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(Peer-reviewed)

Chief Editor
Dr.Keyur K.Parekh

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Investigate something you do not know or understand.

- Neil Armstrong

In Collaboration with

Shri J. L. K. Kotecha Arts and

Smt. S. H. Gardi Commerce College, Kakanpur,

(conducted by Sarvoday Charitable Trust)

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Editorial Note

We are extremely happy to publish the first issue of January, 2016 of an International Multidisciplinary Referred Journal named ***PERCEPTION*** under the banner of ***KESHAV PUBLICATION*** for providing a platform for research scholars to present their excellent research articles and throw light on the unexplored avenues of knowledge. It is an opportunity for young scholars provided by us by bringing out our Quarterly Journal as an extraordinary guide to research scholars of different branches of knowledge.

The most amazing thing for us is the wide range of subject matter for our journal by the genuine scholars from the academic fraternity across the world. It will prove to be an extra ordinary opportunity for elite and knowledge seeking readers. It will be a great exhibition of the level of competence the research scholars possess. Our endeavor will provide the scholars with the variegated stuff. This issue offers research articles in different contemporary fields of knowledge and disciplines such as English Language and Literature, Law, Science, History etc. It is a humble attempt to bring forth the diverse areas and disciplines under one umbrella. We wish, our sincere efforts will certainly achieve the desired results. We feel proud and honored to welcome all the erudite scholars who have encouraged, advised and helped us in paving the path by enriching and embellishing such an academic enterprise. We are determined to pursue this pleasant endeavor by putting our heart and soul into it and ensure that the journal will celebrate the sustained and resourceful life for a longer period of time. Hope that our knowledge seeking and sharing fraternity will enhance, illuminate and encourage us with their everlasting support.

We are very much hopeful that this issue will accomplish the changing needs and expectations of the diverse classes and components across the globe.

Editors

PERCEPTION

Index

No.	Subject	Article Title	Page No.
1.	English	Fictionalization of History in <i>The Shadow Lines</i>	
2.	English	Various Mobile Apps Useful for Learning English	
3.	Economics	A Study on the Development and Trend of Salt Industry in Gujarat	
4.	History	Swami Vivekanand: A Genius	
5.	Science	Dharaniben	
6.	Law	Understanding Contemporary and Future Human Rights	
7.	Law	Protection of Child Right: An Analytical Study	
8.	Law	Protection of Copy Right: An Indian Scenario	
9.	Law	The Poor and Criminal Law	
10.	Law	Role of UNO in Protection of Internally Displaced Persons	
11.	Law	Constitution, Function and The Role of Human Right Commission	

Fictionalization of History in *The Shadow Lines*

Keyur K. Parekh
Associate Professor,
Department of English,
Shri J. L. K. Kotecha Arts & Smt. S. H. Gardi Commerce College,
Kakanpur – 388713, Panchmahals, Gujarat.

Abstract:

History plays an important role not only in literature but also in life. Since independence, India is facing a chronic problem of communal disharmony which is very much vital in the history. It haunts India even today. The scattered incidents of communal harmony have worked wonder but over all situations are very gloomy. In this novel, a couple of incidents like Khalil – a rickshaw puller - looking after the life of Jethamshoi are appealing. Otherwise, the major incidents are shocking. The communal riots, the deaths of Khalil, Jethamshoi and Tridib are the most disastrous ones. The novel presents the vivid picture of the history of the violence pervaded through out India after partition. Many other novels also shed light on the issue of communal harmony or communal tension. *Train to Pakistan* is one such wonderful example.

Keywords:

Fictionalization	Harmony	Tension	Violence	Generation
Partition	Freedom	Communal	Harmony	Nationality

India is the largest democracy of the world. She possesses a great history. This history is beautifully fictionalized by a very prolific author named Amitav Ghosh. The novel delineates the disturbing past of the Post-independent India. Communal harmony is an essence of any nation. There are plenty of works written on the theme of communal harmony. *The Shadow Lines* is one of the best examples of it. The novel encompasses the story of three generations of the narrator's family spread over Dhaka, Calcutta and London. It focuses on the characters from different nationalities, religions and cultures in a well-knit fictional world. The novel presents a vivid picture of the civil strife in post-

partition East Bengal and riot-hit Calcutta. The events circle around Mayadebi's family, their friendship and sojourn with their English friend, the Prices and Tha'mma, the narrator's grandmother's association with her ancestral city, Dhaka. Jethamshoi--the actual name of Jethamshoi is Shri Goshtobihari Bose who worked as a lawyer in Dhaka High Court. The novel also sheds light on the characters of Khalil and Tridib who are killed in the riots of 1964. These deaths raise a question against the arbitrary demarcation of national boundaries.

The novel begins in the pre-independent times. Its story is woven around two families, the Datta-Chaudhuris of Bengal and the Prices of London. The relationship between these two families continues for three generations. As A.H. Kaul explains in his essay, 'A reading of *The Shadow Lines*:

Towards the end, the story also crosses the newly created frontier between India and East Pakistan (Now Bangladesh) engaging or acknowledging along the way the proximate presence of other foreign countries and continents through the Indian diplomatic and UN postings of the Datta-Chaudhuris (300).

The novel begins in 1939, a crucial year in the history of mankind. In this year, the Second World War commenced, and the novel ends essentially in 1964 with the eruption of violence in both India and Pakistan. Both these dates are significant in this novel because in 1939, Tridib at the age of 8 is taken to England and in 1964; he is killed by the street mob at Dhaka. The novel has a large canvas of characters that are inter-connected to each other, either as friends or as family members. The narrator's family consists of his grandmother, Mayadebi's elder sister and his parents. Mayadebi and her diplomat husband have three sons. They are Jatin an economist in UN, Tridib and Robi who later join the Indian Administrative Service (IAS). Jatin's daughter Ila is always travelling various countries with her parents. On the contrary, the narrator's family is settled in Calcutta where his grandmother was a schoolmistress, The only member of Mayadebi's family who spent a long time in Calcutta was Tridib who lived in his ancestral home in Bollygunje. Tridib is doing research for a doctorate in medieval archaeology.

Tridib met May Price in England in 1939. Tridib's parents went to England because Tridib's father was in need of an operation, which was not possible in India. The friendship between the two families began by the grandparents of Tridib and May in Calcutta during the British Raj. Tridib again meets May Price in 1962 in India and falls in love with her. Robi accompanied Tridib, May, Tha'mma and Mayadebi to bring the grandmother's old uncle Jethamoshai from Dhaka to Calcutta. They all witnessed the killing of Tridib. It is described through the haunting memories of Robi and May Price.

The backdrop of the novel consists of the freedom movement in Bengal, the Second World War, the partition of India and the feelings of communal hatred that erupted in Pakistan (now Bangladesh) following the Hazratbal incident in Srinagar in 1964. The novel is neither a recapitulation of these historical events in the subcontinent nor it can be called a mere political allegory. Instead of that, Ghosh shows the impact of politics on lives of ordinary people and on human relationships. The historical incidents have provided Ghosh with raw materials against which he studies the historical truths like the meaning of nationalism, communal harmony and the political freedom in the modern world.

The novel opens with the narrator's grandmother's sister's visit to England and establishes the narrative framework. The novel also telescopes the political ferment in Bengal and the upbringing of the grandmother, Tha'mma, who was born in 1902. After the details of Mayadebi's visit to England, the narrative shifts forward in time to 1960 when Tridib first shared his experience with the narrator. Thus, the narrative shifts back and forth in time. Chronologically, the story begins with a passage of time in colonial India when the narrator was not born. The year 1939 is historically significant for the outbreak of the Second World War and the upheaval caused by the epochal event. The Tridib-May component and Mayadebi's visit to London is told to the narrator, twenty one years later. Amitav Ghosh explores the mysterious and quaint relationship and the abiding intimacy between the Price family and Tridib's family. It symbolizes the transcending shadow lines of nationality and cultural boundaries. The connecting links across the realities of nationality, cultural segregation and racial discrimination are the

central themes of *The Shadow Lines*. The author, here, challenges the idea of territorial national boundaries. Tresawsen and Mayadebi, Tridib and May, Jethamshoi and Khalil transcend the prevailing passions of war, hatred and communal acrimony.

In the second section of the novel, Ghosh returns to the Indian sub-continent to Calcutta and Dhaka. He tries to understand the nuances and meaning of political freedom, After Independence and partition, nationalism, communal harmony and political freedom acquired different shades of meaning. Earlier Indian nationalism was a weapon utilized by the freedom fighter in their freedom struggle against foreign rulers. The struggle could not even ensure the territorial integrity of India. After partition, nationalism in the Indian context changed its meaning to exclude people on the other side of the border, both in East and West Pakistan so, different viewpoints of nationalism emerge in this section.

The second part 'Coming Home' starts with the retirement of the grandmother as headmistress near Deshapriya Park. She had taught in this school for twenty-seven long years and had worked as headmistress for six years. The year of retirement is 1962 when the narrator is simply ten years old.

She narrates numerous anecdotes. Her husband passed away at the age of thirty-two. In order to become independent, she became a teacher in a school at Calcutta. Amitav Ghosh then, presents the grandmother's early life as a story told by her to the narrator. While attending her college for her B.A. in history, she became familiar with members of the terrorist movement amongst nationalists in Bengal. She settled in Calcutta long before the partition so, she doesn't feel up-rooted or alienated. Though, she did not suffer materially, the wound had a big impact. When seventeen years after partition, the grandmother was going to visit Mayadebi at Dhaka, she realizes when filling the disembarkation card that "her place of birth had come to be so messily at odds with her nationality."⁸ This dilemma upsets the grandmother which is shared by many people. As a liberal humanist, Ghosh tries to understand the human loss caused by drawing a line on the map right through the homeland. He examines the cataclysmic event of partition in Bengal where many Hindu families had to leave their ancestral homeland in erstwhile

East Pakistan and settle in the suburbs of Calcutta. The mechanic Saifuddin exemplifies the fate of Muslim refugees. Many Muslim families were also uprooted from Bihar, Bengal and Assam and had to migrate to the newly formed Pakistan. By raising the problem of nationalism, the author discusses that the people of the grandmother's generation were often bewildered about how places of birth had become at odds with their nationality.

Due to the ignorance of the geographical knowledge about India, Cyril Radcliffe in June 1947 drew a pencil line on a map, guided by the idea of geography and religion. This hasty step of Partition created havoc in the villages of Bengal and Punjab. By putting them into minorities within a hostile majority, Ghosh tries to focus subsequent psychological problem. Such problems caused crude barbarity. By citing the example of the grandmother, the author poses the eternal question: "What did political freedom mean to such people?" (132) The grandmother's visit to Dhaka was prompted by the desire to see her old house because of her nostalgic vision for the ancestral house. The changed scenario of the house and the predicament of Jethamosai, now known as Ukibabu, raise several questions on the nature of national and political freedom. The statement of Jethamosai challenges the very issue of national or political freedom. He comments:

I don't believe in this India shindia. It's all very well, you are going away now, but suppose when you get there they decide to draw another line some where? What will you do then? Where will you move? No one will have you anywhere. As for me, I was born here, and I will die here (215).

Amitav Ghosh shows that there is a '*Shadow line*' between sanity and dotage, imagination and facts, and even nation and nation. The old man questions the whole ideology of nationalism, which creates boundaries and causes separation. He also raises the pertinent question on the concept of nationalism. The old man Jethamosai seems secure and mentally at peace with himself in his ancestral home than the grandmother who has confused loyalties. Jethamosai seems secure and content by having an intimacy with Muslims. Khalil's family cooks for him and takes care of him. In old age, he found the family to look after him. In answer to the question as to why Ghosh condemned man-made

boundaries and frontiers, some critics suggest that the author is advocating the character of Jethamoshai. Most importantly, this section puts forth various views on nationalism. The eminent playwright, Girish Karnad, observes:

The grandmother's visit to ancestral home, is surely one of the most memorable scenes in Indian fiction. Past and future meet across religious, political and cultural barriers in a confusion of emotions, ideals, intentions and acts, leading to a shattered climax (Kapadiya 44).

The climax occurs when the grandmother and Mayadebi were returning in their Mercedes car from their ancestral home. Jethamoshai is following them in Khalil's rickshaw. Robi and May Price narrate this incident. Recalling the gruesome deaths of Khalil, Tridib and the old man Jethamoshai, May Price tells the narrator years later, "When I got there, I saw three bodies. They were all dead. They would cut Khalil's stomach open. The old man's head had been hacked off. And they'd cut Tridib's throat from ear to ear" (251). The horror of the act is branded forever in the memories of Robi and May price, who witness the whole catastrophe from close range. The death of Tridib signified the futility of freedom. Robi feels that the concept of freedom is a mirage. Intolerance mushroomed in the name of freedom. Recalling such feeling, Robi says:

And then I think to myself why don't they draw thousands of little lines through the whole subcontinent and give every little place a new name? What would it change? It's a mirage, the whole thing is a mirage (247).

Robi's frustration suggests the futility of the national boundaries. On the contrary, Tridib's death in 1964 riots arouses animosity and anger in the grandmother. The personal loss changes the meaning of borders for her. Previously, it was just a confused line, now it is something that defines her nationality. She looks at the 1965 war between India and Pakistan as a threat to the freedom of her grandson and the future of the nation. For the grandmother, it is not a mirage but includes fighting against the Pakistanis who barely twenty years ago were her own countrymen. Usha Hemmadi in her essay, '*Amitav Ghosh: A Most Distinctive Voice*,' defines the communal riots in East Pakistan in 1964 as

“a defiance of artificially created national boundaries” (Kapadiya 45). The grandmother’s nationalism causes the breaking of a large cultural community.

She craves for war that would .make “people forget that they were born this or that, Muslim or Hindu, Bengali or Punjabi; they become a family born of the same pool of blood (78). For her, the sense of sacrifice for the country is an ultimate unifying force.

Consequently, to get united, to define itself, any country needs borders. Thus, the neighbouring nation defines itself the other nation. The ancestral house in Dhaka is the fine example of this. The house in Dhaka works as an antithesis to Tha’mma’s present house in Calcutta. She invents the myth of an “upside/down house (125) - a house in which everything is diametrically opposed to the other house. Tha’mma is almost persuaded to believe that the opposite happens across the borders. Her understanding of nationalism can be defined as ‘us’ against ‘them’.

The grandmother’s endeavors to bring the old man from Dhaka to India are prompted by her abstract entity of nationalism. She sighs: “I’m worried about him, poor old man, all by himself, abandoned in that country. Imagine what it must be to die in another country, abandoned and alone in your old age (135-136). She desires to sustain itself by a desire to perpetuate the values of common heritage by striving towards building a better nation. She forces her grandson to exercise for “You can’t build a strong nation, without building a strong body (8). She firmly believes that Robi’s physical strength is nothing but good raw material for nation- building.

