

UNIT-1

SOCIAL PROBLEMS

UNIT-1 Social Problems

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UNIT -1

SOCIAL PROBLEMS

1. OBJECTIVES :

- i. Conceptual analysis of Social Problem.
- ii. Findings of the pattern of social problems, causes and extents.
- iii. Social deviance – Features, causes of social deviance, types of social deviance in the process of Social Anomalies and Maladjustment i.e. Juvenile delinquency, prostitution alcoholism, drug addiction, crime, family disorganisation etc.
- iv. Diagnosis of the patterns of the extent of deviance.

2. Introduction of Social Problem :

When a particular social phenomenon or condition disturbs the social order and hinders smooth working of social institutions, that comes to be identified as a social problem. At the initial phase such conditions are neglected since they do not have any serious adverse effects on the social system. But gradually, they get accumulated and begin to affect normal social life. Then such condition is

recognised as a social problem. Once social problem takes roots and develops beyond the bounds of tolerance, there arises resentment against it and there is a demand for remedy in the interest of social harmony.

2.1 : Definition of Social Problem :

A more precise, though broad, definition is given by E. Raab and G.J.Selznick. According to them, a social problem is “a problem in human relationship which seriously threatens society itself or impedes the important aspirations of many people.” In regard to the first aspect they say, “A social problem exists when organized society’s ability to order relationship among people seems to be failing; when its institutions are faltering, its laws are being flouted, the transmission of its values from one generation to the next is breaking down, the framework of expectations is being shaken”. A social problem being thus defined, juvenile delinquency is to be seen “as a breakdown in society itself”.

The distinguished characteristic of social problems, according to Nisbet and Merton, is that “by their close connection with moral values and social institutions they form a type by themselves. They are social in the sense that they pertain to human relationship and to the normative contexts to which all human relationships exist. They are problems in the sense that they represent interruptions in the expected or desired scheme of things; violation of the right or the proper, as a society defines these qualities; dislocation in the social patterns and relationships that a society cherishes.”

On the other hand, Bardara Wootton defines more narrowly what she calls “social pathology”. Social pathology, she says, includes “as those actions on the prevention of which public money is spent, or the doers of which are punished or otherwise dealt with at the public expense.” This definition, as says Bottomore, puts an undue restriction on the field, for “it refers only to actions as attract the attention of the State at a particular time”. Wootton’s definition consequently does not take into consideration many important situations and kinds of behaviour which are generally regarded as constituting social problems (e.g. poverty, some forms of industrial conflict, etc.) Bottomore considers the definition proposed by Raab and Selznick more useful.

2.2 : NATURE OF SOCIAL PROBLEMS :

The social problem is connected to majority of the members of society. According to Bernad, the repressive and tense condition consequent of social problems may be involving three types of elements “ (i) Tension factors which challenge some values of society, (ii) Social values which are being challenged and (iii) intense reaction of individuals and groups to challenge.

The following characteristics exhibit the nature of social problems :

i. Disintegrative :

Social problems, directly or indirectly disintegrate social system. Social problem causes dissatisfaction, suffering and misery. It seriously affects the

values of the society. It is always disintegrating and disorganizing. It is pathological. It is harmful for the society.

ii. Multiple Causes :

The social problems have no single or simple cause. Each problem has a complex history and is usually not due to one but to many causes. War, poverty, unemployment or crimes do not offer single or simple explanation of their occurrence. Sometimes one problem is so interwoven with other problems that it cannot be solved apart from them.

iii. Inter-Connected :

Social problems are inter connected due to which these become serious. For example, unemployment, poverty and crime are inter connected.

iv. Many Remedies :

Hence the solution of the complex social problem requires various multisided remedies.

v. Relative Concept :

Social problem is relative concept. What we call a social problem in our society may not be a problem in other society. Similarly, a social problem today may not be a problem tomorrow.

vi. Functional Value :

Social problem, though disintegrative, has functional value since its cure leads to social problem and social development.

Two Viewpoints :

Social problem may be interpreted from two different viewpoints. From the community viewpoint it may be harmful or disintegrative of the community. Hence social problem should be tackled both on individual and community level.

2.3 : The social problem is psychic in nature, since relationships are physical. It is pathological as it is not the normal or healthy symptom of social relationships.

The tensions in social stratification, the imbalances among social classes lead to classism, casteism, untouchability, etc. Besides, some economic maladies, imbalances, tensions and malpractices problems such as beggary, unemployment, poverty, problems of industrialization and urbanization and finally, labour problems. Then, there are problems due to group tensions. These groups may be racial, regional, geographical or national etc. Tensions among them lead to social problems of regionalism, linguism, communalism, racialism etc.

2.4 : Social problems in India :

The major social problems in India are : Population problems, casteism, untouchability, regionalism, linguism and communalism, beggary, unemployment, poverty, labour problems, rural problems, problems of industrialization and urbanization, prostitution, crime, suicide, juvenile delinquency, youth tensions and student unrest and finally the problems of democracy.

3. THE PROBLEMS OF POVERTY

POVERTY AS A MAJOR PROBLEM OF INDIA

Poverty is one of the most widespread socio-economic problems of India. It is, indeed, a common problem which is being faced with most of the underdeveloped and the developing countries of the world. It is not only socio-economic but even emotional, cultural and political in nature. The developments that have been taking place in this land for the past six decades have not been able to wipe out poverty. Poverty has been the root cause of many of the problems.

3.1 : Definition of Poverty :

- i. Gillin and Gillin : "Poverty is that condition in which a person either because of inadequate income or unwise expenditures, does not maintain a scale of living high enough to provide for his physical and mental efficiency and to enable him and his natural dependents to function usefully according to the standards of the society of which he is a member."
- ii. Adam Smith : "A person ... is rich or poor according to the degree in which he can afford to enjoy the necessities, the conveniences and the amusements of life"... [Adam Smith in his "Wealth of Nations"].
- iii. Goddard : "Poverty is insufficient supply of those things which are requisite for an individual to maintain himself and those dependent upon him in his health and vigour".

3.2 : ABSOLUTE POVERTY AND RELATIVE POVERTY

The two expressions, absolute poverty and relative poverty, are quite common in any indepth study of poverty. What do we mean by them ?

3.2 (i) Absolute Poverty :

Right from the 19th century, some researchers are trying to fix some yardstick for measuring poverty in precise terms. Ideally speaking such a yardstick would help us establish a fixed level of poverty, known as "poverty line" below which poverty begins and above which it ends. Such a yardstick is believed to be universal in character and would be applicable to all the societies. This concept of poverty is known as "Absolute poverty"

Absolute poverty is often known as "subsistence poverty" for it is based on assessments of minimum subsistence requirements of basic "physical needs" such as food, clothing, shelter, health requirements etc. Some concepts of absolute poverty would even include the idea of "basic cultural needs". This broadens the idea of basic human needs beyond the level of physical survival. Drewnowski and Scott include education, security, leisure and recreation in their category of "basic cultural needs".

Criticisms : The concept of absolute poverty has been widely criticised. It is based on the assumption that there are minimum basic needs for all people in all societies. This is a difficult argument to defend even in regard to subsistence poverty measured in terms of food, clothing and shelter. Such needs vary both between and within societies. It becomes still more difficult to defend the concept of absolute poverty when it is extended to include the idea of "basic cultural needs". Such "needs" vary from time to time and place to place and any attempt to establish absolute fixed standards is bound to fail.

3.2 (ii). : Relative Poverty

The difficulties involved in the application of the concept of "absolute poverty", made some researchers to abandon the concept altogether. In place of absolute

standards, they have developed the idea of relative standards that is, standards which are relative to particular time and place. In this way, the idea of absolute poverty has been replaced by the idea of relative poverty.

“Relative poverty is measured in terms of judgements by members of a particular society of what is considered as reasonable and acceptable standard of living and styles of life according to the conventions of the day. Just as conventions change from time to time, and place to place, so will definitions of poverty.” in a rapidly changing world, definitions of poverty based on relative standard will be constantly changing. Hence, **Peter Townsend** has suggested that any definition of poverty must be “related to the needs and demands of a changing society”.

3.3 : Extent of poverty in India :

Though India is regarded as a developing country it is very badly facing the problem of poverty. We became independent six decades ago, still our society has not become free from the stranglehold of the problems such as poverty, over-population, unemployment, illiteracy, etc. It is unfortunate that in India appropriate and reliable data for the direct estimation of poverty are not available. The government has not made any serious attempt in this direction. However, some private individuals and agencies have made their own attempts to estimate poverty.

- i) Estimates of Dandekar and Rath : As per the estimates of Dandekar and Rath, as early as in 1960-61 roughly 40% of the rural population and 50% of the urban population were living below poverty line.
- ii) Estimates of S.S.Minhas : The study of Dr. Minhas revealed that about 65% of population in 1956-57 and 50.6% of population in 1967-68 in rural India were living below the poverty line.
- iii) Planning Commission's Estimates : On the basis of a large sample survey data on consumer expenditure, conducted by the NSSO (National Sample Survey Organization), the Planning Commission estimated poverty in the country at the national and state level. These estimates made by the Commission at an interval of approximately five years, give us some picture about the extent of poverty in India upto 1990-2000. In 1999-2000, 26.1% of the people, that is 260.3 million people were living below the poverty line. As per the poverty projection made for the year 2007, there were likely to be at 19.3% and 22% million respectively.

3.4 : Extent of Poverty in Different States :

The Level of poverty is not the same in all the states. Poverty was found to be highest in Orissa (47.15%) in 1999-2000 and Bihar (46.2%) respectively. In U.P., highest number of poor people (5.29 crore, or 31.5%) were found. The estimates reveal that in 1999-2000, about 193.2 million poor people were living in rural areas and 67.1 million, in urban areas. In Karnataka, about 104.40 Lakh (20.04%) people were living below the poverty line.

4. CAUSES OF POVERTY

The causes of poverty are many sided. However, they may be discussed under the following heads (i) Individual incapacity, (ii) Economical factors, (iii) Social factors (iv) Demographic factors, and (v) other factors.

4.1 : What factors contribute to individual incapacity ? :

There are various causes for an individual's failure. Failure in life may be due to some inborn deficiencies such as physical or mental handicap, dumbness, deafness, blindness, feeblemind, deficient legs and hands, and so on. Some of the deficiencies might have been developed later in life. Since an individual does not have any control over many of these deficiencies, he is bound to yield to them and suffer from them. They make such an individual a parasite on society.

Some of the deficiencies which can be managed or overcome, are often neglected by some individuals and hence they fall a prey to the problem of poverty. We may include under this category, deficiencies such as illiteracy, laziness, extravagance, immorality, bad habits such as gambling, alcoholism, etc.

4.2 : Economic causes of poverty :

- i. **Inadequate Economic Development :** Our economic development since independence has been disappointing in certain respects. The rate of growth of our economy between 1951-91 has been just 3.5% which is negligible. During the year 2004-05, though this rate of growth increased to 5%, it was not enough to fight the challenges of poverty. Our per capita income is still very less. It was around Rs.255/- in 1950-51, and it increased to Rs.19,649/- (at 1900-00 prices) in 2004-05. In comparison with other advanced countries this is quite less.
- ii. **Increasing Unemployment :** Our economy has not provided enough employment opportunities for the people. Hence unemployment is mounting. In 1952, the number of registered unemployed persons was about 4.37 lakhs and it increased to 334 lakhs in 1990. By December, 2003.¹
- iii. **Unmanageable inflationary Pressures :** Due to incessant inflation, the value of money has come down. It came down to 8.28 paise in 1990-91. The annual rate of inflation was estimated to be at 13.4% in 1991 and with great difficulty it was brought down to 7.3% in 1997. The value of rupee further decreased to 7.2 paise at 1960-61 prices. This uncontrolled inflation adversely affected the purchasing power of the common people.
- iv. **Capital Deficiency :** Industries require huge capital for their fast growth of our industries. The process of economic liberalization which has been let loose recently, has of course, started showing its positive results during these days. Time is not ripe to pass judgements and its results.
- v. **Too much Dependence on Agriculture :** Our economy is primarily an agrarian economy. More than 65% of the people are still dependent on agriculture. Agriculture has its own limitations. In India, in particular, people are following the traditional method of cultivation and hence agricultural production is comparatively very less.

4.3 : Demographic Factors :

Population in India is growing at an alarming rate. Within 60 years (1921-1981) it had doubled. It has reached an incredible number of 122.3 crore in 2008. Hence, the little progress that is achieved in the economic sphere is being eaten away by the growing population. As per 1998-99 estimate, 8% of the people [9.60 crores] are above

60 years and their capacity to contribute to economic production is limited. About 35.7% of the people are below 14 years of age and hence are incapable of earning.

The size of the Indian family is relatively bigger. The average size of the Indian family is around 4.2. The growing size of the population has it adverse effects on people's health. A sizeable number of people are suffering from various diseases for which proper medical treatment is not available.

4.4 : Social Causes

- (a) **Traditionalism** : India is a land of traditionalism, communalism. Casteism, linguism, parochialism, religious and linguistic prejudices and so on. These factors have a negative effect on country's progress by making people dogmatic in their approach and narrow – minded and selfish in outlook.
- (b) **Illiteracy and ignorance** : Illiteracy and ignorance are supportive of poverty. By 2001, there were about 38 crores illiterate in the country. Further, our defective educational system is incapable of generating employment and there is no guarantee of job for the educated youths.
- (c) **Dominance of Caste and Joint Families** : Our caste system still has its hold on the caste members. The caste system compels its members to stick on the traditional and hereditary occupations of the caste. It does not give encouragement to the caste members to take up to jobs of their choices. In the very same manner, the joint families which are still dominant in the rural areas do not allow young members to take initiative in making new adventures in the employment and economic spheres.

4.5 : Other Causes :

- i. **Long period of Foreign Rule** : India was under foreign rule for a very long period. The British who ruled India ruthlessly, had systematically spoiled the basic economic structure of our land and destroyed the various arts, crafts, cottage and small scale industries which we had previously. They exploited Indian resources for the glory of Britain and made Indians parasites in several respects.
- ii. **Climate Factors** : Climate can also be a cause of poverty. The hot climate of India reduces the capacity of the people to work, and hence, naturally, production cannot be increased in the desired quantity.
- iii. **Wars and Threats of War** : India had to spend huge amount of money on wars which she had fought with China and Pakistan. There is constant threat of war also. Hence huge amount of money is being spent on our defence industry. About 15% to 25% of national income was spent previously for defence purpose and it was reduced to 16.7% in 1989-90.
- iv. **Defective Political System and Lack of Political Will** : Indian political system is very often condemned as corrupt. Inefficient and defective. Unhealthy competition among the political parties for power has many a times damaged our national interests.

5. Poverty Alleviation Programmes :

Since the end of World War II, the Third World countries are attempting to eliminate the colonial legacy of underdevelopment and social backwardness by adopting various measures to reshape the economy and social structure. The newly emerged independent states have been trying to follow the path of rural development, various

measures of poverty alleviation have been adopted by India. The various poverty alleviation programme undertaken by the state from time to time are DPAP, DADP, CADP, TRYSEM, NREP, REGP and JRY etc. Poverty alleviation stems from two sources. The first source is the general development of agriculture, industry, manpower development and the services. The second source of poverty alleviation is what is called the beneficiary oriented programmes of which the major ones are the NREP, RLEGP, TRYSESM, IRDP and land reform etc.

Various poverty alleviation programmes undertaken so far are based on certain approaches such as Area Development Approach, Target Group Approach and Micro Level Planning. In Rural Development Programmes, special attention was given to different areas with specific problems and as such special area development approach was adopted viz. DPAP, CADP, HADP, DADP etc. It was realized that in spite of large attempts the rural development programmes could not remove inequalities in income of rural poor. As a corrective measure, some special schemes of small and marginal farmers, agricultural labourers, rural women were introduced.

The salient features of some of the major employment and anti-poverty programmes are discussed in succeeding paragraphs.

5.1: National Rural Employment Programme : The food for work programme (FWP) was restricted and renamed as National Rural Employment Programme (NREP) in October, 1980 as a culmination of previous experiences in this field. The programme envisaged an outlay of Rs.1620 crore including the States matching share during the VI Plan period to generate additional employment opportunities to the extent of 300 to 400 million man days per year, simultaneously creating durable community assets.

5.2: Rural Landless Employment Guarantee Programme : During the 5th plan the total expenditure on implementation of NREP was Rs.1873 crore including the State's share. The target of employment generation as envisaged under the Plan was also achieved.

Integrated Rural Development Programme : Integrated Rural Development Programmes (IRDP) differed from other rural development programmes mainly on the ground that it was based on the assumption of creation of assets and skills which are expected to generate a permanent flow of income for the beneficiaries identified as poorest of the poor. The main thrust of TRYSEM scheme which was an integral part of IRDP was to equip the rural youth from families below poverty line with necessary technical and entrepreneurial skills to enable them to take up self-employment in the fields of agriculture and allied activities, industries, service and business activities.

5.4 Jawahar Rozgar Yojana : Rural employment measures began with NREP (1980) which was followed by RLEGP (1983). Both NREP and RLEGP were merged into one programme called Jawahar Rozgar Yojana, introduced in April 1989. The objective of NREP and RLEGP was to create employment opportunities for unemployed and landless in the rural areas and to create assets for strengthening the rural infrastructure which will lead to rapid growth of economy.

5.5 Employment Assurance Scheme : The Employment Assurance Scheme (EAS) has been universalised so as to make it applicable to all the rural blocks of the country. Its aims was providing 100 days of unskilled manual work upto two members of a

family in the age group of 18 to 60 years normally residing in villages in the lean agriculture season, on demand, within the blocks covered under EAS.

5.6 Million Wells Scheme : The Million Wells Scheme (MWS) which was earlier a sub-scheme of JRY, is funded by the Centre and States in the ratio of 80:20. The objective of the MWS is to provide open irrigation wells free of cost to poor, small and marginal farmers belonging to SCs and STs and free bonded labour.

5.7 National Social Assistance Programme : The National Social Assistance Programme (NSAP) recognises the responsibility of the Central and State Governments for providing social assistance to poor households in case of maternity, old age and death of bread earner.

5.8 Prime Minister Rozgar Yozana : PMRY is a self-employment scheme for educated unemployed youth launched during the year 1993-1994. The minimum qualification required under the scheme is matriculation (passed or failed) or having undergone a Government sponsored technical course for a period of six months or ITI passed. Under this scheme, the youth has to set up a micro enterprise (business or industry) for which 95 per cent of the capital requirement will be advanced as a bank loan.

5.9 Jawahar Gram Samridhi Yojana : In the year 1999 the Central Government has modified JRY and implemented a new programme called Jawahar Gram Samridhi Yojana (JGSY). This programme is being implemented as a centrally Sponsored scheme on the cost sharing basis between the Centre and the States in the ratio of 75:25

5.10 Swarnjayanti Gram Swarozgar Yojana (SGSY) : To begin with Integrated Rural Development Programme was the only self-employment programme. Beginning with Training of Rural Youth for Self-employment (TRYSEM), a number of allied programme such as Development of Women & Children in Rural Areas (DWCR), Supply of Improved Toolkits to Rural Artisans (SITRA) etc. have been added over the years.

It is a poverty alleviation programme which aims at providing gainful employment to rural poor by encouraging the setting up of self employment ventures.

5.11 Annapurna and Antyodaya Anna Yojana : The Government has launched a new scheme 'Annapurna' to provide food security to the indigent senior citizens. Annapurna will provide 10Kg of food grains per month free of cost of all indigent senior citizens who are eligible for old age pension but are presently not receiving it and whose children are not residing in the same village.

5.12 Sampoorna Gramin Rozgar Yojana : Under the Sampoorna Gramin Rozgar Yojana (SGRY) set off by the Prime Minister which was launched on September 25, 2001 by merging the ongoing Employment Assurance Scheme (EAS) and the Jawahar Gram Samridhi Yojana (JGSY), release of 30.6 lakh tonnes of food grains to state has been authorised, out of the 50 lakh tonnes allocated. This scheme giving gainful employment to rural people for taking part in public works would be continued next year and the Finance Minister appealed to all the States to come forward to take full advantage of the free foodgrains being offered under this scheme.

5.13 Jai Prakash Rozgar Guarantee Yojana : The Jai Prakash Rojgar Guarantee Yojana (JPRGY) has been launched (2002) to provide employment guarantee to the unemployed in the most distressed districts of the country.

5.14 Rural Housing schemes : The problem of housing is very acute in rural areas. Therefore, various house construction programmes have been implemented for the rural poor by the Government. At present Indira Awas Yojana is a single countrywide programme for rural housing programme.

5.15 MGNAREGA

Mahatma Gandhi National Rural Employment Guarantee Assurance. In 2011-12 this National Level Poverty alleviation Programme has wider coverage. There is more beneficiary in this scheme.

Recently, the study “Rural Poverty Despite Growth” prepared by G.S.Bhalla, says that India’s post-reform economic trends present stagnation and poverty in the rural area despite of overall remarkable growth in the economy.

6. CASTEISM

Casteism is partial or one-sided loyalty in favour of a particular caste. When any mode of thinking assumes the form of an ism, it becomes rigid and partial. The sense of caste when it implies a specific status in society does not pertain to casteism. The sense of caste is converted into casteism only when consideration of superiority between castes and the tendency to consider the interest of one’s own castes as opposed to the other castes are attached to it. In this manner the members of one caste do not hesitate to give fatal blows to the interests of the other castes, if the interests of their own caste are furthered in so doing.

6.i. DEFINITION OF CASTEISM :

D.N.Prasad, “Casteism is loyalty to the caste translated into politics”⁴ In this way, caste has been dragged into the political arena in the forms of casteism such as ‘Brahminvada’ and ‘Kayasthavada’. Thus it has been called blind group loyalty. In this all considerations of proper or improper, justice or injustice, etc, are thrown to the winds for interests of one’s own caste. Casteism, therefore, is an over-riding, blind and supreme group loyalty that ignores the healthy social standards of justice, fair play, equity and universal brotherhood.

According to Kaka Kalekar, “Casteism as a social problem is an over-riding, blind and supreme group loyalty that ignores the healthy social standards of justice, fairplay, equity and universal brotherhood”²

It is clear from the above that casteism is a blind group loyalty towards one’s own caste or sub-caste which doesn’t care for the interests of the other castes and their members.

6.ii. CAUSES OF CASTEISM :

Casteism which exercises a negative influence on the network of social relations is caused by several factors of which the following may be noted.

6.2.i Endogamous Nature of the Caste :

Casteism is often the result of restriction imposed on the marriage that takes place in the Hindu society. Each caste and sub-caste endogamous in nature. It means that members of a caste or sub-caste has to marry within his or her own caste or sub-caste. This practice of endogamy makes the people narrow-minded.

6.2.ii. Strong Desire to Enhance Caste Prestige : People belonging to a particular caste or subcaste have the tendency of developing loyalty to their caste or subcaste and to become more conscious of its relative prestige in society. Every member thus tries his level best to see that his caste prestige is safeguarded and enhanced.

6.2.iii. Improvement in the Means of Transport and Communication leading to a Better Organisation of Caste : Advancement that has taken place in the field of transport and communication has helped the members of the caste to be in touch with one another regularly. It has also helped them to strengthen their caste organisation and conduct activities on caste lines.

6.2.iv. Urbanisation Indirectly favouring Casteism : Industrialisation and urbanisation have been attracting people in a large number towards the cities. When the rural people go to the cities they naturally search for their nearer and dearer ones on the basis of the caste. They consider their own caste people as their potential friends and well-wishers.

6.2.v. Powerful Hold of the Caste Over the Members : Caste is a strong cohesive group. It has a powerful hold over its members. Members of the caste also look to the caste to obtain the needed help and assistance in times of crises, difficulties and emergencies.

6.3. CONSEQUENCES OF CASTEISM :

Casteism though has certain benefits to the members of the caste on the individual basis has several harmful effects on the society as a whole.

- i. **Hinderance to the Development of National Feeling :** Casteism divides people in the name of caste and encourages intolerance, jealousy, rivalry and conflicts among members of the caste. Caste clashes and tensions that arise in society for one reason or other wrecks the unity of society and damages social harmony.
- ii. **Dangerous to Democracy :** Strictly speaking, caste and democracy cannot go together. Caste is based on inequality, whereas democracy assures equality and equal opportunities to one and all. Since democracy and caste system are co-existing in India clashes between them are inevitable. Indian politics has become very much complicated because of the caste inference.
- iii. **Encourages Moral Degeneration :** Casteism contributes to the moral fall. It encourages nepotism. It makes one go out of the way to help and favour people of one's own caste.
- iv. **Casteism leads to the Negligence of Talents and Efficiency :** If candidates are selected and appointments are made on the basis of caste, it definitely damages talents, abilities and efficiencies of the people.
- v. **Casteism may even lead to Brain-Drain :** Casteism which comes in the way of the recognition of merit and efficiency indirectly promotes brain-drain.

One of the seasoned politicians of India by name **Namboodiripad** himself has stated "The existence of caste consciousness, caste prejudices, discontent on the basis of caste inequalities- all these are impediments in the way of the development of the country as a whole, and therefore, of the development of "lower" and "backward" castes themselves. Caste separatism, therefore, helps, the advancement of the "lower" castes themselves.

6.4. Remedies of Casteism : The following are some suggestions concerning the solution of the problems arising out of casteism :

- i. **Proper education :** The greatest need for the solution of the problem of casteism is proper education. The educational institutions should be able to provide an atmosphere in which caste distinctions are not encouraged.

- ii. **Intercaste marriage** : Another way of combating the continuing increase in casteism is the encouragement of inter caste marriages. Intercaste marriage provides an opportunity for two families belonging to different castes to come together, not just two individuals, and understand each other.
- iii. **Lesser use of the word 'caste'** : One way of solving the problem of casteism is to make less frequent use of the word 'caste' so that there may be no traces of it left in the minds of the impressionable children.
- iv. **Cultural and economic equality** : Another way of facing the problem of casteism is to introduce cultural and economic equality in the minds and the lives of the various castes.

7. COMMUNALISM

The origin and growth of communalism has its own history in India. In fact, communalism was part and parcel of the British policy of "divide and rule," The beginning of communalism can be traced to the pre-independence days. In the first war of independence [1857] the Hindus as well as the Muslims had united to throw the British imperialism out of India. The British suppressed the movement and later on started making use of the policy of "divide and rule" to instigate the Muslims against the Hindus and vice versa.

7.1. MAIN CHARACTERISTICS OF COMMUNALISM :

Attachment to a religious community is not communalism. The religiosity of a community is not communalism. But using a religious community against other communities and against the whole nation is communalism.

- i. Communalism considers a particular religious community separate from the rest of the communities.
- ii. It believes that not only religious but also secular interests of that community are separate from similar interests of other communities.
- iii. Communalism believes that the specific interests of the community can be promoted by maintaining its separate identity and organising it separately for the promotion of those interests.
- iv. Communal interests always super impose themselves on the national interests.
- v. Communalism breeds mutual distrust and disharmony among the communities. It adopts an attitude of hostility towards other religious communities.
- vi. Communalism treats some citizens not as citizens but as members of some specific religious community.
- vii. Communalism makes a particular religious community to impose its religious views and social norms on the members of other religious communities also. It denies freedom to the members of other religious communities and the right to have their own religious views and social norms.
- viii. Communalism fails to separate religion from politics. It tries to conduct government on the basis of religious dogmas.

- ix. Communalism leads to the abuse of power. It seeks to impose the social and religious norms of the community on other communities by several means including force, fraud, economic and other allurements and even assistance from foreign powers.
- x. In its extreme form, communalism claims nationhood for the community concerned and seeks to raise it to a status of sovereign state.

7.2. CAUSES FOR THE GROWTH OF COMMUNALISM

- i. The Communal political parties and organisations that have been fanning the fire of separatism.
- ii. Minority appeasement policy adopted by the political parties.
- iii. The elections which make the political parties and organisations to make a communal appeal to the voters and to keep alive the communal feelings.
- iv. The media, literature and textbooks that have communal slant and that give support to communal forces.
- v. Separation and isolation found among the Muslims.
- vi. The economic and educational backwardness found amongst some minority groups.
- vii. The aggressive Hindu chauvinism championed by a few forces.
- viii. Political opportunities which is found in almost all the political parties in India which makes the political leader to give priority to their partisan political interests rather than to the national interests.
- ix. “Devide and rule” policy which the British had followed caused lot of damage to our national interest. The same type of policy is continued in a surreptitious manner even now.

In addition to the above factors mentioned by **Prof. Avasthi**, we can also list a few other factors which are contributing to the phenomenon of communalism.

- i. Role of foreign forces which have been instigating communal activities and communal riots in India. The role of these forces in giving training to the communal extremists and in supplying sophisticated technical equipments for fanning the fire of communalism.
- ii. Large scale conversion activities taking place in India are also contributing to communalism. Both the Christian and the Muslim minority forces are indulging in these kinds of conversion activities. These conversion are often made in a forcible manner and sometimes by means of temptations and so on.
- iii. The subversion of secularism by the political parties is also a factor encouraging communalism. Political parties which speak of secularism pay only lip sympathy to secularism but in practice support communalism.
- iv. The growing disappointment among the Hindus who constitute the majority community is also a factor in favour of communalism. The

Hindus believe that due to the “vote bank politics” of the minority community the larger national interests are sacrificed.

- v. The Hindu militancy too has added to the problem of communalism. In their attempt to defend Hindu interests and counteract attacks on it, some Hindu organisations have resorted to militant activities. These activities have caused communal frictions and conflicts.

7.3. Communal Tensions or Riots :

The biggest outcome of the communalism is communal tensions or riots. When religious matters are politicalised it leads not only to communalism but also to the communal riots. The riots that take place due to clashes of communal interests of two or more communities are regarded as **Communal riots**.

The concept of communal violence or riot can be defined in the words of **Prof. Ram Ahuja** as follows : “Communal violence involves people belonging to two different religious communities mobilised against each other and carrying the feelings of hostility, emotional fury, exploitation, social discrimination and social neglect. The high degree of cohesion in one community against another is built around tension and polarisation. The target of attack are the members of the ‘enemy’ community..... it could thus be said that communal violence is based mainly on hatred, enmity and revenge”¹

The incidences of communal riots are steadily increasing in India. Ever since politics came to be communalised, communal violence has increased quantitatively. According to a study conducted in India in 1966-67, as many as 310 instances of communal riots were reported and the figure increased to 1300 in 1985-86. All the provinces and all the places are not equally sensitive to communal riots. For example, 61 districts out of 350 districts in India were identified as sensitive districts in 1961, whereas 216 districts were identified so in 1979 and 186 were regarded so in 1989. It is reported that property worth Rs.14 crore was damaged in communal riots between 1983 and 1986 [Times of India-July 25, 1986]. In the 2086 incidences of communal riots in 3 years between 1986 and 1988, both the years inclusive, 1024 person were killed and 12352 injured. It is observed that some states are found to be regularly suffering from the problem of recurring communal riots.

7.4. Some Features of Communal Riots taking place in India :

Various studies have been conducted in order to collect enough information about the phenomena of communalism and communal riots. A study instituted to go into the major communal riots that took place in the country for the last five decades has revealed some special features of the communal riots.² They can be stated below.

- i. Studies of communalism and communal riots have stated that in most of the instances, the communal riots are found to be politically motivated and not

instigated by religious factors. Even the Madan Commission instituted to look into the communal disturbance in Maharashtra in May 1970 emphasised that “the architects and builders of communal tension are the communalists and a certain class of politicians.....”

- ii. In addition to the political interests, economic interests also play a vital role in augmenting communal clashes.
- iii. Statistics have revealed that communal riots seem to be more common in north India than in south India.
- iv. The possibility of recurrence of communal riots in a town where communal riots have already taken place once or twice is greater than in a town in which riots have never occurred.
- v. It is observed that most of the communal riots take place on the occasions of religious festivals.
- vi. It is also observed that communal riots are found in a larger number in urban areas rather than in rural areas. The concentration of people of the minority communities in urban areas is probably the reason behind this.
- vii. Normally on the occasion of the communal riots deadly weapons are used by people involved in the communal riots.

7.5. Suggestions to control and eradicate communalism :

Communalism has been increasing in this country for the past 5 decades. It has impeded the process of development and also has hurt the scientific temper and the secular spirit. “Communalism emerges in India as the most dangerous threat to the cultural modernisation. It is a complex process but its causes generally subsist in the contradictions generated by the forces of social restructuration.

Communalism is a creeping paralysis which demands solution. Communal riots pose a permanent threat to the religious harmony in this land. They must be effectively dealt with and minimised. A few of the suggestions in this regard may be noted. It is true that giving suggestions is an easy task but putting them into practice is itself a big challenge. Prof. Ram Ahuja suggests that the problem of communal riots must be tackled in 2 ways : (A) undertaking immediate remedial measures, and (B) resorting to long term remedial measures.

7.5.A. Immediate Remedial Measures :

- i. Setting up peace committee : In the riot-torn places peace committee consisting of the respected leaders of the different religious communities are to be formed immediately after the outbreak of communal violence.
- ii. Use of New Strategies and Plans by the State : Since rioters are making use of modern sophisticated equipments and weapons to spread communal riots everywhere, it is necessary for the state to resort to new strategies and plans to hook those rioters and instill confidence in the minds of riot-hit individuals and innocent people.

- iii.** Supervision of the Media : The role of the media is very important in the course of communal riots. The Media must exercise great restraint in spreading rumours and reports of communal riots. The state must have strict vigilance over the media.
- iv.** Suppressing the Extremists : The Government in power must use its authority and power in suppressing the communal riots. It should not hesitate to impose ban on communal organisations directly or indirectly indulging in communal riots.
- v.** Other Measures :
 - i.** In the riot –torn areas efficient and secular minded police officials must be posted.
 - ii.** Special Courts should be established to deal with the cases of communal riots. Speedy disposal of the cases is an essential step in this direction.
 - iii.** The riot affected people must be given protection immediately and sufficient care should be taken to make arrangements for their rehabilitation if needed.
 - iv.** Immediate legal action should be instituted against those who instigate communal riots.

7.5.B. Long Term Remedial Measures :

- i. To make the people Free from communal Frenzies and Passions.
- ii. Preventing Communalisation of the state and the political elites in power.
- iii. Protecting the civil society from being communalized.
- iv. Educational System should be free from communal ideas and ideologies..
- v. Role of the Media should be imbibed in national spirit.
- vi. Ideology that Economic Development by itself brings down communalism is not correct.
- vii. Legislation against Forcible conversions.

8. REGIONALISM

Regionalism is another major challenge to nation building. It does not mean a mere attachment to one's region but has come up to mean deriding the loyalty to the nation or State. Before understanding regionalism let us know what the term 'region' implies. A region refers to an area marked by certain physical and cultural characteristics which are different from those of neighbouring areas. "Love for a particular region in preference to the State of which the region is a part is called regionalism'. Regionalism is also understood as "conscious of loyalty to a district area within a country, usually characterized by a common culture and language or historical or social background."

Seligman and Johnson have defined regionalism as "a counter movement to any exaggerated or oppressive form of centralization".

According to **Iqbal Narain** “Regionalism has both a positive and negative dimension. Speaking in positive terms it embodies a quest for self –fulfillment on the part of the people of an area. Negatively speaking regionalism reflects a psyche of relative deprivation resulting from specific grievance.”

In the words of **A.T.Philip** and **K.H.Shivaji Rao** “Regionalism refers to sub-nationalism demanding preference of the region as against the country as a whole”.

8.1. CHARACTERISTICS :

From the above definitions we may draw the following characteristics of regionalism.

- i. Regionalism is a frame of mind.
- ii. It is a love and loyalty shown to the region in preference to the State or nation.
- iii. It is expressed in the ideas like development of one’s own region even at the cost of other regions, enjoyment of all benefits from the development by the people of the same region alone.
- iv. It does not allow people from other regions to work and settle in the region even at the cost of other regions, enjoyment of all benefits from the development by the people of the same region alone.
- v. It does not allow people from other regions to work and settle in the region.

Regionalism, to-day is expressed in the following ways.

The First is the demand for a separate state on the basis of language. The formation of Andhra Pradesh, the division of Punjab into three separate provinces such as Punjab, Haryana and Himachal Pradesh, the formation of a number of States in North Eastern region are the outcome of such demand.

The second is the slogan of “the Son of the Soil” the essence of this demand is to secure preference for the local people in matters of employment and protection of their trade and industries.

The third is in the form of boundary disputes between the States.

The fourth is in the form of growth of militant regionalism in the name of various Senas like Sive Sena in Maharashtra, Tamil Sena in Tamil Nadu, Hindi Sena in the North India etc.

The fifth expression of regionalism is found in the inter-state water disputes. The conflict between Punjab and Haryana relating to the distribution of water from the river like Ravi, Beas and Sutlej and the fight between Karnataka and Tamilnadu for the Cauvery water etc. can be cited as examples.

8.2. CAUSES OF REGIONALISM :

Regionalism is a complex social process. Its causes are many and varied. Some of the important factors promoting regionalism are discussed below.

i. Geographical Factor :

India is a vast country. It has a number of distinct regions. Each region has a different kind of climate, topography and settlement pattern. This geographical difference gives the people of a region feeling that they are different from others.

ii. Cultural Factor :

Each region has its own customs, traditions and culture. The people living in a region develop an identity with the culture. They develop a tendency to like it and treat the culture of other regions as alien.

iii. Historical Factor :

Many of the regions have their local history, historical traditions and local heroes. The people of these regions get inspired by their regional history. If for any reason the local personalities are ignored and regionalism becomes pronounced.

iv. Economic Factor :

Economic factor is the root of regionalism. Even after independence some regions have become more advanced economically, industrially and agriculturally than others. The difference in economic development gives rise to the feeling in less developed regions that they have been relatively deprived. The recent creation of Uttarakhand State, Jharkhand State and Chhatisgarh amply illustrate this.

v. Linguistic Factor :

Language also strengthens the hand of regionalism. India is a country with many languages. People speaking the same language feel united. They develop an emotional attachment for the language and its literature. This at times turns into linguistic regionalism.

vi. Political Factor :

Political parties use 'region' to serve their political ends. They exploit regional sentiments as and when necessary. At the time of election they make regional problem an issue for campaigning. A good number of regional parties are also raising their heads. Some such parties are ADMK and AIDAMAK in Tamil Nadu, Akali Dal in Punjab, Jharkhand Party in Bihar, Assam Gana Parishad in Assam etc.

8.3. Remedial measures :

The task before the nation is how to fight out regionalism. In this connection the following remedial measures can be suggested.

- i. Greater priority should be given to the economic development of the backward regions.
- ii. Cultural interaction between the regions should be promoted in large scale.
- iii. A balanced distribution of national resources should be made for all the regions.
- iv. People should be educated to wipe out separatist feeling and develop patriotic feeling.
- v. The regional parties should be banned.
- vi. Transport and communication system should be made wide-spread so that people from one region can move to other regions freely.

- vii. Mass media of communication should be put to use for spreading the message of nationalism over regionalism.

9. MINORITIES

Wide differences are seen between these so called “minorities” and the “dominant group”. This often makes the dominant group in these societies to differentiate between its members and the minority. Very often unequal treatment is meted out to the members of the minority group denying them equal access to power, wealth and prestige.

N.J.Smelser : A minority group may be defined as “a group of people who, because of their physical or cultural characteristics, are singled out from the others in the society in which they live for differential and unequal treatment and who, therefore, regard themselves as objects of collective discrimination”

Richard T. Schaefer : “A minority group is a sub-ordinate group whose members have significantly less control or power over their own lives than the members of a dominant group have over theirs”

Many developing nations in the Third World are also caught by the problems associated with the minorities. In many of these nations, racial tensions, communal riots; ethnic clashes have become almost the daily political news. In Srilanka, conflicts are still going on between the Buddhists and the Tamil ethnic groups. The position of India is also very precarious. The communal riots which have a history of more than 100 years costed India very heavily in 1947, when it was divided into two separate nations purely on communal lines.

9.1. MAIN PROBLEMS OF THE MINORITIES

Minorities of ethnic, religious, racial or linguistic character of different nations of the world are facing two important problems : (i) the problem of prejudice and discrimination, and (ii) the problem of preserving their distinct social and cultural life.

i. Problem of Prejudice and Discrimination

Prejudice and discrimination are found in any situation of hostility between racial and ethnic groups and divergent religious communities. The two terms are often used interchangeably in ordinary speech, but in fact, they refer to two different, but related phenomenon.

- a. The Phenomenon of Prejudice
- b. Prejudice implies a negative or an unfavourable attitude :
- c. Prejudice Violates social norms and sense of justice
- d. Prejudice works on the “In-group and out-group” principle.

9.1.ii. The Dominant Group Claiming Social Advantage At the Expense of the Minority Groups :

Discrimination takes place when the dominant group regards itself as entitled to social advantages and uses its power to secure those advantages at the expense of the minority groups. These advantages may be many different kinds. The dominant group may, for example, reserve positions of

political power for itself; it may establish a claim over desirable residential areas; it may demand the exclusive use of certain recreational facilities and schools; it may right to high-status jobs.

9.1.iii. Prevalence of Discriminatory Practices :

Discriminatory practices often become embedded in society's laws. even more severe discriminatory practices against the Blacks prevailed in South Africa during the British rule against which Mahatma Gandhiji waged a successful and an untring non-violent battle.

9.1.iv. Instituionalised Discrimination :

The concept of "institutionalised discrimination" reveals that "discrimination against some groups in a society can result from the majority simply adhering, unthinkingly to the existing organisational and institutional rules or norms" Institutional sexism and institutionalised racism are most common manifestations of this phenomenon.

9.1. Institutionalised Discrimination Prevails in Many Areas of Society.

9.2. Problems of Religious Minorities

Racial, religious, ethnic, linguistic and other minorities are subject to some or the other problems everywhere. The two main problems which they normally face are : (i) the problem of prejudice and discrimination, and (ii) the problem of preserving their distinct social and cultural life.

10. Some of the problems of Minorities in India : In spite of the provisions of the constitutional equality, religious minorities in India, often experience some problems among which the following may be noted.

