current labour regime of the state. These codes would further ensure the formation

of One India & One Law by lowering “the multiplicity of laws” with frequently contradictory definitions of terminology and clauses to the four codes, thereby facilitating the business-conduct significantly.

The goal of the labour regulations is to level the playing field between “Employer” and “Employee,” thereby reducing the tension between the two groups. Regarding the simplification and modernization of the labour system, the new reforms ultimately surpass the obsolete current “labour law regime”. These reforms are more “employer-friendly”. Though the latest changes have reduced several compliance requirements, they have also generated a number of ambiguities by failing to clarify an essential terminology in the Codes. Though only time will reveal the long-term efficacy of these Codes.

Suggestions for addressing the issues include the following:

1. As a subject upon the concurrent list of the supreme law, it is the duty of both the central and the individual state governments to enact legislations upon the matter. Nonetheless, the Individual States have limited authority to adapt the labour laws for meeting their own needs, thereby encouraging employment creation and investments. It is in everyone’s best interest to transfer the subject in the State list,
2. Standardizing and unifying the labour regulations would be a significant step along the way of implementing existing laws effectively,
3. Enhancing ‘enforcement mechanisms’ is required. Enhanced infrastructure and increased personnel are necessary for the efficient

enforcement of labour regulations,

4. The government must prioritise the critical issue of employment development. Even though the percentage of workers with steady employment has improved, unemployment; however, has risen to its highest level in forty-five years. In such a circumstance, it'd be desirable for the government to create a “broad agreement” on any significant rule instead of pushing them through in the “interest of simplicity”,
5. Need to establish an “All India Service for labour administration” that would provide professionals in the field of labour management. Labour reforms are urgently required not only to promote the programmes such as Ease of doing business and make in India, but also to prevent the population from morphing into a nightmare of “unemployment and underemployment”, and
6. Contractual labourers should be insured under the “Workmen’s Compensation Act” for mishaps, alongside other benefits from the Employee State Insurance Act and the Maternity Benefit Act.

BOOK REVIEW: SSB: INDIA'S SWORD AND SHIELD AT BORDER BY DR. P. A. GHOSH, MR V. K. SHARMA, AND DR. MONOJIT DAS published by Adroit Publishers (14 November 2022), ISBN-13 978-8187393900

- Sukriti Agrawal*

Constituted in 1963 as Special Service Bureau (SSB) after the 1962 Indo-China war to build people's morale and inculcate the sense of national integration building up the spirit of resistance to resist subversion, infiltration sabotage besides other threats from across the border. The force trained large numbers of local volunteers who later became the eyes and ears of the country, the volunteers learnt in intelligence gathering and other self-defense training including weapons training that helped in countering cross border Chinese propaganda. The success of the Arunachal Pradesh model (then part of NEFA or Northeastern Frontier Agency) was soon implemented in other border states to counter cross border propaganda in various areas like North Bengal, hill districts of Uttar Pradesh (now Uttarakhand), Himachal Pradesh, part of Punjab and Ladakh area of J&K, then further extending to Manipur, Tripura, Meghalaya, Sikkim, Rajasthan, South Bengal, Nagaland and Mizoram. However, the nature of duty for SSB has been amended after the Kargil war 1999 and the recommendation of the Kargil Review Committee (KRC) mandated the one border one force policy.

SSB owing to special training skills and excellence in winning the hearts and minds of the border population was bestowed with guarding the Indo-

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Nepal and Indo-Bhutan border. The open border is sensitive in nature and always at threat of being exploited by anti- Indian elements to enter the country and promote violence. As a border guarding border, the force was renamed as Sashastra Seema Bal and placed under the Ministry of Home affairs that is also accorded the status of being Lead Intelligence Agency (LIA) at both Indo-Nepal and Indo-Bhutan Border. On the other hand, the recent incidents at the China border has once again raised the query of reviving the SSB in its initial form of Special Service Bureau which is a long standing demand owing to strengthening of India's national interest, the clash on 9th December has once again sparked the debate with China's aggression. The development of China's new rail and road trade route with Nepal that would link Guangdong, Tibet and Kathmandu is already making India apprehensive, which intensifies with its engagements at Bangladesh and Myanmar aimed towards diluting the bilateral relations and influencing the border population at Indian side by mushrooming of foreign aided madrasas which can lead to serious threats with Pakistan's ISI involvement especially along the eastern border where even the Indian states have disputes among themselves.

SSB with its experience can be an effective counter threat to protect sanctity at borders specially preventing the propaganda from China and Pakistan where the revival however might take a significant time but won't be difficult thereby giving India support both tactically by deploying advanced missiles and mountain strike corps at border and SSB in the interior to thwart the propaganda and launch counter propaganda towards China.

The book is divided into 6 chapters:

Chapter 1 being introductory generally covers the concept of national security, i.e., internal, and external security, literature survey, aim of study, research hypothesis, methodology and likely contributions to the national security domain.

Chapter 2 focuses on the geopolitical perspective of India's land border focuses on the historical evolution of India's land border and difficulties in the management of India's border security as relations with neighbours are changing.

Chapter 3 focuses on SSB, its organization, roles and tasks, in both as Special Service Bureau and Sashastra Seema Bal.

Chapter 4 deals with the role of SSB in the management of India's national security, internal security and other different activities and roles, external security (role in management of external border with Nepal and Bhutan including UN Missions).

Chapter 5 assesses the challenges faced by SSB personnel during and after their services to the nation.

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Chapter 6 discusses findings, challenges to be faced by SSB in future and suggestions for improvement and further modernization.

The overview on the Tibetan issue and other contemporary geopolitical issues are very well covered in this book, but it could have been better if it could have been made in two volumes to cover the whole work of this dynamic force as the people or today's youth at large are not aware of such facts. The attempt to cover the geo-political issues are nicely argued to which the book written by Dr PA Ghosh, Shri VK Sharma DIG SSB retd

and Dr Monojit Das has managed to re-ignite the thought of reintroducing the force in their original role. This book succeeds in highlighting the works of the SSB which mostly remains an unsung hero. The work gives us an opportunity to remember the deeds and sacrifice of such patriotic youths who fought for the country's national integrity with their best of spirit which is again needed at this time when the country is progressing towards development and rising as Asian superpower.





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Creating space for the Sustainable Development Approach



About

ANAGH is a non-profit organization constituted under section 8 of the Company Act, 2013 to promote social efforts which empower the society to outreach the sustainable goals.

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