Some critics believe that Tha’mma’s nationalism is primordial. Paul R. Brass observes that every person is attached to the place of birth, kinship relations, religion, language and social practices. But the novel shows some serious complications. She is forced to realize that no amount of bloodshed can make the borders ‘real’ her perception of border is strange one. She asks her son a question that would she be able to see the border between Indian and East Pakistan from the plane? Her son laughs at her. She tells him, “But surely there’s something – trenches perhaps, or soldiers, or guns pointing at

each/other or even just barren strips of land. Don't they call it no – man's land? (151)
During the conversation, Tha'mma ends up questioning some of the basic questions of her idea of Nationalism.

But if there aren't any trenches or anything, how are people to know? I mean, where is the difference then? And if there's no difference, both the sides will be the same; it'll be just like it used to be before, when we used to catch a train in Dhaka and get off in Calcutta the next day without anybody stopping us. What was it for all then – the partition and the killing and everything if there isn't something in between? (151)

The quotation suggests that even after the partition, there might not be any difference between the two regions across the border.

Ghosh says that the ghastly events that followed the assassination of Mrs. Indira Gandhi (1984) inspired him to write this novel. It was beyond his imagination to understand how their own non-Sikh compatriots could make a community that was essentially Indian- the Sikhs the victims of such an inhuman massacre. There are number of incidents that the novel narrates that shatter the notion of India as a homogeneous community. In 1964, communal riots had sparked off through out the country. Though the unnamed narrator was a school-going boy, he could remember the incident quite vividly. Both the Hindus and the Muslims who lived in a relative harmony now were suspicious of each other's. The rumours about the poisoning of the water were fresh and circulating. The atmosphere was filled not only with suspicion but also with fear and hatred. After the communal riots, the best friend of the narrator called Montu (Mansur) turned into a feared enemy. The frequent inversions of such events force the reader to ponder about the unified nature of the country he lives in. Ghosh portrays the nation as being an internally fractured entity along with the public chronicle of the nation is at odds with private stories of individual. In the riots of 1964, Tridib had become a helpless victim to the senseless mob of the communal hatred. This is a key moment in the story of the narrator's life. After fifteen years, when the narrator attempts to recover the traces of the event in the archives of the Nehru Memorial Library, New Delhi, he fails to find a mention of Tridib's death in the newspapers. It seems that the private story had no place in the records of the nation's memory. It is vanished into the volcano of silence. The

incident of the grandmother's ancestral house in Dhaka calls into question the logic of the political division of the nation. The partition, therefore, is an act of meaningless violence. Suvir Kaul rightly observes that in *The Shadow Lines*, there is "a growing sense that the logic of nation state is necessarily at odds with various forms of sub-continental communality—that to be Indian is to be perversely and perhaps unsuccessfully define oneself against one's mirror image from across the border (Chowdhary 56). The grandmother who is born in Dhaka and migrated to Calcutta due to the partition gets confused about her homeland. Though she is going to Dhaka, she says that she is coming to Dhaka; she says that the journey to Dhaka is a homecoming. But Tridib's death changes her attitude towards the place of her birth. It arouses a sense of hatred in her mind. When Indo-Pakistan war breaks out, she says,"Kill everyone of them (57).

The narrator is compelled to realize the shortcoming of a political organization of the world structure based on national divides. In this novel, the author desires to create an image of global inclusiveness in which various cultures intermingle with one another to create a single unified global picture. The rain forest near Rai Bazaar is imported from Brazil and Congo. The encyclopedic knowledge of Tridib and the incessant travel of Ila are the best reflections of the global sweep of Ghosh's narrative. The move of the author is natural because he does not live in the days of India's struggle for freedom but he is an awakened citizen of a rapidly shrinking World. He is, no doubt, a representative of the globetrotting class. One must, therefore, be careful enough for guarding against the hegemonic tendencies of international capitalism that satisfies its own interest by keeping away from the culture to which he or she belongs.

Hence, one can surmise that Ghosh juxtaposes the received history with personal memory. He exposes the discrepancies of the history. He recreates the history also. It is in real sense, the naked picture of the deception of the communal harmony as reflected in the novel *The Shadow Lines*.

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Various Mobile App's Useful for Learning English

**Ms. Pooja M. Pal,
Assistant Professor,
Engineering College Tuwa,
Godhra.**

Abstract:

No one can deny the importance of mobile all over the world today. The widespread ownership of mobile phones and other portable and wireless devices has been dramatically changing our learning, communicative techniques and even life styles. The use of these mobile technologies turns out to be well aligned with educational goals such as extending learning opportunities, improving student achievement, supporting differentiation of learning needs, goals and learning styles. It also helps to deliver authentic learning materials to students who would otherwise have no access to them.

People are no more interested in face to face talking or going through files or sending postal things. Due to the expansion of science and technology knowledge has become a commodity, chiefly available in the form of information to be received through internet. It is quickly accessible as and when desired. Mobile becomes a great source for that. With the help of mobile one can send big word, excel or pdf files in a few seconds. On mobile, information in one form or the other is available largely in English. People get an opportunity to post and share their ideas, resources and also hold online discussion. So it improves their skills such as listening, writing, speaking and reading.

Keywords:

Mobile, Apps, Pedagogy, Vocabulary, Android, Dictionary,
Online Videos, E-Learning, Indispensable, Quiz.

Nowadays mobile technologies have been gradually integrated into learning. The wide use of smartphones and other portable and wireless devices has been significantly changing the ways of learning in many contexts, including language learning. Numerous mobile

applications (apps) have been developed to support different aspects of English language learning, including listening, speaking, reading, writing, vocabulary and grammar. Although, these apps, usually with sound, images, and interactions, are certainly appealing to learners, the second language pedagogy that underpins these resources and activities should never be ignored.

Today mobile phones have become an important tool in everyone's life. Everyone can send messages, make calls, watch movie, listen to music, play games and surf internet. We can do all the things with the help of mobile application. We can see lots of operating systems like Android, Windows, IOS etc. Android is a very popular system. In android system there are lots of different applications for different things.

Mobile learning as the phrase suggests takes place with the help of mobile devices with its characteristic features. It makes possible for a learner to learn anywhere and at any time. Despite its flexibility, convenience and widespread usage, mobile learning has not yet acquired a prominent place in learning English. Shudong Wang and Simon Smith lend a support to this view: "The concept of mobile phone learning, although not yet prevalent, is likely to become accepted by more and more learners" (Wang & Smith 128). While at the beginning, mobile learning focused on the role of mobile technologies and devices in education. Recently mobile learning has replaced the rigid pedagogy of classroom teaching and learning. Learning is now possible everywhere even outside the four walls of a class and that too without a teacher. And it has become possible only through mobile phones. About a decade ago android and smart phones were considered as status symbol but now they have become indispensable for every student no matter how great his institution is. The institution falls short to cater for the needs of the student if it does not allow the students to go in for mobile learning. John Traxler emphasizes the learning through mobile in present day world. To quote him: "Mobile learning is certainly not merely the conjunction of 'mobile' and 'learning'; it has always implicitly meant 'mobile e-learning' and its history and development have to be understood as both a continuation of 'conventional' e-learning and a reaction to this conventional e-learning and to its perceived inadequacies and limitations"(Traxler 1). Thus, it is characterized by the mobility of the user, his knowledge and interest in materializing e-resources to serve his immediate need in language acquisition in terms of informal learning that happens out of the classroom. In this case, any portable and palmtop devices such as portable media player devices, tablets, and mobile phones contribute to mobile learning.

Among the portable technological tools, mobile phones are the most commonly and effectively used devices for learning and due to their portability and accessibility; they can be profusely used in the educational settings for learning and teaching purposes. Research shows that mobile phones can be used to leverage instruction, strengthen place-based learning and to accelerate learning. Mobile learning has certain benefits for language learners and teachers to offer access to authentic contents, communicative language practice, and task completion. While the effect of some mobile phone apps such as Short Message Service (SMS), voice-messaging, cameras, video-recording and Internet access have brought about a revolutionary change and helped the students to learn instantly besides widening their social horizon.

With the growing use of web and internet, social sites have become incredibly popular. They enable the users to share their learning through various applications like, wikis, blogs and RSS feed. Social sites like my space, twitter, Face book and whatsapp are used not only professionally but personally. Particularly, youths use this technology to connect with the entire world via chatting, sending photos, messages etc. Day by day the use of mobile technology is popularly increasing among youths. Now-a-days students use mobile phones to access social networking sites. They can learn English more profitably by using mobile phones. To learn English with the help of mobile application is bit difficult but possible.

Mobile learning includes learning through wireless devices such as Smartphone, personal digital assistant (PDA), iPod, palmtop, laptop, etc. Although we could argue that mobile learning involves the use of any portable learning materials, for example, books, portable radios and DVD players, mobile learning has usually been anchored on the use of mobile technology and plays an important role in teaching and learning. Research shows that more than three quarters of all mobile devices used in educational contexts are mobile phones and PDAs.

Surprisingly, thousands of apps to learn English are available on Free Apps Categories today. To say that the number of users is less than the availability of the apps., is not an exaggerated statement. These apps include ‘Duolingo: Learn Language’, ‘Learn English by Conversation’ ‘English Listening & Speaking’, ‘Speaking English in 30 Days’, ‘English Grammar Test’, ‘Study English with Audio’, ‘13000 Video English Learning’, ‘How to Speak Real English’, ‘English Speaking Course’, ‘TOEFL Preparation’, ‘Vocabulary Builder’, ‘English Grammar in Use’, ‘American English Conversation’. But there is a limitation of these easily available free apps. They simply provide material just enough to suffice the basic requirements of a beginner. However, for the advanced learners paid apps are also available. Such apps are

fully developed to deal extensively with the aspirations of the advanced learners. There are four types of applications which can help to learn English.

1) Dictionary 2) Grammar 3) online videos 4) Quiz.

Dictionary:

Dictionary is a very popular application available in today's smart phones. It is available in all android phones and also very easy to use. One can download a dictionary in ones mobile phone and use it. With the use of dictionary one can find the meaning of difficult words. There are many applications related to dictionary. Apart from Oxford, Cambridge Webster's dictionaries there are dictionaries on 'idioms & phrases, on Medical Science, Law so on and so forth. Obviously, not only the students of English but other subjects or disciplines are also the beneficiaries. A dictionary is also useful for a housewife as dictionary on food and recipes are also available.

All these English dictionaries are free to download. Even voice dictionary is also available. It can help the learner to modify and correct his pronunciation.

Among all the mobile apps, use of dictionaries is highly used apps. It is time efficient and helps a language learner to enrich his vocabulary. Besides, the affordances that are included in mobile dictionaries such as visual media (images, graphics), audio media (pronunciation), multimedia, and searching can also contribute to better learning when used with diligence.

Grammar:

Grammar is the base of English language. Smart phones have lots of applications to learn grammar. There is 'Practice English Grammar' application which helps a fresh learner of English. 'IELTS' application helps a person to clear IELTS exam which is mandatory for anyone who wants to go abroad for study or job. There is '200 Grammar Rules' application to teach grammar. For kids there is 'Play and learn' application with beautiful pictures to make learning of English interestingly fascinating for kids. One can also test ones performance by using 'OEFL Grammar Test'.

Online Videos:

The chalk-duster method of teaching has almost become obsolete today. The students prefer online learning to save time. In online videos the teacher uses power point presentations to teach English. They use images, quotations, graph, table which are clearly understood by the users.

Online video application improves the skills of communication like listening, speaking, Reading and Writing.

(a)Listening:

Online video application helps a teacher to share audio clips with his students. He may frame questions based on those audio clips and encourage his students to answer them. By using online video application the students can improve their listening skills and pronunciation.

(b)Speaking:

By the use of online videos, students can speak as their teacher does. The teacher can record his voice and send the audio clips to the students to check, compare and improve their own pronunciation and fluency accordingly.

(c)Reading:

This application increases reading skills of students. The teacher gives them a task followed by questions based on that task to test their reading skill.

(d)Writing:

Writing is very important in English. By the use of online video we can check other's writing skills, words, sentence pattern, structure and many more.

Quiz:

Quiz is the way to share and check ones knowledge. It helps one to improve one's speaking, listening, reading skills. Now-a-days there are lots of applications for quiz to learn English. 'W Quiz', English beginner, Learn English by Conversation, English Test, English spelling quiz, word funny quiz, English grammar quiz, English flashcards, English tenses, Enguru: spoken English application, Daily English, English for kids, pocket English quizzes. All these applications can be used anywhere.

It is true that mobile apps have encouraged exciting opportunities for personalized and learner-centered environments with flexible access to learning materials anytime and anywhere. The novel and enjoyable ways of learning would have a great potential to increase learning motivation and encourage lifelong learning habits. Overall, the positive and beneficial effects of using mobile apps in the context of language learning are always a

welcome. But the abuse cannot be overlooked altogether. As the screen of a mobile is very small too much exposure to mobile phones may cause damage to the eyesight of students. As a mobile is user friendly children keep and carry it wherever they go. They may access and download pornography. The worst part of the apps of pornography is that once accessed and downloaded they can never be formatted by any mobile flash applications. So it is the need of the hour that the pornographic apps should be restricted to the farthest possible extent and at the same time our young generation should be made familiar with the advantages of mobile apps.

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A Study on the Development and Trend of Salt Industry in Gujarat

Kanaiyalal D. Dave
Associate Professor in Economics
Smt.V.P.Kapadia Mahila Arts College, Court Road,
Near Ambaji Temple Bhavnagar (Gujarat)

Abstract:

The availability of natural resources and its optimum use is effect on the economic development. In Gujarat, many favorable conditions exist for the development of salt industry as Gujarat has approximately 1600 km long coastline, most of the rocky coastline, hot and dry climate and high density water of Saurashtra sea coast, etc. Having favorable conditions for the production of salt in Gujarat, salt produced more comparatively other states and Union Territories of India. Such as during the period 2008-09 to 2013-14 in the total salt production in India, average annual contribution of Gujarat was 77.48% and during above period, average annual growth rate of salt production in Gujarat, was 5.13 percent. The private, public and co-operative sectors are involved in salt production in Gujarat. During the period 2008-09 to 2013-14, average annual contribution of private sector in total production of salt in Gujarat was 90.6809%, co-operative sector was 9.2932% and public sector was 0.0258% and during this period, average annual growth rate of salt production in privet sector was 5.55 percent and in co operative sector, it was 2.494%.

Keywords:

Salt Industry in Gujarat, Development and Trend, Natural resources, Stability, Growth, Instability, Salt, Industry, Production, Contribution

Introduction:

The availability of natural resources and its optimum use is effect on the economic development of any nation, state or region. The optimum use of these natural resources depends on the development of sectors like industrial, agricultural and service.