- i. Problem of providing protection : Need for security and protection is very often felt by the minorities. Especially times of communal violence, caste conflicts, observance of festivals and religious functions on a mass scale, minority groups often seek police protection.
- ii. **Problem of Communal Tension and Riots :** Communal tensions and riots have been incessantly increasing since independence. Whenever the communal tensions and riots take place for whatever reason, minority interests get threatened; fears and anxieties become widespread. It becomes a tough task for the government in power to restore the confidence in them.
- iii. **Problem of Lack of Representation in Civil Service and Politics :** Though the constitution provides for equality and equal opportunities to all its citizens including the religious minorities, the biggest minority community, that is, Muslims in particular, have not availed themselves of these facilities. There is a feeling among them that they are neglected. However, such a feeling does not seem to be economically and educationally better than the majority community.
- iv. **Problem of Separation :** Some of the demands put forward by some religious communities in some areas are not acceptable to others. This has

widened the gap between them and others. **Examples** : The separatist tendency present among some Muslim extremists in Kashmir and their demand for the establishment of Independent Kashmir is not acceptable to others. Such a demand is regarded as anti-national. Similarly, some of the Christian extremists in Nagaland and Mizoram are demanding separate statehood for their provinces. Both these demands are supportive of “separatism” and hence cannot be accepted.

- v. **Failure to stick on strictly to secularism** : India has declared itself as a “secular” country. The very spirit of our constitution is secular. Almost all political parties including the Muslim League claim themselves to be secular. But in actual practice, no party is honest in its commitment to secularism. Purely religious issues are often politicised by these parties.
- vi. **Problem relating to the introduction of common civil code** : Another major hurdle that we find in the relation between the majority and the minority is relating to the failure of Governments which have assumed power so far, in the introduction of a common civil code. It is argued that social equality is possible only when a common civil code is enforced throughout the nation.

It is true that communal disturbances, religious conflicts, group clashes are taking place frequently in India. In spite of these disturbances the nation has maintained its secular character for the past 55 years. Further, the government has been making special efforts to safeguard the interests of the religious minorities. Some of the governmental efforts in promoting the welfare of the minorities are mentioned below.

10.1. WELFARE OF THE MINORITIES :

Constitutional Provisions for the protection of minorities

Constitutional provisions that are made for protecting the interests of the minorities can be classified into two groups (a) General provisions and (b) specific provisions.

- a) **General Provisions** : The constitution of India treats the minorities on par with the other people. Article 14 of the constitution assures them equality before law, Article-15 prohibits discriminatory treatment, Article-16 provides for equal employment opportunities, Article 325 and 326 provide for right to universal adult franchise to all, including the minorities and Article 44 makes provision for common civil codes.
- b) **Specific provisions** : Articles 29 and 30 of the constitution provide protection to the linguistic, educational and cultural rights of the minorities. Article 29 states that any community in India is entitled to have and preserve its own specific languages, script or culture Article 30 declares (a) that all minorities. (b) it also states that the state while giving grants shall not discriminate against any institution just because it belongs to a linguistic or religious minority. (c) Articles 331 and 333 also

make provisions to give protection to the interests of the Anglo-Indian communities.

10.2. Fifteen Point Programme for the welfare of the minorities :

In 1985, the then Government of India, under the directions of the Prime Minister Smt. Indira Gandhi, framed a 15 point programme to promote the welfare of the minorities. The programme consists of the following recommendations and activities.

a) Protection against communal riots :

- i. In areas identified as sensitive from the religious point of view, very efficient, honest and strict police officers known for their secular outlook should be appointed so that better protection could be given to the minorities.
- ii. Police officers and district collectors who render an impartial and an efficient service in controlling communal riots must be felicitated.
- iii. Stringent legal action must be taken against those who instigate communal riots and violence.
- iv. Separate courts to be established to investigate into the criminal cases connected with communal riots.
- v. Immediate legal steps to be taken to give reliefs to those affected by communal riots. They must also be rehabilitated at the earliest.
- vi. Mass media such as radio and T.V. etc, must assist the establishment in reviving communal harmony, peace and mutual understanding in the riot-hit areas.
- vii. News papers and periodicals are specifically requested not to disturb the communal harmony of an area through their prejudiced articles.

b. Appointment in state and central services.

- viii. The states are to be instructed to take extra care regarding the minorities in making appointments for the police department.
- ix. The Central Govt. must also have the same stand while making appointments to Central serve Police-force.
- x. The railways, nationalised banks and industries in the public sector do provide employment opportunities to a large number people..
- xi. Special training classes should be held in the minority institutions to the candidates belonging to the minority communities.
- xii. Sepcial encouragement must be given to open technical institutions such as ITI, polytechnics and engineering colleges in the areas in which the minorities are found in a large number.

10.4.i. The National Commission for Minorities Act, 1992 was passed by the Parliament with the main intention of providing protection to the minority community.

ii. The Commissioner for Linguistic Minorities appointed under the Article 350-B of the Constitution investigates all matters relating to the safeguards provided for the linguistic minorities.

ii. Pre-Examination Coaching Scheme for Minorities : for improving the employability of the minorities in the public employment and increasing their intake in the professional courses, a pre-examination coaching scheme is being implemented by the Ministry of Social Justice and Empowerment, since 1992-93.

11. UNTOUCHABILITY

The evil practice of untouchability has been an universal phenomenon throughout Indian society. There has been no period in course of her history, which has not experienced this evil. Social rules and regulations concerning this practice also varies from one region to another which prohibits the formulation of a comprehensive and logical definition. According to Gandhi untouchables are those suffering from many social as well as legal disabilities and living at the mercy of the people from higher strata.”

Definition of Untouchability :

It is extremely difficult to define untouchability. In fact, it implies those disabilities which were imposed upon the scheduled castes by the superior castes. In Untouchability Offences Act 1955, the word untouchability was given this connotation. According to it, it is an offence to prevent any person on the ground of untouchability (a) from entering any place of public worship which is open to other persons, professing the same religion, (b) from worshipping or offering prayers or performing any religious service in any place of public worship or bathing in or using the waters of any sacred tank, well, spring or water-course in the same manner as is permissible to other persons professing the same religion; and (c) from access to or use of a shop, hotel, public restaurant or place of public entertainment or public conveyance or hospital dispensary or educational institution or charitable trust.” Dr. Bhim Rao Ambedkar and Mahatma Gandhi have also defined untouchability on the basis of some disabilities. In this way disabilities are a sign of untouchability. Dr. D.N.Majumdar has written, “The untouchable castes are those who suffer from various social and political disabilities many of which are traditionally prescribed and socially enforced by higher castes”³ In brief, untouchable are those castes which are subject to some disabilities in every walk of life social, religious, economic and political. This definition will be further clarified by a detailed description of these disabilities.

Disabilities of Untouchables :

Untouchables suffer from the following disabilities :-

(i) Religious disabilities – In India the Harijans were subjected to various religious disabilities in the society. They were prevented from entering temples, monasteries and cremation grounds, and could not make use of them because it was believed that these places would become impure by their touching them. In

this way the Harijans could not worship in the temple. Their presence was considered sufficient to defile the gods, let alone their worshippers.

(ii) **Social disabilities** : In the social sphere the disabilities of the Harijans are the following :-

- a. **Prevention from the use of public roads**- Hudson has written that the presence of a particular untouchable caste in Tamil Nadu was considered so derogatory that their members were prevented from using the public roads in the day times and consequently they were obliged to do their work at night. Their shadow was enough to defile the members of the higher castes of dalit would adopt a prostrate posture upon the ground so that their shadow may not fall on the member of higher castes.
- b. **Prevention from the use of public wells** – In almost all Indian villages the dalit were forbidden to use the well for drawing water, and this convention was enforced with a greater or less degree strictness. In Bengal they were permitted to come near the well but not allowed to draw water from it. Only a higher caste hindu could draw water for them. In some other states the untouchables were not permitted even to approach the well.
- c. **Prevention from entering schools** – The Dalit children did not have the right to enter the schools because if they sit down to study along with other children it would have defiled the latter.
- d. **Other social restrictions** – Besides the foregoing disabilities the dalit were subjected to many other social restrictions. In marriage the dalit bride and bridegroom were not allowed to sit in the palanquin. Among the Chamars the bridegroom was harassed by the Rajputs if he sat on a horse. The dalit were not allowed the freedom of adopting a respectable outfit. The hair dresser would not tend their hair. The washerman would not wash their clothes and the shopkeeper would not supply them food.

(iii) **Economic disabilities** : The disabilities of the Harijan wre not restricted only to the social sphere but extended into the economic sphere too. Due to their occupation. They did not have permission to engage in the profession of the higher castes. Their conventional occupations were dirty and soiled and their means for earning their bread and butter were limited. Even now there is next to no education among the Dalits. They are burdened with debt while poverty and famine conditions prevail among them.

11.2. Effect of Untouchability :

In Caste and Class in India, Ghurye has written that in Poona, during the reign of the Marahatas the untouchable castes Mahar and Mang were not allowed to enter the gates of towns between three O’Clock in the afternoon and nine in the morning because the shadows are not their longest at this time and there is the fear of the higher Brahmins being detiled. In Maharastra the Mahar caste could spit only in small containers tied around their neck because they spit upon the road it might defile some superior Hindu by touching his foot. Often if

some Brahmin passed their way the Mahars had to destroy the imprints of their feet with brambles and lie down at a distance in order to protect the Brahmin from their shadow. In Malabar the Shanar had to keep a distance of twenty four feet from the Brahmin, the Tiya a distance of thirty six feet and the Pulayan a distance of more than ninety six feet. It is obvious that the biggest cause of untouchability is the segregation of relations within the castes.

11.3.Fundamental Causes of Untouchable :

In 'Caste in India' J.H.Hutton writes, "The origin of the position of exterior castes is partly racial, partly religious and partly a matter of social custom." In this way, the three fundamental causes of untouchability are racial, religious and social factors.

i. Racial Factors : The fundamental causes of untouchability are racial factors. The victor always considers himself superior to the vanquished and wants to be spared the latter's influence . This no less true in the case of races.

According to Hutton this restriction has been imposed upon the Ao people because they are different from the other Naga tribes from the racial viewpoint. In Garhwala the bride and bridegroom belonging to the artisan and Harijan castes, which had low social status were not allowed the use of the palanquin or the horse. The cause of this has been explained by some sociologists to be the advent of the higher castes from the plains into the native homeland of the artisans and Harijans. These examples prove that racial distinctions have some hand in the origin of the custom of untouchability.

ii. Religious Factors : Religious beliefs and conventions are also causes of untouchability. In religion much importance is attributed to purity and divinity. Thus it was considered essential to abstain from the people who engage in impure occupations. In the words of Dr. Ghurye, "Idea of purity, whether occupational or ceremonial, is found to have been a factor in the genesis of caste or the very soul of the idea and practice of untouchability." It was the sense of purity which led to the sweepers and cobblers being designated as untouchables in Hindu society.

iii. Social Factors- Social customs and conventions shared the burden of maintaining the untouchability recognised by the religious and racial causes. Social convention are so influential that even the members of the untouchable castes dare not violate the customs of untouchability.

11.4.Efforts to Eradicate Untouchability :

In the paragraph 46 of the Indian Constitution much emphasis has been laid upon the spread of education among the backward castes and the protection of their economic interest.

Para 15(1)- The state will not discriminate against any citizen on grounds only of religion, race, caste, sex, place of birth or any of them.

- (2) No citizen shall, on grounds only of religion, race, caste, sex, place of birth or any of them, be subject to any disability, restriction or condition with regard to :-
 - (a) Access to shops, public restaurants, hotels and places of public entertainment, or
 - (b) The use of wells, tanks, bathing ghats, roads and places of public resort maintained wholly or partly out of state funds, or dedicated to the use of the general public.

Para 16(1)- There shall be equality of opportunity for all citizens in matters relating to employment or appointment to any office under the state.

- (2) No citizen shall on grounds only of religion, race, caste, sex, descent, place of birth, residence or any of them, be ineligible for or discriminated against in respect of any employment or office under the state.
- (3) Nothing in this article shall prevent Parliament from making any law prescribing, in regard to a class or classes of employment or appointment to any office under any state specified in the First Schedule or any local or other authority within its territory, any requirement as to residence within that state prior to such employment or appointment.

Para 17- 'Untouchability' is abolished and its practice in any form forbidden. The enforcement of any disability arising out of 'untouchability' shall be an offence punishable in accordance with law.

The following provisions has been made for the eradication of untouchability in the Directive Principles of state policy in the Indian Constitution :-

Chapter 6- The Government will develop the economic and educational interests of the weakest classes, especially scheduled castes and scheduled backward castes, with special precautions and will protect them from social injustice and all kinds of exploitation.

Article 46 – The state shall promote with special care the ducational and economic interests of the weaker sections of the people and in particular, of the scheduled castes and the scheduled tribes and shall protect them from social injustice and all forms of exploitation.

Article 164- Provided that in the State of Bihar, Madhya Pradesh and Orissa, there shall be Minister in charge of tribal welfare who may in addition be in-charge of welfare of the scheduled castes and backward classes or any other work.

Article 320 (1) – Seats shall be reserved in the house of the people for :-

- (a) The scheduled castes :
- (b) The scheduled tribes except the scheduled tribes in the tribal areas of Assam; and
- (c) The scheduled tribes in the autonomous districts of Assam.

(2) The number of seats reserved in any state for the scheduled castes or the scheduled tribes under clause (1) shall bear, of as nearly as may be the same proportion to the total number of seats allotted to that state in the house of the

people as the population of the scheduled castes in the state of the scheduled tribes in the state or part of the state as the case may be in respect of which seats are so reserved, bears to the total population of the state.

Article 332 (1)- Seats shall be reserved for these scheduled castes and the scheduled tribes, except the scheduled tribes in the tribal areas of Assam in the legislative Assembly of every state specified in the Part A or Part B of the First Schedule.

(2) Seats shall be reserved also for the autonomous districts in the Legislative Assembly of Assam.

Article 335- The claims of the members of the scheduled castes and the scheduled tribes shall be taken into consideration, consistently with the maintenance of efficiency of administration, in the making of appointments to service and posts in connection with the affairs of the union or of a state.

Article 338 (1) – There shall be a special officer for the scheduled castes and scheduled tribes to be appointed by the President.

(2) It shall be the duty of the special officer to investigate all matters relating to the safeguards provided for the scheduled castes and scheduled tribes under the constitution and report to the President upon the working of those safeguards at such intervals as the President may direct and the President shall cause all such reports to be laid before each House or Parliament.

Articles 340 (1)- The President may by order appoint a Commission consisting of such persons as he thinks fit to investigate the conditions of socially and educationally backward classes within the territory of India and the difficulties under which they labour and to make recommendations as to the step that should be taken by the Union or any State to remove such difficulties and to improve their conditions and as to the grants that should be made for the purpose by the union or any state and the conditions subject to which such grants should be made, and the order appointing such commission shall define the procedure to be followed by the Commission.

11.5. Economic Improvement :

Realising the financial problems of the Harijans the Government have taken the following steps in the direction of their financial improvement-

- (i) In nearly all the States of India laws have been enacted for defending the untouchables from the Mahajans.
- (ii) In Bihar and Orissa the Harijans had to become slaves of the money lenders in the event of their inability to repay debt. Now this tradition has come to an end due to new laws.
- (iii) In Andhra, Bihar, Orissa, Bombay, Madras, Uttar Pradesh and Saurashtra the Government have turned useless and unoccupied land into cultivable land and distributed it among the Harijans.
- (iv) The government of Andhra, Bihar, Orissa, Assam, Madhya Pradesh, West Bengal and Bhopal have enacted laws by virtue of which the Harijan

cultivating the land is to be considered the land owner and can not be deprived of it.

- (v) The Government are giving financial assistance to the Harijans in order that they may be able to buy agricultural implements, animals, manure, superior seeds, modern tools of agriculture etc.
- (vi) Assistance to Agriculture, Cottage Industries and Animal Husbandry is being given. In Assam, Bihar, Bombay, Uttar Pradesh, Hyderabad and West Bengal the Harijans are being assisted financially as well as otherwise for the development of their cottage industries. Training centres are also being opened for teaching people and making them skilled in cottage industries. Animal husbandry and poultry farming are also being encouraged among the Harijans.
- (vii) The Government of India is also providing aid to non-governmental institutions which are exerting effort for the eradication of untouchability. In 1954 the Indian Government aided the state Government, Harijan Sevak Sangh, Indian Depressed Classes League and the Harijan Ashram of Prayag to the extent of four crores of rupees.
- (viii) The educational facilities provided by the Government to the Harijans are in the form of free education, scholarships, books, stationary and other educational materials.
- (ix) According to the Indian Constitution candidature had been reserved in government services for untouchables for a period of ten years. Not only in central government services but also in state government services these seats are reserved even now.

11.6. Non-Governmental Efforts :

Besides the programme for political awakening, the Indian National Congress made efforts for the eradication of untouchability. The Attempts made by Gandhiji in this direction are well known. As a result of his efforts the untouchables slowly got rid of their social disabilities. The doors of the universities, temples, public places etc. were opened to them. In the beginning the superior Hindus opposed these improvements but they later agreed to them. Besides the congress many other political parties took part in the emancipation of the Harijans. Among them the work done by the Depressed Class Union, The Social Service League, Depressed Classes League, Andhra Deen Federation deserves mention. But the Harijan Sevak Sangh was started under the leadership of Thakkar Bapa. There are many branches of this Sangh in Andhra, Tamil Nadu, Mysore, Hyderabad, Gujrat, Maharashtra, Karnatak, Uttar Pradesh, Bihar and Delhi. 120 Boarding Houses are being managed by the Harijan Sevak Sangh. As a result of the efforts made by the Tamil Nadu Sangh 100 big temples were opened for the Harijans. The Sangh achieved notable success in opening the public places to the Harijans. Many Harijan students should be thankful to the Sangh for their scholarships which they got mainly due to the efforts of the

Sangh. Technological schools have also been opened for imparting training in cottage industries and this too has come about mainly through the efforts of the Sangh. Among these institutions the Harijan Audyogik-Grah Delhi, Harijan Audyogik School and Hostel Kadambokam, Harijan Ashram Allahabad, Harijan Audyogik School Kanjivaram deserve to be mentioned. Institution for women include Harijan Balika Vidyalaya Sabarmati, Harijan Balika Sadan Hugli, Anjani Harijan Girls Hostel Bezwada, Kastoomba Balika Ashram Okhla etc.

11.7. Suggestions for the Eradication of Untouchability :

The methods of eradication of untouchability are now known to all educated people. The following suggestions can be made in this direction-

1. Education should be spread among the Harijans and this should include both general education as well as technical education. Education should be free, coupled with facilities of scholarship, books, stationary, hostels etc.
2. Laws should be formulated for legal protection from interest upon loans and deprivation of land in order to improve the financial condition of the Harijans.
3. The Harijans should be helped in every conceivable way so as to remove their economic disabilities.
4. The Harijans should be provided with land, animals, ploughs, seeds, manure and agricultural tools for agriculture. Financial assistance for cottage industries should be supplemented by technical training.
5. Laws should be formulated for preventing the Harijans from being subjected to social disabilities.
6. Laws removing the religious disabilities which burden the Harijans should also be enforced.
7. Platform speeches, radio, newspaper, the press and other means of communication should assist in the propaganda against untouchability.
8. In spite of the enforcement of all the above mentioned measures, it will take the Harijans a long time to achieve equality with the superior castes. Thus, until they do so, some places should be reserved for them in the government services.
9. It is necessary that seats should be reserved for the Harijans in the legislatures for some time to come. Some people contend that this violates the democratic principle of equality, but the people who have been deprived of equality for hundreds of years need some privileges in order to restore them to the general level. Once they have become equal to the superior castes the privileges will no longer be necessary.
10. The eradication of the caste system is very essential for the removal of untouchability. Actually, the caste system is the biggest single cause of untouchability even though it is not the sole cause. Thus the eradication of the caste system will also remove the tradition of untouchability.
11. It is necessary that there should be a ever increasing contact between the Harijans and the caste/Hindus at the same time that all the above measures

are being put into practice, so that the tradition of untouchability should be destroyed and the feelings of sheer disgust which the superior Hindus harbour for the untouchables as well as the sense of inferiority of the Harijans should be eliminated.

12. The Problem of Population :

Modern theories of population start with Malthus who wrote his “Essay on Population” in 1798. Studies of animal life had already drawn attention to the tendency for animals to increase beyond the means of subsistence provided by Nature. Moreover, in Malthus’ time the mechanical methods of agriculture which have given rise to the phenomenal increase in production of food stuffs were not yet known. Further, the enormous increase in production of wealth which the Industrial Revolution made possible in the second half of the nineteenth century was still in the making. These were the conditions under which Malthus enunciated his theory that there is tendency for population in every country to increase faster than the means of subsistence. Such a tendency is attended by the operation of positive checks like increase in the death rate by war, famine, plague and diseases in general. If such consequences are to be averted, moral restraint and the operation of prudential considerations should be brought into play by the spread of education.

12.1. Population Explosion in India :

India is the 2nd most populous country in the world. Its population has been steadily increasing since 1921. Having crossed the mark of 1 billion in 2000 A.D., India’s population is currently increasing at the rate of 16 million each year and its annual growth rate is 1.93% as per 2001 census report. India’s population is consistently increasing in all the States.

Some Important Aspects of the Growth of Indian Population.

- As per the 1991 census, India’s population was 844 millions, and it increased to 1027 millions in 2001.
- The land area of the country is only 2.4% of the total land area of the world. But its population is about 16% of the total population of the world.
- At the present rate of growth, India is adding every 10 years a number of people more than double the total population of the U.K., or equal to the entire population of Pakistan, or more than the half the population of the USA or of the USSR.
- India is just two-fifth of the USA, but India’s population is more than 2 and a half times the population of the USA and USSR put together.
- India’s population is equal to the total population of 55 countries of Africa and Latin America.
- In India today, 30 babies are borne every minute, 55,000 babies are born everyday and about 13 million babies are borne every year.

- India, it is remarked, adds one Australia [that is the population of Australia] to its population every year.

12.2. Causes for the Rapid Growth of Population in India :

Various factors have contributed to the rapid growth of population in India among which the following can be noted :

- (i) **Peaceful Conditions** : For nearly a century [1860-1960] India enjoyed comparative peace without involving herself in major inter-conflicts or wars especially after the establishment of British Rule. Peaceful conditions provided an impetus for over-population.
- (ii) **Excess of Birth Over Death** : Growth of population depends on the excess of births over deaths. Birth rate means the number of children born per thousand of living population, and similarly, the death rate in India is very high. At present [1981] it stands at 36. Death rate has been falling in recent years, from 27 in 1951 to 15 in 1980.
- (iii) **Progress in Medical Knowledge** and its application has considerably reduced the death rate. It has helped us to control the spread of diseases like Malaria, T.B., Cholera, Plague, Influenza, Smallpox, etc., and protected the lives of people from the Jaws of death. Positively, it has contributed to greater population, because, those persons saved from the death also produced children to add to the existing numbers.
- (iv) **Improvement in Transport Facilities** has helped people to avail of medical and health facilities without much difficulty. These have saved countless lives and added to the size of the population.
- (v) **Improvements in the field of Agriculture and Industry** also contributed to an increase in population. Uncertainties in the field of agriculture have largely been removed with the help of science and technology. Food production has considerably increased. Industries have been providing employment opportunities to thousands of persons. These developments have given people the confidence that they can afford to feed more people if they beget.
- (vi) **Certain Social Factors** like Universal Marriage, Child Marriage, Early Marriage have also contributed to the problem. Indians consider marriage as a social obligation and almost all marriageable persons are in a married state. Life-long bachelorship is looked down upon. Particularly for women marriage is almost an inescapable obligation. Further, the number of children born per couple is also large.
- (vii) **Social Attitudes of Indians** also favour an increase in population. Poverty, illiteracy, ignorance, absence of recreational facilities, attitudes of conservatism, orthodoxy, feeling of dependence on God, a sense of resignation towards life, looking upon children as old age pension, etc..., are all responsible for the rapid growth of population.

- (viii) Lack of conscious family planning : There is the lack of conscious family planning on the part of the married people. The use of contraceptives is unknown to the illiterate masses. People feel that more children are wanted for economic purposes. Further, blind faith in fate and the existence of joint family system induce thoughtlessness in the matter of begetting children.
- (ix) The Climatic conditions of India are also very conducive to the growth of population. The tropical climate stimulates sex urge. Montesquieu said that people of warm land are more sex-indulgent. Further, girls become physically mature at an early age ranging from 11 to 15 years of age. Immediately after puberty they are pushed into marriage and they begin to bear children. Child-bearing capacity of women lasts in the tropical places.
- (x) Added to this, during the earlier days the Government did not take much interest in introducing family planning to slow down the rapid growth of population. Though family planning programme was started under the Five Year Planning system, proper attention was not given to popularise it in the beginning. People also failed to recognise its importance. The result is the phenomenal growth of population.
- (xi) Lack of Entertainment Facilities : It has been observed that people especially in the rural areas, have been forced to find entertainment in the sex-play in the absence of proper entertainment facilities. This has further aggravated the problem.

12.3. Major Demographic Trends in India :

i. Growth Rate of Population :

The population of India grew at a slow rate prior to 1921. But its population has started growing at a fantastic rate of speed particularly after 1931. The average annual growth rate of India's population was 0.56% in 1911 and it reached the record height of 2.22% in 1981. However, it has come down to 1.93% in 2001.

ii. Uneven Distribution of Population :

Population of India is not equally distributed among all the states. On the contrary, we find heavy concentration of people in some states rather than in others.

iii. Age Composition :

The proportion of population below 15 years is showing decline, whereas the proportion of elderly people in the Country is increasing. This trend may continue in the time to come. The increase in the elderly population will impose a greater burden on the already overstretched health services in the country.

iv. Sex Composition :

Sex ratio is one of the characteristics of the population. It has an important bearing upon marriage rate, death rate, birth rate and even migration rate.

The sex ratio is defined as “the number of females per 1,000 males”. In any study of population, analysis of the sex composition or sex ratio plays a vital role.

v. Density of Population :

Density is also a major factor in the study of population. In the Indian context, density is defined as the number of persons living per square kilometre. The density of population was found to be 77 in 1901 and it increased to the record mark of 324 in 2001.

vi. Life Expectancy :

Life expectancy or expectation of life at a given age is the average number of years which a person of that age may expect to live, according to the mortality pattern prevalent in that country. Demographers consider it as one of the best indicators of a country's level of development and the overall health status of its population.

vii. Dependency Ratio :

The proportion of persons above 65 years of age and children below 15 years of age are considered to be dependent on economically productive age group [15-64 years]. The ratio of the combined age groups 0-14 years plus 65 years and above to the 15-65 years age group – is referred to as the total dependency ratio.

viii. Population and Urbanisation :

Growth of population in most of the developing countries is closely associated with growing urbanisation. Urbanisation is taking place at a relatively greater speed in India. The proportion of urban population in India increased from 10.84% in 1901 to 25.72% in 1991 and was projected to be 285 million in 2001 compared to 217.17 million in 1991.

ix. Birth and Death Rates :

The birth and death rates are important components of population growth. The birth and death rates in India that whereas the death rate considerably declined from 27.4 in 1951 to an estimated 8.7 per thousand population in 1999, the birth rate declined negligibly from 39.9 in 1951 to an estimated 26.1 per thousand in 1999.

During 1990 however, the birth rate showed a slight decline, to an estimated 30.2, further declining to 26.4 by the year 1998. The current picture indicates that birth and death rates are both declining in India.

x. Literacy Structure :

As far as the literacy structure of the country is concerned, on an average around 65.38% people are found to be literate [76% males and 54% females]. Kerala is a state wherein we find the highest literacy rate, that is 91% and Bihar and Jharkhan, the lowest ones with 49%. Of the total literate people in India in 1991[846.3 million], 56.7% had less than 3 years education, 23.8% 3-6 years education, 11% 7-11 years education, 6.8% 12-14 years education

and 1.7% more than 14 years education. It is evident that we find a very limited number of people with college education. In spite of the fact that only an insignificant percent of the people are found to be degree holders, we find in India a large army of educated unemployed persons.

13. Social Deviance

Deviance involves the violation of group norms which may or may not be formalized into law. It is a comprehensive concept that includes not only criminal behaviour but also many actions not subject to prosecution. The public official who takes a bribe has defied social norms, but so has the high school student who refuses to sit in an assigned seat or cuts class. Of course, deviation from norms is not always negative, let alone criminal.

Deviance can be understood only within its social context. A nude photograph of a woman in its social context. A nude photograph of a woman or man may be perfectly appropriate in an art museum but would be regarded as out of place in an elementary school classroom. A pharmacist is expected to sell prescription drugs only to people who have explicit instruction from medical authorities. If the pharmacist sells the same drugs to a narcotics dealer, he or she has committed deviant (and criminal) behaviour.

As Young and Mack have pointed out, "No norm is always obeyed; no individual always conforms to every set of expectations". Hence, deviance, that is, the act of going against the rules or norms is there everywhere. Deviant behaviours such as immorality, dishonesty, betrayal, burglary, corruption, cunningness, sneakiness, wickedness, gambling, drunkenness etc. go along with conformity. Deviance in one shape or another is found everywhere.

Robert R. Bell writes, "Possibly the simplest and the most common definition of deviance is a statistical one, that is defining anything as deviant that varies too far from the average in society." Thus, deviance is deviation from accepted patterns, ideas and norms of a society. Normal is the average.

Albert K. Cohen, "We define deviant behaviour as behaviour which violates institutionalized expectations that is, expectations which are shared and recognized as legitimate within a social system." Thus deviant behaviour deviates from the social standard and socially, accepted behaviour patterns.

Persons define deviance in two ways. Firstly he defines it as "a motivated tendency for an actor to behave in contravention of one or more institutionalized normative patterns." Secondly, he defines it as "the tendency on the part of one or more of the component actors to behave in such a way as to disturb the equilibrium of interactive process."

In the words of Alex Inkeless, "Deviance, then, is not necessarily inherent in every departure from a commonly accepted standard nor in holding any minority view. This would be statistical deviance, but not social deviance. Social deviance arises when the departure from accepted norms involves action about which the

community feels strongly, so strongly as to adopt sanctions to prevent or otherwise control the deviant behaviour.”

13.1. Characteristics of Deviance

From the above discussion of the meaning and definition of deviance the following characteristics may be noted.

1. Deviance varies according to cultural norms.: No thought or action is inherently deviant; it becomes deviant only in relation to particular norms. Because norms vary from place to place, deviance also varies. State law permits prostitution in rural areas of Nevada, although the practice is outlawed in the rest of the United States. Eleven states have gambling casinos; twenty –nine have casinos on Indian reservations. In all other states, casino gambling is illegal, although forty states operate their own lotteries.
2. People become deviant as others define them that way.: Everyone occasionally violates cultural norms, even to the extent of breaking the law. For example, most of us at some time or other have “borrowed” a pen or other supplies from our workplace. Many of us also have walked around talking to ourselves. Whether such behaviour is sufficient to define us criminal or mentally ill depends on how others perceive, define, and respond to it.
3. Both norms and the way people define rule-breaking involve social power : The law, declared Karl Marx, is the means by which powerful people protect their interests. A homeless person who stands on a street corner denouncing the government risks arrest for disturbing the peace; a mayoral candidate during an election campaign does exactly the same thing and gets police protection. In short, norms and how we apply them reflect social inequality.
4. Deviance from Social Norms : Individuals do not strictly conform to the ideals and norms imposed by their culture. As a general rule, the cultural and social norms are fairly dynamic and flexible. The members of society modify them here and there according to their convenience. However, when this deviance becomes marked and socially condemned it is called deviant behaviour.
5. Personal as well as Social : The deviant behaviour may be found on both the personal as well as social levels. While personal deviance is psychological, social deviance is characteristic of group behaviour.

13.2. Causes of Factors facilitating Deviance :

H.M.Johnson had listed a few factors that facilitate deviance among which the following may be noted :

1. Faulty socialisation : Socialising agents often fail to inculcate in the new born person the strong morals. Some times socialising agents themselves may directly or indirectly, overtly or covertly, consciously or half-consciously encourage such deviant behaviour of the new members. Parsons has pointed out that deviance proneness is more potential in the lower classes mainly because of failure in socialisation.

2. **Weak Sanctions** : Sanctions refer to the rewards or punishments use to establish social control or to enforce norms in a society. If the positive sanctions (rewards) for conformity and the negative sanctions (punishments) for deviance are weak, the individual may simply neglect them.
3. **Poor Enforcement** : Even though the sanctions are stronger they are often not enforced effectively due to the too small enforcement staff. Because of this the validity of the norm is weakened. For example, it is not possible for a handful of traffic police staff to enforce traffic rules on all vehicle riders. The result is, many ignore and some even openly violate traffic rules.
4. **Ease of Rationalisation** : The violators of norms try to smother or satisfy their conscience by inventing some plausible rationalisations. Such people have constructed an intricate system of 'ego defense' which they use to brush aside the reactions and comments of other people. "They are picking on me; I could not help myself; I did not do it for myself; they asked for it; It is a deal ; it is all a matter of luck" – These expressions or slogans reflect the attitudes of such violators.
5. **Unjust or Corrupt Enforcement** : People may lose respect for law and norms when they have no faith in law enforcement agency or authority. It is known that police corruption and illegal violence damage very much respect for the law in the areas affected by such practices. It is also observed that in some instances police maintain 'informal relations' or secret understandings with the violators.
6. **Ambivalence of the Agents of Social Control** : Ambivalence refers to the co-existence in one person of opposing emotional attitudes towards the same object. For example, a person may consider women not only as an object of respect, but also as an object of love, particularly of sexual love. A doctor with such ambivalent attitude may inflict sexual crime on young and beautiful female patients. Policemen, teachers, parents, business superiors, all may have such complex personalities with unconscious deviant tendencies.
7. **Subcultural Support of Deviance** : Different groups have different ideas of permissible behaviour. The range of acts that would be approved by the working class people differs from that which would be approved by the middle class people. What is non-conforming in the outside world becomes confirming in the group. For example, the frustrated children of the working class flock together in little gangs. The subculture of this gang may emphasis malice and negativism.
8. **Sentiments of Loyalty of Deviant Groups** : When once a person is involved in a deviant group he is obliged to co-operate with other members. He will find it difficult to 'betray' his co-members and suffer their disapproval and rejection. He is forced to approve of the behaviour even if he no longer believe in their activities.

9. Indefinite Range of Norms : Some norms relating to some values are not probably specified. For example, the scope of patriotism and freedom (political values) is not clearly defined. Hence, some even defend their deviant behaviour in the name of patriotism and freedom.
10. Secrecy of Violations : Some susceptible persons are more prone to commit deviant acts if they are assured that such acts are not going to be made public. For example, sex crimes and illegal abortions very often take place because of the confidence on the part of the actors that their behaviour would remain secret.

14. Juvenile Delinquency

There are several thousand juvenile delinquents in Indian Jails at present. Their condition is far from satisfactory and few are rehabilitated. This is due to the defects in our prison system. Over 1000 juvenile delinquents in India share prisons with adult criminals who harass and sodomise them. Their largest number is in West Bengal, closely followed by Orissa, Madhya Pradesh, Uttar Pradesh, Andhra Pradesh, Haryana and Gujarat.

14.1. Juvenile Delinquency Defined :

Delinquency, as defined by Freidlander, is a juvenile misconduct that might be dealt with under the law. Cyril Burt defines delinquency as occurring in a child “when his anti-social tendencies appear so grave that he becomes or ought to become the subject of official action”, whereas William H.Sheldon regards delinquency “as behaviour disappointing beyond reasonable expectations”.

From the legal viewpoint, a juvenile delinquent is a person between the ages of 15 and 17 who indulges in antisocial activity. In the U.S.A., the Ohio Code broadly defines juvenile delinquency thus : a juvenile delinquent is one who breaks the law, is a vagrant, persists in disobeying orders, whose behaviour endangers his own moral life as well as the moral life of others or one who tries to marry without the consent of his parents. It may as well be pointed out that the age of the so-called juvenile delinquents has not been similarly determined in all countries. It varies from country to country but is within the usual limits of 16 and 20.

14.2. Extent of Juvenile Delinquency in India :

It is difficult to know the extent of this problem in any country because of certain reasons. (1) There is no satisfactory definition of crime, and the only workable definition is a legalistic one. According to this definition only those persons are considered criminals who violate the existing laws. However, there may be persons who violate mores but they cannot be convicted as criminals as these mores are not mentioned in the statute books. Thus, the data cannot be obtained regarding such criminals. (2) All crimes are not known to the police and one has to be caught and convicted to be a criminal because many crimes may not be reported legally for one reason or the other such as inefficiency of the administration or apathy of the public. (3) A delinquent is only caught when he has repeated his act many a time. Because it is only when the behaviour pattern is of

an aggressive and antisocial nature and harmful to the public weal that the child concerned will come under the purview of law, and this is the stage when the existence of problem is already known. (4) There may be large number of children who may have behaviour problems and still be included under the delinquents. (5) Majority of the cases coming to the courts generally represent the under privileged groups whose parent lack cultural or economic resources.

14.3. Causes of Juvenile Delinquency :

According to the novel approach and concepts of modern criminology, the causes of juvenile delinquency have been divided into two classes-internal and social. In crime, two types of factors are at work, internal and external. Internal factors include physical and pshychological factors while the external factors consist of social elements.

The causes of juvenile delinquency will be divided into three classes for convenient study : (1) social causes, (2) psychological causes, (3) economic causes.

14.3.i. Social Causes :

Of the various causes of juvenile delinquency, the most comprehensive are the social causes. Among them, the main causes are : (1) family, (2) school, (3) criminal area, (4) bad company, (5) recreation, (6) war, (7) social disorganization, (8) displacement.

1. The Family : The major situations in the family that cause it are : (a) broken familes, (b) attitude of parents (c) character and conduct of parents, (d) effect of criminal relatives. To understand the importance of family as cause of juvenile delinquency, it is necessary to comprehend these factors.

(a) Broken Families : A study of juvenile delinquency has revealed that the greatest number of delinquents come from broken families. A broken family, as the term indicates, is one in which ties have been destroyed. A family is not constituted by a number of people living together but by their mutual intimate relationships. Absence of this intimacy results in the breaking up of a family, and it is in broken families that juvenile delinquents develop.

(b) Attitude of Parents : In the family factor in juvenile delinquency, another important condition is the relation between the two parents. According to the preface to women of the street, a probing and searching analysis of the prostitutes of London, the problem of the prostitute has its origin in the relationship between the child parents.

(c) Character and conduct of parents : A child's personality is considerably influenced by the character and conduct of its parents. One rarely comes across a child who has been able to mould its behaviour according to socially accepted values and conceptions in the face of his parent's lies, hypocritical behaviour, sexual immorality and thieving.

- (d) Influence of brothers and sisters : A child's personality is susceptible to the influence of the personalities of his brothers and sisters apart from the personality and mutual relationship of the parents. This influence is more potent in the case of girls as they are not exposed to external influence as much as boys who remain in the home for a considerably less period of time.
- (e) The School : After the family, a child's personality is next influenced by the school. But one major form of juvenile delinquency is absconding from school.
- (f) Crime-dominated area : According to the results of a study by Clifford, Shaw and Mckay, some are not conducive to the development of children. It is a matter of common knowledge that the neighbourhood casts important influences upon the child.
- (g) Bad Company : According to the famous criminologist Edwin H. Sutherland, criminal behaviour is acquired through interactions with others. He says that an individual becomes a criminal when there is an excess of conditions that promote the infringement of law over conditions that prevent such infringement.

The type and mode of entertainment available also has a far reaching influence on the character building of children.

- (a) Absence of recreation : Means of recreation have an important place in the child's development. It is only a good and healthy atmosphere that can provide the right sort of inspiration to the children for sensible and healthy behaviour in their spare time after school.
- (b) Defective recreation : In modern times, the one means of recreation available to big and small is the cinema, which is responsible for juvenile delinquency and anti-social activity to quite an extent. New patterns of crime are presented to an individual through scenes of adventure and romance.
- (c) War and Post-war conditions : Increase in the rate of juvenile delinquency has been found during war and post-war periods. In countries that actually participate in the war, children's education is considerably hindered and affected. It often happens that in war time the father is on the front fighting the war, while the mother goes to the factory to earn.
- (d) Social disorganization : Social disorganization leads to disorganization of individuals. And disorganization of society leads to increase in criminal activity; hence it, too, is one of the causes of juvenile delinquency.
- (e) Displacement : Displacement also influences juvenile delinquency. In studying the town of Berkeley, Stuart discovered that juvenile delinquency lived in an area where there was considerable

displacement, but as compared with their own respective families, they themselves were much less active and dynamics.

(f) Psychological Causes : Psychological causes concerning criminal activity are as follows : (1) Intellectual weakness (2) mental disease (3) characteristics of personality (4) emotional instability.

(1) Intellectual Weakness : Having rejected Lombroso's principle, Dr. Goring advanced the theory that intellectual weakness is a cause of crime. Goddard was the main exponent of the notion that mental weakness is the cause of crime.

2. Mental diseases : Some psychiatrists and neurologists believe that the psychopathic personality is a cause of crime. Psychopathic children are born in families where there is almost complete absence of love, affection and control. Concerning the psychopathic child, Tappan has written that he is very unsocialized, irritable, cruel, obstinate, suspicious, self centered, lonely, full of feelings of revenge, backward and hyper sexual or uncontrolled in his sexual behaviour. He is extremely devoid of repentance over his own cruel doings and the pain or suffering of others.
3. Characteristics of personality : Juvenile delinquents have been found to possess some characteristic features of the personality that shed light on the causes of delinquency. In his book *Unaveling Juvenile Delinquency*, Glueck pointed out that the degree of freedom, irresponsibility, revolt, homicidal tendency, suspicion, lack of control, some forms of sadism, emotional and social maladjustment, extrovert behaviour, etc, juvenile delinquents is much higher than in normal children.
4. Emotional instability : In this way, emotional instability is one of the most important causes of crime. A child's personality is rendered unbalanced through lack of love and affection, emotional insecurity, very strict discipline, feeling of insufficiency and inferiority, and reaction or revolt. Such a state of mind inspires the child to criminal behaviour.

14.3.ii. Economic Causes

Crime and poverty are intimately related. Study conducted by Shaw, McKay and Elliot revealed that among juvenile delinquents a majority belonged to families of unskilled workers. This discovery has the support of Bonger and Fornasiri, as they maintain that poverty acts as an incentive to crime. Concerning these juvenile delinquents, Merrill has written that a low family income compel the children also to share the burden and to neglect their education. Atmosphere in the factories and mills leads the male and female children to crime. Sometimes children are entrusted with carrying messages to the homes of persons where they often see all kind of sexual practices. This has the worst effect on them, and they develop tendencies towards crime.