There are lots of such natural resources available in Gujarat; its use is depending on the development of industries, out of which, the salt industry is important. In Gujarat, many

favorable conditions exist for the development of salt industry. In the present study, efforts have been made to explain whether development of salt industry in Gujarat

In Gujarat, many favorable conditions exist for the development of salt industry as Gujarat has approximately 1600 km long coastline, most of the rocky coastline, hot and dry climate and high density water of Saurashtra sea coast, etc.

On the other side, along with economic development, demand for salt in different sectors has been increasing. Under this condition, development of salt industry is highly necessary. Through developing salt industry in Gujarat, we can full fill domestic demand of salt and foreign exchange can be earned through exports of surplus salt. in this perspective, this study would become important.

Following are the objectives of the present study

- (1) To examine the development of salt industry in Gujarat.
- (2) To examine the contribution of different sources in the production of salt in Gujarat.
- (3) To examine the contribution of different sectors in the production of salt in Gujarat.

A number of small and major studies have taken place relating to the salt industry in Gujarat. Out of which, many studies have been on salt production in Saurashtra , salt production in Gujarat, problems and prospects of salt industry, socio-economic condition of salt workers, etc.

Present study is depended on secondary data. Most of the data has been collected from the Annual Reports, 2008-09 to 2013-14, Salt Department, Government of India, Ministry of Commerce & Industry, Department of Industrial Policy & Promotion. To get results and findings from the wide data, different methods of statistics have been used in which important like average, co-efficient of variation have been included.

To examine the development of salt industry in Gujarat, following Aspects have been examined: Share of Gujarat in total salt production in India, average annual growth rate of salt production in Gujarat, share of different sources and sectors in salt production in Gujarat and stability in the salt production in Gujarat.

Many states and Union Territories of India produce salt such as Gujarat, Tamil Nadu, Andhra Pradesh, Maharashtra, Himachal Pradesh, Karnataka, Orissa, Rajasthan, West Bengal, Goa,

etc. States and Diu and Daman Union Territories produce salt. Having favorable conditions for the production of salt in Gujarat, salt produced more comparatively other states and Union Territories of India. This is shown in table number 1.

Table Number-1
Salt Production in Gujarat (2008-09 to 2013-14)
(Production in 1000 Tons)

years	Production in Gujarat	Annual Growth Rate
2008-09	14903.9	-
2009-10	17870.6	19.9
2010-11	14515.3	-18.78
2011-12	17018.6	17.24
2012-13	19423.9	14.13
2013-14	18095.5	-6.84

(Source: Annual Reports, 2008-09 to 2013-2014, salt Dept., Gov. of India, Ministry of Com. & Industry, DIPP.)

It is clear from table no.1 that during the year 2008-09 to 2013-14, highest salt production 19423.9 thousand tons was in 2012-13 and lowest salt production 14515.3 thousand tons was in 2010-11 in Gujarat. During the above period, average annual salt production in Gujarat was 16971.3 thousand tons.

To examine the growth rate of salt industry in Gujarat, to examine annual growth rate of salt production in Gujarat. It is clear from table no.1 that during the year 2008-09 to 2013-14 highest annual growth rate 19.9 was in 2009-10 and lowest -18.78 was in 2010-11 if we look to the overall position, during the above period, salt production's average annual growth rate was 5.13 in Gujarat. It shows that salt industry growth rate is remarkable in Gujarat.

Contribution of Gujarat in Salt Production of India:

Salt production in Gujarat and its annual growth rate have been compared to examine the development of salt industry in Gujarat compared to other states of India. Table number -2 provides Contribution of Gujarat in salt production of India.

Table Nuber-2
contribution of Gujarat in salt production of India (2008-09 to 2013-14)
(Production in 1000 Tons)

Years	Gujarat		India		% Share of Gujarat into Total Salt production in India.
	Salt Production	Annual Growth Rate	Salt Production	Annual Growth Rate	
2008-09	14903.9	-	19151.2	-	77.82
2009-10	17870.6	19.9	23951.3	25.06	74.61
2010-11	14515.3	-18.78	18610.1	-22.3	78
2011-12	17018.6	17.24	22179.1	19.18	76.73
2012-13	19423.9	14.13	24546.9	10.67	79.13
2013-14	18095.5	-6.84	23019.3	-6.22	78.61

(Source: Annual Reports, 2008-09 to 2013-2014, salt Dept., Gov. of India, Ministry of Com. & Industry, DIPP.)

It is clear from table number 2 that during the period 2008-09 to 2013-14, in total production of salt in India, contribution of Gujarat was highest 79.13% in the year 2012-13 and lowest 74.61% in the year 2009-10. During the above period in the total salt production in India, average annual contribution of Gujarat was 77.48%. It is clear from table number 2 that the development of salt industry in Gujarat is rather as compared to other states and UTs (Union Territories) of India.

During the above period, if we look average annual growth rate of salt production in Gujarat in comparison to the country, average annual growth rate of salt production in Gujarat was 5.13% which was 5.278% in India. Thus during the above period, growth of salt industry in Gujarat has less compared to all India.

Stability in salt production in Gujarat and India:

To examine the stability of salt production in Gujarat and India, found the co efficient of variation of salt production of Gujarat and India during the 2008-09 to 2013-14. During the above period the co efficient of variation of salt production of Gujarat was lower compared to India. It is clear from this the co efficient of variations that stability in salt production in Gujarat is more as compared to India.

Sources wise salt production in Gujarat:

There are three sources of salt production in India. Such as sea salt, Inland salt and rock salt, out of which sea salt and inland salt sources have in Gujarat. In India, contribution of Gujarat in the production of sea salt is highest and in inland salt production its contribution is second. That means in Gujarat, sea salt production is more as compared to inland salt production. This is shown in table number 3.

TABLE-3

Production of Sea Salt and Inland Salt in Gujarat (2008-09 to 2013-14)

(Production in 1000 Tons)

Years	Sea salt		Inland salt		% share of sea salt into total Salt production in Gujarat.	Total salt production in Gujarat
	Production	Annual Growth Rate	Production	Annual Growth Rate		
2008-09	11777.3	-	3126.6	-	79.0216	14903.9
2009-10	14387.5	22.16	3483.1	11.4	80.50933	17870.6
2010-11	11536.7	-19.81	2978.6	-14.48	79.47958	14515.3
2011-12	15216.7	31.9	1801.9	-39.5	89.41217	17018.6
2012-13	15907.5	4.54	3516.4	95.15	81.89653	19423.9
2013-14	14294.3	-10.14	3801.2	8.1	78.993	18095.5

(Source: Annual Reports, 2008-09 to 2013-2014, salt Dept., Gov. of India, Ministry of Com. & Industry, DIPP.)

It is clear by table number 3 that during 2008-09 to 2013-14, average annual contribution of inland salt was 18.448 percent in total salt production in Gujarat and remaining 81.552 percent contribution was sea salt in total salt production in Gujarat. Thus, the contribution of sea salt is very much high in total salt production in Gujarat.

If look at the average annual growth rate of both the sources. During the above period average annual growth rate of sea salt was 5.73% and inland salt was 12.13% respectively. In short, average annual growth rate of inland salt is higher.

Stability in Production of Sea Salt and Inland Salt in Gujarat:

To examine the stability in production of sea salt and inland salt, found the co efficient of variation of production of sea salt and inland salt in Gujarat during the 2008-09 to 2013-14. During the above period co efficient of variation of sea salt was lower compared to inland salt. On the basis of it, it can be said that there is more stability in production of sea salt than inland salt.

Sector wise salt production in Gujarat:

The private, public and co-operative sectors are involved in salt production in Gujarat. - The share of production of salt by various sectors are presented in table number 4.

Table Nuber-4

Sector Wise Salt Production in Gujarat (2008-09 to 2013-14)

(Production in 1000 Tons)

year	Salt Production in Public Sector	Private Sector		Co-operative Sector		Total Salt Production in Gujarat
		Production	Annual Growth Rate	Production	Annual Growth Rate	
2008-09	0	13345.7	-	1558.2	-	14903.9
2009-10	14	16380.9	22.74	1475.7	-5.29	17870.6
2010-11	9.9	13284.7	-18.9	1220.7	-17.28	14515.3
2011-12	0	15282.7	15.04	1735.9	42.2	17018.6
2012-13	1.2	17538.4	14.76	1884.3	8.55	19423.9
2013-14	1.2	16506	-5.89	1588.3	-15.71	18095.5
Total	26.3	92338.4		9463.1		101827.8

(Source: Annual Reports, 2008-09 to 2013-2014, salt Dept., Gov. of India, Ministry of Com. & Industry, DIPP.)

It is clear from table no.4 that during the year 2008-09 to 2013-14, total salt production in Gujarat was 101827.8 thousand tons. The contribution of private sector was 92338.4 thousand tons, contribution of co-operative sector was 9463.1 thousand tons and contribution of public sector was 26.3 thousand tons. If we look at the average annual contribution of various sectors in total production of salt in Gujarat, during the above period, average annual

contribution of private sector in total production of salt in Gujarat was 90.6809%, co-operative sector was 9.2932% and public sector was 0.0258%.

If examine average annual growth rate of salt production by private sector and co-operative sector in Gujarat during above period, average annual growth rate of salt production in private sector was 5.55% and co-operative sector was 2.494%.thus in Gujarat in the development of salt industry ,contribution of private sector is more than other sectors.

Findings:

- (1) The development of salt industry in Gujarat is significant compared to other states in India.
- (2) During the year 2008-09 to 2013-14 average annual production of salt in Gujarat was 16971.3 thousand tons and during the above period, contribution of Gujarat in average annual production of salt in India was 77.48%.
- (3) During the year 2008-09 to 2013-14, average annual growth rate of salt production in India, was 5.278 percent and in Gujarat, it was 5.13 percent respectively.
- (4) Salt industry has developed well in Gujarat, but during the period 2008-09 to 2013-14, compared to India, average annual growth rate of salt production in Gujarat has remained low.
- (5) Stability in salt production seen more in Gujarat compared to India.
- (6) During the period 2008-09 to 2013-14, in the total salt production in Gujarat, average annual contribution of sea salt was 81.552% and contribution of inland salt was 18.448%. In short, the contribution of sea salt was more compared to inland salt.
- (7) During the period 2008-09 to 2013-14, average annual growth rate of sea salt was 5.73% and inland salt was 12.13%.
- (8) During the period 2008-09 to 2013-14, more stability was seen in the production of sea salt than inland salt.
- (9) In Gujarat private, public and co-operative sectors are involved in the salt production.
- (10) During the period 2008-09 to 2013-14, in the total production of salt average annual contribution of privet sector was 90.6809%, co-operative sector's was 9.2932% and public sector's was 0.0258% in Gujarat.
- (11) During the year 2008-09 to 2013-14, average annual growth rate of salt production of privet sector was 5.55 percent and of co operative sector, it was 2.494%.

Suggestions

During the period 2008-09 to 2013-14, the average annual growth rate of salt production in Gujarat has remained lower than India. Besides, more instability in the production of salt seen in Gujarat, so steps should be taken to increase salt production reduce instability in the salt production in Gujarat.

In Gujarat, contribution of co-operative sector in the production of salt is very much less than the private sector so measures should be taken to develop co-operative sector of salt production in Gujarat.

Conclusion:

In short, it can be said on the basis of this study, that in Gujarat, development of salt industry has become more than other states of India. Production of sea salt is more than the production of inland salt in Gujarat. If we look at the sector wise, in the production of salt in Gujarat, contribution of private sector is highest and the contribution of public sector is the lowest.

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Declaration

I hereby certify that “It is an original research work (depend on some secondary data) as per my knowledge and has not been published anywhere else and has not been sent for publication anywhere.”

Date: 25-12-2015

Kanaiyalal D.Dave

Bio Note

1	Name	(DR.K.D.Dave) DR.KANAIYALAL DAYARAMBHAI DAVE				
2	Designation	Associate Professor in Economics				
3	Name of Institution (College) With Address	Smt.V.P.Kapadia Mahila Arts College, Court Road, Near Ambaji Temple Bhavnagar(Gujarat)				
4	Date of Birth	08/12/1971 (as per school certificate)				
5	Academic Qualification					
	Name of Degree	Year of Passing	Name of Board/Uni.	Percents	Subject	Remarks
	S.S.C.	March 1988	G.S.E.B.Gandhinagar	71.14	General	
	H.S.C.	March 1990	G.H.S.B.Barodo	65.50	General	
	T.Y.B.A.	March/April 1993	Bhavnagar Uni.	66.85	Economics	
	M.A.	March/April 1995	Bhavnagar Uni.	67.25	Economics	Uni.first in subject
	PH.D.	23/7/2003	Bhavnagar Uni.			A study on problems and prospects of salt Industry with reference of Bhavnagar district.
6	Teaching Experience					
	Level	Institution	Duration (Date to date)	Subject	Total Experience	
	UG	Smt.V.P.Kapadia Mahila Arts College ,Court Road,Bhavnagar	06/09/1996 to till Date	Economics	19 years above	
7	Research Papers published			11(Eleven)		
8	Publication Book			01		
9	Chapter Writing in Book			02		
10	National Conference with paper presentation			15(fifteen)		

Contact detail

1	Address (Resident)	25, Radhekrishn Society, Opp. Shivanagar, Talaja Road, Bhavnagar, 364002
2	Phone(O)	0278-2424151
3	Mobile	9825465494
4	Email Address	Kddave71@gmail.com

Swami Vivekanand: A Genius

Dr. Suresh V.Chaudhari

**Associate Professor
Department of History
Arts and Science College, Kadi
Ta. Kadi, Dist. Mehsana, Gujarat**

A real genius Swami Vivekananda has always been remembered with reverence. He is known in his childhood as Narendranath Datta. He was born in an affluent family in Kolkata on 12th January, 1863. His father, Vishwanath Datta, was a successful attorney, and his mother, Bhuvaneshwari Devi, was endowed with deep devotion, strong character and other qualities. A precocious boy, Narendra excelled in music, gymnastics and studies. By the time he graduated from Calcutta University, he had acquired a vast knowledge of different subjects, especially Western philosophy and history. Born with a yogic temperament, he used to practice meditation . At the threshold of youth Narendra had to pass through a period of spiritual crisis when he was confused by doubts about the existence of God. It was at that time he first heard about Sri Ramakrishna from one of his English professors at college. One day in November 1881, Narendra went to meet Sri Ramakrishna who was staying at the Kali Temple in Dakshineswar. He straightaway asked the Master a question which he had put to several others but had received no satisfactory answer. He asked a very pertinent question to Sri Ramakrishna that has he really seen the God? In response to that question Sri Ramakrishna without a moment's hesitation replied that he had seen the God as much he could see him. Apart from removing doubts from the mind of Narendra, Sri Ramakrishna won him over through his pure, unselfish love. Thus began a guru-disciple relationship which is quite unique in the history of spiritual masters. Narendra now became a frequent visitor to Dakshineswar and, under the guidance of the Master, made rapid strides on the spiritual path. At Dakshineswar, Narendra also met several young men who were devoted to Sri Ramakrishna. After a few years two events took place which caused Narendra considerable distress.