In fact, poverty is not the cause of crime : rather, the cause of crime is the psychological factor that arises in poverty and impels boys and girls crime. In

the treatise Juvenile Delinquency, Tappan says that poverty is related to crime, but mainly because along with the subnormal economic situation other elements of the child's training and experience are also active and these elements are more important in determining the reaction to character, values and laws. Family quarrels and dissensions, delinquent gangs and inadequate education, are factors that are more active than the preferred attraction of non-conformity to law and order.

14.4. Remedial Measures :

Modern welfare states aim at reforming the juvenile delinquents so that they may become responsible citizens when they grow up. The following are the most important methods to realize this objective.

1. Probation : In this method the juvenile delinquent is kept under the supervision of a probation officer whose job is to look after the delinquent, to help him in getting established in normal life and to see that the delinquent observes the rules of bailbond. Thus the delinquent not only gets a chance to reform himself but also gets advice and concrete help for this purpose.
2. Reformatory institutions : Institutions such as reformatory schools, certified schools, auxiliary homes and borstal school are devised to reform inmate delinquents. These institutions aim at an all round progress of the delinquent.

Whereas the above measures are adopted by the state, the psychologist adopts psychological techniques for the reform of juvenile delinquents. Of these the important ones are the following :

- (i) Play therapy : In this technique the delinquent children are given opportunities to participate in such plays as to give expression to their repressed motives and help in the development of creative energy.
- (ii) Finger painting: In this method the child is given plain papers and some colours. He is allowed to paint in his own way with his fingers. The purpose is not painting but expression of repressed motives in the child, which leaves him sensible and healthy.
- (iii) Psycho-drama : In this technique the child is allowed to participate in different roles in group drama and thereby manifest his repressed motives.

Besides the above-mentioned specific techniques, the psychologists can reform delinquents by creating healthy atmosphere in the family and by providing adequate, healthy recreation. Finally, cure of juvenile delinquency requires co-ordinated and concentrated efforts of teachers, guardians and the government.

15. PROSTITUTION

Prostitution is a commercialized vice that has existed in the world from time immemorial, though its institution has never been recognized by the society as such. As the world's oldest profession prostitution has undoubtedly existed in

some form as long as society has attempted to regulate and control sex relationship through the institutions of marriage and the family. Society has not recognized it because it brings in its train not only the personal disorganization of the persons concerned, but also affects the life organization of the family and the community at large.

15.1. Definition :

In the words of Mr. Geoffrey, "Prostitution may be defined as the practice of habitual or intermittent sexual union, more or less promiscuous, for mercenary inducement." Professors Elliott and Merrill remark that prostitution has been frequently defined, but all definitions are in essential agreement, namely, that the practice involves illicit sex union on a promiscuous and mercenary basis with accompanying emotional indifference. Prostitution is not to be confused with the illicit sex union of lovers, for there is no affection in prostitution. Nor is the mistress who receives monetary blandishments, a prostitute, for usually she is not promiscuous and her sex favours are granted on an affectional basis. Thus, there are three important constituents of prostitution, viz. (i) illicit and promiscuous sexual intercourse, (ii) mercenary basis whether in cash or in kind, and (iii) lack of affection or personal interest. The advisory committee on Social and Moral Hygiene observes, "Adopting Flexner's definition three elements namely, barter, promiscuity, emotional indifference should be present"

15.2. Causes of Prostitution :

The causes of prostitution fall under two main heads, viz. Biological and socio-economic. The first one is a natural phenomenon, while the second one is the creation of society. The biological course operates through sex urge in human beings. It is only by applied efforts that a man can control his sex desires, but it is not possible to do so in all cases. It is also the reason that man like the anthropoid apes can prostitute his sex by introducing sexual stimuli into introducing sexual situations, which is not possible in other lower species.

From the causes discussed above the most predominant cause which operates among males is the sexual urge, the chief cause which affects females is their economic dependency.

15.2.A. Causes of Prostitution for Males. It has been observed that different causes work in three different groups of males when they are classified on the basis of their marital status. These three groups are (i) the unmarried persons (ii) the married persons, and (iii) the widowers

- (i) The cause of prostitution for unmarried persons lies in unfulfillment of their sexual urges and the social barriers to their satisfaction. The double standards or morality which are different for males and females further encourage it. While women are stigmatized for illicit intercourse, no such strong social disapproval is shown against men. The postponement of marriage because of economic necessity further contributes to the increase of prostitution among bachelors. Among other causes may be

included sex stimulating literature, indecent shows, lustful conversation, use of alcohol, lack of moral teaching and curiosity for sex experience.

- (ii) A fair percentage of married persons resort to prostitution. The reasons given are (a) unsatisfactory marital relationship, because, of the indifference or distaste which their wives have for the sex relationship, (b) to escape from the emotional tensions in their marriage which exists because of temperamental or cultural differences between the couple, and (c) there are certain happily married persons who seek to escape the monotony of the marriage relationship.
- (iii) The divorced man is often lonely and establishes a relationship with a prostitute for companionship, and many times the sex drive itself causes men, who have become accustomed to regular sex relationship in marriage, to resort to prostitution when their relationship has ended.

15.2.B. Causes of Prostitution for females :

- (i) **Economic Factors :** The chief cause for women or young girls accepting this profession is their poverty. Most of the prostitutes come from the underprivileged economic groups. Their parents are unable to provide the proper physical or moral care for their adolescent daughters.
- (ii) **Social Values Against Unchastity :** A girl who had illicit sex experience because of some reasons is often made to feel that she has nothing left to lose because she has already lost all. Social values with respect to chastity tend to make it difficult for such a girl who has made a “mis-step” but is inherently decent is often made to feel that she has sinned unpardonably and irrevocably.
- (iii) **Mental Deficiency or Certain Temperamental Traits :** Mental deficiency is also sometimes considered to be the cause of prostitution. A large share of both the young sex offenders and the common prostitutes are rated low in mentality.
- (iv) **Ignorance :** Vice rings operating in large urban areas frequently exploit girls from surrounding rural communities. Often they are lured by offers of employment. They accept positions as maids, unaware that they may be more or less forced into prostitution.
- (v) **Unhappy marital relations :** Unhappy marital relationship with the husband causes many women to resort to prostitution. Loose habits of the husband may also lead to such an action.
- (vi) **Inordinate : Sex desire.** Certain girls have inordinate sex desire and crave for sex stimulation for its own sake.
- (vii) **Desire for new experience etc. :** There are many other factors which may lead women to prostitution. Of these desire for new experience, either for sex experience itself or for the promiscuous social contacts leads to such experience.

- (viii) Vested Interests : Highly profitable nature of the business makes many girls to resort to prostitution. For the most part, the profit motive is important to the persons who operate the houses of prostitution. High profits in this enterprise attract large capital in this business.
- (ix) Restrictions on Widow remarriage : In India there are two additional social factors which increase prostitution. They are difficulties in widow remarriage and some other social customs such as Devadasi system which force many women to prostitution.
- (x) Devadasi System : The Devadasi system is prevalent in some of the South Indian states such as Madras, Bombay, Mysore, etc. Under this system the women who are dedicated as Devadasi to Hindu deities and idols are considered unfit to marry later on and this leads them to a life of prostitution.

15.3. Two types of Prostitution :

Prostitutes may be divided into two groups i.e (a) the overt, and (b) the clandestine group. The overt groups includes professional registered as well as unregistered prostitutes, who generally live in brothel houses. But there are many prostitutes who are nominally employed at other type of work, notably in personal service or as entertainers. Such girls are accustomed to practise prostitution as a more or less regular supplement to their legitimate earnings.

The clandestine prostitutes include a wide variety of women who enter into sex relationships for mercenary considerations. Firstly, there is the occasional prostitute who alternates periods of reforms with period of active prostitution. Secondly, there is the incidental prostitute, who augments a scanty legitimate income by the sale of sex favour. Girl clerks employed in department stores often supplement their wages by recourse to such illicit sources. Cast-off mistress often enter prostitution as a last resort after all other resources have failed. Thirdly, married women on occasion resort to such mercenary and adulterous practices usually serving a restricted clientele. Fourthly, the concubinage system under which the mistress or her guardians (if she is a young girl) enters into agreement with a male member for a minimum stipulated period.

16. Alcoholism :

Though alcoholism does not invariably lead to personal disorganization, it is undoubtedly an important cause of personal disorganization. In particular, the drinking habit among the poor and labour class has generated serious problems all over the world and alcoholism among poor is dangerous morally, socially and economically. The poor drink usually to escape from their besetting worries which are largely due to indigency. But as is obvious, drinking can help only to perpetuate poverty and by no stretch of imitation can be regarded as solution of

this problem. Excessive drinking can help only to perpetuate poverty and by no stretch of imagination can be regarded as solution of this problem. Excessive drinking can help only perpetuate poverty and by no stretch of imagination can be regarded as solution of this problem. Excessive drinking robs a man of his sense of discrimination; he is unable to distinguish between good and bad, right and wrong.

16.1. Causes of Drinking :

Different reasons have been given by various writers such as Caltin, Starling, Bonger and Janet, which may be summarised as below.

- i. Misery Drinking : Men drink, because they are miserable, because life holds no joy for them nor any other prospect other than a dreary and unending round of toil. In such a life scheme drinking is a blessed palliative medicine.
- ii. Occupational Factor : Men drink because their occupation has completely exhausted them. They look forward to the respite which intoxication affords after the heat of the blast furnace or the stench of the stockyards.
- iii. Bad Housing and Lack of Recreational Facilities : Men drink, because their houses are so cold, dark and sordid, that they cannot stay there for a long time. The failure of community to satisfy the emotions in a sane and healthy manner also leads to such craving.
- iv. Ignorance : Men who do heavy manual work have long been deluded by the belief that alcohol furnishes added strength and vigour with which they can pursue their labour. This illusory feeling of physical vitality after the consumption of alcohol is the cause of drunkenness.
- v. Inherent Nervous Defects : There are born drunkards whose neurological heritage is such that they are unable to face reality. In their desperate effort to flee the world these unhappy persons become hopeless alcoholics.
- vi. God's Curse or Gift : Some persons believe that men drink because they are steeped in original sin. Others maintain with equal conviction that men drink because the Lord intended that they should have occasional movements of pleasant oblivion from this vale of tears- and placed the grapes on earth for that particular purpose.
- vii. For companionship and Fun : Men drink for companionship, for fun, for conceivability for what the Germans call Gemulichkeit, a compound of all tree.
- viii. Fashion : Drinking to excess is a "perversion of the hard instinct", brought about by the pathetic attempt of one individual to enter into rapport with his fellows.
- ix. For Business Reasons : Men drink for business reasons in the capacity of either potential customers or sellers. The great game of "entertaining the visiting buyer" falls into this category.
- x. Sudden success in Business : Many cases of drinking arise after apparent success in Business or professional life.

- xi. Urbanization : The urbanization and mechanization of life along with material mindedness which modern civilization has brought, has also been responsible for the increase in drinking.
- xii. Social Inadequacy : There are certain persons who are unable to face the hard realities of life and start drinking to overcome their social inadequacy temporarily which later on takes the form of habitual drinking.

16.3. Harmful effects of Liquor :

The use of liquor and other intoxicants is harmful for every progressive and growing individual and society. It is harmful in as much as it intellectually impoverishes, morally softens and spiritually damns the person addicted to it.

1. The wastage of national wealth : It has been estimated that a successful enforcement of prohibition policy would increase the purchasing capacity of people by Rs.140 crores; of this Rs.44 crores will be invested for productive purpose. It is obvious, therefore, that prohibition would save the country from huge wastage of national wealth.
2. Low standards of health : The consumption of liquor leads to deterioration of health. This may happen due to any of two following reasons : (i) Liquor is narcotic and leads to nervous degeneration, liver cirrhosis, high blood pressure and a host of other diseases, and (ii) money spent on liquor reduces one's resources and may not leave one with sufficient funds to buy nutritious food.
3. Lowering of efficiency : With the fall in the standards of bodily health and mental agility, the fall in efficiency is but a cordilary. The alcoholic is whimsical and incapable of sustained attention, concentration and putting in long hours of work.
4. Mental imbalance : A man under the influence of liquor has no control over his will and fickle minded. He is unable to think and work constructively. His own vision and thinking get bharred if intoxication is strong.
5. Increase in poverty : In India villagers and labourer drink in spite of their poverty. This obviously increases their poverty though it may provide them temporary well-being and euphoria.
6. Individual disorganization : The consumption of liquor makes a man wayward in habits and whimsical in moods. He also loses all control over his will and his desire to grow and progress becomes feeble. He grows carelss and indifferent and feels little difference between morality and immorality. All this produces personality disintegration.
7. Family disorganization : More homes are broken due to drinking than any other single cause. This is easy to understand. As the moral sense of man is destroyed and his inhibitions removed due to alcoholism, prostitution and adultery are the normal consequences. An alcoholic shows little respect to his wife or children. This leads to constant family tension and divorce.
8. Increase in Crime : Under the influence or liquor prople act in unsocial ways as their inhibitions are removed. This includes murder, rape and other crimes.

Moreover, in order to meet the expenses of drink a man may take to gambling or even theft.

9. Social disorganisation : All the above factors lead to social disorganization.

21. PROBLEMS OF THE AGED

A man's life is normally divided into five main stages namely : infancy, childhood, adolescence, adulthood and old age. In each of these stages an individual has to find himself in different situations and face different problems. Infancy and childhood are periods of dependence. One is normally at the mercy of one's parents. In the later stage of childhood and during the period of adolescence how circumstances make a few of them delinquents, have already been examined. It is during the adulthood that an individual has to bear the main brunt of life. Old age is comparatively less, from the stand point of the individual problems which are not less significant. In old age physical strength deteriorates, mental stability diminishes, money power becomes bleak and eye sight suffers a setback. It is only for a blessed few old age may prove to be a stage of contentment and satisfaction.

21.1. The Psychological aspect of the Problem

The problem of senility or that of the aged has been a curse of the modern civilisation. The increasing proportion of older people in modern civilised societies has given rise to a great many psychological, social and medical problems. The growing incidence of mental disorders is very much associated with old age.

The two major psychotic disorders of older people are "senile dementia (associated with cerebral atrophy and degeneration) and psychosis with cerebral arteriosclerosis (associated with either blocking or ruptures in the cerebral arteries)". It has been observed that these two disorders account for approximately 80% of the psychotic disorders among older people in the civilised societies.

1. Senile Dementia : Older people who suffer from senile dementia develop some symptoms such as the following – poor memory, intolerance of change, disorientation, restlessness, insomnia, failure of judgement, a gradual formation of delusions and hallucinations, extreme mental depression and agitatedness, severe mental clouding in which the individual becomes restless, combative, resistive and incoherent. In extreme cases, patients eventually become oblivious of their surroundings bedridden, and reduced to a vegetative existence. Resistance to disease is lowered and death usually results.
2. Psychosis with Cerebral Arteriosclerosis : This is accompanied by physiological symptoms such as acute indigestion, unsteadiness in gait, small strokes resulting in cumulative brain damage and gradual personality change, convulsive seizures are also relatively common. Some patients suffering from this will be, in confusional state and may even die without being cleared of from that state. This is also associated with symptoms such as weakness, fatigue, dizziness, headache, depression, memory defect,

periods of confusion, lowered efficiency in work, heightened irritability accompanied by suspiciousness.

21.2. Sociocultural Factors of the Problem :

Sociocultural factors relating to the problems of the aged are equally significant. Cultural peculiarities and rural and urban background of the old people for example, have a close bearing with this problem.

But in the urban industrial society the problems of the old age have gripped the people for they are unprepared to face them. Proper opportunities and suitable conditions are not created for utilising the experience and wisdom of our older people. We have not even provided conditions necessary for them to live in reasonably respected and useful positions.

It is true that the experience of an older person seems to have little relevance to the problems of younger generations. He is deprived of active participation and decision making in both occupational and family settings. As J.C.Coleman and W.E Boren Jr., have remarked, "Not infrequently children assume a patronising and protective attitude toward the aging parent, and in other ways tend to deprive him of dignity, responsibility, and a feeling of importance. Many parents are treated as unwanted burdens, and their children may secretly wish that they would die to relieve them of financial and other responsibilities".

21.3. The Actual Problems of Old People :

Old age is subject to stresses and strains. In fact, certain special stresses are typically confronting the aged. Some of them are as follows :

1. Retirement and reduced income which may create a feeling that one's usefulness is essentially over and activities are restricted.
2. With the passage of years of the adults become physically weaker and weaker day by day. Old age has its direct impact on physical strength and stamina. Some old people fail to reconcile the fact their physical strength is fading away.
3. Even though the old people become weaker physically they want to tighten their grip over the younger ones in the family and also over family matters and business issues. The younger ones in the family instead of developing a sympathetic attitude towards the old, start asserting their rights and power.
4. Reduction in physical attractiveness : This is especially more stressful for persons whose feeling of femininity or masculinity depends on their attractiveness to the opposite sex.
5. Failing health and invalidism, particularly when the hopes or recovery are very bleak.
6. Isolation and loneliness which is usually caused by the loss of contemporaries and loved ones. The negligence and indifference of others also impair the feelings of the ego.

7. The problem of meaning of life and death. This is more aggravated in the case of those who look back on their lives and say. "it all adds upto nothing".
8. Social changes are taking place at faster rate than they were some years ago. While we young are prepared to welcome and accept these changes the old find it extremely difficult to adjust mentally to these changes.

21.4. Remedial measures :

The problem of the old has become more pronounced now than before. The advent of industrial revolution, advancement of science and technology and development of medical science have added new dimension to this problem. Prior to the industrial revolution the average 'life expectancy' of man all over the world was very low. Now it has increased tremendously. In most of the European nations the average life span of people has crossed the mark of 65 years. In India, at the time of Independence, i.e. around 1950's, the life span of an average Indian was about 28 years and now it has increased to 50 years.

Totally, all the developed countries have undertaken various social legislative, reformatory and welfare measures to protect the interests of the old people. Old age homes are to be found in all these nations which give physical protection, medical aid, and economic security to the old. Due to the new trends that have gripped the modern nuclear families old people are often deserted by their own children. Such old people normally take shelter in these homes. Even in these homes old people, often suffer from emotional problems.

In most of the modern countries under various welfare schemes due protection is given to the old by means of old age allowance, pension after retirement, accident benefit, free medical aid for the old, etc. To ensure economic security for the salaried people who become old at the time of retirement various labour legislations and welfare schemes have been introduced which include provident fund, gratuity, life insurance, etc. Measures are also undertaken to take the benefit of the experience of the old people. While some retired persons are given part-time job, some intelligent ones are again appointed as advisers, while a few others are accorded the status of guides or counsellors.

19. CRIME

The criminals who violate the law and against whom society has got marked social disapproval. The chief reason for this marked social disapproval is that the criminals are not only dangerous to the well-being of society, but to the individual liberty and property as well. As Dr. Gillin points out, "More important is the feeling of danger to ourselves and our property than the criminal-induces."¹ Their study is, therefore, the most important in the field of individual disorganization.

19.1. Conception of Crime :

The most prevalent definition of crime in these days is the legalistic one, though it is not so comprehensive and has got many deficiencies. According to this definition, crime is an act in violation of the law and criminal is a person who does an act in violation of the law. There are four other conceptions of crime given by

different criminologists. Thus, in all there are five concepts of crime (1) demonological (2) legal, (3) sociological (4) socio-legal, (5) psychosocio-legal.

1. The earliest conception of crime was demonological one. Long before formal governments came into existence, there were well-recognized offences which were considered to be harmful to the group. Among these the most serious one was considered to be an open insult to the Gods, as the latter were considered to be the protectors and benefactors of the group, and any insult to them was a serious menace to the prosperity of the community.
2. The next most important and largely prevalent conception of crime is the legalistic one. According to Michael and Adler, "Crime is that behaviour which is prohibited by the criminal code." Mr. Miller observes, "Crime is the commission or omission of an act, which the law forbids or commands under pain of punishment to be imposed by the state and no act is a crime however wrong it may seem to the individual conscience, unless it is prohibited by law." But in backward or the so-called primitive or preliterate societies, which do not possess a written or legislative body of criminal law, crime is considered to be a violation of the precious customs- the mores.
3. According to sociological conception, crime is an act which is socially harmful. The crime here is fundamentally a violation of conduct norms. It is a harmful act, deemed criminal by the public opinion and not an act which is necessarily in violation of the written code. Professor Reckless observes, "Criminal behaviour is a violation of the rules of the social order. Crime, sociologically speaking, is fundamentally a violation of conduct norms which contain sanctions, no matter whether found in the criminal law of modern state or merely in the working rules of special social groups."
4. The socio-legal conception is an amalgamation of two conceptions, i.e. legal and social and attempts to overcome their deficiencies and inadequacies. According to this definition there are two elements in a proper definition of crime. Firstly, crime is an act which is believed to be socially harmful. But this is the belief of the dominant group within the society, which has the power to enforce its beliefs, through the enactment and promulgation of statutes upon that country and any person who acts contrary to this is subject to positive penalty.
5. The fifth and the last is the psycho-socio-legal conception, which is a modern one. This takes into account the intention, constitutional and acquired characteristics as well as early established reactive tendencies of the criminal who is affected both by biological and environmental factors. However, this conception is not practicable because in this case (i) different punishments will be needed for different criminals for the same crime, and thus, uniformity of punishments cannot be maintained in the code, (ii) and the capitalists who make the law, would not allow it, otherwise to steal for bread would not be a crime.

19.2. General Factors :

1. **Physical Factors :** Historians and sociologists have noted the influence of physical nature upon the development of society. Mr. Huntington, a proponent of the geographical school has asserted that large proportions of persons born in winter will have low I.Q.'s , will become criminals, or suffer from insanity or tuberculosis." Lombroso has also tried to correlate geography, climate, seasons and weather to criminality in his book, *Crime, Its Causes and Remedies* (1918). But this relation is indirect rather than direct as Dr. Gillin points out, "While it is quite possible that climate, season and geological conditions have some effect directly upon the human organism, and thus determine to some extent whether the conduct shall be socially good or bad, the influence of the physical environment usually acts indirectly upon the density of population, economic development and cultural institutions."
2. **Sociological Factors :** It has been observed that frequency of crime was less in undisturbed, isolated, homogenous, unchanging primary group societies such as primitive tribes, folk communities, agricultural villages and religious sects than in people disturbed by change, impact, dislocation, migration, heterogeneity of population and cultural clash of conduct norm. In other words, the frequency of offence is affected by social integration or social disintegration in a society.
3. **Areal and Regional Differences in Crime :** It has been observed by sociologists that crime varies in volume and form by areas and regions. One reason advanced for this is that it is due to variations in the social framework of crime and the factors attributed are varying social and legal definitions of offences, prevailing sentiments of people towards illegal or offending behaviour, prevailing facilities for law enforcement and the persistence of traditions or practices which conflicts with the legal order of society, amount of change, mobility and disorganization, and of special types of persons or groups attracted to certain areas.
4. **Effect of Class, Sex, Age, Race etc. :** It has been asserted that crime varies in amount by population categories such as social class, sex, age, race and nativity. The individuals in the lower class level of a society are suspected of displaying greater risks and liabilities owing to their sociological positions, for getting involved in crime and for being acted upon officially.

19.3. Specific Factors :

Under this head are included two main factors, viz. Biological and environmental. There has long existed a feeling that one must resort to either of these dichotomous extremes to explain human conduct. Much of this zeal emanates from academicians and professional men who, it seems, felt emotionally bound to their respective disciplines and professions.

19.4. Biological Factors :

Biological factors may be studied under two main heads : (a) physiological, and (b) mental factors though sometimes it is difficult to separate the two.

(a) Physiological Factors : In physiological factors are included : (i) constitutional factor, (ii) hereditary factor, and (iii) glandular activity, though the hereditary factor can better be put directly under biological.

- (i) Constitutional Factor : Lombroso was the first to draw attention to this biological fact. He contended that there was, among various kinds of criminals, a born criminal type which was characterised by irregularities of body and mind. Born criminals were supposed to possess a greater measure of anomalies than ordinary criminals, occasional criminals, and criminals of passion.
- (ii) Hereditary Factor : After coming into prominence of that branch of biology dealing with the laws of heredity, and the widespread development of the applied science of eugenics the factor of heredity in human behaviour and social problems was given great emphasis. As pointed above, born criminal behaviour indirectly, while inheritance of criminal instincts, of specific patterns, of criminal tendency or predisposition were the other contentions made by criminologists..
- (iii) Glandular Factors : With the rise to prominence of endocrinology, the importance of glandular determination of physical and mental growth was revealed. Not only that but the functioning of the glands was made a basic determiner of temperament, intelligence, character and personality as well as of physical and mental pathology.

19.5. Mental and Psychological Factors :

- (i) Mental Deficiency

While mental deficiency is one of the many earmarks of the so-called constitutional criminal, subnormality and feeble-mindedness have been considered important causes of crime in their own right, separate and apart from the larger frame or reference.

- (ii) Mental Disorders.
- (iii) Mental Mechanisms.
- (iv) Motivation to Behaviour.

19.6. CONCLUSION :

Reviewing the physiological and mental factors in crime, we may say that (1) there is no concrete reason to believe that heredity plays a discriminating role in the production of crime even if we agree with Dr. Lenz that a potent inadequacy or reduced ability for making social adjustment could be biologically transmitted. (2) there is no justification to believe that a combined mental and physical constitution makes a person in ordinary social situation. The contentions of the endocrinologists cannot be put to objective observations, although glandular disorder might in some cases be an important factor in crime.

17.4. DRUG ADDICTION

The conditions of modern society often give scope for drug abuse. These drugs which cause serious health problems to the individuals who use it also lead to some sort of dependence. Hence they are also called “dependence-producing drugs”. Though legal restrictions and prohibitions are imposed on these drugs, many individuals are found to be using them escaping the notice of the law enforcement authorities.

The abusable drugs or “dependence producing drugs” belong to the following six main categories. They are (1) alcohol (2) sedatives (3) stimulants (4) narcotics (5) hallucinogens, and (6) nicotine. The impact of these drugs on the individual users is not the same, but different.

- i. Alcohol : By pharmacological definition, alcohol is a drug and may be classified as a sedative, tranquilizer, hypnotic or anesthetic, depending upon the quantity that is consumed. It relieves tension and lessens aggressive inhibitions. It includes intoxication..

Alcohol has a marked effect on the central nervous system. It is not a “stimulant” as it was previously believed, but a primary and continuous depressant. Alcohol produces psychic dependence of varying degrees from mild to strong. Physical dependence develops slowly.

- ii. Sedatives or Depressants : Barbiturates, bromides and tranquillizers belong to this category. These drugs are also called “drowners”. They act to relax the central nervous system and induce sleep and provide a soothing effect. Medically, these are used in high blood pressure, insomnia, epilepsy and to relax patients before and during surgery.
- iii. Stimulants : The most widely known stimulants are amphetamines [popularly known as ‘pep-pills’]. When administered by a medical practitioner, moderate dose of amphetamine can check fatigue and produce feelings of alertness and self-confidence. But the heavy dose of the same may cause extreme nervousness, irritability, head ache, sweating, diarrhoea and unclear speech.

These drugs, however, do not cause physical dependence, though they are psychologically addicting. It is not advisable to take a heavy dose of it for a long time. In such cases, it may cause varying degrees of intellectual, emotional, economic and social deterioration.

- iv. Narcotics : Narcotic drugs are many for they include opium, marijuana, heroin, morphine, cocaine, codeine, methadone, pethidine and cannabis such as charas, ganja, bhang etc.

Continued taking of these is regarded as the worst type of addiction because it produces craving and psychic dependence.

- v. Hallucinogens : These include mescaline, DMT, STP, MDA and LSD [Lysergic acid diethylamids]. These drugs are called “psychedelics”. Their use is not advised by medical practitioners. The well-known drug in this group is LSD which is a man-made chemical.
 - vi. Nicotine or Tobacco : This includes beedi, cigarettes, cigars, snuffs and beedi [which includes tobacco]. This leads to relaxation, stimulates and central nervous system, increases wakefulness and removes bedroom.
- “Tobacco is in legal use everywhere in the world, yet it causes far more, deaths than all other psychoactive substances¹ combined. About 3 million premature deaths a year [6% of the world total] are already attributed to tobacco smoking. Tobacco is responsible for about 30% of all cancer deaths in developed countries.

17.5.A. CAUSES OF DRUG ADDICTION OR MOTIVATIONS IN DRUG USAGE

According to Ram Ahuja, the causes of drug abuse may be classified under the following four main heads :

- i. Psychological Causes : Psychological factors such as – getting ‘kicks’ and ‘thrills’, relieving tension, removing inhibitioners, avoiding boredom, easing depression, satisfying curiosity, feeling high and confident and intensifying perception, etc. may motivate individuals drug abuse.
- ii. Physiological Factors like removing pain, getting sleep, heightening sexual experiences, staying awake, getting more physical strength etc. also induce people to become drug addicts.
- iii. Social causes that favour drug abuse are – to become acceptable to friends, the desire to join “high society”, facilitating social experiences, challenging social values, to set new social trends, etc.
- iv. Miscellaneous Causes backing the ugly practice of drug abuse include-sharpening religious insight or to get new spiritual light, improving study, solving personal problems, deepening self-understanding, increasing efficiency, to refresh the mind, and so on.

17.5.B. Some specific causes :

In addition to four broad categories of factors causing drug abuse, some specific may also contribute to it. Among such causes, the following ones deserve a special mention.

- i. Using Drugs for ‘Kicks’ or ‘Thrills’ : Sizeable number of street children, educated and uneducated youths become drug addicts because of their intense eagerness to taste it once. They get initiated to its use in the beginning only for ‘fun’ or for a ‘thrill’ or ‘kick’.
- ii. Peer Group Influence : Peer group influence seems to be very powerful in initiating a new person to drug-taking habit. To get recognition in the company, to satisfy other members of the peer group, to feel superior in the presence of a boy friend or girl friend, to avoid ridicule at the hands of fellow-

members-and due to such other factors young people become victims of drug abuse.

- iii. **Feeling of Alienation and Lack of Motivation :** The conditions of modern society are such that they may push some mentally, weak or delicate persons towards loneliness. Such persons though live in the midst of people tend to feel that they are alone in the world for they do not have any companions.
- iv. **To Escape from the Pressure and Conflicts of Life :** Our living conditions also impose various pressures, conflicts, tensions and dangers in our life. One requires courage and a realistic approach to face such challenges of life. All are not mentally equipped to face successfully such realities of life.

17.6. Effects of Drug Addiction :

Some of the disastrous effects of drug abuse may be noted here :

- i. **Physical & Mental Decline.**
- ii. **The Tragic Dependence on Drugs.**
- iii. **Great Damage to Health.**
- iv. **Moral Degradation.**
- v. **Blackmailing the Drug Addicts for Criminal Purposes.**
- vi. **Other Harmful of Drug Addiction :**
 - (i) Drug addiction causes waste of huge amount of money on drug.
 - (ii) It damages family relations, leads to an increase in divorce, desertion and family disorganization.
 - (iii) It spoils human potentiality and prevents a large number of people from utilizing their talents and abilities for their own betterment and for the betterment of the society.

17.7. CONTROL OF DRUG ABUSE/ADDICTION

- i. **Educational Approach :** Imparting education about drugs and the evil effects of their consumption is of great importance.
 - All misleading knowledge to be Removed.
 - Clear Message to be given : The message should be clear and unambiguous to the intended audience and come from credible source of information.
- ii. **Community Approach :** The rapid changes taking place at the present time in relations between individuals, groups and nations are also reflected in a rapidly changing pattern of drug use in many parts of the world.
- iii. **Legal Approach :** The legal control on the distribution of drugs, when effectively applied has been and remains an important approach in the prevention of drug abuse.
- **The Narcotic Drugs and Psychotropic substances Act- 1985 :** The central government introduced this act in the year 1985 to combat trafficking in drugs. It was amended in 1987 to make the legislation still

more stringent. The act provides for a minimum punishment of 10 years rigorous imprisonment for its violation, and it could be extended to 20 years with a fine of 1 to 2 lakh rupees. The court are also empowered to impose still heavier amount of fines.

- iv. **Punishment to Enforcement Agencies Including Police :** No law or legislation is effective itself. It gets strength only if it is effectively enforced.
- v. **Changing the Attitudes of Doctors :** The practising doctors will have to change their approach in prescribing too many costly drugs. They have to be careful about the side effects of the drugs which they are prescribing.
- vi. **Follow-up study of Drug Addicts Under Treatment :** It is necessary to make follow-up study of drug addicts treated under detoxification programmes.
- vii. **Role of Teachers :** Teachers can play a vital role in the prevention of drug abuse. They can talk openly and freely with the students' interests and activities.
- viii. **Role of Parents :** Parent's role is no less significant, Drug abuse, at times, may have its roots in parental neglect, over-hostility, rejection, marital disharmony, etc. It is thus necessary that parents have to take more care in keeping the family environment congenial and harmonious.
- ix. **Parents can do a lot in the prevention of drug abuse :** They could talk their children openly and affectionately, listen to their problems patiently and suggest them how to handle the problems effectively.
- x. **Providing Alternative Activities :** A popular approach to the prevention of drug abuse is providing for alternative activities which may help to prevent drug abuse.

18. FAMILY DISORGANIZATION

Family disorganization in the external manifestation may take the form of desertion, separation, divorce, physical violence or use of abusive language. But these manifestations are only the superficial symptoms of a breakdown in the intimate relationships within the family. Only by integrating the husband's and wife's individual desires and attitudes can a successful family life be achieved with a harmonious functioning of the interacting personality."

18.1. Rapid Changes in the Role and Status of Partners :

When the socially sanctioned patterns of family life become too rigid or conflict too seriously with personal attitudes, the serenity of family life is disturbed. The family, like any other human institution, should be organized to meet the present needs of men. New inventions, new standards of living, and new external situations necessitate adjustments in life schemes and redefinition of social values. Old situations yield to the new and, therefore, the social values.

Old situations yield to the new and, therefore, the social values along with attitudes of persons must change with time if the family organization is to be preserved.

Moreover, different groups stress her different roles, Business groups tend to emphasize the companion and partner roles. The college professor's wife may be expected to become a junior scholar. The lower economic groups stress the mother and earner roles. While in certain groups stress the mother and earner roles. Under the strain of such confusion and bewilderment the family relationships may be strained.

18.2. Causes of Family Disorganization :

There have always been men and women who found their marriage ties bitter, their life together unhappy. A changed economic and social order has only facilitated release from such bonds. Marriage has now taken on a more personal aspect so far as wishes, desires and attitudes of the contracting parties are concerned. Maciver and page point out that, "the modern instability of the family is revealed by the frequency of divorce, separation, desertion and other evidences of disharmony of lack of cohesion which come to light particularly in the courts, in social work, and in marriage clinics"

Personal and Impersonal Factors in Tension :

(a) Personal Factors : Romantic Fallacy, Clashing Temperament, Philosophy of life, Personal –Behaviour Patterns,

(b) Social and Cultural Factors or Impersonal Factors :

- (i) Economic Tensions. The economic tensions cover a variety of sub-classification and may be due to (a) sheer poverty (b) business reverses, or (c) economic independence of the wife.

19. CRIME

The criminals who violate the law and against whom society has got marked social disapproval. The chief reason for this marked social disapproval is that the criminals are not only dangerous to the well-being of society, but to the individual liberty and property as well. As Dr. Gillin points out, "More important is the feeling of danger to ourselves and our property than the criminal-induces."¹ Their study is, therefore, the most important in the field of individual disorganization.

19.1. Conception of Crime :

The most prevalent definition of crime in these days is the legalistic one, though it is not so comprehensive and has got many deficiencies. According to this definition, crime is an act in violation of the law and criminal is a person who does an act in violation of the law. There are four other conceptions of crime given by different criminologists. Thus, in all there are five concepts of crime (1) demonological (2) legal, (3) sociological (4) socio-legal, (5) psychosocio-legal.

- 6. The earliest conception of crime was demonological one. Long before formal governments came into existence, there were well-recognized offences which were considered to be harmful to the group. Among these the most serious

one was considered to be an open insult to the Gods, as the latter were considered to be the protectors and benefactors of the group, and any insult to them was a serious menace to the prosperity of the community.

7. The next most important and largely prevalent conception of crime is the legalistic one. According to Michael and Adler, "Crime is that behaviour which is prohibited by the criminal code." Mr. Miller observes, "Crime is the commission or omission of an act, which the law forbids or commands under pain of punishment to be imposed by the state and no act is a crime however wrong it may seem to the individual conscience, unless it is prohibited by law."
8. According to sociological conception, crime is an act which is socially harmful. The crime here is fundamentally a violation of conduct norms. It is a harmful act, deemed criminal by the public opinion and not an act which is necessarily in violation of the written code. Professor Reckless observes, "Criminal behaviour is a violation of the rules of the social order. Crime, sociologically speaking, is fundamentally a violation of conduct norms which contain sanctions, no matter whether found in the criminal law of modern state or merely in the working rules of special social groups."
9. The socio-legal conception is an amalgamation of two conceptions, i.e. legal and social and attempts to overcome their deficiencies and inadequacies. According to this definitions there are two elements in a proper definition of crime. Firstly, crime is an act which is believed to be socially harmful. But this is the belief of the dominant group within the society, which has the power to enforce its beliefs, through the enactment and promulgation of statutes upon that country and any person who acts contrary to this is subject to positive penalty.
10. The fifth and the last is the psycho-socio-legal conception, which is a modern one. This takes into account the intention, constitutional and acquired characteristics as well as early established reactive tendencies of the criminal who is affected both by biological and environmental factors. However, this conception is not practicable because in this case (i) different punishments will be needed for different criminals for the same crime, and thus, uniformity of punishments cannot be maintained in the code, (ii) and the capitalists who make the law, would not allow it, other wise to seal for bread would not be a crime.

19.2. General Factors :

5. Physical Factors : Historians and sociologists have noted the influence of physical nature upon the development of society. Mr. Huntington, a proponent of the geographical school has asserted that large proportions of persons born in winter will have low I.Q.'s , will become criminals, or suffer from insanity or tuberculosis."

6. **Sociological Factors :** It has been observed that frequency of crime was less in undisturbed, isolated, homogenous, unchanging primary group societies such as primitive tribes, folk communities, agricultural villages and religious sects than in people disturbed by change, impact, dislocation, migration, heterogeneity of population and cultural clash of conduct norm.
7. **Areal and Regional Differences in Crime :** It has been observed by sociologists that crime varies in volume and form by areas and regions. One reason advanced for this is that it is due to variations in the social framework of crime and the factors attributed are varying social and legal definitions of offences, prevailing sentiments of people towards illegal or offending behaviour, prevailing facilities for law enforcement and the persistence of traditions or practices which conflicts with the legal order of society, amount of change, mobility and disorganization, and of special types of persons or groups attracted to certain areas.
8. **Effect of Class, Sex, Age, Race etc. :** It has been asserted that crime varies in amount by population categories such as social class, sex, age, race and nativity. The individuals in the lower class level of a society are suspected of displaying greater risks and liabilities owing to their sociological positions, for getting involved in crime and for being acted upon officially.

19.3. Specific Factors :

Under this head are included two main factors, viz. Biological and environmental. There has long existed a feeling that one must resort to either of these dichotomous extremes to explain human conduct.”

19.4. Biological Factors :

Biological factors may be studied under two main heads : (a) physiological, and (b) mental factors though sometimes it is difficult to separate the two.

(b) **Physiological Factors :** In physiological factors are included : (i) constitutional factor, (ii) hereditary factor, and (iii) glandular activity, though the hereditary factor can better be put directly under biological.

(iv) **Constitutional Factor :** Lombroso was the first to draw attention to this biological fact. He contended that there was, among various kinds of criminals, a born criminal type which was characterised by irregularities of body and mind. Born criminals were supposed to possess a greater measure of anomalies than ordinary criminals, occasional criminals, and criminals of passion.

(v) **Hereditary Factor :** After coming into prominence of that branch of biology dealing with the laws of heredity, and the widespread development of the applied science of eugenics the factor of heredity in human behaviour and social problems was given great emphasis.

(vi) **Glandular Factors :** With the rise to prominence of endocrinology, the importance of glandular determination of physical and mental growth was revealed. Not only that but the functioning of the glands was made

a basic determiner of temperament, intelligence, character and personality as well as of physical and mental pathology.

19.5. Mental and Psychological Factors :

(v) Mental Deficiency

While mental deficiency is one of the many earmarks of the so-called constitutional criminal, subnormality and feeble-mindedness have been considered important causes of crime in their own right, separate and apart from the larger frame or reference.

(vi) Mental Disorders : There is no clear indication at present that mental disorders play a very important part in the etiology of crime. That the criminal insane comprised a very insignificant part of the total institutionalized insane.

(vii) Mental Mechanisms : Psychoanalysts have made certain unique interpretations of behaviour, whether criminal or neurotic, in terms of unconscious motivating forces, fixations, conflicts, frustrations, neurosis, inferiority, regression, guilt feelings, and psychic trauma.

(viii) Motivation to Behaviour : Besides psychoanalysts who have brought to the fore the importance of dynamics of motivation in the study of behaviour problems, psychiatrists, psychologists and sociologists have also brought forth, importance of motivating forces in human behaviour.

19.6. CONCLUSION :

Reviewing the physiological and mental factors in crime, we may say that (1) there is no concrete reason to believe that heredity plays a discriminating role in the production of crime even if we agree with Dr. Lenz that a potent inadequacy or reduced ability for making social adjustment could be biologically transmitted. (2) there is no justification to believe that a combined mental and physical constitution makes a person in ordinary social situation.

20. BEGGARY

Beggary is a curse for any society under any condition and circumstances; but in a poor country like India it is not only a curse but a great financial burden, too. At present there are more than a million beggars in India and if we include among these those persons who occasionally beg, the number will swell to a few millions. When India was a land of plenty and economic prosperity existed, there were no doubt beggars in India. But there is a difference between contemporary beggars and the beggars of the past.

20.1. Definition of Beggary :

- i. The Bombay Beggary Act, XXXIII of 1945 defines begging thus : "A person without means of subsistence and wandering about or found in public places or allowing himself to be sued as exhibit for the purpose of begging. According to this definition three features are to be observed in a beggar : (1) No apparent means of livelihood; (2) to beg at public places and (3) exhibition of one's suffering, bodily defects, etc., in order to elicit public sympathy.