On was the sudden death of his father in 1884. This left the family penniless, and Narendra had to bear the burden of supporting his mother, brothers and sisters. The second event was the illness of Sri Ramakrishna which was diagnosed to be cancer of the throat. In September 1885,

Sri Ramakrishna was moved to a house at Shyampukur, and a few months later to a rented villa at Cossipore. In these two places the young disciples nursed the Master with devoted care. In spite of poverty at home and inability to find a job for him, Narendra joined the group as its leader.

Sri Ramakrishna instilled in these young men the spirit of renunciation and brotherly love for one another. One day he distributed ochre robes among them and sent them out to beg food. In this way, he himself laid the foundation for a new monastic order. He gave specific instructions to Narendra about the formation of the new monastic order. On 16th August, 1886, Narendra lost his Guru. After the Master's passing, fifteen of his young disciples began to live together in a dilapidated building at Baranagar in North Kolkata. Under the leadership of Narendra, they formed a new monastic brotherhood, and in 1887 they took the formal vows of sannyasa, thereby assuming new names. Narendra now became Swami Vivekananda. After establishing the new monastic order, Vivekananda heard the inner call for a greater mission in his life. While most of the followers of Sri Ramakrishna thought of him in relation to their own personal lives, Vivekananda thought of the Master in relation to India and the rest of the world. As the prophet of the present age, what was Sri Ramakrishna's message to the modern world and to India in particular? This question and the awareness of his own inherent powers urged Swamiji to go out alone into the wide world. So in the middle of 1890s, after receiving the blessings of Sri Sarada Devi, the divine consort of Sri Ramakrishna, known to the world as Holy Mother, who was then staying in Kolkata, Swamiji left Baranagar Math and embarked on a long journey of exploration and discovery of India. During his travels all over India, Swami Vivekananda was deeply moved to see the appalling poverty and backwardness of the masses. He was the first religious leader in India to understand and openly declare that the real cause of India's downfall was the neglect of the masses. The immediate need was to provide food and other bare necessities of life to the hungry millions. For this they should be taught improved methods of agriculture, village industries, etc. It was in this context that Vivekananda grasped the crux of the problem of poverty in India owing to centuries of oppression; the downtrodden masses had lost faith in their capacity to improve their lot. It was first of all necessary to infuse into their minds faith in them.

For this, they needed a life-giving, inspiring message. Swamiji found this message in the principle of the Atman, the doctrine of the potential divinity of the soul, taught in Vedanta, the

ancient system of religious philosophy of India. He saw that, in spite of poverty, the masses clung to religion, but they had never been taught the life-giving, principles of Vedanta and how to apply them in practical life. Thus the masses needed two kinds of knowledge: secular knowledge to improve their economic condition and spiritual knowledge to infuse in them faith in themselves and strengthen their moral sense. The next question was how to spread these two kinds of knowledge among the masses? Through education – this was the answer that Swamiji found.

One thing became clear to Swamiji that to carry out his plans for the spread of education and for the uplift of the poor masses, and also of women, an efficient organization of dedicated people was needed. As he said later on, he wanted to set in motion a machinery which will bring noblest ideas to the doorstep of even the poorest and the meanest.” It was to serve as this machinery that Swamiji founded the Ramakrishna Mission a few years later. It was when these ideas were taking shape in his mind in the course of his wanderings that Swami Vivekananda heard about the World’s Parliament of Religions to be held in Chicago in 1893. His friends and admirers in India wanted him to attend the Parliament. He too felt that the Parliament would provide the right forum to present his Master’s message to the world, and so he decided to go to America. Another reason which prompted Swamiji to go to America was to seek financial help for his project of uplifting the masses. Swamiji, however, wanted to have an inner certitude and divine call regarding his mission. Both of these he got while he sat in deep meditation on the rock-island at Kanyakumari. With the funds partly collected by his Chennai disciples and partly provided by the Raja of Khetri, Swami Vivekananda left for America from Mumbai on 31st May, 1893. His speeches at the World’s Parliament of Religions held in September 1893 made him famous as an ‘orator by divine right’ and as a ‘Messenger of Indian wisdom to the Western world’. After the Parliament, Swamiji spent nearly three and a half years spreading Vedanta as lived and taught by Sri Ramakrishna, mostly in the eastern parts of USA. He returned to India in January 1897. In response to the enthusiastic welcome that he received everywhere, he delivered a series of lectures in different parts of India, which created a great stir all over the country. ★ Through these inspiring and profoundly significant lectures Swamiji Wished to achieve the following goals:

1. to rouse the religious consciousness of the people and create in them pride in their,

2. cultural heritage to bring about unification of Hinduism by pointing out the common bases of its sects;
3. to focus the attention of educated people on the plight of the downtrodden masses, and to expound his plan for their uplift by the application of the principles of Practical Vedanta.

Soon after his return to Kolkata, Swami Vivekananda accomplished another important task of his mission on earth. He founded on 1 May 1897 a unique type of organization known as Ramakrishna Mission, in which monks and lay people would jointly undertake propagation of Practical Vedanta, and various forms of social service, such as running hospitals, schools, colleges, hostels, rural development centres etc, and conducting massive relief and rehabilitation work for victims of earthquakes, cyclones and other calamities, in different parts of India and other countries. In early 1898 Swami Vivekananda acquired a big plot of land on the western bank of the Ganga at a place called Belur to have a permanent abode for the monastery and monastic Order originally started at Baranagar, and got it registered as Ramakrishna Math after a couple of years. Here Swamiji established a new, universal pattern of monastic life which adapts ancient monastic ideals to the conditions of modern life, which gives equal importance to personal illumination and social service, and which is open to all men without any distinction of religion, race or caste.

It may be mentioned here that in the West many people were influenced by Swami Vivekananda's life and message. Some of them became his disciples or devoted friends. Among them the names of Margaret Noble (later known as Sister Nivedita), Captain and Mrs. Sevier, Josephine McLeod and Sara Ole Bull, deserve special mention. Nivedita dedicated her life to educating girls in Kolkata. Swamiji had many Indian disciples also, some of whom joined Ramakrishna Math and became *sannyasins*. In June 1899 he went to the West on a second visit. This time he spent most of his time in the West coast of USA. After delivering many lectures there, he returned to Belur Math in December 1900. The rest of his life was spent in India, inspiring and guiding people, both monastic and lay. Incessant work, especially giving lectures and inspiring people, told upon Swamiji's health. His health deteriorated and the end came quietly on the night of 4th July, 1902. Before his *Mahasamadhi*, he had written to a Western follower: "It may be that I shall find it good to get outside my body, to cast it off like a worn out garment. But I shall not cease to work. I shall inspire men everywhere until the whole world shall know that it is one with God."

To conclude, one can say that Swami Vivekanand is really a man with a difference. He is a unique personality. He is a person of his own kind who is very rare indeed. Though he is born in 19th century, he is still relevant today in the contemporary times.

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Understanding Contemporary and Future Human Rights

Dr. Vimal R. Parmar
Associate Professor
Law College, Godhra. GUJARAT
vimalrparmar@rediffmail.com

Abstract:

In the present age of globalization where information and knowledge societies exist, the issues of human rights violations are highlighted the world over. A huge public opinion compels concerned machinery to redress the damage. Besides conventional human rights to which one is entitled being a human being, some new rights have come to be added to that list. Protection from global warming and climate change, hunger and poverty, ensuring sufficient water for use, protection from ethnic and racial violation, and terrorism reproductive rights etc. are the main issues of our future generation would like to have these as their human rights.

Keywords:

Philosophical Perspective of human Rights	International Protection	United Nations Charter	Universal Declaration of Human Rights	International Treaties
Customary International Law	International Humanitarian Law	United Nations System	Basic Human Rights	Future Generations

The ideal of free human beings enjoying civil and political freedom and freedom from fear and want can only be achieved if conditions are created whereby everyone may enjoy his civil and political rights, as well as his social, economic and cultural rights.

- *International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights, 1966.*

In the present age of globalization where information and knowledge societies exist, the issues of human rights violations are highlighted the world over. A huge public opinion compels concerned machinery to redress the damage.

Besides conventional human rights to which one is entitled being a human being, some new rights have come to be added to that list. Protection from global warming and climate change, hunger and poverty, ensuring sufficient water for use, protection from ethnic and racial violation, and terrorism reproductive rights etc. are the main issues of our future generation would like to have these as their human rights.

In common parlance, human rights are “Communally understood as inalienable fundamental rights to which a person is inherently entitled simply because she or he is a human being.” Human rights are thus conceived as universal and egalitarian. These rights may exist as natural rights or as legal rights, in both national and international law. The doctrine of human rights in international practice, within international law, global and regional institutions, in the policies of states and in the activities of non-governmental organizations, has been cornerstone of public policy around the world. In The idea of human rights it says : “if the public discourse of peacetime global society can be said to have a common moral language, it is that of human rights.” Despite this, the strong claims made by the doctrine of human rights continue to provoke considerable skepticism and debated about the content, nature and justifications of human rights to this day. Indeed, the question of what is meant by a “right” is itself controversial and the subject of continued philosophical debate.

Many of the basic ideas that animated the movements developed in the aftermath of the World War II and the atrocities of The Holocaust, culminating in the adoption of the Universal Declaration of Human Rights in Paris by the United Nations General assembly in 1948. The ancient world did not possess the concept of universal human rights. Ancient societies had “elaborate systems of duties... conceptions of justice, political legitimacy , and human flourishing that sought to realize human rights.”

The modern concept of human rights developed during the early Modern period, alongside the European secularization of Judeo-Christian ethics. The true forerunner of human rights discourse was the concept of natural rights which appeared as part of the medieval Natural law tradition that became prominent during the Enlightenment with such philosophers as John Locke, Francis Hutcheson, and Jean-Jacques Burlamaqui, and featured prominently in the political discourse of the American Revolution and the French Revolution.

Philosophical Perspective of human Rights:

The Philosophy of human rights attempts to examine the underlying basis of the concept of human rights and critically looks at its content and justification. Several theoretical approaches have been advanced to explain how and why human rights have become a part of social exceptions.

One of the oldest Western philosophies of human rights is that they are a product of a natural law, stemming from different philosophical or religious grounds. Human rights can be classified and organized in a number of different ways, at an international level the most common categorization of human rights has been to split them into civil and political rights, and economic, social and cultural rights.

Civil and Political rights are enshrined in article 3 to 21 of the UDHR and in the International Covenant on Civil and Political Rights. Economic, social and cultural rights are enshrined in article 22 to 28 of the UDHR and in the International Covenant on Economic, Social and Cultural Rights.

This is held to be true because without civil and political rights the public cannot assert their economic and political rights the public cannot assert their economic, social and cultural rights. Similarly, without livelihoods and a working society, the public cannot assert or make use of civil or political rights (known as the full belly thesis).

International Protection:

It is interesting to note that in the aftermath of the atrocities of World War II there was increased concern in the social and legal protection of human rights as fundamental freedoms. The foundation of the United Nations and the provisions of the United Nations Charter would provide a basis for a comprehensive system of international law and practice for the protection of human rights. The term “international human rights law” is often used as a category of reference to describe these systems, but this can be a source of confusion as there is no separate entity as “international human rights law” but an interlocking system of non-binding conventions, international treaties, domestic law, international organizations and political bodies.

United Nations Charter:

It is pertinent to note that the provisions of the United Nations Charter provided a basis for the development of international human rights protection. The preamble of the charter provided that the members “reaffirm faith in fundamental human rights, in the equal rights of men and women” and Article 1 (3) of the United Nations charter states that one of the purpose of the UN is: “to achieve international cooperation in solving international problems of an economic, social, cultural, or humanitarian character, and in prompting and encouraging respect for human rights and for fundamental freedoms for all without distinction as to race, sex, language, or religion.”

Universal Declaration of Human Rights:

The Universal Declaration of Human Rights was adopted by the United Nations General Assembly in 1948, partly in response to the atrocities of World War II. Although the UDHR was a non-binding resolution, it is now considered by some to have acquired the force of international customary law which may be invoked in appropriate circumstances by national and other judiciaries. The UDHR urges member nations to promote a number of human, civil, economic and social rights, asserting these rights as part of the “foundation of freedom, justice and peace in the world.”

International Treaties:

In 1966, the International Covenant on Civil and Political rights and the International Covenant on Economic, Social and Cultural Rights were adopted by the United Nations, between them making the rights contained in the UDHR binding on all states that have signed this treaty, creating human-rights law.

Customary International Law:

In addition to protection by international treaties, customary international law may protect some human rights, such as the prohibition of torture, genocide and slavery and the principles of non-discrimination.

International Humanitarian Law:

The Geneva Conventions came into being between 1864 and 1949 as a result of efforts by Henry Dunant, the founder of the International Committee of the Red Cross. The conventions safeguard the human rights of individuals involved in armed conflict, and build on the Hague Conventions of 1899 and 1907, the international community's first attempt to formalize the laws of war and war crimes in the nascent body of secular international law.

United Nations System:

Under the mandate of the UN charter, the and the multilateral UN human rights treaties, the United Nations as an intergovernmental body seeks to apply international jurisdictions for universal human-rights legislation. Within the UN machinery, human-rights issues are primarily the concern of the United Nations Security Council and the United Nations Human Rights Council, and there are numerous committee within the UN with responsibilities for safeguard different human-rights treaties. The most senior body of the UN in the sphere of human rights is the office of the High Commissioner for Human Rights.

- *Security Council*
- *General Assembly*
- *Human Rights Council*
- *Treaty Bodies* are part of the United Nations system.

Basic Human Rights:

- Freedom from Slavery
- Right to Life
- Right to a Fair Trial
- Freedom from Torture
- Freedom of Speech
- Freedom of Thought, Conscience and Religion.

Future Generations:

In 1997 UNESCO adopted the Declaration on the Responsibilities of the present Generation Towards the Future Generations. The Declaration opens with the words :

Mindful of the will of the peoples, set out solemnly in the Charter of the United Nations, to 'save succeeding generations from the scourge of war' and to safeguard the values and principles enshrined in the Universal Declaration of Human Rights, and all other relevant instruments of international law.

- *Declaration on the Responsibilities of the Present Generation Towards the Future Generation*

The preceding *discussion* through analysis of contemporary and future generation of human Rights is very important.

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Protection of Child Right: An Analytical Study

Dr.Satish K.Nagar
B.Sc. (Bio.) LL.B., LL.M.,SLET, Ph.d.
Assistant Professor
Law College, Godhra, Gujarat

Abstract:

The legal definition of child tends to depend upon the purpose. There are a number legislations in India which defines the term 'Child' depending upon the purpose. Under the Indian Majority Act,1875 the age of majority is eighteen years & in case of a minor for whose person & property a guardian is appointed or whose property is under the supervision of the Court of Wards the age of majority twenty-one years. Under the Child Labour (Prohibition and Regulations) Act, 1986,child means a person who has not completed his fourteenth year of age.

Key Words:

Child, Majority, Child Labour, Legislations, Convention, Immature, Guardian Juvenile, Ward,

Legal Definition of Child:

The term 'Child' is not defined in the Indian Constitution. According to Article 1 of the United Nations Convention on the Rights of the Child 1989, 'a child means every human being below the age of eighteen years unless, under the law applicable to the child, majority is attained earlier'. The legal definition of child tends to depend upon the purpose. There are a number legislations in India which defines the term 'Child' depending upon the purpose. Under the Indian Majority Act,1875 the age of majority is eighteen years & in case of a minor for whose person & property a guardian is appointed or whose property is under the supervision of the Court of Wards the age of majority twenty-one years. Under the Child Labour (Prohibition and Regulations) Act, 1986, child means a person who has not completed his fourteenth year of age. Under the Child Marriage Restraint Act, 1926, child means a person who, if a male, has not completed twenty-one years of age and, if a female, has not completed eighteen years of age. Under Juvenile Justice (Care and Protection) Act, 2000, 'Juvenile' or 'Child' means a person who has not completed eighteenth year of age.

Children rights under the constitution:

Children on account of their tender age and immature mind need special care and protection.

They have certain special rights and legal entitlements that are being acknowledged nationally and internationally.

The constitution of India recognized the rights of children for the first time and included several articles dealing with their liberty, livelihood, and development of childhood, non-discrimination in educational spheres, compulsory and free education and prohibition of their employment in factories, mines and hazardous industries. Socially and physically children are the weakest element of the society.

They are not responsible for many of the cases and do not deserve to suffer. They have no say in any of the matters of evils like war or external debt. It has been rightly stated in the 1924 declaration of rights of the child (declaration of Geneva) that has now been used for all child causes “mankind owes to the child the best it has to give Children are the future. By investing in them societies will have a bright future?

.Article 14 provides that the State shall not deny to any person equality before the law or the equal protection of the laws within the territory of India.

Article 15(3) provides that Nothing in this article shall prevent the State from making any special provision for women and children.

Article 21 provides that no person shall be deprived of his life or personal liberty except according to procedure established by law.

Article 21A provides that the State shall provide free and compulsory education to all children of the age of six to fourteen years in such manner as the State may, by law, determine.

Article 23(1) provides that traffic in human beings and beggar and other similar forms of forced labour are prohibited and any contravention of this provision shall be an offence punishable in accordance with law.

Article 24 provides that no child below the age of fourteen years shall be employed to work in any factory or mine or engaged in any other hazardous employment.

Article 29(2) provides that no citizen shall be denied admission into any educational institution maintained by the State or receiving aid out of State funds on grounds only of religion, race, caste, language or any of them.

Article 39(e) provides that the shall, in particular, direct its policy towards securing that the health and strength of workers, men and women, and the tender age of children are not abused and that citizens are not forced by economic necessity to enter avocations unsuited to their age or strength.

Article 39(f) provides that the shall, in particular, direct its policy towards securing that children are given opportunities and facilities to develop in a healthy manner and in conditions of freedom and dignity and that childhood and youth are protected against exploitation and against moral and material abandonment.

Article 45 provides that the State shall endeavour to provide early childhood care and education for all children until they complete the age of six years.

Article 47 provides that the State shall regard the raising of the level of nutrition and the standard of living of its people and the improvement of public health as among its primary duties.

Article 51A(k) provides that it shall be the duty of every citizen of India who is a parent or guardian to provide opportunities for education to his child or, as the case may be, ward between the age of six and fourteen years.

Other Legislations

Apart from the Constitution there are a number of legislations which deals with children. The following are some of them:

1.The Guardian and Wards Act 1890:

This Act deals with the qualifications, appointment & removal of guardians of children by the courts & is applicable to all children irrespective of their religion.

2. The Child Marriage Restraint Act – 1929

This Act as amended in 1979 restrains the solemnization of child marriages by laying down the minimum age for both boys & girls. This law is applicable to all communities irrespective of their religion.

3. The Orphanages and Other Charitable Homes (Supervision And Control) Act: 1960:

This Act provides for the supervision and control of orphanages and homes for children.

4. Apprentices Act 1961:

This Act lays down qualifications for persons above fourteen years of age to undergo apprenticeship training in any designated trade.

5. The Infant Milk Substitutes, Feeding Bottles and Infant Foods (Regulation of Production, Supply and Distribution) Act 1992:

This Act regulates the production, supply and distribution of infant milk substitutes, feeding bottles & infant foods with a view to the protection & promotion of breastfeeding & ensuring the proper use of infant foods & other incidental matters.

6. The Pre-Natal Diagnostic Technique (Regulation and Prevention of Misuse) Act 1994:

This Act provides for the regulations of the use of pre-natal diagnostic techniques for the purpose of detecting genetic or metabolic or chromosomal abnormalities or certain congenital malformation or sex-linked disorders & for the prevention of the misuse of such techniques for the purpose of pre-natal sex determination leading to female foeticide.

7. The Child Labour (Prohibition and Regulation) Act, 1986:

This act was enacted on 23rd December 1986 by the parliament and was enforced on 26th may 1993 by the central government. The act was ineffective for over 8 years due to the inactiveness of the state and central government. The object of the act is

- (i) ban on the employment of children i.e., those who haven't completed their fourteenth year, in specified occupations;
- (ii) lay down a procedure to decide modifications to the schedule of banned occupation and processes;
- (iii) regulate the conditions of work of children in employment where they are not prohibited from working;
- (iv) lay down enhanced penalties for employment of children in violation of the provisions of this act, and other acts which forbid the employment of the children;
- (v) to obtain uniformity in the definition of "child" in the related laws

The intention of this act was to ban the engagements of child labour in certain employments and to regulate in areas where it has not been prohibited. It provides power to the government to make rules with reference to health and safety wherever the employments of children are permitted. Night work for children is prohibited. The hours of work for the children are also to be considered by the state and the central governments.

The act enables the governments to appoint inspectors to enforce the provisions of the act and it has also provided stringent penalties including imprisonment for violations of the provisions of the act.

Any occupation which may be connected with transport of passengers, goods and mails, cinder packing, construction of railways, selling of fire crackers etc....may be included as

child labour activities. Process may include bidi-making, carpet weaving, cement manufacture, cloth printing, weaving, dyeing, manufacture of matches, explosives etc.. will fall under the category of child labour.

8. The Juvenile Justice (Care and Protection of Children) Act 2000:

This Act deals with the law relating to juveniles in conflict with law & children in need of care & protection, by providing for proper care, protection & treatment by catering to their development needs & by adopting a child-friendly approach in the adjudication & disposition of matters in the best interest of children & for their ultimate rehabilitation through various institutions established under the Act.

Policies of the Government regarding Children:

The Government of India has made a number of policies regarding the physical, mental & social development of the children of the country. The Government has also made many policies on the health & education of the children. The following are some of the important policies of the Government regarding children:

National Policy for Children, 1974

National Policy on Education, 1986

National Policy on Child Labour, 1987

National Health Policy ,2002

A. National Policy for Children 1974

India is one of the few countries in the world which have a written policy for children. This policy declares that the children are the 'supreme asset of the nation '.The following are some of the features of the policy:

1. All the children shall be covered under a comprehensive health programme.
2. Programmes to be implemented to provide nutrition to children & remove deficiency from the diet of the children.
3. To provide non-formal education.
4. Special attention to be taken towards the physically challenged, mentally retarded children.
5. All children shall be ensured equality of opportunity.

B. National Policy on Education 1986:

This was second policy on education; the first policy of 1968 was revised by this policy. This policy was regarded as a landmark one. This policy gave highest importance on the Universal

Primary Education. It also gave importance to early childhood care & education. It gave emphasis on the need of large-scale investment on the development of children both through Government & through voluntary organisations. Later on a number programmes were undertaken throughout the country like the Operation Black Board, Sarva Siksha Abhiyan etc. The Operation Black Board & Sarva Siksha Abhiyan became very popular all over the country.

C. National Policy on Child Labour 1987:

The National Policy on Child Labour is a landmark endeavour in the progressive elimination of child labour in India. The policy encompasses actions in the field of education, health, nutrition, integrated child development & employment. The National Policy on Child Labour is set under the following three heads:

- The Legislative Plan.
- Focusing of general programmes for benefiting child labour wherever possible.
- Project-based plan of action in areas of high concentration of child labour engaged in wage/quasi-wage employment.

D. National Health Policy 2002:

The first policy on health, 1983 aimed at achieving 'health for all by the year 2000'. The second policy on health, 2002 envisages giving priority to school health problems which aimed at health education & regular health check-ups at schools. The principle feature of this policy was to prevent communicable diseases like HIV/AIDS & to provide for universal immunization of children against all major preventable disease.

E. Position in the United States:

The bill of rights did not provide any remedy to prohibit child labour. So the congress had to resort to various methods as prohibition of inter-state commerce in the products of child labour and the child labour tax law, 1919. But the United States Supreme Court, by a narrow majority struck down both laws as unconstitutional on the ground that they transcended the authority of the congress over commerce and interfered with the authority of the states. It took 15 years for the court to reverse itself and uphold congressional legislation designed to eradicate the evil of child labour and which was passed under the new deal regime of

President Roosevelt.

Conclusion:

The National Policy for Children, 1974 declared that the children are the ‘supreme asset of the nation’. Children are the future of the nation. No civilized country can ever develop without proper health & educational development of their children. The Government must divert its policies towards the development of children. All prominent policies of the Government must contain provisions relating to children. The Constitution of India aimed at making India a Welfare State & for achieving it the development of the children of our nation is essential. Although there is much legislation by the government to curb many social evils against children, the governments are not taking any enough steps to ensure that children, the future citizens of our country are protected. These are the children that would lead our country to a healthy and prosperous nation. The final affirmation on child rights is possible only if there is international cooperation and implementatition of the right to development Children require guidance and support. They do not know the technicalities of life. It is for citizens like us to take their hand and show them the right way. The social workers play an important role in eradicating social evils and thus they is need for stricter analysis on their qualification and professional capacity.

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Protection of Copy Right: An Indian Scenario

Dr. Amitkumar ishwarhai. Parmar

Associate Professor

M.S Bhagat & C.S Sonawala law College Nadiad - 387001

Ta. Nadiad, Dist. Kheda

Gujarat Univrsty, Ahmedabad

Abstract:

The idea of Copyright protection only began to emerge with the invention of printing, which made it for literary works to be duplicated by mechanical processes instead of being copied by hand. This led to the grant of privileges, by authorities and kings, entitling beneficiaries exclusive rights of reproduction and distribution, for limited period, with remedies in the form of fines, seizure, confiscation of infringing copies and possibly damages. Copyright is a well recognised form of property right which had its roots in the common law system and subsequently came to be governed by the national laws in each country. Copyright as the name suggests arose as an exclusive right of the author to copy the literature produced by him and stop others from doing so.

Keywords:

communication, cinematograph, producers, Copyright, protection, intellectual, reproduce, dramatic, musical and artistic.

1. Meaning of Copyright:

Copyright is a right given by the law to creators of literary, dramatic, musical and artistic works and producers of cinematograph films and sound recordings. In fact, it is a bundle of rights including, inter alia, rights of reproduction, communication to the public, adaptation and translation of the work. It means the sole right to produce or reproduce the work or any substantial part thereof in any material form whatsoever. The nature of these rights depends upon the category of 'work' to which it belongs to. The ultimate objective of copyright is to promote the creation and propagation of intellectual works for the public welfare and to give the authors the reward that is due from the society.

Copyright protection provides artists, the means to secure the rewards of intellectual and aesthetic efforts from those who use artists' work in ways that have commercial significance. If creativity is a field, copyright is the fence.

Copyright protection subsists in original works of authorship fixed in any tangible medium of expression, now known or later developed from which they can be perceived, reproduced or otherwise communicated, either directly or with the aid of a machine or device. Copyright protection covers very wide range of creative work, which includes novels, manuals, paintings, sculptures, maps and architectural works.

Copyright is a significant facet of intellectual property law that is vitally important, not only with respect to works authored by individuals, but for the myriad types of works produced by companies of all sizes. According to a study conducted by the Ministry of Human Resource Development Department for Secondary

Education and Higher Education, Government of India, the "Copyright ensures certain minimum safeguards of the rights of authors over their creations, thereby protecting and rewarding creativity. Creativity being the keystone of progress, no civilized society can afford to ignore the basic requirement of encouraging the same.

Economic and social development of a society is dependent on creativity. The protection provided by copyright to the efforts of writers, artists, designers, dramatists, musicians, architects and producers of sound recordings, cinematograph films and computer software, creates an atmosphere conducive to creativity, which induces them to create more and motivates others to create."

'If copyright is to possess any value to its owner, it must be capable of enforcement. Copyrights under Indian Law in general are enforced in one of two ways: (i) publicly by means of the police, custom officers, or similar agency, such as Registrar of Copyright, or (ii) privately by legal action taken by the person who suffers from any breaches of the law. Most copyright law falls into the second category, for copyright is in essence a private legal right. It is for the owner of the copyright to go to court to prevent a wrong from taking place or to seek redress when a wrong has taken place. It is for the copyright owner to seek a civil remedy for any infringement (actual or potential) of his legal interest'. The Copyright Act of 1957 is a well draft legislation dealing with various aspects of copyrights in India.

2. Origin of Copyright in India:

In India, the law relating to copyright is governed by the Copyright Act, 1957 which has been amended in 1983, 1984, 1985, 1991, 1992, 1994, 1999 and 2012 to meet with the national and international requirements. The amendment introduced in 1984 included computer program within the definition of literary work and a new definition of computer program was inserted by the 1994 amendment. The philosophical justification for including computer programs under literary work has been that computer programs are also products of intellectual skill like any other literary work.

In 1999, the Copyright Act, 1957 was further amended to give effect to the provisions of the TRIPs agreement providing for term of protection to performers rights at least until the end of a period of fifty years computed from the end of the calendar year in which the performance took place. The Amendment Act also inserted new Section 40A empowering the Central Government to extend the provisions of the Copyright Act to broadcasts and performances made in other countries subject to the condition however that such countries extend similar protection to broadcasts and performances made in India. Another new Section 42A empowers the Central Government to restrict rights of foreign broadcasting organisations and performers.

The Act is now amended in 2012 with the object of making certain changes for clarity, to remove operational difficulties and also to address certain newer issues that have emerged in the context of digital technologies and the Internet. Moreover, the main object to amendments the Act is that in the knowledge society in which we live today, it is imperative to encourage creativity for promotion of culture of enterprise and innovation so that creative people realise their potential and it is necessary to keep pace with the challenges for a fast growing knowledge and modern society.