- ii. The Mysore Prohibition of Beggary Act, XXXIII of 1944 defines beggary in the following words : “Begging includes wandering from door to door, soliciting alms, exhibiting or exposing sores, wounds, bodily ailments or deformities, or making false pretence of them for exciting pity for securing alms.

20.2. Beggary in India :

In thickly populated areas the number of beggars is much more than in sparsely populated areas. Usually, temples, mosques, railway & bus stations, fairs, shrines, bathing ghats are the popular haunts of beggars. There are of course many roving beggars who move from door to door. Many beggars beg collectively and in an organized manner. They come in large numbers and sheer shouting and aggressive postures compel people to come and go daily are their favourite haunts, like specially located shops carrying pugree or overhead price. Beggars also allocate among themselves mohallas or localities. They live on pavements or in the open or in improvised hutements. They are found both in villages and towns. In India the places of pilgrimage are the most prized haunts of beggars.

20.3. Classification of Beggars :

As referred to earlier, a number of surveys have been conducted into the problem of beggary. These surveys have revealed a variety of beggars. Broadly, beggars may be divided into following categories :

- i. Religious beggars : This category are those who have renounced the world and are carrying on the orthodox traditions of spiritual seeking and enlightenment of the householders. They Yogis, Sanyasis, Sadhus, Dervish, Fakir, Vairagi, Udasi etc.
- ii. Pseudo-religious beggars : The pseudo-religious beggars are those who have no spiritual quest and belong to no order of sadhus. They merely put on the saffron garb as a convenient way of receiving alms.
- iii. Tribal beggars : These are professional beggars who beg by singing folk songs and giving dance performances on the road-side.
- iv. Able-bodied beggars : These are healthy persons who prefer beggary to work as it suits their queer temperament. They are usually in league with bad characters and act as agents of thieves and dacoits.
- v. Invalid beggars : These are the persons who cannot earn their livelihood because they are too ill to work. They include lepers, aged and chronically ill persons.
- vi. Physically –handicapped beggars : These are the beggars who are blind, deaf or dumb or one-legged or legless. They are easily able to arouse public sympathy and pity and are considered deserving of public help.
- vii. Mentally unsound beggars : These include psychotics, schizophrenics, idiots, morons, etc.

- viii. Child beggars : Children in misery arouse great pity. They cry, whine and wail so pathetically that they are given alms simply to be free from their painful presence. Many clever beggars pretend blindness, hunch-backs or old-age and use children for beggary.
- ix. Professional beggars : Those who are either physically unable or mentally disinclined to do any work and will only beg are called professional beggars.
- x. Part-time beggars : These beggars are those who are engaged in some petty jobs and beg in spare time.

20.4. Eradication of beggary :

Following suggestions can be made for the prevention and Eradication of unemployment and poverty : To eradicate beggary its root cause must be removed, that is, we must provide work to everyone and also raise the minimum wages. In the absence of these essential steps, no other measures can be effective. You cannot ask a person to die of starvation but not to beg. You can ask him not to beg provided you can arrange for his food and shelter.

- i. Legal sanctions : Every state must pass a law to declare beggary a legal offence.
- ii. Centres for cure of chronic diseases : There should be special hospitals to take care of those who are unable to pay their own expenses.
- iii. Care of orphans and handicapped : The orphans and handicapped should also be taken care of by opening rehabilitation centres.
- iv. Treatment of mentally ill : The poor persons suffering from mental ailments should be given free treatment in psychiatric centres.
- v. Rehabilitation home for fallen women : Women who become unacceptable to their relatives should not be left to the mercy of rogues and scoundrels; but should be given shelter in rehabilitation centres.
- vi. Public opinion against beggary : In as much as Indian people suffer from religious superstitions that by feeding the poor one can buy a ticket to heaven, people should be educated about the causes of beggary and harmful effect of their current practices.

It is satisfying to note that the Indian government is alive to this problem and taking every possible step to eradicate beggary.

Government Measures to Eradicate Beggary :

The Criminal Procedure Code applies to vagrants and vagabonds alike and provides penalties under Sections 65(i) (b) and 109(b). Beggars may be proceeded against under section 133 as those committing public nuisance. Beggary within railway premises was prohibited by law on February 15, 1951. Special Acts have been passed by most of the States to prohibit begging in public places. In others, municipal and police acts provide measures against begging. To deal effectively with persons who kidnap children for the purpose of exploiting them for begging, the Indian Penal Code (Amendment) Act, 1959, was enacted.

- (1) The Hyderabad Prevention of Beggary Act, 1941

- (2) The Bengal Vagrancy Act, 1945
- (3) The Mysore Prevention of Beggary Act, 1945.
- (4) The Bombay Prevention of Beggary Act, 1945
- (5) The Madras Prevention of Beggary Act, 1945
- (6) The Cochin Vagrancy Act, 1945
- (7) The Travancore Prohibition of Begging Act, 1945
- (8) The Bhopal Prevention of Beggary Act, 1947
- (9) The Bihar Prevention of Beggary Act, 1952

All the above mentioned Acts declare beggary an offence and provide for punishment of imprisonment or fine. They have also classified the beggars into various categories. The provision of punishment, its nature and severity is made in accordance with the categories of beggars. Besides the above acts, the municipal acts of Punjab, Madhya Pradesh, Uttar Pradesh also prohibit beggary and declare it a legal offence. In the big Indian towns like Calcutta, Bombay, Madras, Delhi and Bangalore where foreigners come in large numbers there are strict laws against begging and begging at these places is not tolerated. In order to check the problem there are poor homes in these towns where beggars are kept. They are given food and shelter and encouraged to do some useful work or learn some skill. Several states are now seriously thinking of completely banning beggary and providing some sort of alternative employment to beggars.

17. DRUG ADDICTION

Drug abuse, drug addiction, drug trafficking, becoming victims of drug addiction etc., have been the tragedies of the 20th century. They have been passed on with no less vigour to the 21st century. Intoxicating drugs such as brown sugar, opium, heroin, alcohol, marijuana, ganja, bhang, cocaine, charas, morphine, L.S.D and such other things are even known to the street children in big cities. Drug abuse, instead of leading man towards peace of mind and state of equilibrium throws him into oblivion and causes decay at almost all planes- physical, emotional, psychological, societal and spiritual.

17.1. MEANING OF DRUG ADDICTION :

Man has been using or consuming for the past several thousands of years some substances or the other to intoxicate himself for various reasons. More commonly, these substances are used for personal reasons, either to induce states of elevated mood or relieve inner feelings of anxiety, misery and despair. What we presently call 'drugs' belong to that category of such substances.

17.2. Definition of Drug Addiction :

- W.H.O (World Health Organisation) defines drug addiction as – “a state of periodic or chronic intoxication detrimental to the individual and to society produced by the repeated consumption of drug, natural or synthetic.....”
- The Word “addiction” implies physical dependence. ‘Drug addiction’ obviously means the physical dependence of a person’s on the use of some drugs. The drugs could be any one of the intoxicants such as heroin, brown sugar,

cocaine, bhanga, ganja, marijuana, etc. Addiction involves totally a drug-centred lifestyle. This lifestyle takes an individual to “a state whereby the body requires continued administration of the drug in order to function.” The functioning of the body is so attuned to the drug that if it is withdrawn the person becomes totally uncomfortable and the “withdrawal symptoms” appear. Thus the person helplessly depends on the use of drugs.

17.3. Characteristics of Drug Addiction :

The W.H.O. in its enlarged definition of drug addiction point out the following characteristics of drug addiction.

- i. An uncontrollable Desire for Drugs : Drug addiction includes an overpowering desire or need (compulsion) to continue taking the drug or to obtain it by any means.
- ii. A tendency to increase the Dose : It involves a tendency to increase the dose. The “thrill” that the consumption of drug creates in the person actually overpowers him and he wants to have it again and again and to increase its dose. In fact, the chronic drug-user develops a feeling that he must constantly increase the dose in order to produce the same effect as that from the initial dose. This phenomenon is called “tolerance”.
- iii. Physical and psychological dependence on drugs : It includes psychic or psychological; sometimes a physical dependence on the effects of the drug.
- iv. Harmful effects on the individual and the society : It unavoidably includes an effect that is detrimental to the individual and to the society. Sales and consumption of most of the narcotic drugs are legally banned in most of the countries for they have disastrous effects on the individuals and the society.

21. PROBLEMS OF THE AGED

Old age is comparatively less, from the stand point of the individual problems which are not less significant. In old age physical strength deteriorates, mental stability diminishes, money power becomes bleak and eye sight suffers a setback. It is only for a blessed few old age may prove to be a stage of contentment and satisfaction.

21.1. The Psychological aspect of the Problem

The problem of senility or that of the aged has been a curse of the modern civilisation. The increasing proportion of older people in modern civilised societies has given rise to a great many pshychological, social and medical problems. The growing incidence of mental disorders is very much associated with old age.

The two major psychotic disorders of older people are “senile dementia (associated with cerebral atrophy and degeneration) and psychosis with cerebral arterio sclerosis (associated with either blocking or ruptures in the cerebral arties)”. It has been observed that these two disorders account for approximately 80% of the psychotic disorders among older people in the civilised societies.

3. Senile Dementia : Older people who suffer from senile dementia develop some symptoms such as the following – poor memory, intolerance of change,

disorientation, restlessness, insomnia, failure of judgement, a gradual formation of delusions and hallucinations, extreme mental depression and agitatedness, severe mental clouding in which the individual becomes restless, combative, resistive and incoherent. In extreme cases, patients eventually become oblivious of their surroundings bedridden, and reduced to a vegetative existence. Resistance to disease is lowered and death usually results.

4. Psychosis with Cerebral Arteriosclerosis : This is accompanied by physiological symptoms such as acute indigestion, unsteadiness in gait, small strokes resulting in cumulative brain damage and gradual personality change, convulsive seizures are also relatively common. Some patients suffering from this will be, in confusional state and may even die without being cleared of from that state. This is also associated with symptoms such as weakness, fatigue, dizziness, headache, depression, memory defect, periods of confusion, lowered efficiency in work, heightened irritability accompanied by suspiciousness.

21.2. Sociocultural Factors of the Problem :

Sociocultural factors relating to the problems of the aged are equally significant. Cultural peculiarities and rural and urban background of the old people for example, have a close bearing with this problem.

But in the urban industrial society the problems of the old age have gripped the people for they are unprepared to face them. Proper opportunities and suitable conditions are not created for utilising the experience and wisdom of our older people. We have not even provided conditions necessary for them to live in reasonably respected and useful positions.

21.3. The Actual Problems of Old People :

Old age is subject to stresses and strains. In fact, certain special stresses are typically confronting the aged. Some of them are as follows :

9. Retirement and reduced income which may create a feeling that one's usefulness is essentially over and activities are restricted.
10. With the passage of years of the adults become physically weaker and weaker day by day. Old age has its direct impact on physical strength and stamina. Some old people fail to reconcile the fact their physical strength is fading away.
11. Even though the old people become weaker physically they want to tighten their grip over the younger ones in the family and also over family matters and business issues. The younger ones in the family instead of developing a sympathetic attitude towards the old, start asserting their rights and power.
12. Reduction in physical attractiveness : This is especially more stressful for persons whose feeling of femininity or masculinity depends on their attractiveness to the opposite sex.

13. Failing health and invalidism, particularly when the hopes or recovery are very bleak.
14. Isolation and loneliness which is usually caused by the loss of contemporaries and loved ones. The negligence and indifference of others also impair the feelings of the ego.
15. The problem of meaning of life and death. This is more aggravated in the case of those who look back on their lives and say. "it all adds upto nothing".
16. Social changes are taking place at faster rate than they were some years ago. While we young are prepared to welcome and accept these changes the old find it extremely difficult to adjust mentally to these changes. This failure to accommodate the new trends on the part of the old would further alienate them from the young.

21.4. Remedial measures :

The problem of the old has become more pronounced now than before. The advent of industrial revolution, advancement of science and technology and development of medical science have added new dimension to this problem. Prior to the industrial revolution the average 'life expectancy' of man all over the world was very low. The presence of a large number of old people has affected the composition of population especially in countries such as Russia, Britain, Norway, Sweden, Switzerland, France and so on.

Totally, all the developed countries have undertaken various social legislative, reformative and welfare measures to protect the interests of the old people. Old age homes are to be found in all these nations which give physical protection, medical aid, and economic security to the old. Due to the new trends that have gripped the modern nuclear families old people are often deserted by their own children.

In most of the modern countries under various welfare schemes due protection is given to the old by means of old age allowance, pension after retirement, accident benefit, free medical aid for the old, etc. To ensure economic security for the salaried people who become old at the time of retirement various labour legislations and welfare schemes have been introduced which include provident fund, gratuity, life insurance, etc. Measures are also undertaken to take the benefit of the experience of the old people.

22. Destitution

Destitution is such extreme want as therefore life unless relieved. The term destitution used first in 15th century. This term is wide spread in third world countries. The major process of destitution are beggary destituteness, poverty, impecumisity, impoverishment indigence, penury, poorness, pauperisation etc. old age, child and women are affected. There are some social, financial and legal rehabilitation with psychological support to them.

22.1. Justice for Destitute Children :

Barring a few, most children have some deficiency or deprivation in their family, school and community life. Many such stresses and strains go unnoticed or are taken for granted or considered inevitable components of “fate”. But, in some cases, though they are visibly disturbing and distressing, they are not given due importance and care. Many examples could be cited. Whether it is the metropolises or remote tribal or rural areas, we find children soliciting or receiving alms in public places under the pretence of singing, dancing, fortune telling, performing tricks, or selling articles. Some children expose or exhibit sores, wounds, injuries, deformities or disease, whether or himself or any other person obtain alms from others. Yet another group of children have no home and are without any ostensible means of subsistence. Others have parent or guardians who are unfit or incapacitated to exercise control over their children. A significant number of children live in brothels, or with prostitute and many associate with persons who lead an immoral, and depraved life. These children are neglected, abused, exploited for immoral or illegal purposes.

Yet another group of children knowingly or unknowingly become prey in the hands of antisocial elements and takes part in acts that are prohibited by the Indian Penal Code or local Acts related to arms, opium, excise, gambling, prohibition, explosives, immoral traffic, corruption, railways, customs, motor vehicles, or violates the institutional code of conduct and does not conform to the behaviour pattern of those in whose custody the children are kept.

Other children may experience a suppression of their feelings in a family atmosphere, occasionally manifesting in outbursts of anger and hostility and aggressiveness, violence, running away behaviour, disobedience and other related psychological stresses, interpersonal strains and traumatic experiences in seemingly protected and caring climates of family and community.

22.2. Old age Destitution :

The status of the senior citizens has seriously been undermined by various factors viz, changing social values, growing individualism, rising aspiration for consumer goods as a result of education, urbanisation, westernisation and industrialisation, acceptance of small family norms, migration of younger members of the family to the cities, acute scarcity of accommodation and the rising rent in urban areas that prohibit older persons to live with children, participation of women in job market leaving the older people alone at home, complexities of modern life that give stress to the senior citizens, devaluing their knowledge and experience etc.

The fast rate of social change and development heighten the inter-generational differences in values and life styles. The burden of giving education to the children has brought out the financial pressure on the family. The status of senior female members has also been affected severely due to less importance assigned to them because of socio-religious practices prevalent in the society especially in the remote areas of the country. Study reveals that the older women

folk maintain their status if their spouses are alive, if they are physically able to perform some productive work for the family, if they behave well towards their other members of their possession. Since, India is passing through a transition phase, its obvious that a change may take place among its people in mentality i.e. in thinking, in practice, in attitude, in behaviour and in activities. Accordingly, the status of both elderly men and elderly women has changed from 'provider' to 'dependent'. Although, the degree of this changed status differs from region and economic situation. It is strange that many old people complain about their difficulties, but insist on living with their children and not in the houses meant for old people.

23. SUMMARY

Social problems are disintegrative with multiple causes and interconnected. It is a relative concept with functional value.

The major social problems in India are population problems, casteism, untouchability, regionalism, communalism, beggary, poverty, prostitution, crime, suicide, juvenile delinquency etc.

Poverty is insufficient supply of those things which are requisite for an individual to maintain himself and those dependant upon him in his health and vigour poverty may be absolute and relative. The causes of poverty related with individual capacity, Economical factors, social factors, demographic factors and other factors. Govt. of India has introduced PMRY, MANREGA, JRY. Some poverty alleviation programme.

Casteism is a blind group loyalty towards ones own caste or sub-caste which doesn't care for the interests for the other castes and their members. There are some important causes of casteism. Endogamous nature, to enhance caste prestige, better caste organization by means of transport and communication, urbanisation, caste rigidity etc. Casteism has some harmful consequences opposes nationalism, dangerous to democracy, moral degeneration, it affects the efficiency. There are some major remedies of casteism-proper education, intercaste marriage, cultural and economic equality, less connection of the use of caste.

Using a religious community against other communities and against the whole nation is communalism. It characterises specification of a particular communal value, it imposes specific interest on national interests. It fails to separate religion from politics. It leads to abuse of power. Causes for the growth of communalism are minority appeasement policy, development of feeling of separation. Media and literature sometime add fuel to communal spirit political opportunities, subversion of secular values and disappointment, communal riots, rumours and militancy. There are some immediate remedial measures like setting up peace committee, supervision of the media, suppressing the extremists, special courts, immediate legal action. The long term remedial measures- public must be free from communal frenzies and passions, separation of religion from politics, protection of civil society from communal violence, media, economic development.

Regionalism as a counter movement to any exaggerated or oppressive from the centralisation. It is a frame of mind. Loyalty for narrow regional feeling. Tamil Sena, Hindu Sena, Siva Sena are the example. Major causes of regionalism. Historical, Cultural, Geographic and economic factor, linguistic, political factors. There are some remedial measures like balanced economic policies and development, cultural interaction, national education, development of communication and media publication.

Minority group have some time denied by equal access to power, wealth and prestige. There are some important problems of minorities like discriminating practice, communal tension and riots in India. We can deal minority problems with constitutional provisions general provision and specific provision. National commission for minorities work for their welfare.

Untouchable are those castes which are subject to some disabilities in every walk of life social, religions, economic and political. There are some disabilities like religious disability, social disability, economic and other social restriction. There are some factors like religions & social factors. Constitutional welfare measures are Art. 16,17, 320, 332 for upliftment of untouchable.

There was increase in net fertility within a few decades so population explosion rises. India is the 2nd populous country. It is due to improvement of medical knowledge, male child orientation, climate condition and lack of consciousness of family planning. Major population trends are growth rate of population, uneven distribution of population, age composition, life expectancy, birth rate & death rate and literacy structure.

Social deviance arises when the departure from accepted norms involves action about which the community feels strongly so strongly to adopt sanction to prevent or otherwise control of the deviant behaviour. Deviance characterizes with social irrequalr norms and personal as well as social. There are some causes of factors facilitating deviances. Faulty socialization, weak sanctions, Poor enforcement, Easy rationalisation corrupt enforcement, secrecy of violence.

Juvenile delinquency as behaviour disappointing beyond reasonable expectations. The major social causes family, school, criminal areas, bad company, recreation work, social disorganization & displacement, economic causes, psychological causes are responsible. There are some remedial measures – Probation, reformatory institution play therapy, finger painting, psychodrama.

The practice involves illicit sex union on promiscuous and mercenary basis with accompanying emotional difference is associated with prostitution. Causes of prostitution for male and female differs. Social economic & psychological bad customary practices of the prostitution. There are two types of prostitution over and clandestine. Excessive drinking robs a man of his sense of discrim. There are some important causes of drinking –misery, occupational factors ignorance, inherent nervous defect, urbanisation. There are some harmful effects of liquor.

Wastage of national wealth, low standards of health, individual disorganization family disorganization.

Drug addiction is a state of indiscriminate use of herbs and herbal preparations, which encloses the user to them. It is uncontrollable desire for days. A tendency to increase the also. The abusable drugs or dependence producing drugs are alcohol, sedatives, stimulants, narcotics, hallucinogens and nicotine. Major causes of drug addiction are psychological, social and miscellaneous causes. There are serious effects of drug addiction physical, mental decline, social disharmony. To check drug addiction there is need of social, family & friends support.

Family disorganization in the external manifestation may take the form of desertion, sedation, divorce, physical violence or use of abusive language. Due to changes in Economic, political, social, philosophical, religious factors of family, process of family disorganization several causes of family disorganization are personal factors and impersonal factors.

Crime is an act which is not believed to be socially harmful. There are some factors responsible for the growth of crime-physical factors biological factor, mental factor, social factors are responsible for the growth of crime.

The problem of beggary is not an economy one only, it has social and moral aspects also. There are religious, pseudo-religions, able-bodied, invalid physically handicapped, mentally unsound, child, professional and part time beggars. Govt has taken certain measures to control beggary in India.

The Problem of senility or that of the aged has been a curse of modern civilization. Problems of the aged –less income, physical and mental weakness, isolation problem of measuring of life and death, isolation. There are some remedial measures old age home, social, legal & financial support to ageing.

Destitution is such extreme want as therefore life unless relieved. The term destitution used first in 15th century. This term is wide spread in third world countries. The major process of destitution are beggary destituteness, poverty, impecuniosity, impoverishment indigence, penury, poorness, pauperisation etc. old age, child and women are affected. There are some social, financial and legal rehabilitation with psychological support to them.

KEY WORDS

- (i) Social Problems: Dislocation in the social patterns and relations that a society cherishes.
- (ii) Poverty: Poverty is that condition in which a person either because of inadequate income or unwise expenditures does not maintain a scale of living high enough to provide standards of the society.

- (iii) Absolute Poverty: Absolute poverty is often known as “subsistence poverty” for it is based on assessments of minimum subsistence requirements of basic “physical needs” such as food, clothing, shelter, health requirements etc.
- (iv) Relative Poverty: Relative poverty is measured in terms of judgements by members of a particular society of what is considered as reasonable and acceptable by the life style of that time.
- (v) Casteism: Casteism is partial or one sided loyalty in favour of a particular caste.
- (vi) Regionalism: It is a counter movement to any exaggerated or oppressive form of centralization.
- (vii) Communalism : It believes that the specific interests of the community can be promoted by maintaining its separate identity and organizing it separately for the promotion of those interests.
- (viii) Minority Group : Minority Group is a sub-ordinate group whose members have significantly less control or power over their own lives than the members of a dominant group have over theirs.
- (ix) Untouchability: It is a bad practice in which some depressed castes suffer in disabilities of social, economical and political life which traditionally prescribed and illegal forced.
- (x) Population Explosion: Increase of net fertility over the food staff available of the land.
- (xi) Social Deviance: Deviance is a behaviour that violates the standards of conduct or expectation of a group or society.

- (xii) Faulty Socialisation: When socialising agents may directly or indirectly, overtly or covertly, consciously or half consciously encourage encourage doesn't behaviour to the new members.
- (xiii) Juvenile Delinquency : A juvenile misconduct that might be dealt with under the law.
- (xiv) Defective recreation: Means of recreation avoidable to big and small is the cinema, TV & pornography to Juvenile and youth.
- (xv) Prostitution: Prostitution as the practice of habitual or intermittent sexual union, more or less promiscures for mercenary inducement.
- (xvi) Misery drinking: When individual drinks for miserable because life holds no joy for them non any other prospect other than a dreary and unending round of foil.
- (xvii) Alcohol: It is a drug, may be classified as a sedative, tranquilizer, hypnotic or anesthetic depending upon the quantity that is consumed.
- (xviii) Narcotics: Narcotics drugs are opium, marijuana, heroin, morphine, cocaine, codeine, methadone, pithinde. These drugs are taken to produce the feelings of pleasure, strength and superiority.
- (xix) Family Disorganization: It is the external manifestation may take the form of desertion, separation divorce, physical violence or use of abusive language in family.
- (xx) Crime: Crimes is the commission or omission of an act, which the law forbids and socially harmful.

- (xxi) Beggary: It is the cause for any society, in which a person is wandering about or found in public places or allowing himself to be sent as exhibit for the purpose of begging.
- (xxii) Old age problem: In old age physical strength deteriorates mental stability diminishes, money power becomes weak and eye sight suffers set back. It has created multiple social and psychological problems.
- (xxiii) Destitution: State of being destitute, such extreme want as threatens life unless relieved.

SELF ASSESSMENT QUESTIONS :

- (i) What is social problem. Discuss its nature ?
- (ii) Define poverty. Discuss its types ?
- (iii) What are the causes of poverty?
- (iv) Point out the remedial measures of poverty in India ?
- (v) Discuss the causes and consequences of Casteism ?
- (vi) Point out the remedies of Casteism ?
- (vii) What is communalism? Point out the causes for the growth of communalism in India?
- (viii) Write an essay on communal riots taking place in India?
- (ix) Discuss the remedial measures to deal with communalism?
- (x) What is regionalism? Discuss its causes & remedies?
- (xi) Elucidate the problems of minorities in India ?
- (xii) Sketch out the welfare programmes of the minorities in India?
- (xiii) What is untouchability? Discuss the disabilities in untouchability.
- (xiv) Discuss the fundamental causes of untouchability?

- (xv) Discuss the trends of population growth in India?
- (xvi) What is social distance ? Discuss its various causes?
- (xvii) What is Juvenile delinquency? Discuss its various causes?
- (xviii) Printout the remedial features of Juvenile delinquency?
- (xix) Define prostitution? Discuss its various causes?
- (xx) What is Alcoholism? Discuss its various causes?
- (xxi) What is Drug Addiction? Discuss its various types?
- (xxii) Discuss the causes of drug addiction?
- (xxiii) How to Control drug abuse?
- (xxiv) What is family disorganization? Discuss its various causes?
- (xxv) What is crime ? Point out the causes of crime?
- (xxvi) Give a picture of Beggary as a social problem in India?
- (xxvii) What is old age problem? Discuss its causes?
- (xxviii) What is destitution? Discuss its various types.

Further Readings & References

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UNIT – II

SOCIAL POLICY

UNIT-II Social Policy

STRUCTURE

1. Objectives
2. Introduction
3. Objectives of social policy
4. Need for social policy
5. Model of Social policy
6. Social policy issues
7. Social policy in India-Directive principles of State Policy.
8. Social Policy its integration with planning and administration
9. Role of social worker in the formulation and implementation.
10. Summary
11. Keywords
12. Self Assessment Questions.
13. Further Readings and references.

UNIT-II Social Policy

1- OBJECTIVES.

- i. Concept, objectives and need for social resolution.
- ii. Models of Social Policy.
- iii. Social policy in India- Directive Principles of State Policy, Planning & Administration.
- iv. Role of social worker-formulation and implementation of social justice.

2. Introduction - Social Policy primarily refers to guidelines, principles, legislation and activities that affect the living conditions conducive to human welfare. The Department of Social Policy at the London School of Economics defines social policy as "an interdisciplinary and applied subject concerned with the analysis of societies' responses to social need. It seeks to foster in its students a capacity to understand theory and evidence drawn from a wide range of social science disciplines, including economics, sociology, psychology, geography, history. Law. Philosophy and political science. Social Policy is focused on those aspects of the economy, society and policy that are necessary to human existence and the means by which they can be provided. These basic human needs include: water, food, and shelter, a sustainable and safe environment, the promotion of health and treatment of the sick, the care and support of those unable to live a fully independent life; and the education and training of individuals to a level that enables them fully to participate in their society The Malcolm Wiener Center for Social Policy at Harvard University describes social policy as "public policy and practice in the areas of health care, human services, criminal justice, inequality, education, and labor. Social policy might also be described as actions that affect the well-being of members of a society through shaping the distribution of and access to goods and resources in that society. Social policy often deals with various problems.

In the West, proponents of scientific social planning such as the sociologist Auguste Comte, and social researchers, such as Charles Booth, contributed to the emergence of social policy in the first industrialized countries. Surveys of poverty exposing the brutal conditions in the

Urban slum conurbations of Victorian Britain supplied the pressure leading to changes such as the reform of the Poor Law and the welfare reforms carried out by the British Liberal Party. Other significant examples in the development of social policy are the Bismarckian welfare state in 19th century Germany, social security policies introduced under the rubric of the New Deal in the United States between 1933 and 1935, and health reforms in Britain following the Beveridge Report of 1942. Social policy in the 21st century is complex and in each state it is subject to local, national and supranational political influence

Social policy aims to improve human welfare and to meet human needs for education, health, housing and social security. Important areas of social policy are the welfare state, social security, unemployment insurance, environmental policy, pensions, health care, social upliftment, social care, child protection, social exclusion, education policy, crime and criminal justice.

The concept of social policy covers all provisions and measures aimed at removing or alleviating situations of distress and social problems at either the individual or collective level, as well as improving the welfare of the most vulnerable groups in the society.

3. OBJECTIVES OF SOCIAL POLICY

Social justice (equality, equal opportunities) social security (protection against risks) social peace greater common prosperity shared by the greatest number. In the strictest sense, social policy refers to measures which directly serve to combat or prevent poverty, chiefly social security and social welfare, as well as other cantonal means-tested benefits. In a broader sense, other policy areas, such as labour market and employment policy, education, health, housing and even fiscal policy, can also be considered as part of social policy.

4. NEED FOR SOCIAL POLICY - Social policy should accomplish may be looked at in terms of programmes and measures towards directed to the following objectives:

- (a) expansion of social services and their qualitative improvement, for instance in education, health, family planning, nutrition and housing;
- (b) welfare and development of the weaker and more vulnerable sections of the

population, especially of non-integrated groups such as scheduled castes and the tribal people;

- (c) development of supplementary welfare services (such as provision of facilities for pre-school children, and for children out of school, mid-day meals in schools, promoting health education, etc.) at the level of the local area and the local community;
- (d) social reform;
- (e) provision of social security; and
- (f) social change, including reduction in disparities of income and wealth, prevention of concentration of economic power and steps to equalise opportunities within the community.

Social Policy Must Take Care Of The Following Arguments

Growth is a pre-requisite for poverty reduction. The benefits of growth will eventually trickledown to the rest of society.

- The rich save more; higher inequality means higher rates of savings, investment and future growth.
- Poverty keeps the labour force cheap and thus encourages investment.
- Minimal social policies and regulations make labour markets flexible, and employment more likely.
- Taxation on higher income groups should be limited to maximize the retained income available for investment.
- Later, as the country becomes richer, defenders of this view argue, governments may invest in social development

Economic growth and social development policies must be pursued simultaneously, rather than sequentially, as Poverty and inequality inhibit growth, depress domestic demand and hinder national economic development. Developing countries with high inequality tend to grow slower. A low -wage policy has adverse effects on productivity, encouraging countries to compete on the basis of cheap labour, in a "race to the bottom", further depressing real wage levels. While sustained high rapid growth may lift people out of poverty, growing inequality may undermine its impact on poverty reduction, as in China recently. For the vast majority of developing countries, more modest growth and growing inequality have limited,

even no, poverty reduction impact. The greater the inequality, the less the “trickle -down” effect. Only 4.2 percent of the world's growth reaches the poorer half of the world's population. Poverty and inequality are an obstacle to social progress, and can lead to social conflict and political instability. Historically, social development accompanied industrialization and economic development in most countries. In much of Europe and elsewhere, popular struggles led social development. In East Asia's ‘late industrializes’, social investment was an integral part of modernization processes, nation building, and productive development. Social policies are necessary because the benefits of economic growth do not automatically reach all. Inadequate social policies ultimately limit growth in the medium and long term. Social policies are justified not only from a humanitarian viewpoint; they are an economic and political need for future growth and political stability, minimally to maintain citizen support for their governments. Specifically, the arguments for equitable development policies are: Investing in people enhances the quality and productivity of the labour force, thus improving the investment climate and, hence, growth. Raising the incomes of the poor increases domestic demand and, in turn, encourages growth; greater consumption ratios among lower income groups contribute to expanding the domestic market. Highly unequal societies are associated with lower rates of growth. Among children, poverty and malnutrition damage health, reduce body weight and intelligence, resulting in lower productivity in adulthood, a high tax for a country to pay. Investing in girls and women has numerous positive multiplier effects for social and economic development. Unequal societies are not only unjust but also cannot guarantee social and political stability in the long term, which is a barrier to economic growth. Gross inequities and their associated intense social tensions are more likely to result in violent conflict, ultimately destabilizing governments and regions, and may make people more susceptible to terrorist appeals and acts. Not least, inequality is inconsistent with the United Nations Charter, the Millennium Declaration and the Universal Declaration of Human Rights according to which everybody is entitled to minimum standards of living (food, clothing, housing, education, medical care, social security and others).

5. MODELS OF SOCIAL POLICY

Social policy is a successful track to accelerate welfare motive, There are three models of social policy.

- i. Social policy is seen to be beneficent, redistributive and concerned with economic as well as non-economic objectives.

ii. The purpose of model-building is not to admire the architecture of the building, but to see some order in all the disorder and confusion of facts, systems and choices concerning certain areas of our economic and social life.

(i) The Residual Welfare Model of Social Policy.

There are two natural' (or socially given) channels through which an individual's needs are properly met; the private market and the family. Only when these break down should social welfare institutions come into play and then only temporarily. As Professor Peacock puts it: 'The true object of the Welfare

State is to teach people how to do without it. The theoretical basis of this model can be traced back to the early days of the English Poor Law, and finds support in organic-mechanistic biological constructs of society advanced by sociologists like Spencer and Radcliffe-Brown, and economists like Friedman, Hayek and the founders and followers of the Institute of Economic Affairs in London.

(ii) The Industrial Achievement-Performance Model of Social Policy

According to this model social needs should be met on the basis of merit, work performance and productivity. It is derived from various economic and psychological theories concerned with incentives, effort and reward, and the formation of class and group loyalties. It has been described as the 'Handmaiden Model'.

(iii) *The Institutional Redistributive Model of Social Policy*

Social welfare as a major integrated institution in society, providing Universalist services outside the market on the principle of need. It is in part based on theories about the multiple effects of social change and the economic system, and in part on the principle of social equality. It is basically a model incorporating systems of redistribution in command-over resources- through-time.

Residual welfare

Welfare provision is often seen as being for the poor. This was the dominant model in English speaking countries; the English Poor Law (1598-1948) was exported to many other countries. This has been taken as the model of a residual system of welfare, in which welfare is a safety net, confined to those who are unable to manage otherwise.

Solidarity

Welfare in much of Europe is based on the principle of solidarity, or mutual responsibility. The responsibilities which people have to each other depend on their relationships; people in society are part of solidaristic social networks. Many of the rights which people have are particular, rather than general - they depend on a person's circumstances, work record or family relationships, not on general rights protected by the state. Those who are not part of such networks are said to be excluded.

Institutional welfare

An institutional system is one in which need is accepted as a normal part of social life. Welfare is provided for the population as a whole, in the same way as public services like roads or schools might be. In an institutional system, welfare is not just for the poor: it is for everyone.

Industrial achievement/performance

Welfare has often been seen as a 'handmaiden' to the economy. It helps employers, by preparing and servicing the capacity of the workforce, and it acts as an economic regulator, stimulating demand when production is low.

The arguments refer to the same issues as 'institutional' and 'residual' welfare, but there is an important difference. Institutional and residual welfare are principles: universality and selectivity are methods. A residual system might use a universal service where appropriate (e.g. a residual system of health care might be associated with universal public health); an institutional system needs some selective benefits to ensure that needs are met.

Models of welfare Policy

Esping-Andersen has described three main types of welfare régime:

corporatist régimes are work-oriented and based on individual contribution.

social democratic régimes favour universalist values.

liberal régimes tend to be residualist.

Historical development of social welfare as a social institution:

It is a provision for family, kinship system, neighborhood, informal support networks, religious institutions... etc. Latter systematic provision by state/government has established. Here people involved by layman, non-professional, unspecialized in post. Latter specialized, professionalized elaborated differentiated services have availed. Social welfare based upon normative values of mutual help, kinship or locality ties, charity, religious beliefs.. etc. But today it is based upon liberal values: universal, welfare right. Services largely remedial in nature, selective, stigmatized, but recently safety net approach, social wage concept, etc.; institutionalized; conceived as an integral system of society, not a remedial appendage;

Development of welfare state in post-war European countries - Britain as illustration:

1942 Beveridge Report paved the way for welfare reform -- i.e. increasing government role in welfare provision.

post-war Keynesian economic theory dominated - state intervention in economy to boost demand;

closely related to economic, political and socio-cultural development of society.

Product of modern life in industrial societies through industrial achievement welfare.

- i. substituting functions of extended family and kinship system; - provides affectional, developmental, socialization, rehabilitative needs;
- ii. facilitating economic growth - human resource development (e.g. by education); producing verses consuming society resources;
- iii. sustaining individuals in periods of dependency (e.g. sickness, disability, maternity, retirement, unemployment,);

Model of welfare policy.

The nature of residual is charity, assistance it is provision is selective (e.g. means test, eligibility). Free market, individual responsibility. Institutional model covers citizen right, universal entitlement and collectivist, state responsibility.

6. SOCIAL POLICY ISSUES

The scope of social welfare services has increased with the hanging concept of social welfare or social work on the one hand and the emergence of the concept of 'welfare state' on the other. The social work activities which were in the form of palliative activities in the beginning (e.g. assistance to the poor or the handicapped in cash or kind) later took the form of rehabilitative and protective activities.⁹ Social work as a profession came to be recognised only in the present century and especially after the Second World War.

Professor Myrdal points out, "In the last half-century, the State, & all the rich countries in the Western world, has become a democratic 'welfare state' with fairly explicit commitments to the broader goals of economic development, full employment, equality of opportunity for the young, social security, and protected minimum standards as regards not only income, hut nutrition, housing, health and education, for people of all regions and social groups." In nutshell the functions of a democratic welfare state are: "(1) provision of social services, (2) social security measures, (3) economic development and full employment,(4) nationalization of certain industries, (5) protection of civil li , (6) other social controls, and (7) people's participation.

As the functions of a welfare state increase, there arises the need to coordinate the various activities of the State in a rational manner to have the maximum utilization of limited resources. The objectives of welfare state and planning are almost the same in a democratic society. In the words of Professor Myrdal, "Planning means conscious attempts by the government of a country—usually with the participation of other collective bodies—to coordinate public policies more rationally in order to reach more fully and rapidly the desirable ends for future development which are determined by the political process as it evolves.

7. SOCIAL POLICY IN INDIA

DIRECTIVE PRINCIPLES OF STATE POLICY

Legal theory specially legislative activity in India has to be adjusted to the interests and needs of the Indian Society. In India after independence a series of social reforms have been initiated through law. For instance, legislation has been enacted in India to meet social

needs for the establishment of new social order as envisaged in the constitution. Part IV of the Constitution details the principles which should guide the State in promoting welfare of the people so that social justice should permit all institutions of our national life.

According to these directive principles of the State **is** required to secure for citizens, men, women, young, equality/equal pay for equal work, protection against abuse and exploitation of workers, the right to adequate means of livelihood, economic necessity, the protection of their health, effective provision for securing to work, to education, employment, old age, insurance, protection of economic interests of scheduled castes, the scheduled tribes and to bring about prohibition of intoxicating drinks, to secure uniform civil code etc.

The Directive Principles are very significant in view of the fact that they lay the cornerstone of a welfare state. Dr.Ambedkar also observed, 'The aim of Constitution, in short, is to establish a state which shall be a democracy not only in the political field where legislative authority is based on adult franchise and the executive in parliamentary that also promote a welfare state where social and economic democracy prevails'. That the principles are not enforceable in court is not a defeat in the constitution. Dr.Ambedkar makes a similar observation in the Constituent Assembly. He said, we have used in the Directive Principles, something which is not fixed or rigid. We have left enough room for the people of different ways of thinking, with regard to the reaching of the ideal of economic democracy, to strive in their own way, to persuade the electorate that is the best way of reaching economic democracy the fullest opportunity to act in the way in which they want to act.

Although the Directive Principles cannot be enforced by courts, yet they serve as ideals for the judges and influence their interpretation of laws. Since they are included in the constitution and are accepted as guiding principles of state policy, they have both a sanctity and constitutional force. They are sure to effect indirectly the attitude of the judges at the time of interpreting the state laws. Former Chief Justice Kania also observed thus: 'The Directive Principles represent not the temporary will of a majority in the legislature but the deliberate wisdom of a nation exercised while setting the paramount and permanent law of the country.'

As the Directive Principles of State Policy are a part of the constitution and they form the social, economic and political ideals of a nation, therefore, it is the sacred duty of the courts to protect them from the whims of different political parties, some of whom might like

to ignore, mend or even end any provision. The Directive Principles impart a sort of continuity in our national policies.

The Directive Principles are the embodiment the ideals and aspirations of the people of India and the goal towards which they expect the state to march for their attainment.

The Directive Principle of State Policy contained in Para IV of the Constitution detailed in Articles 37 to 51 of the Constitution. they have been borrowed from the Ire Constitution.

Today we have a welfare state unlike a police state, which aims at social welfare and the ideals of which are to secure to its citizens justice—social, economic and political as enshrined in the Preamble of the Constitution. The social and economic justice can be achieved by implementing those directives contained In the Part IV of the Constitution through legislation.

The Directives present a picture of a socialistic welfare state and any piece of modern legislation can, if need be, by stretching the language be interpreted to relate to the ideals laid down in them. Judges can go far beyond the mechanical interpretation of provisions, while considering a measure they can take into account the social needs operative value patterns and practicabilities.⁴³ he fundamental rights should be interpreted in the light of the Directive Principles to observe the limits set by the Directive Principles on the scope of the fundamental rights and if at all one of the two species is to conform to the other.

7.1 The Directive Principles of State Policy laid down in the Indian Constitution state that "the State shall strive to promote the welfare of the people by securing and promoting as effectively as it may a social order in which justice; social, economic and political shall inform all the institutions of the national life." The Principles lay special emphasis by saying that, "The State shall promote with special care the educational and economic interests of the weaker sections of the people, in particular, of the scheduled castes and scheduled tribes, and shall protect them against social injustice and all forms of exploitation." Social welfare activities in the country find their inspiration in the Indian Constitution which postulates the goal of a welfare state. Article 38 of the Constitution enjoins that the State shall strive to promote the welfare of the people by

securing and protecting as effectively as it may, a social order in which justice social, economic and political shall inform all the Institutions of the national life. They also enjoin the State to ensure that "the health and strength of workers, men and women, and the tender age of children are not abused and that citizens are not forced by economic necessity to enter avocations unsuited to their age and strength," and that "childhood and youth are protected against exploitation and against moral and material abandonment.

India being federal in structure, the responsibility for implementation of welfare schemes rests with both the centre and the state governments. The centre is also responsible for formulating the nation's policy for social welfare services and coordinating, guiding, prompting and promoting the implementation of welfare services by the states.

Department of Social Welfare : The Department of Social Welfare was created on 14 June 1964 (upgraded to the level of ministry in 1979) by pooling together different welfare programmes which were hitherto administered by different ministries in the Government of India. It is responsible largely for three important vulnerable groups, i.e., women, children and the physically, mentally and socially handicapped. *Central Social Welfare Board* : The Central Social Welfare Board (CSWB), was set up in 1953 to promote and accelerate voluntary action, throughout the country. The chairman of the Board is appointed by the Government of India from amongst prominent women social workers. Among its main activities are: survey of the needs of social welfare organizations, evaluation of their programmes and co-ordination of the assistance given by various central ministries and state governments and render financial assistance to voluntary welfare agencies. The Board also promotes the development of voluntary organizations in areas where they do not exist as well as social welfare activities for the welfare of the family, women, children, the handicapped and assistance in cases of unemployment, under-employment, old age, sickness, disablement and other cases of underserved want.

Route of Social Justice

- i. What should society do help people who are poor and “disadvantaged”?
- ii. Will address Conservative, liberal, and radical views.
- iii. Conservative and liberal theories share two fundamental insights
 - Capitalism is the engine of wealth
 - Greater wealth for a society makes it possible for poor people to rise out of poverty.

- The Primary way to address problems of poverty is through economic development rather than through pure redistribution.
- iv. But conservatives: let the marketplace run unimpeded by governmental constraints.
- v. Liberals: government must restrain business and regulate the marketplace. Government is a “countervailing power.”

Distributive Justice on Social Policy.

- i. Liberal, e.g. Rawls: Fair disparity, i.e. economic growth should reduce disparity over time.
- ii. Libertarian, e.g. Nozick: Justice is not a pattern of distribution but a fair process of acquisition.
- iii. Laissez-faire, e.g. Hayek: Unimpeded market economy result in reduced poverty for all.
- iv. Regulated capitalism, e.g. Crotty: Government as countervailing power for protection of consumers, workers, and the environment.
- v. Radical rejection of capitalism, e.g. Marx: Against individual ownership and/or control + Distribution according to need.

Social Policy and Administration

The principal areas relate to policy and administrative practice in social services, including health administration, social security, education, employment services, community care and housing management; social problems, including crime, disability, unemployment, mental health, learning disability, and old age; issues relating to social disadvantage, including race, gender and poverty; and the range of collective social responses to these conditions.

Welfare is an ambiguous term, used in three main senses:

Welfare commonly refers to 'well-being'. In welfare economics, welfare is understood in terms of 'utility'; people's well-being or interests consist of the things they choose to have.

Welfare also refers to the range of services which are provided to protect people in a number of conditions, including childhood, sickness and old age. The idea of the 'welfare state' is an example. This is equivalent to the term 'social protection' in the European Union. In the United States, welfare refers specifically to financial assistance to poor people (e.g. Temporary Aid to Needy Families). This usage is not generally reflected elsewhere, but it

has been adopted by politicians in the UK in recent years. Welfare is often associated with needs, but it goes beyond what people need; to achieve well being, people must have choices, and the scope to choose personal goals and ambitions.

The basic arguments for collective provision are

Humanitarian. Concerns about poverty and need have been central to many developments. Religious. Several of the world's major religions make charity a religious duty. Beyond charity, Catholicism recognizes a duty of social solidarity (or mutual social responsibility); Judaism, Islam and Lutheran Christianity require collective responsibility for one's community. mutual self-interest. Many welfare systems have developed, not from state activity, but from a combination of mutualist activities, gradually reinforced by government. democratic. Social protection has developed in tandem with democratic rights. practical. Welfare provision has economic and social benefits. Countries with more extensive systems of social protection tend to be richer and have less poverty. (The main difficulty of evaluating this is knowing which comes first, wealth or welfare.)

The main objections to the provision of welfare come from the 'radical right'. They are against welfare in principle, on the basis that it violates people's freedom. Redistribution is theft; taxation is forced labour. (1) These arguments rest on some questionable assumptions: *People have absolute rights to use property as they wish.* People in a society are interdependent, and the production of property depends on social arrangements. Rights to property are conventional. Liability to taxation is part of the conventions. *People do not consent to welfare provision; redistributive arrangements are based in compulsion.* This is not necessarily true. Several countries have developed welfare systems, in whole or in part, on a voluntary, mutualist basis - Denmark, Finland and Sweden have moved to compulsion only recently. *The rights of the individual are paramount.* Property rights are certainly important, but few people would argue that property rights are more important than every other moral value. If one person owns all the food in a region while everybody else is starving, do the others have no moral claim on it?

Types of welfare

Residual welfare provision is often seen as being for the poor. This was the dominant model in English-speaking countries; the English Poor Law (1598-1948) was exported to many other countries. This has been taken as the model of a residual system of welfare, in which

welfare is a safety net, confined to those who are unable to manage otherwise. Solidarity Welfare in much of Europe is based on the principle of solidarity, or mutual responsibility. The responsibilities which people have to each other depend on their relationships; people in society are part of solidaristic social networks. Many of the rights which people have are particular, rather than general - they depend on a person's circumstances, work record or family relationships, not on general rights protected by the state. Those who are not part of such networks are said to be 'excluded'.

Institutional welfare An institutional system is one in which need is accepted as a normal part of social life. Welfare is provided for the population as a whole, in the same way as public services like roads or schools might be. In an institutional system, welfare is not just for the poor: it is for everyone. **Industrial achievement/performance** Welfare has often been seen as a 'handmaiden' to the economy. It helps employers, by preparing and servicing the capacity of the workforce, and it acts as an economic regulator, stimulating demand when production is low.

Welfare State

It is a concept of government in which the state plays a key role in the protection and promotion of economic and social well-being of its citizens. A welfare state is based on the principles of equality of opportunity and equitable distribution of wealth. It also focuses on the governmental responsibility for those who are unable to avail themselves of the minimal provisions of a good life. Under this system, the welfare of its citizens is the responsibility of the state. India was not a welfare state before independence. The British rule was not very interested in protecting and promoting the welfare of the people. Whatever it did was in keeping with the interests of the British colonial government and not in the interests of the people of India.

When India attained independence, it had innumerable problems and challenges. The social and economic inequality was all pervasive. Economically, India's situation was miserable. Socially also India was having a number of problems. There were social inequalities and all the vulnerable sections of the society such as women, dalits, children were deprived of basic means of living. The Constitution makers were very much aware of the problems. That is why; they decided that India would be a welfare state. As you must have seen, India is described as a "sovereign socialist secular democratic republic" in the Preamble of the

Indian Constitution. Accordingly, the Constitution has extensive provisions to ensure social and economic welfare of the people of India. In this regard two specific provisions have been made, one in the form of Fundamental Rights and the other as Directive Principles of State Policy. The Fundamental Rights embodied in Part III of the Indian Constitution act as a guarantee that all Indian citizens can and will enjoy civil liberties and basic rights. These civil liberties take precedence over any other law of the land. They are individual rights commonly included in the Constitutions of liberal democracies. Some of these important rights are: equality before the law, freedom of speech and expression, freedom of association and peaceful assembly, freedom of religion, and the right to constitutional remedies for the protection of civil rights. But this was not enough. Indian citizens also needed opportunities for economic and social development. That is why Part IV on Directive Principles of State Policy was included in the Indian Constitution.

Characteristics.

The Directive Principles of State Policy are guidelines to the central and state governments of India. The governments must keep these principles in mind while framing laws and policies. It is true that these provisions of the Constitution of India are non-justiciable, which means that these are not enforceable by any court of law. But the principles are considered fundamental in the governance of the country. It is the duty of the central and state governments to apply these principles in making laws to establish a just society in the country. The principles have been inspired by the Directive Principles stated in the Constitution of Ireland and also by the principles of Gandhian philosophy.

The main aim of these principles is to create social and economic conditions under which all the citizens can lead a good life. In other words it is to establish social and economic democracy in the country. These principles act as a yardstick in the hands of the people to measure the performance of governments in respect of achieving the objective. All executive agencies have to be guided by these principles. Even the judiciary has to keep them in mind while deciding cases.

Health

an individual's social milieu can and does influence health. The hospital and medical facilities produced by public and market expenditure complement individual actions,

providing services such as surgery and diagnosis and pharmaceutical for which informal networks or self-reliance are inadequate.

Generous public policies to promote health, actual achievements, whether judged by life expectancy or infant mortality, were actually inferior to Central European societies not behind the Iron Curtain. Since transformation, public health data has reported the absolute as well as relative deterioration of health in the Russian Federation. Moreover, the causes of early death are often said to be social, e.g. inflation, environmental pollution or individual anomie resulting from a collapse of old social norms. However, inferences about individuals cannot be tested by aggregate data. Nor can data about the conditions of very

small subsets of population, such as adult males within a narrow age bracket dying prematurely, confidently be generalized to explain deviations around the mean.

The Social Capital survey asked respondents to report both their emotional and physical health during the past twelve months. Evidence of emotional wellbeing is important in itself; emotional disturbances can cause physical ill health; and social capital networks ought to provide support that reduces emotional depression. Generically, the more individuals are able to rely on the market or on anti-modern networks, the better their emotional health, and the more socially excluded they are, the worse. Sector-specific indicators also influence health. The most important is having someone to rely on if ill; the greater the likelihood of this practical form of social network support, the better a person's emotional health. Individual socio-economic attributes also have a substantial influence on emotional health. Those with higher income and higher subjective social status are more likely to feel healthy, and older people and women are less likely to feel emotionally secure. Altogether, these attributes account for 12 percent of variance explained. Social capital adds something, for the composite model explains 19 percent of the variance. Bringing more influences into the equation reduces the degree of influence of social capital measures, but controlling one's own life, social exclusion and relying on others when ill remain significant and substantial. Individual attributes--starting with age--are the most important determinants of physical health. The worse health of women is to some extent misleading: older women are more likely to be unhealthy than are men, because premature mortality removes older Russian males from the reach of sample surveys. Subjective social status exerts a positive influence

on physical health, but not income or education. While a variety of social capital measures exert at least a little influence on physical health, the variance explained by each social capital model is much lower than for emotional health.

Education Policy

Education policy are the principles and government policy-making in educational sphere, as well as the collection of laws and rules that govern the operation of education systems. Education occurs in many forms for many purposes through many institutions. Examples include early childhood education, kindergarten through to 12th grade, two and four year colleges or universities, graduate and professional education, adult education and job training. Therefore, education policy can directly affect the education people engage in at all ages. Examples of areas subject to debate in education policy, specifically from the field of schools, include school size, class size, school choice, school privatization, tracking, teacher education and certification, teacher pay, teaching methods, curricular content, graduation requirements, school infrastructure investment, and the values that schools are expected to uphold and model. Education policy analysis is the scholarly study of education policy. It seeks to answer questions about the purpose of education, the objectives (societal and personal) that it is designed to attain, the methods for attaining them and the tools for measuring their success or failure. Research intended to inform education policy is carried out in a wide variety of institutions and in many academic disciplines. Important researchers are affiliated with departments of psychology, economics, sociology, and human development, in addition to schools and departments of education or public policy.

Role of social welfare in Indian society.

- 1) remedial: removing disabling conditions, regaining normal functioning; needy groups, under-privileged sector in society, minimum standard of service provision, emergency relief, ad hoc basis, remedy gross hardships and human sufferings, minimum state intervention, private and family care, alleviate abnormalities, short-term basis; also related to residual services;
- 2) preventive: early prevent abnormal behavior and conditions; creating new conditions; eliminate causes of problems, research analysis on causes for effective prevention, prevention is better than cure, screening service, early identification, systematic planning, universal services...etc.;

3) Developmental: improving situations, development of individual and society, constructive planning, social investment, awareness on social responsibility, develop potentials and new capacities, growth towards mature and responsible citizenship;

4) supportive: achieving objectives of other sectors in society; mutual benefits among various services and clienteles, support services, education and continuous training, community support; inter-related nature of various social policies; better effectiveness and efficiency, economy;

functions or emphasis of welfare is largely determined by philosophy and value preferences of the government, social and political situation and economic affordability, inter-related functions of services, complementary roles of services at different levels;

8. SOCIAL POLICY ITS INTEGRATION WITH PLANNING AND ADMINISTRATION.

The word planning has many adjectives, i.e., economic planning , social planning, democratic planning, fascist planning, communist planning, etc., having different objectives in view.¹⁶ The word planning is generally used in the sense of economic planning as the allocation of resources both of State as well as private agencies has to be made in terms of money. In this sense, then planning is concerned with the proper production and distribution of wealth. According to Professor Harris, "Planning is general allocation of resources to goals determined by authority instead of allocation of resources in response to price and income investment. In other words planning is the antithesis of laissez-faire. As stated earlier, the term 'planning' is used in the economic sense but even in this sense it has social implications and thus economic planning also includes social planning. However, in a narrower sense the term 'social planning' is restricted to planning of various social welfare services. Shri Turlock Singh observes, "The objectives of planning are both economic and social and are interrelated. In its economic aspect, planning seeks a higher rate of growth, greater balance between industry and agriculture, better harnessing of natural and human resources and employment opportunities at a reasonable level of income for the entire labor force. In comparison with social planning, the aims and methods of economic planning are more narrowly defined and more capable of measurement. On the other hand, social planning has broader goals, notably creation of conditions of equal opportunity for different sections of the population and a fuller-life for every citizen, and these can become precise only over a period of effort and struggle. On a broader view social planning May be said to comprise four main areas of efforts: (a)

development of basic social services such as education, health, and housing; (b) social welfare, including provision of minimum amenities and rural and urban welfare; (c) welfare of the weaker and more vulnerable sections of the community; and (d) social security."¹⁸ According to Professor Reckless, "Social planning is concerned with the improvement of condition of masses through better housing, greater economic security, better health, more leisure time, more education, and pushing the existing facilities and programmes for, handling social problems into higher and better operational gear.

Social Planning & Social Policy

Social planning (or national planning) is closely related with social policy of any country. According to Wilhelm Keelhaul, "Social planning is that planning which is directed to a particular social policy."¹⁹ Where as social policy is described as measures taken by the State in order to promote the welfare of those classes within the society which economically are called lower classes. Previously this social policy was mostly in the hands of private persons. This social policy in its origin was motivated by the knowledge of human wants engendered by four sets of economic conditions such as: (1) those who, through infancy, illness, mental incapacity, etc. needed support; (2) to prevent the effects of natural catastrophes or misfortunes, e.g., war or earthquakes; (3) existence of foreseeable dangers which required insurance policy; and (4) condition of labour market which does not give work and measures for unemployment insurance and to have full employment. Two more were added later on such as: (a) house building, and (b) food distribution.

In the modern society, the main task of social work is to provide various types of services to the people, that is especially for children, women, handicapped, destitute, dependents, disabled persons and so on. For the benefits of these people programmes of social work are-. Carried out through the following services.

Public Assistance: Public assistance is a kind of help which is given to the applicant depending upon his social and economic needs. The amount of public assistance given is based on legal provisions. It includes assistance given to old, blind, disabled and destitute persons. To some needy persons institutional care is also provided.

Social Insurance: Social insurance covers such contingencies as old age, unemployment, industrial accidents and occupational diseases. Social insurance covers certain risks such as - pension in old-age after retirement, pension during inability, medical

care in times of illness, medical care and cash allowances during the employment injury, cash allowances to wife and dependents in case of death and allowances during the period of unemployment. Benefits under social insurance are granted only to those persons who pay a certain amount of contribution. It is partly financed by the state.

Family Services: In the sphere of family organization also social work has a great role to play. It gives assistance and counseling towards family and individual relation, marriage, health and economic problems. Here, the social worker has the responsibility of establishing harmonious relationship between the individual and his family. He renders his service by way of assistance and advice to the family organization.

Child Welfare Services: These include residential institutions for the protection, care, education and rehabilitation of socially handicapped children such as orphans, destitute, children born to unmarried mothers and so on. Child welfare service includes temporary homes for children day care centers, recreational and cultural centers and holiday homes for children of low income families.

Welfare Services for Handicapped: Social work provides for the physically and mentally handicapped persons also. In this context, the services include institutions for the protection and care of physically and mentally handicapped; hostels for the working handicapped and small and simple production units for the handicapped and so on. To promote their welfare, special schools for mentally retarded children and orthopedically handicapped children are also maintained.

Women Welfare Services: Social work includes women welfare activities also. In the Indian context, it was realised even before freedom that the problems of women must be solved so as to enable them to lead a comfortable life and to take an active role in the political emancipation of the country. Raja Ram Mohan Roy, Kcshava Chandra Sen, Dayananda Saraswathi. Ishwar Chandra Vidyasagar, Swami Vivekananda, M.G. Ranade, Pandit Rama Bai and many others had made pioneering efforts in the emancipation of Indian women. Gandhiji was able to impress upon women to take part in the freedom struggle. Many women came to understand their role not only in freedom struggle but also in national reconstruction.

After independence, efforts were made to identify and tackle the problems of women. It was also considered necessary to initiate specific measures for the welfare of women.

Labour Welfare Service : Labour welfare includes many types of service activities. According to the report of the I.L.O., workers' welfare includes such services, facilities and amenities which enable the employed persons to perform their work in healthy and congenial surroundings.

Social planning is the process by which policymakers - legislators, government agencies, planners, and, often, funders - try to solve community problems or improve conditions in the community by devising and implementing policies intended to have certain results. In other cases, well-intentioned planning has led to negative consequences. Urban renewal in the 1950s and '60s, for instance, by clearing "slum" neighborhoods, was meant to make cities into better places to live - safer, more attractive, and economically healthier. In fact, it often had that effect only for the people who moved into new housing and businesses after the original population had been displaced, and given nowhere else to go. In many cases, it destroyed vital, unlighted communities

Social planning, however, doesn't have to take a wholly top-down form. Starting in the 1960's, many social programs carried requirements for community participation in planning and implementing programs and initiatives. (The Model Cities Program, a cornerstone of Lyndon Johnson's War on Poverty, is a prime example.) While these requirements were often honored more in the breach than in the observance, they acknowledged that social initiatives work better, and generate better policy, when those affected by them are involved in creating them. Ignorance of the community, and of the fact that what works in one community may not work in another. Community social patterns, history (especially past attempts to deal with the issue in question), or economics may work, individually or in combination, to create a unique situation. That situation has to be understood before the creation of successful policy can follow. Ignorance of the lives of those at whom the plan is aimed. The cultural assumptions of immigrant groups, or those from particular ethnic or racial backgrounds, may be totally foreign to those engaged in planning for them. Even if the division between the policymakers and the population at whom their policies are aimed is solely economic, there may be vast differences in the ways they see the world, as well as vast differences in the worlds they inhabit. If policymakers don't understand the culture and assumptions - and real needs - of the people they hope to affect, their policies are doomed to fail. Unintended consequences that are not apparent initially. Sometimes, a plan or policy that seems positive on its face has results that are profoundly negative. The public housing

complexes erected in the U.S. after World War II were meant to be clean, safe, comfortable residences for low-income citizens. Instead, their institutional character and isolation from the mainstream life of their communities bred alienation and despair in their residents, and led to crime and horrible living. The Cabrini-Green projects in Chicago, notorious for drugs and crime, were recently torn down and replaced by mixed-income housing designed to be part of the neighborhood, with a fair number of units reserved for former Cabrini-Green residents. Policymakers' lack of experience in the field. Practitioners - especially those who also have academic credentials - know that the difference between theory and reality can often be vast. When logical, best-possible-scenario initiatives or interventions come up against underfunding, street culture, political maneuvering, substance abuse, mistrust of outsiders, and turf battles, they don't always work the way planners think they should.

9. THE ROLE OF SOCIAL WORKER IN THE FORMULATION AND IMPLEMENTATION

The problem of survival is the basic question that haunts the fourth world. The social worker need not get into sophisticated technocratic exercises nor high social or political philosophies, but a simple pragmatic action at individual and community level to revitalise the self-sustaining mechanism already in existence. To this end the available local resources in terms of human potential and natural assets should be utilized. In fact a life raising and life saving model can be formulated for the social worker. The norms of poverty need to be redefined and a concept of survival level in stead of poverty level based on per capita income or nutrition standard should be developed.

Social workers and social policy formulation.

Social policy and social work have a close, diverse, and ever-changing relationship. As employees of welfare states and as the professionals often charged with implementing social policies, social workers are very clearly affected by changes that occur within

welfare states and the various institutions that comprise them. At the same time, promoting social justice and the furthering of the wellbeing of clients are universally regarded as fundamental professional goals by social workers. As a result, historically social workers have been engaged in efforts to impact the policy process in order to advocate for policies that further social justice and to oppose policies that are perceived as detrimental to their clients.

The ongoing economic crisis in many welfare states and changes in welfare governance have created challenges for deprived social groups and the social workers who serve them. Social workers are required to implement policies that contradict their

Professional values and to work with clients frustrated by the economic and political climate in which they live.

At the same time, the new forms of governance have also made the social policy formulation process more accessible to social workers while the growing managerial role of social workers in social services has enhanced their impact on social policy

formulation. Similarly the growing place of policy practice, the social work practice focused on policy change, in social work education and the professional discourse has led to increased readiness on the part of social workers to engage policy makers.

Roles of social workers

Social workers typically do the following roles sector

- i. Identify people who need help
- ii. Assess clients' needs, situations, strengths, and support networks to determine their goals
- iii. Develop plans to improve their clients' well-being
- iv. Help clients adjust to changes and challenges in their lives, such as illness, divorce, or unemployment
- v. Research and refer clients to community resources, such as food stamps, child care, and health care
- vi. Help clients work with government agencies to apply for and receive benefits such as Medicare
- vii. Respond to crisis situations such as child abuse
- viii. Advocate for and help clients get resources that would improve their well-being
- ix. Follow up with clients to ensure that their situations have improved
- x. Evaluate services provided to ensure that they are effective

Social workers help people cope with challenges in their lives. They help with a wide range of situations, such as adopting a child or being diagnosed with a terminal illness.

Social workers may work with children, people with disabilities, and people with serious illnesses and addictions. Their work varies based on the type of client they are working with.

Formulative method of social worker

COMPARATIVE REFERENCES	SOCIAL CASE WORK	SOCIAL GROUP WORK
1. FOCUS	Individual group as a whole	Individual and the
2. POINTS OF CONTACT	At breakdown or maladjustment	Effective functioning of the group
3. GOALS	Re-adjustment to Society	(i) Develop personality (ii) Social Action
4. METHODS AND ACTIVITIES	Interviewing Observation Investigation Diagnosis Recording Treatment	Group Games Arts and Crafts Picnics Social Education Literacy Dramatics

	Follow-up	Visits
		Discussion
		Audio-Visual aids
		Case work
		Evolution

The types of social workers in national perspective

- a. Child and family social workers protect vulnerable children and help families in need of assistance. They help parents find services, such as child care, or apply for benefits, such as food stamps. They intervene when children are in danger of neglect or abuse. Some help arrange adoptions, locate foster families, or work to get families back together. Clinical social workers provide mental health care to help children and families cope with changes in their lives, such as divorce or other family problems.
- b. Clinical social workers—also called licensed clinical social workers—diagnose and treat mental, behavioral, and emotional disorders, including anxiety and depression. They provide individual, group, family, and couples therapy; they work with clients to develop strategies to change behavior or cope with difficult situations; and they refer clients to other resources or services, such as support groups or other mental health professionals. Clinical social workers can develop treatment plans with the client, doctors, and other healthcare professionals and may adjust the treatment plan if necessary based on their client's progress. Many clinical social workers work in private practice. In these settings, clinical social workers have administrative and recordkeeping tasks such as working with insurance companies to receive payment for

their services. Some work in a group practice with other social workers or mental health professionals.

- c.** School social workers work with teachers, parents, and school administrators to develop plans and strategies to improve students' academic performance and social development. Students and their families are often referred to social workers to deal with problems such as aggressive behavior, bullying, or frequent absences from school.
- d.** Healthcare social workers help patients understand their diagnosis and make the necessary adjustments to their lifestyle, housing, or health care. For example, they may help people make the transition from the hospital back to their homes and communities. In addition, they may provide information on services, such as home healthcare or support groups, to help patients manage their illness or disease. Social workers help doctors and other healthcare professionals understand the effects that diseases and illnesses have on patients' mental and emotional health.
- e.** Geriatric social workers help senior citizens and their families. They help clients find services, such as programs that provide older adults with meals or with home health care. In some cases, they provide information about assisted living facilities or nursing homes or work with older adults in those settings. They help clients and their families make plans for possible health complications or where clients will live if they can no longer care for themselves.
- f.** Hospice and palliative care social workers help patients adjust to serious, chronic, or terminal illnesses. Palliative care focuses on relieving or preventing pain and other symptoms associated with serious illness. Hospice is a type of palliative care for people who are dying. Social workers in this setting provide and find services such as support groups or grief counselors to help patients and their families cope with the illness or disease.
- g.** Medical social workers in hospitals help patients and their families by linking patients with resources in the hospital and in their own community. They may work with medical staff to create discharge plans, make referrals to community agencies, facilitate support groups, or conduct follow-up visits with patients once they have been discharged.
- h.** Mental health and substance abuse social workers help clients with mental illnesses or addictions. They provide information on services, such as support groups or 12-step programs, to help clients cope with their illness. Many clinical social workers function in these roles as well.

There are some important role of social workers in implementation of social justice.

i. Adjustive Prioritization

The second component of this model can be an adjustive prioritization. The life saving model would provide for appropriate policy reorientation and programme restructuring while identifying key factors of development. A well-conceived hierarchy of needs worked out in consultation with the people should form the core of this component. The weakest areas and the weaker groups of people in the demographic spectrum would be attended on priority. Proper time and cost sequence will help the priority of needs and services.

ii. Neomorphous Organisation

To-day plans and programmes are being superimposed from planners and administrators. They are also being implemented ruthlessly without creating the staying power (Nayak, 1981) This is because people's knowledge, local skills and there, participation are not taken as resources. To-day the bureaucrat says, I manage and you participate. Hence a definite organisational structure, which is participatory, without a pre-fabricated design borrowed from ancient or foreign models, should be constituted. This I call neomorphous organization which can take the shape of self-help or mutual-help society based on social or cultural or even geographical parameters. These new institutions can take the shape of Israeli Kibbutz or the Chinese Communes short of their deficiencies. It can grow out of the present practice of 'shared poverty' in the rural areas and can have revolving funds and individual house-hold memberships.

iii. Neogenetic Programmes.

The programmes should be location-specific, people-specific and culture-specific and also local talent-specific. The local customs, traditions and practices as also existing grass root institutions should form the basis of the programmes. These may doctrine as Neogenetic.

Programmes of large dimensions and high costs should be avoided so as not to confuse the common man. They should be voluntary so as to ensure participation. The programme should be so implemented that it does not become a tool in the hands of the rich.

iv. An innovative communication

A proper media should be adopted for communication and information diffusion and to develop skills, knowledge and awareness among the people. Media systems like television, radio etc. have no meaning for the poor. Folk songs, folk dances based on folk

themes should be developed and a new model based on participatory communication formulated.

v. Committed Catalyst

Our survey shows that people prefer volunteers. The social worker should advocate and organise the voluntary sector and create commitment and altruism in the voluntary workers. He needs to be a catalyst without political, religious or personal linkages, should avoid traditional authoritarian or paternalistic ideologies. The voluntary sector model would vary from place to place and people to people and from problem to problem.

The above in short is the alternative model for the fourth world scenario say in Tribal or Dalit situation which needs to be further developed.

10- SUMMARY

Social policy is focused on those aspects of the economy, society and policy that are necessary to human existence and the means by which they can be provided. The objectives of social policy are social security and social welfare. It has models of residual welfare, performance and redistribution for achievement of the goal. In India social policy and planning rests on directive principles of state policy and welfare state. Its planning and administration empowered social workers to follow social justice.

11- KEY WORDS

Social policy – it is a policy shaping distributing economic and non-economic factors for welfare of the society.

Social Planning - Planning of various social welfare services.

Social Model – Make social order to disorders facts, system & choices for economic and social life.

12- SELF ASSESSMENT QUESTIONS.

- i. Point out the objectives of social policy?
- ii. Give one idea on models of social policy?
- iii. Write an essay on directive principles of state policy in India?
- iv. What are the planning and administration procedures of social policy in India?

- v. Discuss the role of social workers in the formulation and in implementation of social justice.

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UNIT-III

SOCIAL LEGISLATION - I

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STRUCTURE

- 1- Objectives**
- 2- Introduction**
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UNIT-III SOCIAL LEGISLATION – I

1- OBJECTIVES.

- i. Social legislation as an instrument for social change, social welfare & social policy.
- ii. Salient features of the legislation-
 - a. Marriage, Divorce, Succession, Adoption, Maintenance, Guardianship among the Hindus & Muslims.

- b. Legislation regarding children –Juvenile Justice Act-1986, The Employment children Act1938, Young person Harmful Act-1956.

2. INTRODUCTION

Recent social legislation as an instruments of social change. Law can be viewed as a means of social control and as an instrument of social change. The essential function of law, as is well known, is to bring the members of a community into conformity with the existing social norms.

Of course, new norms will naturally develop in response to the altered social conditions. But, the development of norms through the natural process is too slow to meet the social needs of a dynamic modern society. In modern societies, which are characterized by rapid and incessant changes, development of norms may not be left to the slow natural process. Therefore, modern societies largely use legislation as an effective means of changing social norms in the desired direction. Law, in this perspective, is an instrument of social change.

Social legislation in India : K. D. Gangrade says, "Social legislation in India today is resultant of cumulative process of continued social consciousness to changes the pattern of society in response to change in social system", In the words of V. V. Sastri, "Social legislation is that which serves the present social and economic objective of the nation and deals with current social problems".

3. SOCIAL LEGISLATION RELATED TO SOCIAL CHANGE, SOCIAL WELFARE AND SOCIAL POLICY.

Social legislation, as instrument of social change, has gained much importance in India over the last hundred years, but especially after independence. Both Central and State governments are more and more resorting to social legislation as a means to change the existing norms and to institute new norms in society. The British government in India, though initially was reluctant to interfere with the social customs of the native people, later with the active supports of great social reformers like Raja Ram Mohan Roy, Iswar Chandra Vidyasagar and others, introduced a number of important changes in the social custom of the

people through legislation. Abolition of 'sati', prevention of female infanticide, prohibition of slavery and the removal of the disability of the widow to remarry were some of the social changes brought about by the British in India. However, social legislation of a drastic nature has been attempted only after independence.

The promulgation of the Constitution, which is the source of all recent social legislation, is itself a revolutionary step in the transformation of Indian society in general and Hindu society in particular. The Constitution provides equal rights to all citizens irrespective of their caste, creed, colour or sex. It contains a set of directive principles, requiring the State to strive for justice, social, economic and political, for every citizen. These constitutional provisions directly attack the Hindu social order based on the doctrine of 'Chaturvarna'. The new social order envisaged by Constitution is based on the egalitarian principle of equality of opportunity in contrasted to the traditional Hindu social order based on inherited inequality. As such, the Constitution deals a death blow, to caste system by attacking the very principles like inherited inequality, hierarchical organisation etc. on which it stands. Article 17 of Constitution abolishes untouchability. In accordance with this constitutional provision, the Untouchability Offences Act was passed in 1955. This Act has removed all the social, political, economic and religious disabilities from which the Harijans suffered for centuries. It declares the practice of untouchability in any form, an offence punishable by imprisonment for six months or fine up to rupees 500/- or both. Recently, the Act has been amended to make the punishment more severe. These constitutional and legal provisions removed the ugliest expression of caste system namely the untouchability.

Legislation on Social Worker

The social welfare services in the last 26 years have sought to serve the development and rehabilitation needs of the weaker sections of society, especially the physically and socially handicapped and women and children from the vulnerable sections of the community in rural and tribal areas and urban slums.

Legislation on women

Prohibition of Dowry: Taking and giving of dowry has been declared as violation of government servant's conduct rules for central government employees. States were advised to take similar action. Kerala, Himachal Pradesh, Tamil Nadu and Andhra Pradesh have implemented the advice. Orissa, Bihar, West Bengal; Haryana, Punjab and Himachal Pradesh have amended the Dowry Prohibition Act 1961 in order to make the existing law more effective. Bihar and Himachal Pradesh have made the offences under the Act cognizable.

The Factories (Amendment) Act, 1976 provides for establishment of a crèche where 30 women are employed (including casual labourers or contract labourers) as against one for every 50 so far. The Maternity Benefits Act, 1961 was amended in April 1976 to cover women who do not fall within the purview of the Employee's State Insurance Act, 1948. By the Marriage Laws Amendment Act, 1976, the Hindu Marriage Act, 1955 and the Special Marriage Act, 1954 have been amended to provide for the right of a girl to repudiate, before attaining maturity, her marriage as a child, whether the marriage has been consummated or not. Cruelty and desertion have been added as grounds for divorce and mutual consent for divorce has been recognised.

Functional Literacy for Adult Women in the age group between 15-45 years was started in 1975-76. The scheme offers non-formal education to cover elements of health, and hygiene, food and nutrition, home management and / or child care, school education and vocational/occupational skills.

Condensed Course of Education and Vocational Training Adult Women: The scheme of Condensed Course of Education for Adult Women was started by the Central Social Welfare Board in 1958 for opening new vistas of employment to deserving and needy women and for creating a band of competent trained workers, such as primary school teachers, balevikas, nurses, health visitors, mid-wives and family planning workers.

National Policy for Children: In August 1974, the Government of India adopted a national policy resolution for children. The resolution spells out the various measures to be adopted and the priorities to be assigned in children's programmes. In accordance with the resolution a National Children's Board was set up in December 1974 with the Prime Minister as its president. Similar boards are also being constituted in different states.

Legislation for physically Handicapped

Programmes are being implemented for the education, training and rehabilitation of four categories of handicapped persons, namely, the blind, the deaf, the orthopedically handicapped and the men-tally retarded. Three per cent of group 'C' and 'D' posts are reserved in central services and public sector undertakings for the physically handicapped. From 2 October 1977, Central government allowed holders of motorized vehicles on which the tax had been exempted by the state government concerned, a concession of 50 per cent in the cost of petrol, diesel used by them subject to certain stipulated ceilings.

Blind : There are 140 schools and training centers for the blind ,in the country. The National Centre for the Blind, Dehra Dun, provides integrated services. The model school for blind children attached to the Centre is a secondary school. The Centre also has a training centre for the adult blind, a school for partially. Guttred children, a workshop for the manufacture of Braille appliances, a sheltered workshop and the centrals Braille press. The national library for the blind, which also forms part of the Centre, circulates Braille Literature in the country. The four teachers' training centers at Delhi, Bombay, Calcutta and Madras train 40 to 50 teachers for the blind annually. 2.**Deaf :** The National Centre for the Deaf at Hyderabad has a Training Centre for the Adult Deaf and a School for Partially Deaf Children, the only one of its kind in the country. The Training Centre imparts training in tailoring, sheet metal work, electrical wireman ship, carpentry, fitting, gas welding and photography. **Orthopedically Handicapped:** A National Institute for the Orthopedically Handicapped is being set up in Calcutta. The Institute will concentrate on research and training of personnel for the rehabilitation of the orthopedically handicapped. 4. **Mentally Retarded:** A model school for mentally deficient children is functioning in Delhi for children in the age group 6-15. The school also provides training in a few crafts. 5. **Integrated Education:** The National policy resolution on education suggests that as far as possible handicapped children should be placed in ordinary schools. For this, a scheme has been drawn up and forwarded to various state governments. At present ten states and one union territory are implementing the scheme. 6. **Other Services:** Assistance is given to voluntary organizations serving the handicapped and to cure leprosy patients. The extent of assistance set at 75 per cent has recently been raised to 90 per cent of the estimated expenditure on approved items. In 1977-78, Rs.80.33 lakhs were given to 112 organizations. There were 17 special employment exchanges in the country for the physically handicapped by the end of 1978-79. They have placed about 18,950 persons in employment. **Scholarships :** The Department of Social Welfare awards scholar-ships to the blind, deaf and orthopedically handicapped

students for general education and for technical and professional training. About 7,000 scholarships are awarded annually. The implementation of the scheme was decentralized from 1 April 1977 in five states and one union territory. Since 1 April 1978 the scheme has been further decentralized in other ten states and six union territories. National Awards: National awards are given every year to outstanding employers of the handicapped and the most efficient handicapped employees. Eighteen efficient physically handicapped employees and nine outstanding employers were given awards in 1978.

4. SALIENT FEATURES OF THE LEGISLATION RELATING TO HINDUS & MUSLIMS.

Legislation that has affected the institution of caste is the Hindu Marriage Act of 1955. This act removes all the endogamous restrictions imposed by caste and gives legal sanction to inter-caste marriages. The Act has, thus, paved the way for the destruction of caste system.

The Hindu Marriage Act of 1955 may be regarded as land mark in the history of Hindu marriage, because it has affected the institution in a number of ways. Firstly; it has removed most of the exogamic and endogamic restrictions relating to the selection of mates in marriage and thereby made inter-caste marriages legally valid. Secondly, it has affected the sacramental nature of Hindu marriage. Thirdly, it has abolished bigamy and has given legal validity only to monogamy. In the fourth place, the Act has rendered divorce possible in Hindu society. Moreover, it has given equal rights to both husband and wife to obtain divorce or judicial separation. In the fifth place, it has used the term "Hindu" to include all the protestant groups of Hinduism like Buddhists, Jains, Sikhs, Apia Samajists, Brahma Samajists etc. Finally, it fixed the age of marriage for boys and girls at 18 and 15 years respectively. However, the Act has recently been amended to raise the age limits to 21 and 18 years for boys and girls respectively. The Dowry Prohibitions Act was passed in 1961 to combat the evil of dowry in Hindu society. According to this Act, both giving and receiving dowry are offences punishable .by fine or imprisonment or both. Besides, the Special Marriage Act, passed in 1954, gives legal validity not only to inter-caste marriages but also to inter-community marriages.

The Hindu Succession Act of 1956 has introduced profound changes in the structure of Hindu family. It has, for the first time, conferred equal rights on female heirs in the inheritance of family property. As a consequence of this Act, women are entitled to sell, mortgage or use the property they own in any way they like. Another important change that has

been brought about by this Act is the abolition of the theory of survivorship as the guiding principle of joint family property. Accordingly, at present, if a mitakshara coparcener dies leaving behind female heirs specified in class I, his undivided interest in the coparcenary shall devolve by succession and not by survivorship. This Act, along with another Act namely the Hindu Married Women's Right to separate Residence and Maintenance Act of 1946, which permits the wife to live separately and claim alimony from her husband, has made women economically independent.

The laws regarding land reforms, passed recently by the various State governments, have forced partitions in several joint families. It may be said that these laws have quickened the pace of the disintegration of joint family in India. The Hindu Marriage Act of 1955 also has introduced an element of instability in the social relations of Hindu family. Hitherto, marriage was considered to be indissoluble and therefore, both the parties, especially the wife, spared no efforts to maintain harmony in the family. With the passing of this Act, divorce has become possible and easy and as such, the dissatisfied party readily takes recourse to divorce or judicial separation, as permitted by this Act, instead of trying to accommodate with the other party. As a result, divorce rate has increased and the stability of Hindu family has been adversely affected. Other Acts like the Hindu Adoptions and Maintenance Act of 1956 and the Hindu Minority and Guardianship Act of 1956 also have affected the traditional relations in Hindu family, as these Acts have conferred equal rights on women in matters relating to adoption; guardianship etc.

The Indian Parliament has recently passed a number of Acts with a view to improving the position of Hindu women in society.

The Married Women's Right to separate Residence and Maintenance Act of 1946, the Hindu Marriage Act of 1955, the Hindu Adoptions and Maintenance Act of 1956, the Hindu Minority and Guardianship Act of 1956 and the Hindu Succession Act of 1956 have together brought about a drastic change in status of woman in Hindu society.

The Hindu married Women's Rights to separate Residence and Maintenance Act of 1946, has given woman the right to live separately from her husband and to claim maintenance from him under certain conditions.

The Hindu Marriage Act of 1955 gives her equal rights to get divorce or judicial separation. The Hindu Adoptions and Maintenance Act of 1956 requires the husband to take consent of his wife while adopting a son or a daughter.

The Hindu Minority and Guardianship Act of 1956 recognizes mother as the natural and legal guardian of her children up to the age of five years. Then only the father becomes the legal guardian. But, after his death, the mother once again assumes the guardianship of her children.

The Hindu Succession Act of 1956 confers equal right on Hindu woman in inheritance and gives her full ownership rights over whatever property she owns.

All these Acts have redeemed the Hindu woman from her miserable existence and kept her on a pedestal equal to that of man.

All the above Acts, passed in the post-independent India, have, thus, brought about fundamental changes in the institutions of caste, family, marriage and status of woman in Hindu society. But, it would be a grave mistake to think that legislation has alone brought about all these changes in society. It is a fact that no Social legislation can ever initiate changes in social norms. Social legislation is only a means to facilitate social changes by giving legal sanction to those new norms that are already in the process of being accepted by the people.

4.1 SOCIAL LEGISLATION CONCERNING MARRIAGE

The Indian Parliament has passed the following Acts for reform of Hindu marriage, family and the status of woman in Hindu society : Hindu married women's rights to separate residence and maintenance Act, Hindu marriage Act, Hindu succession Act, Hindu adoption and Maintenance Act, and Hindu minority and Guardianship Act. These Acts are collectively known as Hindu code.

Hindu Marriage Act 1955—This Act applies to all the members of Hindu society. It has made the following important changes in the institution of Hindu marriage:

- (a) According to this Act, Hindu marriages have been divided into three classes —void, voidable and valid.
- (b) By the provisions of this Act the minimum age limit for the boys and girls has been fixed at 18 and 15 years respectively.
- (c) According to this Act a Hindu male or female can enter into matrimony only if no spouse of either is alive at the time of marriage. Thus the section 5 and clause 1 of this Act provides for monogamy in Hindu society.
- (d) According to this Act the mother will be considered the legal guardian of the minor son or daughter after the father.
- (e) As has been already pointed out in the discussion of the problem of divorce in

Hindu society, the Hindu marriage Act provides for divorce by wife or husband under certain specific circumstances.

(3) Hindu succession Act 1956—According to this Act the daughter is also given equal rights of inheritance in the property of the father, along with the son. The women got right of the use, sale, and mortgage of the property received through inheritance.