The development of copyright in India is closely resembles the evolution of the copyright regime in the United Kingdom. In UK, the concept of copyright protection dates back to 1534 during which period Crown provided certain kind of protection to stationers (the forefathers of the modern publishers)". In India, the first copyright law applied was based upon the English Copyright Act, 1842.

Thereafter the Copyright Act, 1911 of England was made applicable to the Indian Territory too. In 1914, for the first time the Indian Copyright Act having 15 sections was

enacted. This Act took a bold step by introducing criminal sanctions for copyright infringement. Section 4 of the Act introduced the 'sole right' concept. This granted the author the right to produce, reproduce, perform or publish a translation of the work until a period of ten years from the date of publication of the work. This Act was a modified version of the Copyright Act, 1911. The Act provided that registration of the work was not mandatory and the right of the author comes into effect as soon as the work is created. Copyright protection is granted to the material form in which it is expressed. To be eligible for protection under the copyright law, the work must be original. Initially the protection was available for a period of the lifetime of the author and 25 years after his death. It also granted a specific term for posthumous and government works, etc. The Act also laid down provisions regarding the infringement and remedies for copyright infringement. The said Act was in operation till 1957. The Copyright Act 1957 came into force in the year 1958. The Act ushered in the Copyright Office and Copyright Board in order to smoothen the progress of the registration process. It provided for term of protection of copyrights, assignment and licensing of copyrights, including compulsory licensing in certain circumstances.

After India became a signatory to international treaties many amendments were made to the Act to fall in tune with them. The swift rise in the field of music, technology, communication, etc., called in for amendments to the Copyright Act 1957.

3. FORM OF COPYRIGHT PROTECTION

The Copyright Act, 1957 provides copyright protection in India. It confers copyright protection in the following two forms:

- ❖ Economic rights of the author , and
- ❖ Moral Rights of the author.

3.1. ECONOMIC RIGHTS:

The copyright submits in original literary, dramatic, musical and artistic works; cinematographs films and sound recordings. The authors of copyright in the aforesaid works enjoy economic u/s 14 of the Act. The rights are mainly, in respect of literary, dramatic and musical, other than computer program, to reproduce the work in any

material form including the storing of it in any medium by electronic means, to issue copies of the work to the public, to perform the work in public or communication it to the public, to make any cinematograph film or sound recording in respect of the work, and to make any translation or adaptation of the work. In the case of computer program, the author enjoys in addition to the aforesaid rights, the right to sell or give on hire, or offer for sale or hire any copy of the computer program regardless such copy has been sold or given on hire on earlier occasions. In the case of an artistic work, the rights available to an author include the right to reproduce the work in any material form, including depiction in three dimensions of a two dimensional work or in two dimensions of a three dimensional work, to communicate or issues copies of the work to the public, to include the work in any cinematograph work, and to make any adaptation of the work. In the case of cinematograph film, the author enjoys the right to make a copy of the film including a photograph of any image forming part thereof, to sell or give on hire or offer sale or hire, any copy of the film, and to communicate the film to the public. These rights are similarly available to the author of sound recording. In addition to the aforesaid rights, the author of a painting, sculpture, drawing or of a manuscript of a literary, dramatic or musical work, if he was the first owner of the copyright, shall be entitled to have a right to share in the resale price of such original copy provided that the resale price exceeds rupees ten thousand.

3.2 MORAL RIGHTS

Section 57 of the Act defines the two basic “moral rights” of an author. These are: Right of paternity, and Right of integrity.

The right paternity refers to a right of an author to claim authorship of work and a right to prevent all others from claiming authorship of his work. Right of integrity empowers the author to prevent distortion, mutilation or other alterations of his work, or any other action in relation to said work, which would be prejudicial to his honour or reputation. The proviso to section 57(1) provides that the author shall not have any right to restrain or claim damages in respect of any adaptation of a computer program to which section 52(1)(aa) applies (i.e. reverse engineering of the same). It must be noted that failure to display a work or to display it to the satisfaction of the author shall not be deemed to be

an infringement of the rights conferred by this section. The legal representatives of the author may exercise the rights conferred upon an author of a work by section 57(1), other than the right to claim authorship of the work.

Section 13 of the Copyright Act provides that copyright shall subsist throughout India in certain classes of works which are enumerated in the section. Copyright subsists throughout India in the following classes of works:

- ❖ Original literary, dramatic, musical and artistic works;
- ❖ Cinematograph films; and
- ❖ Sound recordings.

Section 14 of the Act defines the term Copyright as to mean the exclusive right to do or authorise the doing of the following acts in respect of a work or any substantial part thereof, namely

4. LITERARY, DRAMATIC OR MUSICAL WORK: (except computer programme):

Section 13 of the Copyright Act provides that copyright shall subsist throughout India in certain classes of works which are enumerated in the section. Copyright subsists throughout India in the following classes of works:

- ❖ Original literary, dramatic, musical and artistic works;
- ❖ Cinematograph films; and
- ❖ Sound recordings.

(i) Reproducing the work in any material form which includes storing of it in any medium by electronic means;

(ii) Issuing copies of the work to the public which are not already in circulation;

(iii) Performing the work in public or communicating it to the public;

(iv) Making any cinematograph film or sound recording in respect of the work; making any translation or adaptation of the work.

Further any of the above mentioned acts in relation to work can be done in the case of translation or adaptation of the work.

The Act also grants the following rights in relation to a translation or an adaptation of the work:

- ❖ to reproduce
- ❖ to issue copies

- ❖ to perform in public
- ❖ to make sound recording or a cinematographic norm:

4.1 COMPUTER PROGRAMME

- (i) to do any of the acts specified in respect of a literary, dramatic or musical work; and
- (ii) To sell or give on commercial rental or offer for sale or for commercial rental any copy of the computer programme. However, such commercial rental does not apply in respect of computer programmes where the programme itself is not the essential object of the rental.

4.2 ARTISTIC WORK

- (i) reproducing the work in any material form including depiction in three dimensions of a two dimensional work or in two dimensions of a three dimensional work;
- (ii) communicating the work to the public;
- (iii) issuing copies of work to the public which are not already in existence;
- (iv) including work in any cinematograph film; making adaptation of the work, and to do any of the above acts in relation to an adaptation of the work.

4.3 CINEM PHOTOGRAPH FILM AND SOUND RECORDING

- (i) Making a copy of the film including a photograph of any image or making any other sound recording embodying it;
- (ii) Selling or giving on hire or offer for sale or hire any copy of the film/sound recording even if such copy has been sold or given on hire on earlier occasions; and
- (iii) Communicating the film/sound recording to the public.

4.4 SOUND RECORDING

- {i} To make any other sound recording embodying it
- {ii} To sell or give on hire, or offer for sale or hire, any copy of the sound recording
- {iii} To communicate the sound recording to the public.

5. INDIAN JUDICIARY RESPONSE:

The response of Indian judiciary regarding copyright protection can be grouped under the following headings:

- ❖ Ownership of copyright,
- ❖ Jurisdictional taken by the aspect,
- ❖ Cognizance taken by the court,
- ❖ Infringement of copyright,
- ❖ Availability of alternative remedy , and
- ❖ Rectification of copyright.

5.1 OWNERSHIP COPYRIGHT

The ownership in copyright may vest in different person under different circumstances.

In **Eastern Book company v Navin J. Desai**, the question involved was whether there is any copyright in the reporting of the judgment of a court. The judgment of a court, The Delhi High court observed: “It is not denied that under section 2 (k) of the Copyright Act, a work which is made or published Government work. Under section 52 (q), the reproduction or publication of any judgment or order of a court, tribunal or other judicial authority shall not constitute infringement of copyright oh the government in these works. It is thus clear that it is open to everybody to reproduce and publish the government work including the judgment/ order of a court. However, in case, a person by extensive reading, careful study and comparison and with the exercise of taste and judgment has made certain comments about judgment or has written a commentary thereon, may be such a comment and commentary is entitled to protection under the Copyright Act”.

The court further observed: “In terms of section 52(1)(q) of the Act, reproduction of a judgment of the court is an exception to the infringement of the Copyright. The orders and judgment of the court are in the public domain and anyone can publish them. Not only that being a Government work, no copyright exists in these orders and judgment. No one can claim copyright in these judgment and orders of the court merely on the ground that he had first published them in his book. Changes consisting of elimination, changes

of spelling, elimination or addition of quotations and corrections of typographical mistakes are trivial and hence no copyright exists therein.”

In **Godrej Soaps (P) Ltd v Dora Cosmetics Co**, the Delhi High Court held that where the carton was designed for valuable consideration by a person in the course of his employment for and on behalf of the plaintiff and the defendant had led no evidence in his favour, the plaintiff is the assignee and the legal owner of copyright in the carton including the logo.

6.2 JURISDICTION ASPECTS:

The question of territorial jurisdiction of the court to deal with copyright infringement was considered by the courts on several occasions.

In **Caterpillar Inc v Kailash Nichani, the plaintiff**, a foreign company, was carrying on business in several places in India including Delhi, through its Indian distributors and collaborators. The plaintiff claimed the relief of ad-interim injunction for preventing infringement of its copyright by the defendant, though the defendant was dealing in different goods. The Delhi high Court held that it was not necessary to show that the business being carried on by the plaintiff in Delhi should necessarily be in respect of footwear and articles of clothing as well. It is sufficient if the business was being carried on by the plaintiff in Delhi and further that there was an infringement of plaintiff's copyright in respect of certain goods, which were being sold by the defendant in Delhi. The court further held that section 62 of the Copyright Act makes an obvious and significant departure from the norm that the choice of jurisdiction should primarily be governed by the convenience of the defendant. The legislature in its wisdom introduced this provision laying down absolutely opposite norm than the one set out in section 20 CPC. The purpose is to expose the transgressor with inconvenience rather than compelling the sufferer to chase after the former.

In **Lachhman Das Behari Lal v Padam Trading Co, the Delhi High Court** observed that the plaintiff being a firm functioning at Delhi, the suit filed by it in the Delhi courts is maintainable and is not liable to be rejected under Order 7 rule 11 of the CPC as

prayed. The Court further observed that the regarding want of territorial jurisdiction is not covered by order 7 Rule 11 of CPC. The court observed that even if it is held that this court has not the territorial jurisdiction, the plaint cannot be rejected. At the most it can be returned for presentation to the proper court.

In Exphar SA & Anr. V Eupharma Laboratories Ltd & Anr, the Supreme Court finally settled the position in this regard. The Court observed: “Section 62(2) cannot be read as limiting the jurisdiction of the District Court only to cases where the person instituting the suit or other proceeding or where there are more than one such persons, any of them actually and voluntarily resides or carries on business or presently works for gain. It prescribes an additional ground for attracting the jurisdiction of a court over and above the “normal” grounds as laid down in Section 20 of C.P.C. Even if the jurisdiction of the Court were restricted in the manner construed by the Division Bench, it is evident not only from the cause title but also from the body of the plaint that the Appellant No 2 may not be entitled to the relief claimed in the suit but that is no reason for holding that it was not a person who had instituted the suit within the meaning of Section 62(2) of the Act”.

3. COGNIZANCE TAKEN BY THE COURT:

To prevent copyright infringement, timely cognizance taking by the appropriate court is absolutely essential. The taking of cognizance by the court depends upon the limitation period as mentioned in the Limitation Act, 1963 and Cr. P.C, 1973.

In **David Pon Pandian v. State**, the Madras High Court, while dealing with Section 68A of the Copyright Act, observed: “The Court can take cognizance of the offence if the charge sheet is filed within the period of limitation prescribed under Section 468 of the Cr. P.C. and in computing the period of limitation, the date of commission of the offence is to be reckoned as the starting point. If the charge sheet is not filled so, the court has no power to entertain the complaint”

The court referred the decision of the Supreme Court in **State of Punjab v. Sarwan Singh** in which it was observed: “The object of Cr. P.C. in putting a bar of limitation on the prosecution was clearly to prevent the parties from filing cases after a long time, as a

result of which material evidence may disappear and also to prevent abuse of the process of Court by filing vexatious and belated prosecutions long after the date of the offence. The object which the statute seeks to sub-serve, is clearly in consonance with the concept of fairness of trial as enshrined in Article 21 of the Constitution . It is, therefore, of utmost importance that any prosecution, whether by State or a private complainant, must abide by the letter of the law or to take the risk of the prosecution failing on the ground of limitation”

In **Shree Devendra Somabhai Naik v. Accurate Transheet Pvt Ltd**, the Gujarat High Court explained the inter-relationship between Article 137 of the Limitation Act, 1963 and section 50 of the Copyright Act, 1957. The Court observed: “The order passed by the by the Copyright Board is an order whereby it is held that the provisions of Article 137 of the Limitation Act are not applicable and the board has also held that the Copyright Board is a Tribunal and quasi-judicial authority for all other purpose except for the purpose which are specifically provided in the Copyright Act. It is an order by which can application under Section 50 of the Copyright act is entertained and the Copyright Board will decide the same on merits. The Copyright Board does not believe the delay alleged by the present appellant entertaining an application is a matter of discretion. In the present case, the Copyright Board in its wisdom, overruling the contention that the application was barred by limitation, decided to entertain the application. It is a discretionary order”.

4. INFRINGEMENT OF COPYRIGHT:

A copyright owner cannot enjoy his rights unless infringement of the same is stringently dealt with by the Courts. The approach of the Indian Judiciary in this regard is very satisfactory.

In **Prakashak Puneet Prashant Prakashan v. Distt. Judge, Bulandshahr & Ashok Prakashan (Regd)** the Allahabad High Court held that if the petitioner publishes a book by adding any word before or after the book “Bal Bharati”, infringes the copyright of the respondent.

In **Hindustan Pencils Ltd v. Alpna Cottage Industries the Copyright Board of Goa** held that where the similarities between the artistic works of the parties are fundamental

and substantial in material aspects, it would amount to copyright violation and the defendant's copyright is liable to be expunged from the register of copyright.

The Board referred the decision of **Prem Singh v. Cec Industries** wherein it was observed: "In a case where the first party himself is shown to have adopted or imitated a trademark and copyright of a third party, then Courts can resolutely decline to step in aid of this party because honesty of action is the crux of the matter and Courts protection is extended only on the principle that damage to a party who has acquired goodwill or reputation in certain trading style for making his goods , should not be affected by the dishonest user of the same by another".

The Board further referred the decision of the apex court in **R.G. Anand v. M/S Deluxe Films** where the Court observed: "Where the same idea is being developed in a different manner, it is manifest that the source being common, similarities are bound to occur. In such a case, the Courts should determine whether or not the similarities are on fundamental or substantial aspects of the mode of expression adopted in the copyrighted work with some variations here and here. In other words, in order to be actionable the copy must be a substantial and material one which at once leads to the conclusion that the defendant is guilty of the act of piracy".