4.2 DIVORCE ACCORDING TO MUSLIM LAW: *KHULA / MUBARAT AND TALAQ*

According to the traditional Muslim law, divorce can be obtained directly in two way without the intervention of the civil court. They are: (A) *Khula / Mubarat* and (B) *Talaq*

(A) **Khula or Kohl and Mubarat:** Husband and wife can obtain divorce by mutual consent either by '*Khula*' or by '*Mubarat*'. Difference between *Khula* and *Mubarat* is simple: In *Khula* divorce is initiated at the instance of the wife. In *Mubarat*, since both the parties desire separation the initiative may come either from the wife or from the husband.

(B) **Talaq:** *Talaq* represents one of the ways according to which a Muslim husband can give divorce to his wife as per the Muslim law without the intervention of the court. In *talaq* the husband has the right to dismiss his wife by repeating the dismissal formula thrice. The *talaq* may be affected either orally by making some pronouncements or in writing by presenting '*talaqnama*'. *Talaq* may be given in any one of the following three ways.

(i) **Talaq-e-Ahasan:** This involves *a single pronouncement of talaq* followed by a period of conjugal abstinence till the completion of '*iddat*'.

(ii) **Talaq-e-Hasan:** This consists of three pronouncements of '*Talaq*' made during three successive menstrual periods and no sexual contact be taken place between the spouses during this months.

(iii) **Talaq-e-ul-Bidat:** Here, *talaq* pronouncement takes place in any one of the following ways (a) in a single sentences for example, "*1 divorce thee thrice*" or in three separate sentences "*1 divorce thee, 1 divorce thee, 1 divorce thee*" (b) in a single but clear pronouncement such as, "*1 divorce thee irrevocably*".

In the first two types cited above, there is a chance for re-establishing the marital ties but not in the third form

2. Divorce as Recognised by The Shariah Act, 1937 The *Shariah Act, 1937* provides for three forms of divorce. They are mentioned below.

(i) Illa: If the husband swears by God to abstain from sexual relations with his wife for a period of four months or more, or for a specified period, he is said to make *illa*. If

he sticks on to his words, then marriage gets dissolved.

- (ii) **Zihar:** In this type, the husband of sound mind declares in the presence of two witnesses that his wife looks like his mother to him. Though marriage is not dissolved with this, it gives scope for the wife to go to court on this ground.
- (iii) **Lian:** In this type the husband accuses his wife of being guilty of adultery. This, however, gives an opportunity for the wife to go to court insisting on her husband either to withdraw such an allegation or prove the same.

3. Provisions for Divorce as per *The Dissolution of Muslim Marriage Act, 1939*

The Dissolution of Muslim Marriage Act, 1939 passed during the British period entitles a Muslim woman to seek the dissolution of her marriage on the following grounds.

- (i) whereabouts of husband not known for 4 years.
- (ii) failure of husband to provide for her maintenance for 2 years.
- (iii) imprisonment of husband for 7 years or more.
- (iv) impotency of husband since the time of marriage.
- (v) failure of husband to fulfill marital obligations for 3 years.
- (vi) insanity of husband for a period of 2 years and husband's incurable diseases like leprosy, venereal diseases, etc.
- (vii) husband's physical and mental cruelty.
- (viii) marriage being thrust upon her before she attained 15 years, [but in this, the wife has to seek divorce before she completes 18th year].
- (ix) any other valid ground which the Muslim law permits.

Importance of "*Iddat*" in Muslims' Divorce

"Iddat" plays an important role in Muslims' divorce cases. *"Iddat" denotes a period of waiting.*

Iddat refers to a period of seclusion for three menstrual periods for a woman after death of or divorce by her husband to ascertain whether she was pregnant at the time of divorce.

*"I d d a t" " implies the period of waiting incumbent on a woman between dissolution one marriage and the contracting of another. "*¹ It is important to note that in this period of [for three consecutive menstrual periods] husband and wife are not supposed to have sexual contact.

Legal and Social Effects of *Iddat*

Legal Effects: (i) In a divorce case the *wife* involved is bound to wait for "*iddat*" *period*
(ii) During the period of "*iddat*" the husband is obliged to provide for her maintenance. The wife is not supposed to give her consent for another marriage till the *iddat* period is completed (iv) On the completion of '*iddat*' period, the wife can legitimately demand the deferred mahr"

Social Effects: (i) '*iddat*' serves as a restraining influence on inconsiderate haste on of the husband and on the tempo of divorce. It gives time for the husband to think and husband may simply take back the wife during the period of *iddat* and suspend the divorce. makes it clear whether the wife is pregnant or not. The fact of pregnancy sometimes reconciliation between them. (iii) If it becomes apparent during '*iddat*' that the divorced is pregnant, the husband is recommended to take her back and treat her with consideration child is born. The child belongs to the husband if it is not born out of adultery. The wife cannot marry any one else until her delivery. (iv) The *iddat* period is normally three months. case of a widow the duration is 4 months 10 days.

It may be noted that according to the Muslim Women's Protection of Rights on Divorce 1986 and '*Iddat*', a wife can demand from her husband her maintenance during the '*Iddat*'.

4.3 THE HINDU SUCCESSION ACT OF 1956, which brought about fundamental changes in the law of inheritance and which is destined to affect the nature and constitution of the Hindu family in particular and of Hindu society in general:

1. The Act applies to any person in India (excepting the State of Jammu and Kashmir), who is a Hindu by religion in any of its forms or developments; who. is a Buddhist, Jain or Sikh by religion; or who is not a Muslim, Christian, Parsi or Jew by religion, unless it is proved that any person would not have been governed by the Hindu law or by any custom or usage as part of that law in respect of any of the matters dealt with therein if the Act had not been passed.

2. The Act shall not apply to any property succession to which is regulated by the Indian Succession Act, 1925, by reason of the provisions contained in Section 21 of the Special Marriage Act, 1954.

3. When a male Hindu dies after the commencement of the Act, having at the time of his death an interest in a Mitakshara coparcenary property, his interest in the property shall devolve by survivorship upon the surviving members of the coparcenary and not in accordance with the Act, provided that, if the deceased had left him surviving a female relative specified in Class I of the Schedule or a male relative specified in that class who claims through such female relative, the interest of the deceased in the Mitakshara coparcenary property shall devolve by testamentary or intestate succession, as the case may be, under the Act and not by survivorship. Nothing contained in the proviso shall be construed as enabling a person who has separated himself from the coparcenary before the death of the deceased or any of his heirs to claim on intestacy a share in the interest referred to therein.

4. The property of a male Hindu dying intestate shall devolve (a) firstly, upon the heirs specified in Class I of the Schedule. They shall take simultaneously. If there are more widows than one they together shall take one share. The heirs in the branch of each pre-deceased son or daughter shall take between them one share. (b) In the absence of any heir of Class I, upon the heirs specified in Class II of the Schedule. The property shall be divided between the heirs specified in any one entry in Class II of the Schedule so that they share equally. (c) In the absence of heirs in Class II, upon the agnates of the deceased, one having fewer or no degree of ascent being preferred to the other.. Where the number of degrees of ascent is the same or none, the one with fewer or no degrees of descent is preferred to the other. In the absence of preference on either of these grounds the agnates take simultaneously. (d) In the absence of any agnate, upon the cognates of the deceased, the preference being governed by the same rules as are applicable to the agnates.

5. Any property possessed by a female Hindu, whether acquired before or after the commencement of the Act, shall be held by her as full owner thereof. Property includes both movable and immovable property acquired by inheritance or devise, or at a partition, or in lieu of maintenance or arrears of maintenance, or by gift from any person, whether a relative or not, before, at or after her marriage, or by her own skill or exertion, or by purchase or by prescription, or in any other manner whatsoever, and also any such property held by her as *siridhana* immediately before the

commencement of the Act. Full ownership is not conferred in the case of any property acquired by way of gift or under a will or any other instrument or under a decree or other of a civil court or under an award where the terms of the gift, will or other instrument or the decree, order or award prescribe a restricted estate in such property.

6. Where a Hindu intestate has left a dwelling house wholly occupied by members of his or her family, the right of any female heir in Class I of the Schedule to claim partition of the house shall not arise until the male heirs choose to divide their respective shares therein ; but the female heir shall be entitled to a right of residence therein: a daughter however is entitled to a, right of residence only if she is unmarried, or has been deserted by or has separated from her husband, or is a widow.

(ii) Where an interest in any immovable property of an intestate, or in any business carried on by him or her, whether solely or in conjunction with others, devolves upon two or more heirs in Class I, and any one of them proposes to transfer his or her interest, the other heirs shall have a preferential right to acquire it for consideration determined by the court on application if no agreement is reached by the parties.

7. The property of a female Hindu dying intestate shall devolve (a) firstly, upon the sons and daughters (including the children of any pre-deceased son or daughter) and the husband. The children of the pre-deceased son or daughter take between them the share of their father or mother. (b) Secondly, upon the heirs of the husband.

(However, the property inherited by a female from her father or mother shall devolve upon the heirs of the father. It is the property inherited from her husband or from her father-in-law which shall devolve upon the heirs of the husband.) (c) Thirdly, upon the mother and father. (d) Fourthly, upon the heirs of the father. (e) Lastly, upon the heirs of the mother. Heirs in each category take simultaneously. The devolution of the property upon the heirs in categories (b), (d) and (e), shall be in the same order and according to the same rules as given in paragraph 4 and here.

8. A child born posthumously is entitled to his or her share in the property of the deceased.

9. No person shall be disqualified from succeeding to any property on the ground of any disease, defect or deformity, or, save as provided in the Act, on any other ground whatsoever.

10. The children born to a person after he or she has ceased or ceases to be a

Hindu by conversion to another religion and their descendants are excluded from inheritance of any of their Hindu relatives, unless they are Hindus at the time when the succession opens.

11. If two or more heirs succeed together to the property of an intestate they take the property as tenants-in-common and not as joint-tenants.

12. Nothing contained in the Act shall affect the provisions of any law for the time being in force providing for the prevention of fragmentation of agricultural holdings or for the fixation of ceilings or for the devolution of tenancy rights in respect of such holdings.

13. When a Hindu governed by the Marumakkattayam or Nambudiri law dies, his or her interest in the property of a *tarwad*, *tavazhi* or *illom* shall devolve by testamentary or intestate succession under the Act. Interest implies the share in the property that would have fallen to the person if a partition of that property per *capita* had been made immediately before his or her death among all the members of the *tarwad*, *tavazhi* or *illom*, then living, whether he or she was entitled or not to claim such partition under the Marumakkattayam or Nambudiri law. The share is inherited by a person absolutely.

The devolution of property in this case is governed by the same rules as given in paragraph above, with the change that in the absence of the heirs of Class I and Class II it devolves upon his relatives whether agnates or cognates.

If the deceased is a female the property devolves (a) firstly, upon the sons and daughters (including the children of any pre-deceased son or daughter) and the mother. (b) Secondly, upon the father and the husband. (c) Thirdly, upon the heirs of the mother. (d) Fourthly, upon the heirs of the father. (e) Lastly, upon the heirs of the husband. Any property inherited by the deceased from her husband or from her father-in-law shall devolve in the absence of any son or daughter of the deceased upon the heirs of her husband.

14. Persons previously governed by the Aliyasantana law are now governed by the 1956 Act under the same rules and regulations that govern persons following the Marumakkattayam or Nambudiri laws.

15. Any Hindu may dispose of by will or testamentary disposition any property (including the interest of a member in a Mitakshara coparcenary property or in the property of a *tarwad*, *tavazhi*, *illom*, *kutumba* or *kavaru*) which is capable of being so disposed of by him, in accordance with the provisions of the Indian Succession Act

of 1925 or any other law for the time being in force and applicable to Hindus. This shall not, however, affect the right to maintenance of any heir specified in the Schedule by reason only of the fact that under a will or other testamentary disposition made by the deceased the heir has been deprived of a share in the property to which he or she is otherwise entitled under the Act if the deceased has died intestate.

16. The Hindu Law of Inheritance Amendment Act of 1929, and the Hindu Women's Right to Property Act of 1937 are repealed by the Hindu Succession Act of 1956.

(1) Hindu married women's rights to separate residence and maintenance Act 1946

By this Act the Hindu married women can claim the maintenance while residing separate from her husband on the following grounds :

- i. If the husband is suffering from some loathsome disease which has not been contracted from the wife.
- ii. If the husband behaves so cruelly towards the wife that her residing with the husband is undesirable or dangerous.
- iii. If the husband deserts the wife without her wish.
- iv. If the husband marries again.
- v. If the husband adopts another religion.
- vi. If the husband keeps some concubine.
- vii. Other justifiable causes. But the wife cannot demand maintenance from the husband if she is guilty of adultery or conversion to another religion.

(4) Hindu adoption and maintenance Act 1956

According to this Act the husband has to take the consent of the wife while adopting a son or daughter. An issueless widow also got right of adoption. The following conditions should be satisfied to make adoption legal. After the death of husband every sound minded adult widow has a right to adopt a son or give her son to another for adoption. Every healthy-minded male will have a right to adopt a son but this will require the consent of his wife. The unmarried adult woman will also have the right of adoption. The adopted person will be less than 15 years in age and normally unmarried unless there is a custom of child marriage in his or her caste. The daughter can also be adopted and given for adoption. There may be certain undesirable consequences of the adoption of a girl by a widower and of a boy by a widow. Therefore, it has been specified that a widower or bachelor should be at least 21 years elder than the girl.

Similarly, the widow or the unmarried woman should be at least 21 years older than the son. Again, the age of the boy or girl at the time of his or her adoption should be less than 15 years. The Hindu Adoption and Maintenance Act provides for the maintenance of the adopted son or daughter, the deserted wife and widow, the disabled old man or woman helpless persons. In this connection the following important provisions have been made: 1. the Hindu wife will have the right of maintenance during the life time of her husband. The wife deserted by the husband or living separate from him by her own wish will have the right of maintenance under certain specific circumstances. If the husband keeps a concubine, changes his religion, behaves cruelly, suffers from loathsome disease, the wife will have a right of maintenance though living separate from the husband. 2. The widowed daughter-in-law and the grand daughter-in-law will also have right of maintenance. 3. The widow or unmarried daughter will also have right of maintenance by the father. 4. The minor children, even if they may be illegitimate will have a right to claim maintenance from the parents during the term of their minority. Hindu Minority and Guardianship Act 1956—This Act prescribes for the following provisions in connection with guardianship: The child will remain under the guardianship of his mother up to the age of five years. It is only after it that the father will be considered as the legal guardian. After the death of the father the mother will again have the right of guardianship. In the case of unmarried daughter and the illegitimate son the mother will have the right of guardianship and it is only after her death that the father will get this right. The right of the guardianship of the married daughter will vest with her husband. The legal guardian will have right to do all such things which he considered to be necessary for the good of the minor child. But he cannot do anything contrary to his other interest. He will not have any right to spend, sell, mortgage or gift any portion of the property of the minor person under his guardianship. For the purposes of this Act the child below the age of 18 will be considered a minor and under the guardian.

4.4 ADOPTION AMONG HINDUS

Adoption of children among Hindus is governed by the Hindu Adoptions and Maintenance Act 1956 which covers Hindus, Sikhs, Jains and Buddhists. The natural parents and adoptive parents have to be Hindu as defined in the Act. The Act also lays down the requirements and procedure for adoption including definition of child up to the age of 15

years and persons capable of giving and taking in adoption. The other requirements relate to the status of adoptive parents who should be either childless or without a son/daughter, if a son/ daughter is to be adopted. No person will receive any consideration for giving a child in adoption.

The adoption results in transfer or transplantation of a child in the adoptive family and adoption once made by the process of law can neither be revoked nor cancelled by the parties. The procedure lays down the need for intent to give and take in adoption through a social ceremony at which such intent is publicly expressed though recently based on the procedure of the inter-country adoptions and in order to obtain immigration visa adoptions are registered with or without any social ceremony, function or feast. However, neither the performance of socio-religious ceremony nor the registration of adoption is a legal requirement of the Act. What is necessary is a conclusive evidence that giving and taking transfer of the child has taken place in the full view of brotherhood, community, clan, extended family or village community, although in the exigencies of situations, delegation of authority to complete the legal formalities thereafter though permissible has to be scrutinized properly.

Customary Practices The customary practices in Hindu NOVEMBER-1996 adoption have generally the following features:-

i) Preference is generally for a male, healthy and good looking infant though among Jats of Punjab, older children are taken but to look after the farm.

ii) Natural parents give in adoption if:

they have more than two or three children

OR

are unable to maintain their children;

OR

they intended to give away one of their children to a near relative or close friend so as to help satisfy their emotional needs.

iii) Only son or only daughter is not given in adoption.

iv) Adoptive parents go in for adoption if:-

they are childless and have no hope of producing their own children;

they have no son, if a son is adopted;
they have no daughter, if a daughter is adopted; and
are physically, mentally and financially sound.

4.5 HINDU LAW

Generally, maintenance is awarded to the wife. But under the Hindu Marriage Act, the unique feature is that maintenance can be claimed both by wife and husband which is not so under other Personal Laws.

There is provision for claiming maintenance pendents late or interim maintenance for meeting expenses of the proceeding before the Court for judicial separation, divorce. This can be claimed by either the husband or the wife if the other party has no independent income sufficient for his or her support. The Court, may, on an application made, order the respondent to pay to the petitioner expenses of the proceeding and such monthly sums which the Court considers reasonable looking to the income of the petitioner and the respondent.

In addition to interim maintenance, there is provision for permanent alimony or maintenance, which also can be claimed by bath the husband or the wife. It may be paid monthly or periodically as decided by the Court. The maintenance will be paid till the beneficiary remains unmarried. In respect o a wife, she has to remain chaste and in the case of a husband, he must not have sexual intercourse with any woman outside wedlock. If this condition is violated, the Court can modify or cancel the order at the instance of the other party.

The wife also has certain special rights of maintenance under the Hindu Adoptions and Maintenance Act, 1956. Under Section 18 of the Act, a Hindu wife has a legal right to be maintained by her husband during her life time. She is entitled to maintenance even if she is living separately from her husband for the following reasons:

If he is guilty of desertion. That is, if he abandons her without reasonable cause and without her consent or against her wish, or of willfully neglecting her;

If he has treated her with such cruelty as to cause a reasonable apprehension in her mind that it will be harmful or injurious to live with her husband;

If he is suffering from a virulent form of leprosy, If he has any other wife living If he keeps a concubine in the same house in which his wife is living or habitually resides with a concubine elsewhere: If he has ceased to be a Hindu by conversion to another religion; If there is any other cause justifying her living separately?

However, she would not be entitled to separate residence and maintenance from the husband if she ceases to be a Hindu by conversion to some other religion or if she is unchaste.

A Hindu wife shall also be entitled to be maintained by her father-in-law after the death of her husband if she is unable to maintain herself out of her own earnings or other property or is unable to maintain herself from the estate of her husband or her father or her mother or from her son or daughter, if any, or his or her estate. She is entitled to claim maintenance from her father-in-law only if the father-in-law has in his possession the coparcenary property out of which the widowed daughter-in-law has not obtained the share, and if she does not remarry.

There is no upper ceiling for awarding maintenance. A wife can get maintenance according to the position and status of the parties.

MUSLIM LAW

A wife's right for maintenance from her husband is absolute irrespective of the fact whether she has means of her own or not and whether the husband has the means to support her or not. The wife in return is required to reside with her husband and offer him conjugal society and obey his reasonable demands. A wife after divorce is not entitled for maintenance except during the period of *iddat* for three months. In addition, she can claim maintenance under an agreement with her husband. There is no provision for interim maintenance under the Muslim Law.

4.6 GUARDIANSHIP

The law pertaining to minority and guardianship has been laid down in the Hindu Minority and Guardianship Act, 1956. It lays down that a child is a minor till the age of 18. Section 6 of the Act enumerates the natural guardians of a Hindu minor. Section 6 (a) states that when the minor is a boy or an unmarried girl, the father is the natural guardian and after him, the mother. This clause affirms the rule of Hindu Law that the father is the natural guardian of the person as well as the property of a minor son and a minor unmarried daughter and next to him the mother is the natural guardian of the person and property of such a minor. A special right is conferred under the proviso to Section 6 on the mother. This clause rules that though the father is the natural guardian of the minor's person and property, the custody of a minor who has not completed the age of 5 years shall ordinarily be with the mother unless there are grave considerations which require that the mother should not be permitted to have the custody of the child. This does not mean that on completion of 5 years, the custody of the child should be handed over to the father in view of his preferential rights. The sole consideration in any such case is the welfare of the minor. Section 13 of the Act contains a directive to the Courts that the paramount consideration guiding the Court in making up its mind while appointing or declaring a guardian should be the 'welfare' of the minor for whom the guardian is meant. In other words, the Act seeks to protect the interest of the minor when dispute arises, between mother and father, when they live separately. Courts normally do not go into any legal rights of mother or father but decide mainly on ground of welfare of the child and not of those who may act as guardians. This stipulation has been followed by the Courts. For instance, if the father has married a second time, Section 13 gives a guide line to the Court to give the custody of the child to the mother irrespective of the age of the child. Paramount consideration regarding custody is there welfare of the child. Courts have given custody to mother even in respect of a child aged 12 years, (male or female) to mother in preference to father as it is difficult to substitute mother's care to look after the child. In respect of illegitimate children, the natural guardian is the mother and after her, the father [Section 6 (b)].

According to Section 6 (c) the natural guardian of a married girl is her husband. If the father of the minor child gets converted to any other religion or renounces the world, the mother then becomes the natural guardian of person and property of the minor child. The Hindu Marriage Act and the Special Marriage Act also contain provisions for the Courts to pass orders in respect of custody, maintenance and education of the minor children.

5. LEGISLATION REGARDING CHILDREN

Relevant Legislation to Children

Adoption (Amendment) Act 2013

Adoption Act 2010

Child and Family Agency Act 2013

Child Care Act, 1991

Child Care (Amendment) Act 2013

Child Care (Amendment) Act 2011

Child Care (Amendment) Act, 2007

Children Act 2001

Criminal Justice Act 2006

Education Welfare Act 2000

Family Support Agency Act 2001

Ombudsman for Children Act 2002

Protections for Persons Reporting Child Abuse Act 1998

Youth Work Act, 2001

Legislation Programme 2014

Children Amendment Bill - This Bill will amalgamate the children detention schools in the interests of cost/administrative efficiencies and the public interest. Also some technical amendments which will improve the workability of certain provisions are being provided for.

Children First Bill - This Bill will put the Children First National Guidelines on a statutory basis to implement the Programme for Government commitment in that regard. The development of this legislation is part of a suite of legislation to strengthen child protection which includes the National Vetting Bureau (Children and Vulnerable Persons) Act 2012 and the Criminal Justice (Withholding of Information on Offences against Children and Vulnerable Persons) Act 2012. The Ministers and officials from the Department of Children and Youth Affairs and the Department of Justice and Equality are working closely to ensure that the legislative elements are well-integrated and complementary.

Child and Family Agency Bill - The Bill will establish the Child and Family Agency, whose remit will include the delivery of child welfare and protection services and family support services currently operated by the HSE. The Agency will also have responsibility for domestic, sexual and gender based violence services and community psychology services (this does not encompass psychologists operating within acute, disability, mental health or other specialist settings). The Family Support Agency and the National Educational Welfare Board will also be incorporated into the Agency.

Adoption (Tracing and Information Bill) - The Bill will provide for the Adoption Authority to have responsibility for safeguarding and maintenance of all adoption records in the State and for ensuring that access to those records is provided to an adopted person or birth parent in accordance with the Bill. The Bill will provide for an Information and Tracing Service to applicants seeking information about adoptions

Definitions of child in various laws differ. In the following laws a person up to fourteen years is defined as a child.

1. Constitution of India (Article 24 and 45)
2. Factories Act 1948.
3. Child Labour Prohibition Act 1986.
4. Apprentice Act 1951.

According to Juvenile Justice Act 1986, "Juvenile means a boy who has not attained the age of sixteen years or a girl who has not attained the age of eighteen years." (Sec.2 (h)).

In the Immoral Traffic (Prevention) Act 1956, child is defined as 'a person who has not completed the age of sixteen years' (Sec.2 (a)). Psychology, Sociology and jurisprudence define a child as a human being up to fourteen years of age.

Legislations like the Juvenile Justice Act, 1986, need to be considered seriously and implemented in all the states. Five to 15 per cent of children aged three to 15 years are affected by persistent and socially handicapping mental disturbances. Children still working, spending our time over the debate of hazardous non-hazardous. What went wrong with all our National Programs to tackle with this problem is really a question which haunts at this juncture.

Laws and Their Flaws

1948: The Factories Act, 1948

1949: Employment of Children (Amendments) Act, 1949.

Raised the minimum age to 14 years for employment in establishments governed by that Act.

1951: Employment of Children (Amendment) Act. 1951

(As a result of the ILO Convention relating to night work by young persons) Prohibited the employment of children between 15 and 17 years at night in railways and ports and also provided for requirement of maintaining register for children under 17 years.

1951 : The Plantation Labour Act, 1951

Prohibited the employment of children under 12 years in plantations.

1952: The Mines Act 1952

Prohibited the employment of children under 15 years in mines.

The act stipulates two conditions for underground work;

- i) Requirement to have completed 16 years of age; and
- ii) Requirement to obtain a certificate of physical fitness from a surgeon. 1954:

The Factories (Amendment) Act, 1954.

Included prohibition of employment of persons under 17 years at night which was defined as a period of 12 consecutive hours and which included hours between 10 pm to 7am).

1958: **The Merchant Shipping Act, 1958**

Prohibits children under 15 to be engaged to work in any capacity in any ship, except in certain specified cases.

1961 : **The Motor Transport Workers act, 1961**

Prohibits the employment of children under 15 years in any motor transport undertaking,

1961 : The Apprenticeship / training of a person under 14 years. 1966: The Beedi and cigar workers (**Conditions of Employment) Act, 1966 prohibits:**

- i) the employment of children under 14 years in any industrial premises manufacturing beedis or cigars:
- ii) Persons between 14 and 18 years to work at night between 7 pm. to 6 am.

1978: Employment of children (Amendment) Act 1978

Prohibits employment of a child below 15 years in occupations in railways premises such as cinder-picking or clearing of ash pit or building operations, in catering establishment and in any other work which is carried on in close proximity to or between the railway lines.

1986: The Child Labour

(Prohibition and Regulation) Act 1986.

The act prohibits the employment, in seven occupations and eighteen processes which have been listed out in Part A and B of the schedule of the Act-of any person who has not completed fourteen years of age. In all the above Acts there is a common feature, they speak of regulating child labour with one or more conditions but none of them talk of total elimination. There can't be any justification of the fact that work itself is hazardous in terms of debarring a child from education, recreation and the basic rights of childhood. This also deceives the basic spirit of our constitution, which aimed at providing education to all children in this country within ten years.

Guidelines for recording of evidence of vulnerable witnesses in criminal matters, The Protection of Children to Free and Compulsory Education Act, 2009, Juvenile Justice (Care and Protection of Children) Act, 2000, Child Labour Act Amendment 2006, Bonded Labour System (Abolition) Act, 1976, Factories Act, 1948, Infant Milk Substitutes, Feeding Bottles and infant Foods, Pre-natal Diagnostic Techniques Act, 1994, Persons with Disabilities Act, 1995, Prohibition of Child Marriage Act, 2006, Immoral Traffic Prevention Act, 1886, Guardians and Wards Act, 1890, Hindu Adoption and Maintenance Act, 1956, Right to Food Legislation and Children, Scheduled Castes and Scheduled Tribes Act, 1989, The India Penal Code and Child related offenses.

5.1 JUVENILE JUSTICE ACT – 1986

An Act to provide for the care, protection, treatment, development and rehabilitation of neglected or delinquent juveniles and for the adjudication of certain matters relating to and disposition of, delinquent juveniles.

BE it enacted by Parliament in the Thirty-seventh Year of the Republic of India as follows:-

(1) This Act may be called the Juvenile Justice Act, 1986.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint and different dates may be appointed for different provisions of this Act and for different States.

2. Definitions –

In this Act, unless the context otherwise requires, – (a) “Begging” means -

(i) Soliciting or receiving alms in a public place or entering into any private premises for the purpose of soliciting or receiving alms, whether under the pretence of singing, dancing, fortune-telling, performing tricks or selling articles or otherwise.

(ii) Exposing or exhibiting, with the object of obtaining or extorting alms, any sore, wound, injury, deformity or disease, whether of himself or of any other person or of an animal.

(iii) Allowing oneself to be used as an exhibit for the purpose of soliciting or receiving alms.

(b) “Board” means a Juvenile Welfare Board constituted under section 4;

(c) “Brothel”, “prostitute”, “prostitution” and “public place” shall have the meanings respectively assigned to them in the Suppression of Immoral Traffic in Women and Girls Act, 1956 (104 of 1956).

(d) “Competent authority” means, in relation to neglected Juveniles, a Board and, in relation to delinquent Juveniles, a Juvenile Court and where no such Board or Juvenile Court has been constituted, includes any court empowered under sub-section (2) of section 7 to exercise the powers conferred on a Board or Juvenile Court.

(e) ‘Delinquent juvenile’ means a juvenile who has been found to have committed an offence.

(f) “Fit person” or “fit institution” means any person or institution (not being a police station or jail) found fit by the competent authority to receive and take care of a juvenile entrusted to his or its care and protection on the terms and conditions specified by the competent authority.

(g) ‘Guardian’ in relation to a juvenile, includes any person who, in the opinion of the competent authority, having cognizance of any proceeding in relation to a juvenile, has, for the time being, the actual charge of, or control over, that juvenile.

(h) ‘Juvenile’ means a boy who has not attained the age of sixteen years or a girl who has not attained the age of eighteen years.

(i) “Juvenile Court” means a court constituted under section 5.

(j) “Juvenile home” means an institution established or certified by the State Government under section 9 as a Juvenile home.

(k) “Narcotic drug’ and ‘psychotropic substance’ shall have the meanings respectively assigned to them in the Narcotic Drugs and psychotropic Substances Act, 1985 (61 of 1985).

(l) “Neglected juvenile” means a juvenile who –

(i) Is found begging; or

(ii) Is found without having any home or settled place of abode and without any ostensible means of subsistence and is destitute ; or

(iii) Has a parent or guardian who is unfit or incapacitated to exercise control over the juvenile; or

(iv) Lives in a brothel or with a prostitute or frequently goes to any place used for the purpose of prostitution, or is found to associate with any prostitute or any other person who leads an immoral, drunken or depraved life ; or

(v) Who is being or is likely to be abused or exploited for immoral or illegal purposes or unconscionable gain.

(m) “Observation homes” means any institution or place established or recognised by the State Government under section 11 as an observation home.

(n) “Offence” means an offence punishable under any law for the time being in force.

(o) “Place of safety” means any place or institution (not being a police station or jail), the person in charge of which is willing temporarily to receive and take care of a juvenile and which, in the opinion of the competent authority may be a place of safety for the juvenile.

(p) “Prescribed” means prescribed by rules made under this Act;

(q) “Probation officer” means an officer appointed as a probation officer under this Act or under the Probation of Offenders Act, 1958 (20 of 1958).

(r) “Special home” means an institution established or certified by the State Government under section 10.

(s) “Supervision”, in relation to a juvenile placed under the care of any parent, guardian or other fit person or fit institution under this Act, means the supervision of that juvenile by a probation officer for the purpose of ensuring that the juvenile is properly looked after and that the conditions imposed by the competent authority are complied with.

(t) All words and expressions used but not defined in this Act and defined in the Code of Criminal Procedure, 1973 (2 of 1974), shall have the meanings respectively assigned to them in that Code.

Competent Authorities and Institutions for Juveniles

Juvenile Welfare Boards

The State Government may, by notification in the Official Gazette, constitute for any area specified in the notification, one or more Juvenile Welfare Boards for exercising the powers and discharging the duties conferred or imposed on such Board in relation to neglected juveniles under this Act.

Juvenile Courts

Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974), the State Government may, by notification in the Official Gazette, constitute for any area specified in the notification, one or more Juvenile Courts for exercising the powers and discharging the duties conferred or imposed on such court in relation to delinquent juveniles under this Act.

Procedure, etc., in relation to Boards and Juvenile Courts

(1) In the event of any difference of opinion among the members of a Board or among the Magistrates of a Juvenile Court, the opinion of the majority shall prevail, but where there is no such majority, the opinion of the Chairman or of the Principal Magistrate, as the case may be, shall prevail.

(2) A Board or Juvenile Court may act notwithstanding the absence of any member of the Board or, as the case may be, any Magistrate of the Juvenile Court, and no order made by the Board or Juvenile Court shall be invalid by reason only of the absence of any member or Magistrate, as the case may be, during any stage of the proceeding.

Powers of Board and Juvenile Court

Where a Board or a Juvenile Court has been constituted for any area, such Board or Court, shall, notwithstanding anything contained in any other law for the time being in force but save as otherwise expressly provided in this Act have power to deal exclusively with all proceedings under this Act relating to neglected juveniles or delinquent juveniles.

Procedure to be followed by a Magistrate not empowered under the Act.

When any Magistrate not empowered to exercise the powers of a Board or a Juvenile Court under this Act is of opinion that a person brought before him under any of the provisions of this Act (otherwise than for the purpose of giving evidence) is a juvenile, he shall record such opinion and forward the juvenile and the record of the proceeding to the competent authority having jurisdiction over the proceeding.

Juvenile homes

The State Government may establish and maintain as many juvenile homes as may be necessary for the reception of neglected juveniles under this Act. Every juvenile home to which a neglected juvenile is sent under this Act shall not only provide the juvenile with accommodation , maintenance and facilities for education, vocational training and rehabilitation, but also provide him with facilities for the development of his character and abilities and give him necessary training for protecting himself against moral danger or

exploitation and shall also perform such other functions as may be prescribed to ensure all round growth and development of his personality

Special homes

The State Government may establish and maintain as many special homes as may be necessary for the reception of delinquent juveniles under this Act. Every special home to which a delinquent juvenile is sent under this Act shall not only provide the juvenile with accommodation, maintenance and facilities for education, vocational training and rehabilitation, but also provide him with facilities for the development of his character and abilities and give him necessary training for his reformation and shall also perform such other functions as may be prescribed to ensure all round growth and development of his personality.

Observation homes

The State Government may establish and maintain as many observation homes as may be necessary for the temporary reception of juveniles during the pendency of any inquiry regarding them under this Act.

To bring the operations of the juvenile justice system in the country in conformity with the UN Standard Minimum Rules for the Administration of Juvenile Justice,

Parliament seems to have exercised its power under Article 253 of the Constitution read with Entry 14 of the Union List to make law for the whole of India to fulfill international obligations. On 22nd August, 1986, the Juvenile Justice Bill, 1986 was introduced in the Lok Sabha.

The existing Children Acts would indicate that much greater attention is required to be given to children who may be found in situations of social maladjustment, delinquency or neglect. The justice system as available for adults is not considered suitable for being applied to juvenile. It is also necessary that a uniform juvenile justice system should be available throughout the country which should make adequate provision for dealing with all aspects in the changing social, cultural and economic situation in the country. There is also need for larger involvement of informal systems and community based welfare agencies in the care,

Protection, treatment, development and rehabilitation of such juveniles.

In this context, the proposed legislation aims at achieving the following objectives:-

(i) To lay down a uniform frame work for juvenile justice in the country so as to ensure that no child under any circumstances is lodged in jail or police lock-up. This is being ensured by establishing Juvenile Welfare Boards and Juvenile Courts;

(ii) To provide for a specialised approach towards the prevention and treatment of juvenile delinquency in its full range in keeping with the development needs of the child found in any situation of social maladjustment;

(iii) To spell out the machinery and infrastructure required for the care, protection, treatment, development and rehabilitation of various categories of children coming within the purview of the juvenile justice system. This is proposed to be achieved by establishing observation homes, juvenile homes for neglected juveniles and special homes for delinquent juveniles;

(iv) To establish norms and standards for the administration of juvenile justice in terms of investigation and prosecution, adjudication and disposition and care, treatment and rehabilitation;

(v) To develop appropriate linkages and coordination between the formal system of juvenile justice and voluntary agencies engaged in the welfare of neglected or society maladjusted children and to specifically define the areas of their responsibilities and roles;

(vi) To constitute special offences in relation to juveniles and provide for punishments therefore;

(vii) To bring the operation of the juvenile justice system in the country in conformity with the United Nations Standard Minimum Rules for the Administration of Juvenile Justice.

5.2 THE EMPLOYMENT OF CHILDREN ACT No.1938

An Act to regulate the employment of children in certain industrial employments;

In this Act -

- (a) "competent authority" in respect of a major port, as defined in the Ports Act, 1908, and in respect of the railway as defined in the Railways Act, 1890, means the Government;
- (b) "occupier" of a workshop means the person who has ultimate control over the affairs of the workshop ;
- (bb) "Port authority" means a body of Port Commission or any other authority administering a port;
- (c) "Prescribed" means prescribed by rules made under this Act;

- (d) "workshop" means any premises (including the precincts thereof) where in any industrial process is carried on, but does not include any premises to which the provisions of [section 66 of the Factories Act, 1965, for the time being apply.

Note: Clauses (b), (c) and (d) added by the Employment of Children (Amdt.) Act, 1939 and clause (bb) inserted by the Employment of Children (Amdt.) Act, 1951.

The Act was enacted to regulate the employment of children in a certain industrial establishments and was amended by The Employment of Children (Amendment) Act, 1978.

Prohibition of employment: This act prohibits employment or permission to work in any specified occupation of a child who has not completed fifteen years.

Occupations specified are those -

1. connected with the transport of passengers, goods or mail by railway and other occupations in railway premises such as Cinder-picking or clearing of an ash pit or building operation, in catering establishments at a railway station or in occupation relating to construction of a railway station or any other work with close proximity to the railway lines.
2. Connected with a port authority within the limits of any port.
3. Building and construction industry.

Permission to work: No child who has completed fifteen years of age but not completed seventeen years of age shall be employed or permitted to work in any of the above occupations unless the periods of work of such child allow an interval of rest for at least twelve consecutive hours, inclusive of minimum of such seven consecutive hours, between 10 p. m .to 7 a. m. as may be prescribed. These provisions are not applicable to any child employed or permitted to work either as an apprentice or for the purpose of receiving training.

The competent authority may in an emergency or in public interest, by a notification in the official gazette, declare the above provision to be non-operative for a specified period.

Further prohibition: No child who has not. Completed fourteen years of age shall be employed or permitted to

Work in any workshop, as defined under the Act, wherein any of the processes set. Forth In the schedule to the Act is carried on.

This provision is not applicable to any workshop wherein any process is carried on by the occupier with the aid of his family only and without employing hired labour or to any school established by, or receiving assistance or recognition from a State Government. The State Government can, after not less than three months notice in official gazette, amend the schedule.

Notice: The Act requires the occupier to notify the Inspector before carrying on work in the workshop. The notice should contain the specified information.

Dispute as to Age: In the absence of a certificate by a medical authority, the dispute regarding age shall be referred by the Inspector to the Medical Inspector for decision.

Register/Notice: Employer is required to maintain the prescribed register and to notify an Abstract of the Act conspicuously on the notice Board.

Penalty: Defaulting employer/person shall be punishable with simple imprisonment up to one month or with fine up to five hundred rupees or both.

Prosecution: With the previous sanction of Inspector prosecution can be instituted in the Court of presidency Magistrate or Magistrate of the First Class.

Powers to make rules: The competent Authority is authorized to notify rules relating to the specified matters. The Employment of Children (Railway) Rules 1955 and The Employment of Children (Major Ports) Rules 1950 relate to the above stated provisions.

3. Prohibition of employment of children in certain occupations.

(1) No child who has not completed his fifteenth year shall be employed or permitted to work in any occupation -

- (a) connected with transport of passengers, goods or mails by railway; or
- (b) Involving the handling of goods within the limits of any port.

(2) No child who has completed his fifteenth year but has not completed his seventeenth year shall be employed or permitted to work in any occupation referred to in sub-section (1),

unless the period of work of such child for any day are so fixed as to allow an interval of rest twelve consecutive hours which shall include at least such seven consecutive hours between 10 p. m and 7 a.m. as may be prescribed:

Provided that nothing in this sub-section shall apply to any child referred to here in while employed or permitted to work in such circumstances and in accordance with such conditions as may be prescribed in any occupation aforesaid either as an apprentice or for the purpose of receiving vocational training therein.

Provided further that the competent authority may, where it is of opinion that an emergency has arisen and, the public interest so requires, by notification in the official Gazette, declare that the provisions of this sub-section shall not be in operation for such period as may be specified in the notification.

(3) No child who has not completed his twelfth year shall be employed that a nothing in this sub-section shall apply to any workshop where in any of the processes set forth in the Schedule is carried on:

Provided that nothing in this sub-section shall apply to any workshop where in any process is carried on by the occupier with the aid of his family and without employing hired labour or to any school established by, or receiving assistance or recognition from, Government.

Before work in any of the processes set forth in the Schedule is carried on in any workshop after the 1st day of October, 1939, the occupier shall send to the Inspector, within whose local limits the workshop is situated, a written notice containing:

- (a) the name and situation of the workshop,
- (b) the name of the person in actual management of the workshop,
- (c) the address to which communications relating to the workshop should be sent, and
- (d) The nature of the processes to be carried on in the workshop.

3C. Disputes as to age. If any question arises between an Inspector and an employer as to whether any child has not completed his twelfth or fifteenth year, as the case may be, the question shall, in the absence of a certificate as to the age of such child, granted by a

prescribed medical authority, be referred by the Inspector for decision to the prescribed medical authority. Section 3A, 3B and 3C inserted by the Employment of Children Act, 1939.

5.3 YOUNG PERSON HARMFUL ACT - 1956

1. ACT NO. 93 OF 1956

[28th December, 1956.]

An Act to prevent the dissemination of certain publications harmful to young persons.

2. Definitions. In this Act,-

(a) "Harmful publication "means any book, magazine, pamphlet, leaflet, newspaper or other like publication which consists of stories told with the aid of pictures or without the aid of pictures or wholly in pictures, being stories portraying wholly or mainly-

(i) The commission of offences; or

(ii) Acts of violence or cruelty ; or

(iii) Incidents of a repulsive or horrible nature;

In such a way that the publication as a whole would tend to Corrupt a young person into whose hands it might fall,

Whether by inciting or encouraging him to commit offences or acts of violence or cruelty or in any other manner whatsoever;

3. Penalty for sale, etc., of harmful publications. Penalty for sale, etc., of harmful publications. (1) If a person-

(a) sells, lets to hire, distributes, publicly exhibits or in any manner puts into circulation, any harmful publication,

or

(b) for purposes of sale, hire, distribution, public exhibition or circulation, prints, makes or produces or has in his possession any harmful publication, or

(c) advertises or makes known by any means whatsoever that any harmful publication can be procured from or through any person, he shall be punishable with imprisonment which may extend to six months, or with fine, or with both.

On a conviction under this section. The Court may order the destruction of all the copies of the harmful publication in respect of which the conviction was had and which are in the custody of the Court or remain in the possession or power of the person convicted.

Power of Government to declare harmful publications forfeited. The State Government may, if it is of opinion after consultation with the principal law officer of the State, whether called the Advocate-General or by any other name, that any publication is, a harmful publication, declare, by order notified in the Official Gazette, that every copy of such publication shall be forfeited to the Government and every such notification shall state the ground for the order.

Appeal to High Court against order of forfeiture. Any person aggrieved by an order of forfeiture passed by the State Government under section 4 may, within sixty days of the date of such order, apply to the High Court to set aside such order, and upon such application the High Court may pass such order as it deems fit.

Power to seize and destroy harmful publications. Any police officer or any other officer empowered in this behalf by the State Government may seize any harmful publication.

Any Magistrate of the first class may. By warrant, authorize any police officer not below the rank of sub-inspector to enter and search any place where any stock of harmful publications may be or may be reasonably suspected to be, and such police officer may seize any publication found in such place if in his opinion it is a harmful publication.

Any publication seized under sub-section. Shall be produced, as soon as may be, before a Magistrate of the first class, and any publication seized under sub-section, shall be produced, as soon as may be, before the Court which issued the warrant.

Offences under this Act to be cognizable. Notwithstanding anything contained in the Code of Criminal Procedure, 1898 (5 of 1898). Any offence punishable under this Act shall be cognizable.

6. SUMMARY – social legislation works as instrument of social change. There are some important legislation relating to marriage divorce, succession, adoption, maintenance and guardianship among Hindus & Muslims. It also covers legislations regarding juvenile justice act -1986, young person harmful act-1956. All these social legislation are enormous effect on social works and social service.

7. KEYWORDS – Social Legislation – It is a cumulative process of law to bring changes in the pattern of society in response to change in social system.

Children Act - Legal attention is required to be given to children of social maladjustment, delinquency or neglect. So the justice systems pay special legal aid.

8. SELF ASSESSMENT QUESTIONS –

- i. Discuss the role of social legislation as an instrument of social changes.
- ii. Write short notes on Hindu marriage act & Divorce?
- iii. Write an essay Muslim marriage & Divorce?
- iv. Discuss the facets of legislation regarding children?
- v. What's Juvenile justice Act – 1986?
- vi. Short notes
 - a. The employment of children act – 1938
 - b. Young person Harmful Act – 1956

9. FURTHER READING & REFERENCES –

- i. Indian social problem – R.N. Sharma
- ii. Indian social problem – G.R. Madan
- iii. Legislation regarding women – Vinit Gupta(Social Welfare)
- iv. Child Act and its protection – Social welfare, 1986

UNIT-IV

SOCIAL LEGISLATION-II

STRUCTURE

- 1. Objectives**
- 2. Legislation regarding the handicapped**
- 3. Social defense legislation**
- 4. Legislation regarding under privileged**
- 5. Urban community development legislation**
- 6. Social assistance legislation**
- 7. Other social legislation**
- 8. Legislation relating to licensing and recognition of welfare institution.**
- 9. Legal aid movement**
- 10. Summary**
- 11. Keywords**
- 12. Self Assessment questions**
- 13. Further readings & references.**

UNIT-IV SOCIAL LEGISLATION – II

1- OBJECTIVES.

- i. Legislation regarding the Handicapped.
- ii. Social Defense Legislation.
- iii. Legislation regarding under privileged.
- iv. Urban Community Development Legislation.
- v. Social Assistance Legislation.
- vi. Other Social Legislation.
- vii. Legislation relating to licensing and recognition of welfare institution.
- viii. Legal aid movement in India.

2. LEGISLATION REGARDING THE HANDICAPPED

The collective and courageous struggle fought by people with diverse disabilities representing an assortment of causes has been wholeheartedly supported by the non-disabled friends and visionaries, policy makers and professionals. This struggle has helped the disabled get the "Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995, implemented in India. The Indian Act is a comprehensive and far reaching legislation with promise of liberating mankind of its prejudices and of removing barriers that have crippled the disabled for centuries. Rights of the Disabled under the Act. The cardinal rights of the disabled which are enshrined in the name of the PWD Act 1995 itself are as follows:

- I. Right to equal opportunity with the non disabled
- II. Right to protection of the legal rights of the disabled
- III. Right to full participation in the affairs of the left at par with those who are non disabled
- IV. The disabled have to be statutorily recognized by this Act and the various forms of disability have been given legal definitions
- V. The disabled have the right to be taken care of and rehabilitated in the mainstream of life in terms of this act and the government and other authorities and establishments covered by this act have an obligation to fulfill their duties towards the disabled in light of the provisions contained in this Act.
- VI. It is the duty of the Central and State Government to take preventive steps so that the occurrence of disabilities is arrested, periodic training to the staff at Primary Health Centers, improve hygiene, health and sanitation measures, screen children at least once a year to identify risky cases, provide for prenatal, prenatal and post natal care of mother and child and create awareness amongst the people on the causes and measures to be taken to prevent disability.
- VII. Every child with disability is entitled to free education in appropriate environment up to the age of 18 years and the government should set up special schools for imparting special education, promote integration of disabled students in normal schools and periodic opportunities for vocational training to disabled children.
- VIII. Disabled students having studied up to Class V can continue their education as part-time students, through open schools or open universities and are entitled to special books and equipment free of cost from the Government.
- IX. It is the Governments duty to develop new assertive devices, teaching aids and special teaching material so that disabled children may have equal opportunities in education. The Government has to set up Teacher's Training Institutions for training children with disabilities and prepare comprehensive education schemes providing for transport facilities for disabled children to attend school, provide books, uniform, other materials to them, scholarships, restructured curricula and amanuensis for blind students.
- X. There shall be reservation of posts for the disabled up to one per cent each for those who have blindness, impaired hearing or cerebral palsy for which posts will be identified by the Government every three years. Vacancies not filled up can be carried forward.

- XI. Special Employment Exchange to be set up for the disabled who seek employment
- XII. All government educational institutions and aided institutions shall reserve up to 3% seats for persons with disabilities. Vacancies are to be reserved on Poverty Alleviation Programs. Incentives are also to be given to employers to ensure that 5% of workforce is composed of disabled personnel.
- XIII. Disabled persons will also be entitled to preferential allotment of land at concessional rates for housing and for rehabilitation purposes.
- XIV. There shall be no discrimination of the disabled in transport facilities, traffic signal or road or in-built environments. Neither shall there be any discrimination of disabled in matters of government employment.
- XV. Government will regulate recognition of institutions for disabled or for those with server disability.
- XVI. the Chief Commissioner and State Commissioners will look into complaints with respect to matters relating to deprivation of rights.
- XVII. The Government and local authorities shall undertake rehabilitation of the disabled, grant aid to N.G.O.s devise insurance schemes for the disabled employees and also frame unemployment scheme for the disabled.
- XVIII. Those who avail or attempt to avail benefits meant for the disabled in a fraudulent manner are punishable with imprisonment up to 2 years or a fine Rs.20,000.

3. SOCIAL DEFENCE LEGISLATION

The social defence programmes are concerned with those members of the society whose anti-social behaviour is harmful not only to the society but also to their own family members and sometimes even to their own well-being. Such persons include juvenile delinquents, adult offenders, alcoholics, drug addicts, gamblers, prostitutes, beggars, the mentally ill, etc.

The idea of Social Defence was envisaged by the U.N.O. and it now includes all programmes which defend the society. The defence of society means the defence of the members of the society. The society needs a protective shield against social delinquents and anti-social elements. One of the means and measures to protect the society is by preventing crime and correcting the criminal, so that a criminal will no more go astray and harm the society but will be reformed and rehabilitated into a good citizen.

These programmes are mainly organized within the framework of prison legislation, Juvenile Justice Act, Probation of Offenders Act, Immoral Traffic (Prevention) Act, Anti-beggary

Act, etc. All the Acts in this field include provision for the utilization of voluntary services of the people in the community. The first effort to enlist public cooperation in the implementation of correctional programmes was made through the Apprentices Act of 1850. Under this Act Magistrates were authorized to commit such children as apprentices to employers and provided for controlling the relations between them.⁶³ Similarly under the Reformatory School Act, 1897 the Superintendent of a reformatory with the sanction of visitors could entrust any youth offender above the age of 14 years to any trust worthy and respectable person who was willing to take charge of him on the condition that the employer shall keep such youthful offender employed in trade, occupation or calling. The Children Acts provide for the utilization of voluntary welfare services in the institutional and non-institutional programmes. There is provision for the release of inmates of Children Act institutions on license under the care and guardianship of voluntary social workers and social welfare agencies.

social defence programmes such as prevention of delinquency and crime, treatment of juvenile delinquents and adult offenders, check on alcoholism, gambling, prostitution, beggary, etc. are not being followed uniformly in all the States.

It is the protection of society against crime through a systematically organized and coherent action by the State and civil society.

The the social defence approach aims not only at perfecting the system that deals with offenders but also at forestalling conditions that generate criminality. In this process, it closely interacts with various sectors of socio-economic development in creating an environment conducive to the prevention of crime and in futuristic perspective.

3.1 Custodial Exploration

A high level of denial among the concerned authorities, torture does exist in prisons broadly in three different ways. First, there is a form of torture which may be intentional in nature and resorted to against all canons of rules and regulations to 'discipline' a prisoner or to 'set him right'. It may happen sporadically but does take place when the custodian under pressure loses his balance and the prisoner is totally at his mercy. No civilized society would ever condone such an intentional torture. Secondly, there is torture incidental to the sub-human conditions prevailing in prisons, especially in developing countries. Such incidental torture has to be prevented by adhering to certain minimum standards of institutional care in terms of living conditions, basic needs and the necessary amenities and privileges to treat prisoners as human beings. And, thirdly, there is an element of torture inherent in

incarceration itself, when the individual involved is deprived of his freedom and isolated from his family and the community he belongs to.

3.2 Juvenile Justice

The United National Standard Minimum Rules for the Administration of Juvenile Justice also concentrate only on children in conflict with law and other categories of vulnerable children are envisaged to be catered to within their families and communities under a welfare regime. While much would depend on the manner in which the newly enacted law is implemented on the ground, with children in the higher age group of 16 to 18 years now increasingly emulating adult role models in criminal behaviour.

A variety of disposition measures are contemplated, such as, care, guidance and supervision, probation, community service, financial penalties, compensation and restitution, intermediate treatment, participation in group counseling and similar activities, foster care, living in communities or other educational settings, etc. While institutionalization is thought to be a disposition of last resort, non-institutional treatment has to provide juveniles with necessary assistance, including education and vocational training in order to facilitate the reformatory process, and to mobilize volunteers and other community welfare resources for rehabilitation. When a juvenile undergoes institutional treatment, early recourse to conditional release under proper supervision and community support has been suggested.

3.3 Non-Custodial Measures

In the placement of offenders in a non-institutional setting, the range of community corrections remains limited and imprisonment continues to be followed as the most convenient course, even for offenders whose institutionalization for short periods has no therapeutic value. It is true that when non-custodial correctional measures are used arbitrarily, without being resorted to on objective grounds, there is real danger of men of means taking undue advantage and abusing the system as against those who would really deserve but have no advocacy or support, and of the whole approach becoming counter-productive and coming into public disrepute. It is, therefore, necessary that a ground is

prepared for community correction to prove its credentials to function, if not more, as effectively as custodial correction in reforming and rehabilitating offenders.

In keeping with the principles of the observance of human rights, the requirements of social justice, and the rehabilitation needs of offenders, the rules spell out a wide range of disposition modalities at the pre-trial, sentencing and post-sentencing stages. Apart from empowering the police and prosecution agencies to discharge offenders under specified conditions, the suggested sentencing alternatives include: verbal sanctions, such as admonition, reprimand and warning; conditional discharge; status penalties, economic sanctions and monetary penalties; confiscation or an expropriation order; restitution to the victim or a compensation order; suspended or deferred sentence; probation and judicial supervision; community service order; referral to an attendance centre; house arrest; and any other mode of non-institutional treatment or combination of various measures.

3.4 Public Participation

Civil society is encouraged to take a balanced view and to guide the public in subscribing to a system that protects society against crime without impinging on the human rights of all those involved, whether as offenders or victims. For this purpose, civil society must be closely associated with the planning and execution of crime prevention and criminal justice strategies, so that it sets a direction for a momentum to public participation in this field, at the individual, group and community levels. Civil society has to serve as the primary tool for the desired transparency and accountability in the functioning of various penal institutions established by the State to control crime.

An optimum use of all such voluntary agencies as are engaged in protecting the vulnerable, like children, women and other economically weaker or socially disadvantaged sections in society against any form of abuse or exploitation which is likely to induce asocial reaction. A problem-oriented strategy would bring within its ambit all such activities and programmes as are initiated through voluntary action to tackle social problems which have a nexus with crime.

4. LEGISLATION REGARDING UNDER PRIVILEGED

One of the main problems or impediments to development's India is the existence of a large chunk of population consisting of weaker sections. Weaker sections have been defined as those groups who are not able to take advantage of development services. Some of these are:

- (i) physically and mentally handicapped persons,
- (ii) scheduled castes (erstwhile untouchables),
- (iii) scheduled tribes,
- (iv) backward classes,
- (v) Women.
- (vi) The rural weak such as landless, small and marginal farmers, share croppers, artisans, etc.

These groups have been at disadvantage and have not been able to take advantage of social developmental services like health, education, housing, economic development, etc. Since the erstwhile untouchables and the tribal's suffered from socioeconomic isolation fm the mainstream of population, they have legged behind.

Against this background, the needs and problems of the scheduled castes and scheduled tribes and a review of various plans and programmes of their socioeconomic development becomes a field of welfare and development catering to these sections of society needing special attention.

Constitutional Provisions

With a view to ensuring that the scheduled castes and scheduled tribes communities are able to improve their social and economic conditions and come up at the level of general population, in as short a period as possible, framers of_t. Our constitution have provident for a number of provisions and safeguards in the constitution. Some of the important provisions made under the constitution have been briefly listed below:

Article 15, (1) 'No citizen shall, on ground only of religion, race, caste, sex, place of birth or any there of, be subject to any disability, liability, restriction or condition with regard to (a) access to shops, public restaurants, hotels and places of public entertainment, or (b) the use of wells, tanks, bathing ghats, roads and places of public resort maintained wholly or partly out of state funds or dedicated to the use of the general public. (2) special provision for the advancement of any socially and

educationally backward classes.

Article 17: 'Untouchability' in any form or manner has been abolished.

Article 46. The State shall promote with special care the education and economic interests of the weaker sections of tile people, and shall protect them from social injustice and all forms of exploitation.

Article 164: Ministers in charge for Welfare of Scheduled Castes, Scheduled Tribes and Backward Classes would be appointed in the States having sufficient number of Scheduled Castes and Scheduled Tribes population.

Article 244: The States having Scheduled Tribes and Tribal Areas are required to have an adequate administrative set-up to look after interests of the tribal's living in those areas.

Article 275: Provision of Central grants would be made available to certain States for the development of Scheduled Castes and Scheduled Tribes.

Article 330: Reservation of seats for Scheduled Caste and Scheduled Tribe members in the Lok Sabha has been ensured.

Article 332: Reservation of seats for Scheduled Castes and Scheduled Tribes in the legislative assemblies.

Article 335: Claims of the Scheduled Castes and Scheduled Tribes in services have been ensured.

Articles 338: There shall be a Special Officer for the Scheduled Castes and Scheduled Tribes who would be appointed by the President to investigate all matters relating to the backward provided for these grounds, under the Constitution, an report to the President. The President is empowered in respect of any State or Union Territory by notification, specify the castes. Races or tribes or parts of or groups for the purposes of the Constitution be deemed to be Scheduled Castes. The Parliament may include in or exclude from the list Of Scheduled Castes, any caste, respected in notification issued by the President of India (Article 341).The President is also empowered in respect of any State or Union territory by notification. Specify the tribes or tribal communities or part of groups within tribes or tribal communities which shall for this purpose of this Constitution be deemed to be Scheduled Tribes. The Parliament may by law include in or exclude from the list of Scheduled Tribes any tribe or tribal community specified in notification issued by President of India (Article 142). Article 371 (a), 371 (b) and 371

(c): provide for special provisions in respect of Nagaland, Assam and Manipur for the welfare/development of the Scheduled Tribes living in the respective States.

It is evident from these Articles, of the Constitution that adequate care has been taken in providing safeguards and facilities to these backward communities to ensure that their interests are well-guarded and they are able to raise their standards of living.

4.1 Legislative Measures

Under the Constitution, untouchability was abolished and practice in any form forbidden. Thus under Article 25(2) Hindu religious institutions of a public character were thrown open to all. The Untouchability (Offences) Act, 1955 was enacted. This Act was amended by the Untouchability (Offences) Amendment and Miscellaneous Provisions Act, 1976. It has been renamed as 'Protection of Civil Rights Act'. 1955. The amended features of the Act are as below:

(i) The Central Government shall take necessary steps to coordinate the measures taken by the State Governments and to place a report on the Table of House of Parliament every year on the measures taken by itself and by the State Governments to ensure that the rights accruing from the abolition of untouchability may be availed of by the concerned persons.

(ii) Grant of adequate facilities including legal aid to the persons [subjected to any disability arising out of untouchability.

(ii) Setting up of special courts for the trial of offences under the Act.

(iv) Appointment of officers for initiating or exercising supervision of prosecutions for the contravention of the provisions of the Act.

(v) Setting up of committees at appropriate levels to assist the State Governments in formulating or implementing measures to ensure that the rights arising out of the abolition of untouchability are made available to them.

(vi) Periodic survey of the working of provisions of the Act with a view to suggesting measures for its better implementation.

(vii) Identification of the areas where persons are under any disability arising out of untouchability.

(viii) Abolish untouchability of the areas where persons are under any disability arising out of untouchability.

(ix) State Governments have been empowered to impose collective fines on the

inhabitants of any area who are concerned with abetting the commission of untouchability offences.

It is evident from the shabby implementation of Protection of Civil Rights Act, 1955, atrocities are being committed on the Scheduled Castes. The fact is change of age-old beliefs and prejudices which are against the constitutional sanctions and civilized conduct calls for a climate to change the outmoded prejudices by mobilizing and enthusing the people on constructive lines in order to accelerate the pace of social and economic progress.

The problem of atrocities on Scheduled Castes can be solved to a large extent if the police does not restrict itself only to the maintenance of law and order but jointly with other departments makes efforts for the solution of the 'social and economic problems that are faced by the weaker sections of the society. as active agents of conflict resolution. What is required is 'Social Intelligence' instead of 'Police Intelligence' which is weak and deficient about the problems of social and agrarian unrest that are accruing in rural areas. Another important point which needs urgent attention is speedy disposal of atrocity cases by the law courts. Inordinate delay in the disposal of these cases undermines the confidence of the victims of atrocities in the judicial system. Emboldens the perpetrators of these crimes after their release on bail, demoralizes the complainants and makes the witnesses vulnerable to pressures and allows the tension in the affected villages to continue unabated

The third major group of '*backward classes*' consists of a big number of educationally and socially backward people. Though the term '*backward classes*' has not been defined by the Indian Constitution, the characteristics of backwardness are described here and there and also some of the categories are mentioned. *Article 15 (4)* speaks of the socially and educationally backward. *Article 16 (4)* uses the term 'backward class' and speaks of inadequate representation in services. *Article 45* mentions free and compulsory education. *Article 46* mentions the weaker sections of the country and includes the expression "the Scheduled Castes and Scheduled Tribes". *Article 340* directs the State to investigate the condition of the backward classes and to help them by grants, etc. As the Constitution has accepted the following elements of backwardness; *illiteracy and lack of action, poverty, exploitation of labour. Non-representation in services and untouchability,*

Thus, the term '*backward classes*' is agree in the sense that it includes a wide variety of

lower as well as castes consisting of millions of people. *Article 340* of the Constitution provide for appointment of a commission to investigate the conditions of backward classes.

Accordingly, the indent (that is, the Union Govt.) had appointed on Jan. 29, 1953,

4.2 The Backward Classes Commission under the chairmanship of *Kakasaheb Kalelkar*.

The Commission prepared a list containing many as 2,399 communities which were treated as socially and educationally backward. Out of 913 communities alone had an estimated population of 115 millions. The commission adopted following criteria for determining backwardness:

1. *Low Social position in the traditional caste hierarchy of Hindu Society.*
2. *Lack of general advancement among the major section of a caste or community.*
3. *Inadequate or no representation in Government services.*
4. *Inadequate representation in the field of trade, commerce and industry.*

Other Backward Classes' which consist of (a) those nomads who have no occupation of a fixed habitation and are given to mimicry , begging , jugglery ,dancing , etc., (b) Communities consisting largely of agricultural or landless laborers , (c) Communities consisting largely of tenants without occupancy rights and those with insecure land tenure, (d) Communities consisting of a large Percentage of small land owners with uneconomic holdings,(e) Communities engaged in cattle dreading , sheep breeding or fishing on small scale, (f) Artisan and occupational classes without security of employment and whose traditional occupations have ceased to be remunerative, (g) communities, the majority of whose people, do not have sufficient education and therefore have not secured adequate representation in Government services.

5. URBAN COMMUNITY DEVELOPMENT LEGISLATION

The Central Social Welfare board started Urban Welfare Extension Projects, which *inter alia* included welfare services for pre-school children '(in the form of a *Balwadi*)' craft training for women, social education, maternity and child welfare services in coordination xvith the municipal health_ services. The Urban Lok Karyakshetras were established by the Planning Commission in the rural and urban areas with a view to enlisting people's participation for plan programmes. The socio-economic scheme of the Central Social Welfare Board was available to start training-cum-production centres to supplement the

income of slum women. Integrated pre-school projects were established for integrated development services for pre-schoolers in urban areas. These programmes were supplemented by the scheme like the Holiday Homes for children, Creches, *Balwadi* Nutrition programme of the Board.

The Integrated Child Development Services (ICDS) scheme of the Ministry of Social Welfare (now Department of Women and Child Development) provides immunization, health checkup, supplementary nutrition, pre-school education, growth monitoring etc. through *Anganwadis* on an integrated basis for pre-school age children. Health and nutrition services are also provided to the expectant and nursing mothers. These projects are located in urban slums and resettlement colonies

In the field of housing, several development agencies for urban housing like the Delhi Development Authority, Haryana Urban Development Corporation, etc. also look after the housing needs of the low-income population in the urban areas. The Municipal Corporation provide, civic services like water, sanitation, health, education though on a limited scale

The UBS aims at.

- I. Net-working of services of different agencies such as urban development projects, ICDS, expanded programme of immunization (EPI), adult education, municipal health services, family planning programme etc.
- II. Community organization and participation with emphasis on self-help so as to build the capacity of the urban poor who do not have access to the available social, civic and welfare services.
- III. acquainting the migrating population from urban slums with the conditions in new settlement areas,
- IV. enabling the people to get .maximum benefits from new settlement,
- V. to encourage them to suggest any modifications in their new environments,
- VI. to promote self-help and community participation in their resettlement through promotion of social, cultural educational, health, recreational and other activities to

make their life brighter..

VII. to explore avenues to and develop opportunities for supplementing their family income particularly their women folks.

VIII. to prepare, promote and strengthen local leadership and take active part in the decision-making process

5.1 Constitutional Provisions -

In our Constitution the responsibility of urban development and related welfare programmes has been assigned to the state governments. The social legislation governing rent and sale of land and houses include the following two important enactments.

Rent Control Act (RCA), 1948, and

Urban Land Ceiling and Regulation Act (ULCRA) 1976.

The Rent Control Act, 1948

The Rent Control Act was enacted with a view to control and regulate the rent of the houses. It was first enacted in the then Bombay State, in 1948, and later on in several other states. The Rent Control Act also protects the tenants from the atrocities of the house-owner, especially in the sense that the owner of a house can neither force the tenant to vacate house, nor can he raise the rent of the house at his own will. Further, the Rent Control Act also imposes the responsibility of repairs of the house on the owner rather than on the tenant living in it.

There have been some latent consequences of this Act, adding to the already acute problem of housing. The owners are now not eager to rent out the house, as it will never come back in their possession due to the conditions of the Rent Control Act. Similarly, now people do not like to build houses with a view to earn rent. All such calculations ultimately add to the scarcity of houses. It is also observed that the owners hardly show any interest in the repair of houses, which have already been rented out, simply because all such expenses are finally going to be a burden on them alone, without any possibility of raising the rent. Owing to such apathetic attitude of the owners towards. Timely repairs, a large number of buildings in cities have deteriorated and become dangerous for living.

In 1987, The National Commission on Urbanization was appointed under the auspices of the Ministry of Urban Development, Government of India. The Commission also went into the details of the Rent Control Act, and recognised the seriousness of the adverse effects of the Act. In its

interim report, the National Commission on Urbanization made several recommendations relating to the amendments in the terms and conditions of the existing Rent Control Act relating (1) the continuation of the protection of the interests of the existing tenants, (2) the inclusion of the possibility of raising rent, (3) the separation of the rules the regulations of renting houses for commercial purposes from houses to be rented for residenti poses, (4) the provisions of providing incentives to build new houses, etc.

Urban Land Ceiling and Regulation Act , 1976

The second important step relating to the management of urban land is the enactment of the Urban Land Ceiling Act of 1976. This Act has the following three fundamental objectives:

- a) Redistribution of land,
- b) Prevention of speculation in land, and
- c) Regulation of construction on vacant land.

Under the provisions of this Act, the excess land, i.e., land excluding the prescribed size of the available plot, can be procured by the local authorities or the state government for wider public interests. Usually, the excess land under this Act is procured for the construction of houses for the urban poor and the low income groups. Moreover, this Act imposes restrictions on the sale of excess land so as to curb speculation in urban land.

5.2 Slum Clearance and Construction of New Houses.

We have seen that, in the face of rapid urban growth, a large section of urban population is living in slums and suffering from acute shortage of houses, water-supply, sanitation and other public facilities. These urban problems have assumed massive proportion, warranting social legislation and special attention in our national planning. Following from these efforts, one of significant programmes is the slum clearance scheme and programme of construction of new houses for the urban poor. And the low income groups. Under this scheme, low cost houses, equipped with latrine, bathroom, water-tap, sanitation and drainage facilities, are made available to the poor people, who can afford to pay a token amount as rent from their meager earnings. Moreover, under the scheme of slum clearance an entire area inhabited by economically and socially weaker sections is provided with these common utilities to be shared by all.

These programmes under the slum clearance scheme are subsidised to provide assistance to the state governments for construction of one crore and 40 lakh new houses at the rate of Rs.5000 per house to the benefit of the urban poor and the low and middle income groups.

In 1952, a scheme for the construction of houses for the industrial workers came into existence.

- b) A scheme was introduced, in 1954, for the construction of houses for the low income groups.
- c) Since the implementation of the Second Five Year Plan (1956), the scheme of slum clearance and improvement came into existence on a regular basis.
- d) The Life Insurance Corporation of India started giving loans since the Second Five Year Plan to the middle-income groups for the construction of houses.

Since the Fifth Five Year Plan, the programme of building houses for the higher-income groups were taken on hand with the objective that profit earned through such projects will be diverted for the construction of houses for the urban poor and the low-income groups. Special instructions were issued to the Cohousing Urban Development Corporation (HUDCO) in this respect.

The issue received significant attention in the Seventh Five Year Plan led to the establishment of a National Housing Bank (NI-B3) with an assistance of .100 crores from the Central government. It is proposed that the following shall be the objective of the National Housing Bank:

To provide a national body for financing the programmes only for the construction of houses.

To raise. The sources for procuring finance for the construction of houses and make effective use of all such sources.

To raise financial institutions at local and regional levels for advancing loans for construction .of houses and institutions giving loans for other purposes.

To establish meaningful links between financial institutions advancing loans for construction of houses and institutions giving loans for other purposes.

The end of the First Five Year Plan several institutional set-ups to ease this problem came into existence. For example, a new ministry of works and housing was, i first established and later renamed as the Ministry of Urban Affairs. The second five year plan emphasized

the need for planned development of cities and towns advocate an integrated approach to rural and urban planning in a regional framework. The third and Fourth Five Year Plans laid emphasis on town planning for which the responsibility was shifted from the Centre to the states. A model town-planning Act was prepared in 1957 by the Town and Country Planning Organisation in Delhi, and this led to the enactment of laws in other states. The Third Five Year Plan extended financial support for the preparation of master plans for the development of cities and towns in the states. The Fourth Plan recognised the need of financing urban development schemes. It was during this plan period that an agency — Housing and Urban Development Corporation (HUDCO) — came into existence to provide funds for the metropolitan authorities, State Housing Boards and other urban institutions for the construction of houses in urban areas. The Fifth Plan document, in a separate chapter on urban and regional planning, laid down the following objectives of its urbanization policy: (a) to augment civic services in the urban centres, (b) to tackle the problems of the metropolitan cities on a regional basis, (c) to promote the development of small towns and new urban centres, (d) to assist inter-state projects for the metropolitan projects, and (e) to support industrial townships under government undertakings. The Sixth Plan also had a special chapter on urban problems but greater emphasis was given to the problem of housing both urban and rural areas. In this plan, necessary attention was drawn, for the first time, to regional variations in the levels of urban development. It should also be mentioned here that, during the Sixth Plan, provisions were made to develop adequate infrastructural and other facilities at the small, medium and intermediate towns so as to make them 'growth centers' in promoting rural development. The sixth plan recognized the problems of basic needs of the urban dwellers and took some concrete steps towards amelioration of their conditions. The Seventh Plan, on the one hand, stressed the need for integrated development of small and medium towns and, on the other, minimizing the growth of the metropolitan cities. To attain this objective, special incentives are offered for the establishment of industries in small and medium towns. It also advocates for greater financial support to local bodies by the state governments. In terms of institutional set up, the Seventh Plan recommended the establishment of the National Urban Infrastructure Development Finance Corporation, to provide capital for the development of infrastructure in small and medium towns.

5.3 Special Legislation

(a) finance for housing, (b) slum clearance and improvement, (c) town water supply and sewerage, (d) urban transpiration, and (e) the preparation of master plans for the development of cities, especially bigger ones.

6. SOCIAL ASSISTANCE LEGISLATION

i. This act a person who requires financial assistance to provide for the person in a home for special care or a community based option "social services committee" means a social services committee of a municipal unit or, where no social services committee is appointed pursuant to subsection (3) of Section 5, a council meeting as a committee of the whole.

ii. The amount required by a municipal unit for the assistance of persons in need, including amounts required for the erection and maintenance of homes and amounts paid by the unit for the care, maintenance, treatment and nursing of persons in hospitals and for services there provided for them, shall be included by the council of the unit in its estimates for the year and raised, levied and collected as part of the general rate of levy on the whole unit and shall not be raised by an area rate.

iii. The social services committee with the approval of the council may appoint a person to administer and manage or may enter into an agreement with the Minister or an agency approved by the Minister for the administration and management of all matters that are the responsibility of the social services committee and may, with the approval of the council, appoint such additional persons as may be required for the effective carrying out of social services responsibilities in the municipal unit or in co-operation with other municipal units.

iv. Subject to this Act and the regulations the social services committee shall furnish assistance to all persons in need, as defined by the social services committee, who reside in the municipal unit.

v. Notwithstanding subsection (1), in making a determination pursuant thereto the social services committee shall not take into consideration the fact that land was sold for less than the maximum attainable amount where,(a) the land is sold for at least its assessed value as

determined pursuant to the Assessment Act; and, (b) the land is land on which a housing unit that is a designated residence is situated and the land cannot reasonably be regarded as contributing to the use and enjoyment of the housing unit as a residence or cannot be established in accordance with the regulations as necessary to such use and enjoyment.

vi. Where assistance has been given by a social services committee to or for a person in need, the municipal unit may recover from the person or, in the case of the person's death, from the person's executor or administrator the expenses so incurred in an action brought by the clerk in the name of the municipal unit as a debt due the municipal unit, and the clerk may obtain as a creditor letters of administration of the estate of the person and may file a claim against the person's estate in a court of probate.

vii. A claim against an executor or administrator or an application for administration under subsection (1) may not be made later than one year after the death of the person to whom assistance was given.

viii. The husband, wife, father, mother, child and children, of every person who seeks assistance from or to whom assistance is given by a social services committee under this Part, are jointly and severally liable for the assistance of the person and shall assist and maintain the person to such extent and in such manner as the social services committee may direct.

ix. In the case of a person in a home, the council of the municipal unit in which the person has a settlement may direct the extent to and the manner in which the persons named in subsection (1) shall assist and maintain the person.

x. In the case of default by any person in complying with a direction made under subsection (1) or subsection (2), then the municipal unit in which the person in need has a settlement is entitled to recover from the person or persons in default such sum of money as

the council may direct, not exceeding twenty-five dollars per week, in an action brought by the clerk in the name of the municipal unit.

6.1 There are some other legal provisions and acts related to social assistance programme.

The Adoption Act, 1998

The Child and Family Services Act (section 5 is jointly assigned to the Ministers of Social Services and Education)

The Child Care Act (jointly assigned to the Ministers of Social Services and Education)

The Department of Social Services Act (sections 6, 7 11, 12, 13, 14, 15 and 18 are jointly assigned to the Ministers of Social Services, and Corrections and Policing)

The Department of Urban Affairs Act (section 7(b) only)

The Donation of Food Act, 1995

The Emergency Protection for Victims of Child Sexual Abuse and Exploitation Act

The Human Resources, Labour and Employment Act (section 4.03 only)

The Intercountry Adoption (Hague Convention) Implementation Act

The Rehabilitation Act

The Residential Services Act (jointly assigned to the Ministers of Health, Social Services, Justice and Corrections and Policing)

The Saskatchewan Assistance Act

The Saskatchewan Housing Corporation Act

The Saskatchewan Income Plan Act

The Social Workers Act

The Women's Affairs Act

Regulations

The Adoption Regulations, 2003

The Benefit Adjustment Regulations

The Board of Directors under The Saskatchewan Housing Corporation Act, 1973

The Child and Family Services Regulations

The Child Care Regulations, 2001 (shared with the Ministry of Education)

The Department of Social Services Central Trust Account Regulations

The Disability Housing Supplement Regulations

The Emergency Protection for Victims of Child Sexual Abuse and Exploitation Regulations

The Employment Supplement Regulations

The Personal Care Home Benefit Regulations

The Private-service Homes Regulations

The Rental Housing Supplement Regulations

The Residential-service Facilities Regulations

The Saskatchewan Assistance Plan Supplementary Health Benefits Regulations

The Saskatchewan Assistance Regulations

The Saskatchewan Assured Income for Disability Regulations

The Saskatchewan Housing Corporation Regulations

The Saskatchewan Income Plan Regulations, 2002

The Rehabilitation Regulations

The Social Services Rehabilitation Institutional Collective Benefit Funds and Trust Account Regulations

The Transitional Employment Allowance Regulations

The Vocational Rehabilitation Regulations

7. OTHER SOCIAL LEGISLATION – There are some other social legislation

related to social work & policy.

- I. *Social Security (Administration) Act 1999*
- II. *National Gambling Reform Act 2012*
- III. *A New Tax System (Family Assistance) Act 1999*
- IV. *A New Tax System (Family Assistance) (Administration) Act 1999*
- V. *Social Security Act 1991*
- VI. *Social Security (International Agreements) Act 1999*
- VII. *Student Assistance Act 1973*
- VIII. *Income Tax Assessment Act 1936*
- IX. *Income Tax Assessment Act 1997*
- X. *Taxation Administration Act 1953*
- XI. *Taxation (Interest on Overpayments and Early Payments) Act 1983*
- XII. *Paid Parental Leave Act 2010*
- XIII. *Veterans' Entitlements Act 1986*
- XIV. *A New Tax System (Family Assistance) Act 1999*
- XV. *Family Assistance Legislation Amendment (Child Care Budget Measures) Act 2011*
- XVI. *Paid Parental Leave Act 2010*
- XVII. *National Disability Insurance Scheme Act 2013*
- XVIII. *A New Tax System (Family Assistance) (Administration) Act 1999*
- XIX. *Child Support (Assessment) Act 1989*
- XX. *Child Support (Registration and Collection) Act 1988*

Extracts from the Constitution of India Specially relevant to Social Justice & Empowerment
(except provisions relating exclusively to STs & Minorities)

7.1 Scheduled Castes Welfare

The Protection of Civil Rights(PC R) Act, 1955

The Protection of Civil Rights(PC R) Rules, 1977

The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989

The Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Rules, 1995

7.2 Welfare of Backward Classes

The National Commission for Backward C lasses Act, 1993

7.3 Empowerment of Persons with Disabilities

Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995

Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Rules, 1996.

National Trust for Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disability Act,
1999.

The National Trust Rules, 2000 and the National Trust Regulations, 2001.

Rehabilitation Council of India Act, 1992.

Rehabilitation Council of India Rules and Regulations, 1997

7.4 Social Defence

Maintenance and Welfare of Parents and Senior Citizens Act, 2007

8. LEGISLATION RELATING TO LICENSING AND RECOGNITION OF WELFARE INSTITUTION

8.1. Professional certification uses a formal process to identify and acknowledge individuals who have met a recognized standard. Usually this standard includes education, experience, and an exam of knowledge, skills, and abilities needed to perform the job. When an individual meets the standard, he or she receives certification from a certifying agency. The credibility and integrity of the certifying agency determines whether the agency's certification means anything to the public, and therefore, ultimately, its value. Accordingly, certification agencies may seek out recognition by an outside agency that will, in turn, attest to the certifying agency meeting a standard. Generally, this standard involves the qualification requirements to take the exam, whether the exam meets accepted psychometric standards for exam development, how the exam is given and scored, how the

agency is administered, and whether its rules are fair. The National Organization for Competency Assurance operates the National Commission for Certifying Agencies for that purpose.

8.2. **Professional certification is a voluntary process** by which a non-governmental professional organization grants recognition to an individual who has met certain qualifications. It is a credential which attests that the individual has demonstrated a certain level of mastery of a specific body of knowledge and skills within the relevant field of practice. Certification should not be confused with either licensing or accreditation. While each involves some type of evaluation and the awarding of some type of credential, they are quite different from one another and the terms should not be used interchangeably.

8.3. **Licensure** is a **non-voluntary** process by which an agency of **government** regulates a profession. It grants permission to an **individual** to engage in an occupation if it finds that the applicant has attained the degree of competency required to ensure the public health, safety, and welfare will be reasonably protected. Licensing is always based on the action of a legislative body. Once a licensing law has been passed it becomes illegal for anyone to engage in that occupation unless he or she has a license. The health care professions are typically licensed at the state and/or local level, but not usually at the federal level.

8.4. **Certification differs from licensing** in that it is nearly always offered by a private, non-governmental agency. Such agencies are usually outgrowths of professional associations which create certifying agencies to identify and acknowledge those who have met a standard. Another contrast with licensure is that, under a licensing law, practitioners of the licensed occupation must have a license in order to practice. It is involuntary. On the other hand, certification is voluntary. One does not have to be certified in order to practice. An individual takes the certification exam because they want to enjoy the benefits of

certification. However, to use the title and initials copyrighted and associated with the professional certification, one must be certified.

9. LEGAL AID MOVEMENT

The concept of legal aid is no longer confined to exception from court fee and providing a lawyer for indigent whose cases have already reached the court. Legal aid is now to be treated as part of the programme to secure to the poor and the disadvantaged their just share of the benefits of society. The change in attitude is disclosed by the entry into the Constitution word 'Socialist' in the preamble and Article 39-A as a Directive Principle of State Policy, as a result of the greatly maligned 42nd amendment, Article 39-A is a Directive Principle and as benefits a mere Directive Principle, it is couched in vague, general terms. Why is it not a Fundamental Right and why is it not more precise? Obviously, because Parliament is still unable to wholly divest itself of the traditional view which regards legal aid as a charitable dispensation and is unsure about the true content of legal aid and how far it can go. But the very introduction of Article 39-A into the court is significant and reveals a movement in the proper direction.

Article 39-A, which provides for the free legal aid to the poor, is a Directive Principle and constitutes the Part IV of the Constitution. Directive Principles are non-justifiable. they are merely directives which may be implemented by working law on the directives provided in the constitution. But the judiciary has taken a lead to read the directives into Fundamental Rights. As a result of the new interpretative approach of the courts, the non-justifiable rights have acquired the status of fundamental rights. Therefore, the right to free legal aid, a directive principle embodied in Part IV of the, constitution acquired the status of a fundamental right.

The post-constitutional experience made the people to realise, that there

can not be any real equality in the right to sue and be sued unless legal advice is available to the poor people in the same manner as others, whether in civil or criminal process. For, without free advice, there is virtual-denial of equal justice to the poor man. The accused's right to consult and engage a lawyer for his defence was protected by S. 304(2) of the Code of Criminal Procedure, 1973.² But Article 22(1) of the Constitution makes the right of an accused to be represented by a pleader of his choice into a Constitutional guarantee. Civil Procedure Code, 1908 provides for the exemption of court fees.

9.1 OBJECT OF THE LEGAL AID

The object of the legal aid is to wide the road to justice and thereby to enable the indigent persons to have easy accessibility to justice. India is a country of illiteracy, ignorance, and poverty. In such a country various factors such as social, economic and political are impairing equality of access to justice. Social and economic backwardness, psychological and cultural inhibitions are preventing the poorer sections from asserting their rights and approaching the courts for redressal. It is difficult for a poor man to wage a legal battle against his powerful oppressor. Exploitation of man by man is the order of the day. In cases where labourer versus master and tenant versus landlord, it is an unequal fight. One of the parties to the dispute have all the resources at its disposal to corner justice whereas the other party has no means to enforce its constitutional and statutory rights. According to the Anglo-Saxon jurisprudence the parties before the court are presumed to be equal. The courts in India adhered to this rule of Anglo-Saxon jurisprudence. In such cases it is the constitutional duty of the State to extend legal assistance to indigent persons to secure Justice' proclaimed in the first place of the Preamble.