In **Ushodaya Enterprises Ltd. V. T.V. Venugopal** the division bench of the Andhra Pradesh High Court held that even though the defendant has registered the carton under the Trademark Act, that may not come to the aid of the defendant as the case of the plaintiff is that it owns a copyright of the artistic work under the Copyright Act and no registration is required for the same. Thus the court held that plaintiff was justified in alleging infringement of his artistic work.

In **Khajanchi Film Exchange v. State of M.P.** the appellants apprehending the violation of their copyright in the film, prayed for the writ of "Mandamus" without first exhausting the alternative remedy available under the Copyright Act. The Division Bench of the Madhya Pradesh High Court Observed: "There is no dispute in the submission that it is the duty of police to be watchful in the area and detect crime and punish the criminal in accordance with law. But the petitioners did not complain that any stage nor did they seek action from other functionaries of the State. Hey ask for mandamus without putting the grievance before the respondent and seeking their reaction. The writ petition was filed 16

days before the release of the film. Enough time appellants had, to approach the authorities/ police and later to the respondents giving their reaction to the grievance and how it was ready to deal with the matter. Therefore, unless the demand was put across and reaction awaited for some time, moving the court was premature and unsustainable. Therefore, petition was filed on mere apprehension that appellants would be deprived of their rights which did not exist when claim for mandamus was made. Mandamus can be granted only when default, commission, or omission taken place which had happened in this case”.

In **Jolen Inc v. Shoban lal Jain** the madras High Court held that laches and acquiescence is a good defence to an action for copyright infringement. The court held that the plaintiff having allowed the defendant to carry on the business under the trade name of the plaintiff for 7 years is prime facie guilty of acquiescence and it cannot claim for relief of injunction against the defendant as the balance of convenience is in favour of him

5. AVAILABILITY OF ALTERNATIVE REMEDY:

The availability of an efficacious alternative remedy prevents a person from invoking the writ jurisdiction of the High court.

Conclusion:

Today, copyright law has extended protection not only to literary, dramatic, musical and artistic works but also sound recordings, films, broadcasts, cable programmes and typographical arrangements of publications. Computer programs have also been brought within the purview of copyright law.

Concept of intellectual property is not novel in India. From the ancient period, the education and knowledge is considered as ‘wealth’ of the society. The knowledge is considered as a divine gift and property of the society. Later, with the changes that took place in the society, the concept of business, properties, social living and objectives is also transformed. With the new adaptations of life styles, the focus on the ownership and enjoyment of the property is changing. Eventually, today the knowledge is considered as the personal property and people started attributing in commercial terms. Law also

equally accepted the trends and started granting personal and exclusive rights of enjoyment on the knowledge to the owners. Knowledge baked into property has triggered the augmentation of private rights and the modern intellectual property regime has taken roots in India on similar lines. . It is time to call the Indian inventors and their products back to their homeland. ‘World opinion in defense of human rights to intellectual property led to international conventions and municipal laws, commissions, codes and organizations calculated to protect works of art, India responded to this universal need by enacting Copyright Act 1957’. India is the signatory of many international agreements and conventions. As such, it has modified its domestic law many times to meet the international standards of law. The intellectual property regime in India consists of copyrights, patents, trademarks, designs, geographical indications, circuit layouts and new plant varieties and farmers rights.

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The Poor and Criminal Law

Devendra Singh Udawat

B. A. LL.M. Net, SLET,

Assistant Professor

B.N. Law College, Udaipur

Abstract:

If masons and millionaire were treated alike , egregious in equality is an inevitability because poverty itself has inefficiency to fight although in very limited cases some compensatory relief is given to the poor victims so restructuring the judicial system , streamlining the justicing process ,reeducation of prosecution and judiciary is required .

Key words: - poverty, poor, sentencing, procedural, smugglers, offences, cheque, criminals, convicted , punitive

Introduction-

The Criminal Law of India, substantive and procedural gift of colonial era of the British Empire, is a replica of colonial Jurisprudence.

Even after six decades of independence no serious efforts have been made to redraft penal norms, radicalize punitive processes, humanize prison houses and make anti-social and anti-national criminals, such as hoarders, smugglers, tax-evaders, black marketers incapable of escaping the legal coils. Although an effort is made in year 2013 for the protection of sexual offences against women On the other hand, whatever legislations have taken place during the last six decades to ameliorate the conditions of downtrodden masses end up protecting the interest of rich and bourgeois class so as to retain status quo.¹ As a long efforts have been directed to serve and protect the ends of haves at the cost of have-nots for example if a poor person need money and get it from creditor who give him loan on blank cheque in negotiable instrument act there is no protection for poor from forgery done by creditor in negotiable instrument act.

Hence Criminal offences are basically the creation of criminal policy adopted from time to time by those sections of the community, who are powerful or astute enough to safeguard their own security and comfort by causing the sovereign power in the state to repress the conduct which they feel may endanger their position. An act is criminal because it is the interest of the ruling class to define it so.

It is significant that while many of the offences in the code have lost their social import, new offences have emerged in the flux of change. Organized crime, cyber crimes, intellectual property rights are comparatively a new phenomenon of modern societies. New kinds of offences, known as white-collar and socio-economic crimes, hither to unknown have emerged and are multiplying at an alarming pace.²

The Santhanam Committee³ while examining the various administrative, legal and social problems of corruption focused the attention of the Government and the people on white-collar and economic crimes prevalent in India. The commission broadly classified: White-collar and social and economic offences into eight categories and recommended addition of a new chapter to the Indian Penal Code, incorporating all such offences and supplementing them with new provisions, but finally the Law Commission rejected the proposal on the flimsy ground that such offences are better left to be dealt with by special and self contained enactments which supplement the basic criminal law.⁴

The poor: Victim of Criminal Law and Penology:

The Indian Penal Code, and the Criminal Procedure Code modeled on colonial pattern are hardly conscious of the remarkable strides made in penology and do not articulate the current thought on sentencing policy. The Penal Code embodies the general penal law of the country and is the sole authority in respect to the general conditions of liability, the definition of specified offences and the conditions of exceptions from criminal liability. Poor never get the benefit of provisions of law for instance.

In *re Sreerangyee*,⁵ the accused was hard working, but unfortunate woman. She was deserted by her husband. She tried desperately to earn a living which could support her five children (aged between 2 to 11 years) and herself but failed. Her economic condition further worsened on account of her youngest child's illness. Sreerangyee failed to raise the sum, in exasperation; she killed all her five children by drowning them and finally jumped into a well. Due to her ill luck, she was rescued and convicted under Section 302 of I.P.C. for killing her children.

The High Court held that poverty cannot grade offences and ruled out poverty as an excuse for murdering her children and attempting to put an end to her life.

In *re Maragatham*⁶, the two accused, husband and wife starving for about 10 days could find neither work nor anyone to give them food. They ultimately determined to put an end to their lives and of their female infant; aged about 1½ months (probably feeling that none could look after the child after them) they tied themselves together with a rope and jumped into a well carrying the female infant. Due to their bad luck, they were rescued by a passerby. The child slipped and was drowned when the two accused had jumped into the well.

The accused were convicted of attempt to murder of their female infant under Section 307 read with Section 34 I.P.C. and under Section 309 I.P.C. for attempt to commit suicide.

Hence, both the cases depict the pathetic state of affairs and social canvas under which our criminal judicial administration operates.

The Poor Victim of Exploitation of Justice:

Some of the of judgment of Supreme Court in recent years depicting the vast gap existing between law in words and law in action. For instance in Hussainara⁷, the Supreme Court found that thousands of undertrial prisoner charged of bailable and cognizable offences could not move the court for their release because they were unaware of their rights to be released on bail, and being indigent they could not engage a lawyer who could apprise them of their rights and secure their release from the Jail.

The Court while considering. Article 21 of the Constitution as interpreted in Maneka Gandhi, held that in a criminal case legal aid to the poor is a constitutional mandate not only by virtue of Article 39A, but also by Articles 19, 14 and 21 which cannot be denied Government.

The poor : Victim of debt:

Poverty is writ large amongst the rural as well as poor urban and lower middle class. These sections of the population live in perpetual debt. Such a social set up is conducive to the growth of clandestine class of private money lenders, particularly due to the paucity of regular networks and channels for distribution of loans and borrowings on concessional and reasonable terms-through the Government sponsored agencies and philanthropic financial institutions.⁸

It is a common day occurrence that despite legal restrictions on money lending the money lenders manage to graze in the green pastures outside the legal limits, particularly when the rate of interest charged by them is as high as 100 per cent per annum. the decision in B.P. Jain⁹ is merely an illustration showing that the existing legal provisions have not given adequate protection to those underprivileged for whom the debt laws are supposed to have been enacted. The malady goes unattended and money lending remain uncurbed.¹⁰

In spite of the enactment of the Bonded Labour System (Abolition) Act, 1976, which makes bonded labour punishable with imprisonment, tens of thousands of bonded labourers are working under pitiable conditions in quarries and mines crushing and chipping stones and digging out earth in various parts of the country, These quarries and mines are nothing short of poisons

Justice Bhagwati in Bandhu Mukti Morchas has very aptly described the conditions of bonded labourers in the following words :

“They (bonded labourers) are non-beings, exiles of civilization, living a life worse than that of animals, for the animals are at least free to roam about as the like and they can plunder or grab

foods whenever they are hungry but these out-castes of society are held in bondage, robbed of their freedom and they are consigned to an existence where they have to live either in hovels or under the open sky and be satisfied with whatever little unwholesome food they can manage to get in adequate though it be to fill their hungry stomachs. Not having any choice, they are driven by poverty and hunger into a life of bondage a dark bottomless pit from which, in a cruel exploitative society they cannot hope to be rescued.¹¹

The poor: Victim of Dowry:

Dowry murders, suicides and bride burnings are symptomatic of peculiar social malady and are an unfortunate development of our social set up. Not only are many poor newly married brides ill-treated, but thousands are often burnt to death by their husbands or in-laws. This development is more among poor.

To eradicate the practice of demanding dowry in any shape or form the Central Government enacted the dowry Prohibition Act, 1961. In one of the landmark judgments, *L.V.Jadhav v. S. A. Pawar*¹² the Supreme Court defined the concept of dowry and gave a liberal interpretation to the term dowry, so as to discourage the very act of demand. The court held that the offence of dowry under Section 4 of the Dowry Prohibition Act, 1961. The Supreme Court in *V.N. Pawar v. State of Maharashtra*.¹³

“Wife burning tragedies are becoming too frequent for the country to be complacent. Police sensitization mechanisms which will prevent the commissions of such crimes must be set up if these horrendous crimes are to be avoided. Likewise, special provisions facilitating easier proof of such special class of murders on establishing certain basis facts must be provided for by appropriate legislation.

The poor: Victim of Bail Justice:

Bail is generic term used to mean judicial release from custodia legis. The right to bail – the right to be released from jail in criminal case after furnishing sufficient security and bond has been recognised in every civilised society as a fundamental aspect of human right.¹⁴ The entire system of monetary bail is anti-poor since it is not possible for a poor man to furnish bail because of poverty.

The sorry state of affairs came to the notice by Supreme Court in *Moti Ram*.¹⁵ The accused, Moti Ram had obtained an order for being granted a bail, but the magistrate concerned insisted him to produce a surety for a sum of Rs. 10,000/- before granting the a bail order, which the accused could not get as a result of his poverty

Allowing the petition, the Court observed that the pre-requisite of a surety of Rs. 10,000/- fixed by the magistrate for the grant of bail amounted to a denial of bail right of the accused and remarked that, "if masons and millionaire, were treated alike, egregious in equality is an inevitability". The court held that "bail covers both release on one's own bond without surety and release on bond with surety".

The Poor: Victims of Prison Justice:

Justice delayed is justice denied this is more so in criminal cases where the personal liberty of an individual is at stake and in jeopardy. The plight of under trial prisoners (or the first time came to the notice of Supreme Court in *Hussainara Khatoon v. State of Bihar*.¹⁶ While granting a charter of freedom for under trials who had spent virtually their whole life awaiting trial, the Court observed:

"It is a travesty of justice that many poor accused, little Indian, are forced into long cellular servitude for little offences because the bail procedure is beyond their meagre means and trials do not commence and even if they do they never conclude.

But perhaps the Supreme Court's mandate in *Hussainara* for release and speedy trial of under-trials languishing has till not changed the position in India.

In *Sunil Batra*¹⁷ the Supreme Court was faced with an important question of issuing a *habeas corpus* writ on the basis of a letter addressed to one of the judges of the Court by one of the fellow convicts Sunil Batra complaining of a brutal assault by a head warder on another prisoner. Perm Chand Forms were forsaken since freedom was at stake and the letter was metamorphosed into a *habeas corpus* proceeding and was judicially charged with eclectic creativity.

Justice Krishna Iyer speaking through the Court said: "Where injustice verging on inhumanity, emerges from hacking human rights guaranteed in Part III and the victim beseeches the court to intervene and relieve, the court will be functional futility as a constitutional instrumentality, if its guns do not go into action until the wrong is righted. The court is not a distant abstraction omnipotent in books but an activist institution which is the cynosure of the public hope In *Shella Barse*¹⁸ the Supreme Court on a complaint of custodial violence to women prisoners whilst confined in police lock-up laid down certain guide lines for ensuring protection against torture and maltreatment of women in police lock-up and jails. The Court further directed for according legal assistance at the state cost not only to under-trials and convicted criminals

which is a constitutional imperative (mandate) only by Article 39A but also by Articles 14 and 21 of the Constitution but also to indigent under police custody.

Why poor not report crime:

- (1) Ignorance of law.
- (2) The loss is petty.
- (3) The victim may not wish the offence to be discovered.
- (4) The fear of annoyance or publicity – theft ,extortion, indecent sex assaults, rape, abortion, etc.
- (5) The ineffectiveness of police as well as police manners.
- (6) Delivery of delayed and expensive justice.
- (7) poverty itself inefficiency to fight .