10 – Summary – The Indian act has a promise for liberation of mankind from prejudices and remaining barriers for disabled persons. The defence of the society means the defence of

the members of society. The society needs a protective shield against social delinquents and anti social element. There are special provisions for under privileged Like, SC, ST, OBC, Women & Children. Urban community development legislation follows municipal legislation Legislation and aid. Social assistance legislation, Other Social Legislation, Legislation relating to licensing and recognition of welfare intention, legal aid are some innovative legal steps in India.

11 – Keywords –

- i. Backward Classes - Low social position in the caste hierarchy, lack of advancement in community, economic & educational backwardness.
- ii. Social Defence - The defence of society from maladjusted social structure & function.
- iii. Urban community legislation – Housing, Business, right to live and protection provision in urban areas
- iv. Legal aid - Legal help to all sections of the society. Philanthropic hand for legal assistance in free and fare means.

12- Self assessment questions –

- i. What is social defence legislation?
- ii. What some provisional for Urban Community Development legislation?
- iii. What is Social Assistance Legislation?
- iv. What is legislation relating to licensing and recognition of welfare institution?
- v. What is legal aid movement in India?
- vi. Discuss the legislation regarding underprivileged?

13- Further reading & references –

- i. Hard book of law – R.K. Mukherjee
- ii. Urban social legislation –

iii. Legislation aid movement India – M. Siddiqui & R.K. Nayak

iv. Social legislation – Social welfare

UNIT-V

SOCIAL

DEVELOPMENT

UNIT – V SOCIAL DEVELOPMENT

STRUCTURE

- 1. Objectives**
- 2. Introduction**
- 3. Social development**
- 4. Modernization and Social Development**
- 5. Indications of Social Development**
- 6. Models of Social Development**
- 7. Models of capitalist economy**
- 8. Voluntary Sector**
- 9. Peoples Participation**
- 10. Human Resource Development**
- 11. Social Infrastructure**
- 12. Social cost benefit analysis and opportunity cost.**
- 13. Approaches to Social Development**

- 14. Role of Social worker in Social Development.**
- 15. Social justice And ideology**
- 16. Evolution of Social service & alternative model.**
- 17. Summary**
- 18. Keywords**
- 19. Self assessment questions**
- 20. Further reading and references.**

UNIT-V SOCIAL DEVELOPMENT

2- OBJECTIVES.

- ii. Concept of Social Development.

- iii. Modernization and Social Development & Indicators of Social Development.
- iv. Models of Social Development.
- v. Human Resource Development, Social Infrastructure, Social cost benefit analysis, Opportunity Cost.
- vi. Sarvodaya & Antodaya Strategies in the approaches to social Developed.
- vii. Role of social worker in social development.
- viii.** Social justice – Ideology & Social Service Model.

2- INTRODUCTION- Social development has three major aspects, normative, evaluative and operative. Normative aspect or social development includes proper assessment of contemporary social situation, finding out key , problem areas, proper arrangement for quantitative as well as • qualitative increase in distributive mechanisms, education, public health, public order, population control etc. Evaluative aspect refers to individual's ability in determining what is right and hence pleasurable for society. The essential thing is that, "there should be a sense of joy and fulfillment in doing things for society and contributing towards its enrichment, even if this involves withholding self-gratification." Operative aspect emphasizes upon operationalisation of such transformations within the system. Such changes at social and individual level have to be properly integrated with the social system so as to make them self-sustaining. Such an objective will need elaborated mechanisms for mass conscientization, politicization and mobilization. New virtues of patience and persistence will have-to be cultivated.

The term 'social development' has started replacing the term 'economic development'. This term is much more comprehensive covering a wider *Social Development* range of action plans, societal variables focusing on the questions of the satisfaction of human needs and improvement in the quality of life. Because of its complex nature, the concept of social development is yet to be rigorously defined. Now the term 'Gross National Welfare' -

(GNW) in the place of 'Gross National Product' (GNP) is becoming Dube S.C. (1988), "Modernization and Development, The Search for Alternative Paradigms" Vistar Publication, New Delhi..

3. SOCIAL DEVELOPMENT- THREE IMPORTANT INTER DEPENDENT ASPECTS

- (i) The development of the ability and willingness of people to work for their own as well as society's well being;
- (ii) Proper alternation and re-arrangement of institutional structure so that human needs are made available to all sections especially to the downtrodden and vulnerable mass.
- (iii) Improvement of inter-relationship among individuals, between people and socio-economic institutions so that human and natural resources unitedly are chanalised to identify human needs and to create means to attain them.

The aim of social development, he further adds, is `to achieve a more humanistic society with institutions and organizations that will respond more appropriately to human needs.

4. MODERNIZATION AND SOCIAL DEVELOPMENT

There are some important facets of modernization in relation to social development

I. Theory of social change

The treatment of social change was accommodated in varying degrees with the prevailing mode of structural-functional analysis, although involving some modification of the latter with the introduction of concepts of strain and tension into its basically static perspective. The classic sources of functionalism, Spencer and Durkheim, were drawn on to provide the dynamic of the differentiation-integration model of social change (Smelser, 1968).

II. Conceptualizing the modern

Nineteenth-century sociology, which was primarily concerned with the disruptions and new social forms resulting from industrialization, again provided a number of concepts in a range

of dichotomous ideal-types such as status-contract, sacred-secular, mechanical-organic, and community-association, to which were added later formulations such as Redfield's folk-urban concepts and the pattern variables of Talcott Parsons.

III. Evolutionary schema

The characterization of a process of change in terms of these ideal-typical end points—usually subsumed under a more general traditional-modern dichotomy—and the differentiation model of social change both involve an evolutionary rationale which is further emphasized by the super-imposition of the former on the latter!' It seems customary to express various *pro forma* reservations concerning social evolution, possibly because of what are felt to be the excesses of its nineteenth-century protagonists, but despite such reservations an evolutionary rationale is implicit in the conceptual procedure under review here.

IV. Achieving development

The sociology of development becomes a question of identifying and analyzing the social, cultural and psychological conditions, concomitants, and consequences of economic development. The transition from the traditional (economically backward) to the modern (economically advanced) society can be treated with a primarily negative emphasis in terms of removing institutional obstacles to development, or with a positive emphasis in terms of creating the cultural environment necessary for development. These approaches are analytically complementary, but the former tends to rest on an 'economic man' postulate, assuming that development will occur once effective incentives are perceived;⁷ the latter tends to assume that the necessary motivation has to be instilled, as, say, a sufficient level of need for achievement or a suitably progressive.

V. Modernizing elites

Whether the 'will to be modern', in Edward Shils' phrase, is held to be ubiquitous or not, it is generally regarded as finding its most strategic expression in the role of the modernizing elites. It is these groups—political, bureaucratic, intellectual (and often military)—which are charged with the articulation of development goals and supervision of development strategies for their countries, and with the task of 'nation-building', i.e. of creating viable national societies from their socially and culturally diverse populations.

VI. Several additional points can be made to supplement this very brief outline. Within the basic assumptions and methodological procedure of modernization theory, there is a considerable variety of emphasis on different levels—according to whether conceptual priority is assigned to personality factors, institutions, cultural orientations, or social processes: according to the substantive designation of what is ideal-typically modern (e.g. 'empathy' or 'need for achievement' at the personality level), or what are regarded as the crucial mechanisms of modernization (e.g. urbanization, mass communications or political mobilization at the level of social processes); according to the concrete areas of social action focused on—the family, religion, education, demographic trends, the role of intellectuals, and so on. The total social transformation and 'universal pattern' assumptions of modernization theory encourage the attempt to relate to each other the different types of changes.

5. INDICATORS OF SOCIAL DEVELOPMENT

The United Nations University central theme of concern. However, some of its important indicators have been identified/ the new objectives, to quote Prof S.C. Dube - are as follows:

- i. A shift in emphasis from the individual to larger collectivities, encompassing the poor majority;
- ii. The redefinition of social goals in terms of the satisfaction of human needs and improvements in the quality of life;
- iii. The modification in the strategies of planning and implementation to take account of the interface between economic and cultural objectives;
- iv. The creation of a redistribution institutional structure for the attainment of the new social objectives and, evolving a broad strategy for organisational and value change to ensure speedy attainment of the redefined social goals;

- v. The formation of indicators to evaluate social progress and. to assess emerging social trends;
- vi. The setting up of monitoring mechanisms to ensure that growth level are sustainable and at no point exceed the outer limits;
- vii. The anticipation of growth-related and other problems and preparedness to handle them quickly and effectively.

The creation of an ethos in which it is possible to question. and rethink the appropriateness and adequacy of existing social information and to work towards their restructuring

6. MODELS OF SOCIAL DEVELOPMENT

Model of socialist economy

- i. The central beliefs of the socialism of this period rested on the exploitation of those who labored by those who owned capital or rented land and housing. The abject misery, poverty and disease to which laboring classes seemed destined was the inspiration for a series of schools of thought which argued that life under a class of masters, or "capitalists" as they were then becoming to be called, would consist of working classes being driven down to subsistence wages.
- ii. Socialist ideas found expression in utopian movements, which often formed agricultural communes aimed at being self-sufficient on the land. These included many religious movements, such as the Shakers in America. Utopian socialism had little to offer in terms of a systematic theory of economic phenomena. In theory, economic problems were dissolved by a utopian society which had transcended material scarcity. In practice, small communities with a common spirit could sometimes resolve allocation problems.
- iii. According to influential socialist economic historian Karl Polanyi's classic account, the forceful transformation of land, money and especially labour into commodities to be allocated by an autonomous market mechanism was an alien and inhuman rupture of the pre-existing social fabric. Marx had viewed the process in a similar light, referring to it as part of the process of "primitive accumulation" whereby enough initial capital is amassed to begin capitalist production. The dislocation that Polyani and others describe triggered natural counter-movements in efforts to remember the economy in society. These counter-movements, that included, for example, the Luddite rebellions, are the incipient socialist

movements. Over time such movements gave birth to or acquired an array of intellectual defenders who attempted to develop their ideas in theory.

iv. The first organized theories of socialist economics were significantly impacted by classical economic theory, including elements in Adam Smith, Robert Malthus and David Ricardo. In Smith there is a conception of a common good not provided by the market, a class analysis, a concern for the dehumanizing aspects of the factory system, and the concept of rent as being unproductive. Ricardo argued that the renting class was parasitic. This, and the possibility of a "general glut", an over accumulation of capital to produce goods for sale rather than for use, became the foundation of a rising critique of the concept that free markets with competition would be sufficient to prevent disastrous downturns in the economy.

v. Early socialist thinkers were influenced by the classical economists. The Ricardian socialists, such as Thomas Hodgskin and Charles Hall, were based on the work of David Ricardo and reasoned that the equilibrium value of commodities approximated producer prices when those commodities were in elastic supply, and that these producer prices corresponded to the embodied labor.

vi. Marx transformed the labour theory of value, which had been worked upon by Adam Smith and David Ricardo, into his "law of value", and used it for the purpose of revealing how commodity fetishism obscures the reality of capitalist society.

The drama of Marx's Das Capital States.

- The Law of Value.
- Commodity.
- Historical Property Relations.
- Commodity Fetishism.
- Economic Exploitation.
- Capital accumulation.
- Crises.
- Centralization.

7. MODELS OF CAPITALISTIC ECONOMY IN SOCIAL DEVELOPMENT.

i. The models of development literature goes back to studies of various state-led strategies of import-substitution industrialisation pursued in Latin America in the 1960s and 70s. Some analysts emphasised institutional variation in state/society structures as the key; others operated in the Latin American *dependentista* tradition, highlighting the lack of autonomy of national political economies in relation to powerful external forces. Similar themes were then addressed in an African context (often expressed as a clash between Tanzanian socialism and Kenyan capitalism) and revived once more in relation to 'newly industrializing countries' in East Asia during the 1980s. On the 'developed' side – where the preference was to refer to models of capitalism – there existed the same intellectual tension between a (dominant) institutionalist and a (critical) Marxist wing. Nevertheless, there was a general recognition that 'logics' in societies created varying 'social configurations' that could be dissected and categorised by reference to a

number of variables, such as labour and management skills, systems of industrial relations, financial markets, industrial structures and political institutions. On this basis, many analysts worked busily to draw important distinctions between models of capitalism according, broadly, to whether they were more or less market-led or trust-based.

ii. Target to be achieved.

What are the core economic attributes of the country? What can it make and sell best?

What is the institutional basis of its state? How does it typically act and think?

What mix of domestic and extra-territorial social forces bear upon the country's Governing Elite How do they either sustain or challenge the elite?

What ideological claims, if any, are being made by the governing elite to promote its strategy and ambitions

What are the impacts of any overarching regional arrangements within which the key economic, social and political actors of the country are enmeshed?

What is the position of the country's political economy in the wider global order and what mechanisms exist to adjust and reshape that position?

iii. overall *strategy* of capitalist development of a country – the model, if you like, that it aspires to achieve. Everything else – namely, its particular fiscal, monetary, industrial, education and foreign policies – should be understood as component parts of this whole. Of course, this is often not the case in practice! Contradictory, even conflicting, policies that do not add up to a strategy are not exactly uncommon in real-world political economy.

iv. The countries have a responsibility to do this, especially where governments enjoy a democratic mandate to service the well-being of the people. But, in our current globalizing era, it is possible and desirable that other entities should also identify and pursue models of capitalist development that appeal to them.

8. VOLUNTARY SECTOR

1. The Social Sector involve Education, Health, Justice and Social Development, and public working together to change the way that social services are delivered what happens when a local organisation or individual directs cross-agency resources, as well as local organisations and government agencies to deliver collaborative social services.

Model for voluntary sector

Either a contracted Non-Governmental Organisation (NGO) or an employed individual in place in these communities to lead a programme of work using cross agency resources.

NGOs and individuals planning social service delivery for young people, managing relevant contracts and funding that are within the scope of the programme, overseeing resources-in-kind, developing networks, engaging with the community and influencing social services outside of their direct control (like statutory services).

the establishment of Social Sector local advisory groups in each location – representatives include, Council, government agencies, community representatives and social service providers, that oversee the direction and priority setting, engage community ownership and involvement.

The development and implementation of a Social Sector Plan (or Action Plan).

The span of 55 years of our Independence has proved most inadequate for us in tackling the problems of India i.e. fulfilling, the basic needs of food, shelter, clothing and basic amenities of life; quality growth in education, health and other such human resource related infrastructure. In absolute numbers poverty has compounded manifolds, a large section of our population, over 65 to 70% still below or at bare subsistence levels, whatever be the measurement or considerations to ascertain the 260 million people being below the poverty line in the last count. For them, each day being a fresh struggle for existence, the enormous and unparalleled human potential of India mostly remains untapped. The government 'for the people, by the people and of the people' has not really lived up to their expectations. The gap between 'haves' and 'have-nots' has been widening exponentially, the have-nots numerically increasing in geometrical proportions. In the wake of the much publicized and widely acclaimed globalization, privatization and liberalization, there is a strong, a well orchestrated demand for the Government to withdraw even from some of the constitutional obligations of a welfare state. The much talked about Corporate (Business) social responsibilities is yet to take any real shape in the larger context of the voluntary sector in India.

With over 1020 million people inhabiting the country, the issues relating to illiteracy, out-of-school-children, child labour, infant and child mortality, physically and mentally challenged population, the growing number of uncared elders, our problems are ever exceeding our resources. In case the diminishing employment opportunities are any pointer, we are far from converting our population into really useful human resources for the national development.

The allocations, schemes, policies and programmes for women, children, elders, disabled, socially defenseless, and in the crucial sectors of health and education, have though been rising and multiplying in the annual and 5 years plans, their tangible impact is yet to be seen in raising the standards to a respectable level to justify their real effectiveness. It needs to be examined why plethora of legislations meant to safeguard the interests of the weak and vulnerable have, by and large, remained unsuccessful in fulfilling their cherished objectives. Status of women and children causes particular concern. Article 45, for example, meant to ensure compulsory education up to 14 years of age could not achieve the desired results,

and now the 93rd amendment to the Constitution casting a legal obligation, less upon the state and more on the incapable or impoverished families and the undefined Community, is to be tested on the ground.

9. PEOPLE'S SOCIAL PARTICIPATION

According to the Human Development Model peoples conceptual model, social participation means carrying out one's life habits in one's environment (school, work place, neighborhood, etc.). The *Quebec Classification* identifies twelve life habit categories, six daily activities and six social roles.

In the community

DAILY ACTIVITIES

Nutrition	-
Fitness	-
Personal care	-
Communication	-
Housing	-
Mobility	-

SOCIAL ROLES

Responsibility
Interpersonal relationships
Community life
Education
Employment
Recreation

Life habits ensure the survival and development of a person in society throughout his or her lifetime. Carrying out these life habits depends especially on the age of the person, expectations of the living environment and cultural aspects.

9.1 People's social participation objective

All people basically have the same [life habits](#). However, some of them take on different forms, sometimes using technical aids, facilities or human support. By not being able to do a task alone, either completely or partially, if the person is able to express himself and have others recognize his preferences, a life habit will not lead to a situation of dependency or loss of autonomy.

10. HUMAN RESOURCE DEVELOPMENT

i. Human resources development is described as the accumulation of human capital and its effective investment in the development of an economy. In political terms, human resources development prepares people for adult participation in political processes, particularly as citizens in a democracy. From the social and cultural points of view, the development of human resources helps people to lead fuller and richer lives, less bound by tradition.

ii. The importance of human resources development (hereafter referred to as "HRD") is obvious when one considers that in any economic activity it is the human element that

- Commands
- directs
- organizes
- Controls
- maximizes factors of production.

Main duties of the Social work in utilizing Human Resources Development includes. Setting social development goals, targets and strategies. Analysis and monitoring of social development trends. To set policies and Strategies that will stimulate private and community participation in social and human resources development initiatives

To supervise and evaluate implementation of the social sector strategy. To initiate or promote national efforts towards child survival protection and development. To develop policies and strategies for enhancing efficiency in government administration. Initiating action on emerging issue/problems in the social, human resource development, and government administration and population sectors. Develop and coordinate Human Resource Development policy. Preparation Work Plans for the Division Preparation of the annual performance report of the Division Promotion of inter sectoral coordination Preparation of the annual and semi annual social Development report Production of the Annual Human Resource Development Report.

10.1 Social services Section

Management of social sector development strategy, Setting and monitoring social development goals and targets, Analysis and monitoring social development trends, Promoting private and community participation, Initiate studies on social services issues, Child survival and development, Development and management of the Government administrative services.

10.2 Population Planning Section

Overseeing the implementation and review of the National Population Policy, Analysis and dissemination of population and development data Co-ordination of population and development research, Co-ordination of population and development information, education and communication (IEC) activities (advocacy), Co-ordination of training in population and development, Coordinating the integration of population in development Planning, Dealing with gender issue in relation to population and development (including reproductive health issues), Analyses and advise on human migration settlement and environment.

10.3 Human Resource Development Section

Formulation of human resources development strategies To analyses and review human resources utilization, Formulation of employment generation strategies and programmes Identification of national skills requirements, Analysing and advising on the effectiveness of Foreign technical personnel programmes, Production of Annual Human Resources Development reports.

11. SOCIAL INFRASTRUCTURE

In addition to education and health care, this area involves efforts that benefit youth, senior citizens and cultural and occupational affairs, among others. It also promotes social infrastructure that makes a positive impact on the countries' social indicators. Recognizing that education is highly strategic for development, this area includes support for vocational and technical training to help enhance the capacity of regional human resources, taking advantage of the regional economy institutional platform to facilitate cooperation between our member countries, including the exchange of successful experiences in education.

11.1 Social Infrastructure

Social infrastructure can be broadly categorised as:

- Health,
- Individual, family and community support
- Education;
- Arts and culture;
- Information;
- Sport and recreation;
- Housing;
- Community development;
- Employment and training;
- Legal and public safety;
- Emergency services; and
- Public and community transport.

Over the past decade or more, governments across the developed world are now recognizing the mistakes and associated costs involved in failing to provide for adequate social infrastructure in particular local communities. There is recognition that a number of metropolitan and regional areas have been hard hit as a result of factors such as structural changes in the economy, changed patterns of employment and income distribution and demographic and social changes. However, the failure to make adequate provision for social infrastructure in the past has exacerbated the problems for these areas. Consequently, particular localities have been left in a state of extreme disadvantage but with few social support services to buffer the effects of these changes. In response, governments are now faced with attempting to apply remedial measures to compensate for previous under-provision.

Equally important are the less visible types of support that make people feel at home in an area and create a sense of local identity and belonging, like volunteers or community workers who can encourage new resident to meet their neighbors and get involved in shared community activities.

11.2 Key factors for social infrastructure

New Community Need Services and Support, Not Just Building.

Research from government, has explored what residents want from a new community and concluded that social infrastructure and services are as important as good quality housing and need to be in place early in the life of a new community.

Lack of Social Infrastructure Affects Community Wellbeing.

As lessons from the local social networks and shared community experience to build a sense of belonging and identity in new places.

Poor Design and Lack of Amenities Has Long Term Financial and Social Costs.

These social costs include isolation and mental health issues caused by poor public transport networks, inability for people to access local job opportunities of poor public transport connection, issues with housing tenure and management, and in particular, a growth in buy-to-let properties making it difficult to manage the profile of areas in the long term.

Early Provision of Social Infrastructure is Crucial.

Physical & Social infrastructure needs to be provided before residents move into a new development and this is especially true for schools. Extra services may be needed to facilitate mix, including community development and neighborhood management.

Schools Play a Distinct Role in Supporting New Communities.

Schools, nurseries and play areas have a particularly important role in new communities. As well as attracting families to settle in new places, schools and nurseries create opportunities for people from different backgrounds to meet other parents and build relationships.

Good Transport Connection Matter.

Housing and employment are the main motivations for people relocating to a new community. Therefore local job opportunities need to be integrated into a new settlement

both in terms of attracting employers to nearby business parks or office space, and providing flexible space for local entrepreneurs and social enterprise to be based in the community.

Meanwhile Spaces Temporary Facilities Work for New Communities.

There is growing interest in the idea of 'meanwhile uses' and spaces, from grow-bag allotments in empty plots of land to empty buildings temporarily housing social enterprises, community projects or drop-in clinics for local public services.

New Communities Need to Provide for all Generations

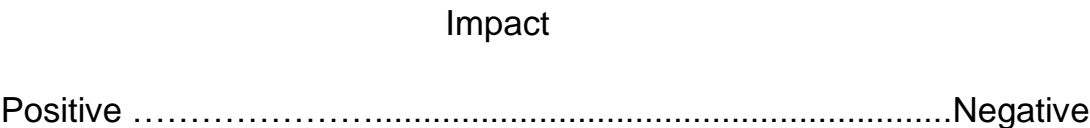
Cohesive communities need a balanced age profile" - this is a finding from the New Towns review, which noted that many of the early New Towns were dominated by young families and social rented housing so failed to attract a mix of backgrounds, ages and ethnicities (internal link to space to grow section).

12. SOCIAL COST BENEFIT ANALYSIS & OPPORTUNITY COST

The type of initiatives that are supported in this Focus Area are:

- Equipment, infrastructure and education in general
- Hospitals and health care in general
- Water, sewage and solid waste treatment
- Social housing
- Informal training and cultural development
- Promoting the recovery of public spaces
- Educational loans to students
- Vocational and technical training
- Initiatives that raise human development indicators

To reflect the real value of a project to society, we must consider the impact of the project on society.



Thus, when we evaluate a project from the view point of the society (or economy) as a whole, it is called Social Cost Benefit.

The main indications Social Cost Benefit Analysis is to determine:

1. Economic benefits of the project in terms of shadow prices;
- 2 The impact of the project on the level of savings and investments in the society;
3. The impact of the project on the distribution of income in the society;
4. The contribution of the project towards the fulfillment of certain merit wants (self-sufficiency, employment etc).

To enrich in social capital, human resource should be utilized in social cost benefit analysis.

12.1 Social cost-benefit analysis

Social cost-benefit analysis is a systematic and cohesive economic tool(method) to survey all the impacts caused by an urban development project[1]. It comprises not just the financial effects (investment costs, direct benefits like tax and fees, et cetera), but all the social effects, like: pollution, safety, indirect (labour) market, legal aspects, et cetera. The main aim of a social cost-benefit analysis is to attach a price to as many effects as possible in order to uniformly weigh the above-mentioned heterogeneous effects. As a result, these prices reflect the value a society attaches to the caused effects.

Knowledge about economic models/tools such as the social cost-benefit analysis can help the urban planner to systematically survey all the relevant (socio-economic) impact caused by an urban development and security threats.

A major advantage of a social cost-benefit analysis is that it enables investors to systematically and cohesively compare different project alternatives.

The Social cost-benefit analysis calculates the direct (primary), indirect (secondary) and external effects:

Direct effects are the costs and benefits that can be directly linked to the owners/users of the project properties (e.g., the users and the owner of a building or highway).

Indirect effects are the costs and benefits that are passed on to the producers and consumers outside the market with which the project is involved (e.g., the owner of a bakery nearby the new building, or a business company located near the newly planned highway).

External effects are the costs and benefits that cannot be passed on to any existing market because they relate to issues like the environment (noise, emission of CO₂ etc.), safety (traffic, external security) and nature (biodiversity, dehydration etc.).

The model engineers try to quantify and monetize as much effects as possible. Effects that cannot be monetized are presented in such a way that they can be compared. This way, policy-makers can include these effects in their final judgment if an urban planning project (or a particular variation) is worth investing in. The method of monetizing effects can also influence the outcome of a social cost-benefit analysis and predictions will always remain uncertain. Therefore, the results of a social cost-benefit analysis are not absolute. Nevertheless, it is a sufficient instrument to investigate the strong and weak points of the different alternatives.

12.2 Result of a social cost-benefit analysis

The result of a social cost-benefit analysis are:

I. *An integrated way of comparing the different effects.* All relevant costs and benefits of the different project implementations (alternatives) are identified and monetized as far as possible. Effects that cannot be monetized are described and quantified as much as possible.

II. *Attention for the distribution of costs and benefits.* The benefits of a project do not always get to the groups bearing the costs. A social cost-benefit analysis gives insight in who bears the costs and who derives the benefits.

III. *Comparison of the project alternatives.* A social cost-benefit analysis is a good method to show the differences between project alternatives and provides information to make a well informed decision.

IV. *Presentation of the uncertainties and risks.* A social cost-benefit analysis has several methods to take economic risks and uncertainties into account. The policy decision should be based on calculated risk.

12.3 Opportunity Cost in social worker

Money. With certain products and services, you can demand much higher fees, but often there's a trade-off of time or cost to you as well.

Creation/performance time. With every product and service, there's a set amount of time required of you to actually create it or perform it. Some are more automated once you put in the initial creation time; some are group-centric allowing you to leverage your time; others limit you to working with one client at a time.

Lead generation time. Some products and services, especially big-ticket items, have longer sales cycles, while others require you to generate higher quantities of traffic in order to reach certain sales levels, so it's important to consider the amount of time and energy required of you to generate customers or clients to purchase the product or service. It might also be important for you to start generating income quickly, and certain products and services can take much longer to generate profit than others.

Emotional labor involved. It's not something we usually think about, but every product and service requires a certain amount of emotional labor. Writing a book, for instance, might require a lot more emotional labor from you than meeting with a client for a consulting call. You have to consider how important emotional labor is to you, and if it's realistic to expect yourself to do emotionally demanding work for long periods of time.

Long-term stability and sustainability. Some considerations will be more indirect or intangible, like long-term stability and sustainability. For instance, you might prefer doing more work up front, if it ensures greater flexibility and freedom later, or you might want to know that you don't have to work at an intense pace for too long.

Growth potential and stability. Some products and services might limit your growth potential or your ability to sell your business down the road, especially if they require your direct input.

13. APPROACHES TO SOCIAL DEVELOPMENT

Vinoba Bhave developed Ganchiiji's concept of Sarvodaya keeping in view changing socio-economic circumstances. The movement of Bhodan and Gramdan and his unique method of spreading his message of compassion through padayatra have attracted

worldwide attention. J. P. Narayan holds the view that Sarvodaya stands for the sublime goals of freedom, equality, brotherhood and peace. Realization of a rich, total and integrated life is the basic objective of Sarvodaya philosophy.

The main tenets of the Sarvodaya philosophy as propounded by Gandhiji and subsequently explained by the pioneers of this movement are as follows:

1. Sarvodaya reiterates belief in God and, further, it identifies that belief with faith in the goodness of man and with settle of humanity.
2. It attaches importance to the principle of trusteeship as implying the abolition of private ownership and the application of the principle of non-possession to public institutions.
3. Sarvodaya envisages anew humanistic socialist society. Man will be the centre of such a society. Unless man cultivates values like love, sincerity, truth, an abiding sympathy etc., the emergence of a new society would only remain a pious dream. In this process of change the State has little role to play. The State, at best, can effect change at the level of the external behaviour of man. It fails to influence the inner springs of life. This mental transformation is only possible through appeal and persuasion.
4. Sarvodaya visualises a simple, non-violent and decentralized society. In capitalism and state socialism the individual becomes alone and isolated. Sarvodaya is opposed to both. In the scheme of Sarvodaya the people are endowed with real power. Democracy becomes meaningful and assumes significance only when its structure is reared on the foundation of village panahayats. The Sarvodaya movement inculcates this democratic awareness among the people especially among the ruralites. Again in the scheme of Sarvodaya decentralisation of industry takes place through the organisation of small-scale, cottage and village industries. The reason is not far to seek. In a country like India where there is acute shortage of capital and abundance of labour, any attempt at industrialization through high technology is doomed to failure.

Moreover, the decentralization of production would prevent bureaucratization of the economic system.

5. Sarvodaya idea contains the content of egalitarianism. It rests on the principle of true equality and liberty. It stands opposed to exploitation of any kind.
6. The concept of Sarvodaya views work as an offering to the Lord. Further, the principle of equality of all religions finds better elucidation in some of the thinkers of Sarvodaya philosophy.
7. In Sarvodaya programme the standard of life is fundamental and not the standard of living. A rise in the standard of living might even lower the standard of life by reducing man's physical, moral, intellectual and spiritual standards and powers.
8. The Sarvodaya philosophy stands opposed to parliamentary democracy and party system. It is because the party system divides the society into various groups. J. P. Narayan wanted to replace the existing parliamentary system through political and economic decentralisation of powers and functions. Sarvodaya stands for establishment of an integrated cooperative society.
9. Sarvodaya programme gives prime place to planning. According to the scheme of Sarvodaya planning must proceed with two objects: removal of natural or man-made impediments in the road to the development of man and provision of means, training and guidance for it.

Approaches to social development Antodaya model

1. The most effective pathway for social development is what Mahatma Gandhi described over 60 years ago as **Antodaya** or attention to the poorest person. He wanted all involved in formulating developmental policies and strategies to adopt a bottom-up approach. Gandhi mentioned that attention to the poorest i.e. an **Antodaya** approach will help to promote a **Sarvodaya** society, or a society characterized by high social synergy where one individual's

economic advancement is not at the cost of another one's opportunity. A Sarvodaya society provides a win-win situation to all and paves the way for a sustainable future for humankind.

2. Neo Antodaya Believes

The principle of inclusiveness, with all members of the rural population deriving benefit from the center, regardless of age, gender or social status. Invariably, the villagers chose four women to operate each center, each woman spending about 2-3 hours a day. Experience has shown that such women volunteers, whether literate or semi-literate, take to new technologies like fish to water, provided the training methodology is learning by doing.

3. Antodaya has been effective in empowering rural communities with information in the fields of environment, health, sustainable agriculture and aquaculture, meteorology, markets and prices. Much emphasis is placed on the human and animal population supporting capacity of the ecosystem, particularly with reference to land and water resources. Rural families give priority to information related to health, livelihoods, weather and markets. Generic information is converted into location-specific information, so as to enhance its practical relevance. For example, in a coastal village inhabited by fisher families, the women download from the internet each evening information on the likely wave heights in the sea adjoining their village at various distances from the shore line.

4. Antodaya has fructified on the following strategies.

(i) Participation

(ii) Goal attainment

(iii) Sharing and innovation attitude along with the members.

14. ROLE OF SOCIAL WORKER IN SOCIAL DEVELOPMENT

In the process of social development there are some many parts to be played by social worker.

i. Advocate

In this role, social workers fight for the rights of others and work to obtain needed resources by convincing others of the legitimate needs and rights of members of society. Social workers are particularly concerned for those who are vulnerable or are unable to speak up for themselves. Advocacy can occur on the local, county, state or national level. Some social workers are involved in international human rights and advocacy for those in need.

ii. Broker

The social worker is involved in the process of making referrals to link a family or person to needed resources. Social work professionals do not simply provide information. They also follow up to be sure the needed resources are attained. This requires knowing resources, eligibility requirements, fees and the location of services.

iii. Educator

Social Workers are often involved in teaching people about resources and how to develop particular skills such as budgeting, the caring discipline of children, effective communication, the meaning of a medical diagnosis, and the prevention of violence.

iv. Case Manager

Case managers are involved in locating services and assisting their clients to access those services. Case management is especially important for complex situations and for those

who are homeless or elderly, have chronic physical or mental health issues, are disabled, victims of domestic or other violent crimes, or are vulnerable children.

v. Facilitator

In this role, social workers are involved in gathering groups of people together for a variety of purposes including community development, self advocacy, political organization, and policy change. Social workers are involved as group therapists and task group leaders.

vi. Manager

Social Workers, because of their expertise in a wide variety of applications, are well suited to work as managers and supervisors in almost any setting. As managers, they are better able to influence policy change and/or development, and to advocate, on a larger scale, for all underprivileged people.

vii. Organizer

Social Workers, because of their expertise in a wide variety of applications, are well suited to work as managers and supervisors in almost any setting. As managers, they are better able to influence policy change and/or development, and to advocate, on a larger scale, for all underprivileged people.

15. SOCIAL JUSTICE & IDEOLOGY

1. Social justice is the ability people have to realize their potential in the society where they live. Classically, "justice" (especially corrective justice or distributive justice) referred to ensuring that individuals both fulfilled their societal roles, and received what was due from

society. "Social justice" is generally used to refer to a set of institutions which will enable people to lead a fulfilling life and be active contributors to their community.

The goal of social justice is generally the same as human development, and the relevant institutions are usually taken to include education, health care, social security, labour rights, as well as a broader system of public services, progressive taxation and regulation of markets, to ensure fair distribution of wealth, equality of opportunity, and no gross inequality of outcome.

2. While the concept of social justice can be traced through Ancient and Renaissance philosophy, such as Socrates, Thomas Aquinas, Spinoza and Tom Paine, the term "social justice" only became used explicitly from the 1840s. A Jesuit priest named Luigi Taparelli is typically credited with coining the term, and it spread during the revolutions of 1848 with the work of Antonio Rosmini-Serbati. In the late industrial revolution, progressive American legal scholars began to use the term more, particularly Louis Brandeis and Roscoe Pound. From the early 20th century it was also embedded in international law and institutions, starting with the Treaty of Versailles 1919. The preamble to establish the International Labour Organization recalled that "universal and lasting peace can be established only if it

is based upon social justice." In the later 20th century, social justice was made central to the philosophy of the social contract, primarily by John Rawls in *A Theory of Justice* (1971). In 1993, the Vienna Declaration and Programme of Action treats social justice as a purpose of the human rights education.

16. EVOLUTION OF SOCIAL SERVICE & ALTERNATIVE MODEL.

i. As societies developed, however, with their patterns of dependence between members, there arose more systematic responses to the factors that rendered individuals, and thus society at large, vulnerable.

ii. The edicts of the Buddhist emperor Aśoka in India, the sociopolitical doctrines of ancient Greece and Rome, and the simple rules of the early Christian communities are only a few examples of systems that addressed social needs. The Elizabethan Poor Laws in England, which sought relief of paupers through care services and workhouses administered at the parish level, provided precedents for many modern legislative responses to poverty. In Victorian times a more stringent legal view of poverty as a moral failing was met with the rise of humanitarianism and a proliferation of social reformers.

iii. Remedial services address the basic needs of individuals in acute or chronic distress; preventive services seek to reduce the pressures and obstacles that cause such distress; and supportive services attempt, through educational, health, employment, and other programs, to maintain and improve the functioning of individuals in society. Social welfare services originated as emergency measures that were to be applied when all else failed. However, they are now generally regarded as a necessary function in any society and a means not only of rescuing the endangered but also of fostering a society's ongoing, corporate well-being.

iv. Social services generally place a high value on keeping families together in their local communities, organizing support from friends or neighbors when kinship ties are weak. Where necessary, the services provide substitute forms of home life or residential care, and play a key role in the care and control of juvenile delinquents and other socially deviant groups, such as drug and alcohol abusers.

- v. The development of modern social security systems from the 1880s reflects not only a gradual but fundamental change in the aims and scope of social policy but also a dramatic shift in expert and popular opinion with regard to the relative significance of the social and personal causes of need.
- vi. The voluntary charitable agencies of the time differed on the relative merits of deterrent poor-law services on the one hand, implying resistance to the growth of statutory welfare, and on the provision of alternative assistance to the needy, coupled with the extension of statutory services.
- vii. The settlement movement in Britain and the United States drew voluntary workers into direct contact with the serious material disadvantages suffered by the poor.
- viii. Secular and religious charitable associations providing financial help, educational welfare, and housing for the poor began to employ social workers.
- ix. The training programs combined casework methods and other practical forms of intervention and support, with particular emphasis on working in cooperation with individuals and families to restore a level of independence.
- x. The scope of social work was growing, with the spread of settlement houses, to include group work and community action.
- xi. The demands of the general integration and coordination of care programs can conflict with the provision of services that take due account of the needs of specific client groups. Also to be reconciled are the provision of individual services and the provision for family and neighborhood needs.
- xii. Statutory and voluntary social services have evolved in response to needs that could not be fully met by individuals either alone or in association with others.

xiii. Social workers have acquired a special responsibility for people whose particular needs fall outside the aegis of other professions and agencies. Apart from the requirements of individuals and families with serious long-term social and emotional problems, personal social services meet a wide spectrum of needs arising from the more routine contingencies of living.

16.1 Evolution of Social Service

By 580 AD the church had a system for circulating consumables to the poor: associated with each parish was a diaconium or office of the deacon. As there was no effective bureaucracy below city government that was capable of charitable activities, the clergy served this role in the west up through the 18th century. During the Middle Ages, the Christian church had vast influence on European society and charity was considered to be a responsibility and a sign of one's piety. This charity was in the form of direct relief (for example, giving money, food, or other material goods to alleviate a particular need), as opposed to trying to change the root causes of poverty. The practice and profession of social work has a relatively modern (17th century) and scientific origin.

16.2 Modern History

Social work, as a profession, originated in the 19th century. The movement began primarily in the United States and England. After the end of feudalism, the poor were seen as a more direct threat to the social order, and so the state formed an organized system to care for them. In England, the Poor Law served this purpose. This system of laws sorted the poor into different categories, such as the able bodied poor, the impotent poor, and the idle poor. This system developed different responses to these different groups. The 19th century ushered in the Industrial Revolution. There was a great leap in technological and scientific achievement, but there was also a great migration to urban areas throughout the Western

world. This led to many social problems, which in turn led to an increase in social activism.[7] Also with the dawn of the 19th century came a great "missionary" push from many Protestant denominations. Some of these mission efforts (urban missions), attempted to resolve the problems inherent in large cities like poverty, prostitution, disease, and other afflictions. In the United States workers known as "friendly visitors", stipend by church and other charitable bodies, worked through direct relief, prayer, and evangelism to alleviate these problems.[6] In Europe, chaplains or almoners were appointed for administer the church's mission to the poor. During this time, rescue societies were initiated to find more appropriate means of self-support for women involved in prostitution. Mental asylums grew to assist in taking care of the mentally ill. A new philosophy of "scientific charity" emerged, which stated charity should be "secular, rational and empirical as opposed to sectarian, sentimental, and dogmatic.[8]" In the late 1880s, a new system to provide aid for social ills came into being, which became known as the settlement movement.[9] The settlement movement focused on the causes of poverty through the "three Rs" - Research, Reform, and Residence. They provided a variety of services including educational, legal, and health services. These programs also advocated changes in social policy. Workers in the settlement movement immersed themselves in the culture of those they were helping. In America, the various approaches to social work led to a fundamental question – is social work a profession? This debate can be traced back to the early 20th century debate between Mary Richmond's Charity Organization Society (COS) and Jane Adams's Settlement House Movement. The essence of this debate was whether the problem should be approached from COS' traditional, scientific method focused on efficiency and prevention or the Settlement House Movement's immersion into the problem, blurring the lines of practitioner and client. Even as many schools of social work opened and formalized processes for social work began to be developed, the question lingered. In 1915, at the

National Conference of Charities and Corrections, Dr. Abraham Flexner spoke on the topic "Is Social Work a Profession?" He contended that it was not because it lacked specialized knowledge and specific application of theoretical and intellectual knowledge to solve human and social problems.

17. SUMMARY -A qualitative change in social situation especially distributive mechanism, education, public health, justice order and population control is social development. It as many modernized angles. Modification, strategic plans are the indicators. It covers model of development especially socialistic, capitalistic and mixed economic in voluntary sector and people participation. Human resource development in progressive manner, especially qualitative utility indicates social infrastructure, social cost benefit analysis and opportunity cost there are some approaches to social development like Sarvodaya and Antodaya. It includes major strategies with alternatives. Social workers follow the path of social development in evolution of social service there searching for an alternative model through social justice in adequate ideology.

18. KEYWORDS - Modernizing elites – creating viable national society from there social and culturally diverse population by the political, bureaucratic and intellectual person.

Social cost benefit- Enrich social capital, human resource in proper utility.

Antodaya – The principle of inclusiveness, if all members of the rural population deriving benefits from Govt. to meet basis requirement and qualitative life style.

19. Self assessment questions –

- i. What is social development, discuss its indicators?

- ii. Discuss the various models of social development?
- iii. HRD – analysis social infrastructure and social cost benefit theory?
- iv. Discuss various approaches to social development?
- v. Define the role of social worker for social development?
- vi. Social justice and ideology how relates with each other?
- vii. Discuss the evolution of social service?

20. Further reading and references -

- i. Modernization & Development – S.C Dube
- ii. Approaches to modernization – Daniel Learner
- iii. Rural sociology in India – A.R. Desai.
- iv. Social cost analysis securipedia.