The Poor: Compensating For the Victims of Violence

Criminal law, which reflects the social ambitions and norms of the society is designed to punish as well as to reform the criminals, but it hardly takes an important note of byproduct of crime—its victim. The history of crime and punishment reveals a steadily increasing concern with the treatment of the criminal, and a virtual blackout of attention to the plight of its poor victim. When a crime is reported to the police, search is made for the criminal and prosecuting agency operates for getting the accused convicted. During the course of trial, the accused is treated as a privileged person, and is provided with all possible help including a defence counsel, if necessary at the cost of the State."¹⁹

In very limited cases under section 357, 357A of Cr.P.C has empowered the Criminal Court to order for the payment of compensation to the victim of crime. In addition to this, Supreme Court by invoking Article 21 of the Constitutional has tried to give some compensatory relief to the poor victims of illegal detention.²⁰

An Appraisal:-

It is tragic that criminal justice administration have been nothing but a paper tiger against the socially oppressed and suppressed, Class actions, public interest litigation, intervention by public organizations and the like in criminal cases are facets of participative justice on behalf of the poor. But such cases are not wholly going to solve the problem. Restructuring the justice system, streamlining the justicing process, re-orienting the social perspective of justices, re-educating the prosecution and judiciary are important aspect of criminal jurisprudence. The common man will never get justice unless the tempo of

disposal not only in courts, but also in the secretariat and the administrative tribunals, speeds up. The criminal justice system is cumbersome, expensive and cumulatively disastrous. The poor can never reach the temple of justice because of heavy cost of its access and the mystique of legal ethos. The hierarchy of courts with appeals after appeals puts legal justice beyond the reach of the poor. Professional service is a monopoly of a few rich professionals. The socio-economic value and milieu of the court system is unfriendly to the poverty sector. It is unpalatable but the basic structure of the justice system has no social justice orientation²¹, but I have strong belief that Judiciary will vindicate the trust every Indian repose in it ne vito fano justica (let nothing defile the temple of the justice) and its beginning starts with various legal aid programmes by Courts, speedy disposal in rape cases irrespective of rich and poor and provision of victim compensation scheme U/S 357 A Cr. P.C, but it is just the mark of the beginning.

¹ O. Chinnappa Reddy, "Judicial and Social Change" 25, JILL, pp. 149-157.(1983).

² K.D. Gaur, White Collar Crimes and its Impact on Society 5 JBCL p. 1(1976).

³ Santhanam Committee Report on the Prevention of Corruption, (1964) Para 2:

⁴ 29th Report of the Law Commission, pp. 10-11 (1966)

⁵ (1973) 1 MLJ 205

⁶ AIR 1961 Mad. 498

⁷ Hussainara Khatoon v. State of Bihar (1980) 1 SCC.

⁸ Fatehchand V/s. State of Maharashtra 1977 2 SCC 670.

⁹ B. P. Jain V/s. State of Maharashtra (1982) CrLJ 1647 (Bomb)

¹⁰ Criminal Law and the Poor ASIL pp. 461 463. (1982)

¹¹ Bandhua Mukti Morcha Vs. Union of India AIR 1994 SC 802,805.

¹² 1983 CrLJ 150.

¹³ AIR 1980 SC 1271.

¹⁴ Superintendent and Remembrancer of legal affairs v. Amiya Kumar Ray Chaudhry (1974) 78

Cal W. N. 320, 325

¹⁵ AIR 1979 SC 1899

¹⁶ Hussainara Khatoon v. State of Bihar (1980) 1 SCC pp. 88, 91, 93

¹⁷ Sunil Batra v. Delhi Administration, AIR 1980 SC. P378

¹⁸ Sheela Bartse v. State of Maharashtra AIR 1983 SC p. 378.

¹⁹ Article 20, 21, 22, 39A of constitution.

²⁰ Rudal Sah v. State of Bihar, AIR 1983 SC 1086

²¹ K.d Gaur ,The poor as a victim of uses and abuses of law

Role of UNO in Protection of Internally Displaced Persons

***Dr. Sunil Asopa**

Abstract:

According to western political and philosophical thinking human rights are innate in individuals and are an intrinsic factor in the "quality of the human persons". We may quote the words of President Jeffersonⁱ, "inherent and inalienable rights of man", and hence a State that violates them in its laws and its actions breaches one of the very pre-requisites of civil co-existence between States and may be legitimately brought to account.

Keywords :

Human rights, protection, civilization, Labour, inalienable, coercive, political, inherent, humanity, legitimately

Human rights have been described as those minimal rights that every individual must have by virtue of his being a "member of human family" irrespective of any other consideration. They are based on mankind's demand for a life in which the inherent dignity of a human being will receive respect and protection. According to western political and philosophical thinking human rights are innate in individuals and are an intrinsic factor in the "quality of the human persons". We may quote the words of President Jeffersonⁱⁱ, "inherent and inalienable rights of man", and hence a State that violates them in its laws and its actions breaches one of the very pre-requisites of civil co-existence between States and may be legitimately brought to account.

In 1948, the General Assembly of the United Nations adopted the Universal Declaration of Human Rights. The passing of this Declaration can be regarded as a momentous occasion in the history of this civilization and humanity. It needs to be noted that Articles contained in the document are either basic principles of law or represent the foundational principles of human existence.

In last sixty years, so many kinds of Rights are declared and protected under the Human Rights Regime. Mainly, Human Rights of Women, Children, Minorities, Prisoners, Third Sex, Labour etc. International Human Rights agencies advocate all human rights at international and international level both but problem of displacement is not addressed by the agencies at proper stage and manner in the context of violation of Human Rights.

The displacement of people refers to the forced movement of people from their locality or environment and occupational activities. It is a form of social change caused by a number of factors, the most common being armed conflict and natural disasters, famine, development and economic changes may also be a cause of displacement.

In regard to population displacement resulting from conflict, development or natural disaster, there are typically two types:

- Direct Displacement
- Indirect Displacement

Direct Displacement leads to actual displacement of people from their locations and Indirect Displacement leads to a loss of livelihood. Forced to leave the home region to which they are attached and for which they have the knowledge to make a living most effectively, displaced populations often become impoverished. The displacement of people as a result of development projects, policies and processes, therefore constitutes a social cost for developmentⁱⁱⁱ.

Whereas, the main factors leading to 'conflict-induced' displacement include armed conflict, generalized violence, the systematic violation of human rights and the forced displacement or 'dislocation' of people as a primary military or political objective of either government or rebel forces.

Apart from conflict induced displacement many other factors are also liable for displacement which results Internally Displaced People like establishment of big industries, dams, government projects, building of high ways, etc.

While, there are no official definitions of an internally displaced person. The Guiding Principles on Internal Displacement set by of Office for the United Nations High Commissioner for Refugees (UNHCR) defines^{iv} :

Internally displaced persons to be "*persons or groups of persons who have been forced to flee, or leave, their homes or places of habitual residence as a result of armed conflict, internal strife, and habitual violations of human rights, as well as natural or man-made disasters involving one or more of these elements, and who have not crossed an internationally recognised state border*"

The main ingredients in the definition of IDP can be stated as follows:

- person or groups of persons
- forced or obliged
- to flee or leave their homes or places of habitual residence
- to avoid the effects of armed conflict, situations of human rights or natural or human-made disasters.

Involuntary departure and the fact that the individual remains within his/her country are the two defining elements of an IDP^v

- The first element distinguishes IDPs from individuals who left their homes out of choice and could have otherwise safely remained where they lived.
- The second element explains why IDPs are not refugee?

Accordingly, the internally displaced are people who are forced to flee their homes, often for the very same reasons as refugees - war, civil conflict, political strife, and gross human rights abuse - but who remain within their own country and do not cross an international border. They are therefore not

eligible for protection under the same international system as refugees. Also, there is no single international body entrusted with their protection and assistance.

Thus, the key characteristics of internal displacement are its coercive nature and the fact that affected populations do not cross an internationally recognized border^{vi}. Internally displaced persons, or "IDPs," are part of the broader civilian population that needs protection and assistance because of conflict and human rights abuses or due to natural disasters.

Unlike refugees, who have fled across a border and are therefore no longer under the protection of their country of origin, IDPs are still citizens of their country. Their Government is legally responsible for their protection and welfare^{vii}. IDPs do not always end up in camps, the majority is taken in by host families, some find temporary shelter on the move and others may settle in urban areas. IDPs often move several times during their displacement. These varied and dynamic patterns create challenges for tracking IDPs. As a result, figures are based on estimates. Most of the people are displaced as a result of natural disasters, including in the context of climate change, or large-scale development projects such as dams.

Refugees, by definition, are outside their country of nationality or habitual residence. In other respects, however, both categories of displaced persons often face similar risks and deprivations.^{viii}

Role of UNO:

The turmoil and atrocities of the Second World War and the growing struggle of colonial nations for independence prompted the countries of the world to create a forum to deal with some of the war's consequences and this forum was the United Nations. When the United Nations was founded in 1945, it reaffirmed the faith in human rights of all the peoples taking part. Human rights were cited in the founding Charter as central to their concerns and have remained so ever since. It is the root of Human Right Mechanism which feeds the whole mechanism conceptually, organizationally and financially.^{ix}

The United Nations Organization works on a broad range of fundamental issues like sustainable development, environment, disaster relief, counter terrorism, disarmament and non-proliferation, promoting, gender equality, health, Protection to Displaced Persons and more, in order to achieve its goals and coordinate efforts for a safer world for this and future generations^x.

Though, all UN Human Right Bodies are liable to protection basic human rights including Rights of Displaced Persons and they are working very well in their field but a specific discussion about United Nations protection Mechanism of Human Right for the protection of rights of Displaced persons is necessary.

- **United Nations High Commission on Refugees^{xi} (UNHCR):**

The Office of the United Nations High Commissioner for Refugees was established by the United Nations General Assembly with a three-year mandate to complete its work and then disband.

By 1956 UNHCR was facing its first major emergency, the outpouring of refugees when Soviet forces crushed the Hungarian Revolution. In the 1960s, the decolonization of Africa produced the first of that continent's numerous refugee crises needing UNHCR intervention. Over the following two decades, UNHCR had to help with displacement crises in Asia and Latin America.

The start of the 21st Century has seen UNHCR helping with major refugee crises in Africa, such as the Democratic Republic of the Congo and Somalia, and Asia, especially the 30-year-old Afghan refugee problem. At the same time, UNHCR has been asked to use its expertise to also help many internally displaced by conflict. Less visibly, it has expanded its role in helping stateless people, a largely overlooked group numbering millions of people in danger of being denied basic rights because they do not have any citizenship. In some parts of the world, such as Africa and Latin America, the original 1951 mandate has been strengthened by agreement on regional legal instruments.

At the start of 2014 there were more than 51 million uprooted people worldwide. In mid-2014, meanwhile, UNHCR was dealing with 46.3 million people of concern to the agency: 26 million internally displaced people, 13 million refugees, 1.7 million returnees, 3.5 million stateless people, more than 1.2 asylum-seekers and 752,000 other people of concern. Filippo Grandi became the 11th United Nations High Commissioner for Refugees on 1 January 2016. He was elected by the UN General Assembly to serve a five-year term, until 31 December 2020.^{xii}

It is the specific Agencies established for displaced people by United Nations. The UNHCR helps the displaced persons in the form of Advocacy, Asylum, capacity building, emergency response, providing funds, etc..

- **UNHCR and Internally Displaced Persons (IDPs):**

Internally displaced persons, or IDPs, are among the world's most vulnerable people. Unlike refugees, even if they have fled for similar reasons as refugees (armed conflict, generalized violence, human rights violations), IDPs legally remain under the protection of their own government – even though that government might be the cause of their flight. As citizens, they retain all of their rights and protection under both human rights and international humanitarian law.

UNHCR's original mandate does not specifically cover IDPs, but because of the agency's expertise on displacement, it has for many years been protecting and assisting millions of them, more recently through the "cluster approach." Under this, UNHCR has the lead role in overseeing the protection and shelter needs of IDPs as well as coordination and management of camps.

At the end of 2011, there were an estimated 26.4 million internally displaced people around the world, down slightly on the year before. UNHCR was helping about 15.5 million of the IDPs in 26 countries. These included the three countries with the largest IDP populations – Colombia, Iraq and South Sudan.^{xiii}

Millions of other civilians who have been made homeless by natural disasters are also considered as IDPs. In 2011, some 14.9 million people became internally displaced due to natural disasters, the great majority of them across Asia. UNHCR shares responsibility to protect this group with other humanitarian agencies and has been involved in recent crises such as 2008's Cyclone Nargis in Myanmar, the Pakistan floods in 2010 and the Haiti earthquake the same year.^{xiv}

- **Internal Displacement Monitoring Centre (IDMC):**

IDMC was established in 1998 at the request of the Interagency Standing Committee on humanitarian assistance. Since then, IDMC's unique global function has been recognized and reiterated in annual UN General Assembly resolutions.

The Internal Displacement Monitoring Centre (IDMC) is the leading source of information and analysis on internal displacement. For the millions of people worldwide displaced within their own

country, IDMC plays a unique role as a global monitor and evidence-based advocate to influence policy and action by governments, UN agencies, donors, international organizations and NGOs.^{xv}

IDMC is part of the Norwegian Refugee Council (NRC), an independent, non-governmental humanitarian organization. IDMC Monitor and analyze internal displacement caused by conflict, generalized violence, human rights violations and natural hazard-induced disasters, in particular, it also works in following fields

- scope and trends of new, evolving and protracted situations of displacement worldwide
- obstacles to durable solutions to displacement
- drivers of future displacement risk
- policy, legal and institutional frameworks for protecting people affected by displacement or at risk of being displaced
- Provide national authorities, donor governments and decision-makers across the humanitarian and development fields with independent information and analysis
- Provide training support to country-based authorities, civil society organisations and national human rights institutions on international legal norms and standards relevant to internal displacement
- Use our evidence, expertise and partnerships to advocate for the protection of people displaced or at risk of displacement

In order to produce independent evidence-based analysis, IDMC works with a range of partners from the local to the global level. This includes governments and authorities, United Nations and inter-governmental organisations, the Red Cross and Red Crescent movement, civil society organisations and academic institutions.

- **Inter Agency Standing Committee^{xvi} (IASC):**

The Inter-Agency Standing Committee (IASC) is the primary mechanism for inter-agency coordination of humanitarian assistance. It is a unique forum involving the key UN and non-UN humanitarian partners. The IASC was established in June 1992 in response to United Nations General Assembly Resolution 46/182 on the strengthening of humanitarian assistance.

The IASC Working Group is composed of the directors of the Emergency Programmes of the IASC agencies or their equivalent counterparts. The IASC WG's focus is on humanitarian policy. The IASC WG meets in ad hoc meetings as necessary. It reviews the work of the IASC Task Teams and the IASC Reference Groups. Meetings alternate between Rome, Geneva and New York, and are hosted by IASC organizations on a rotational basis.

The international response to crises of internal displacement has often tended to focus on material assistance. Agencies recognise the importance of an agreed, comprehensive strategy for linking protection of, and assistance to internally displaced persons. The Inter-Agency Standing Committee (IASC) Policy acknowledges that both International Humanitarian Law and Human Rights Law contain provisions for protection against forced displacement and against abuses during displacement. The Guiding Principles on Internal Displacement of 1998 spell out these provisions in detail.^{xvii}

- **Office of the Coordination of Humanitarian Affairs (OCHA):**

OCHA is the part of the United Nations Secretariat responsible for bringing together humanitarian actors to ensure a coherent response to emergencies. OCHA also ensures there is a framework within which each actor can contribute to the overall response effort.

The 1998 Guiding Principles on Internal Displacement were recognized by Member States as the principal international framework outlining IDPs' rights prepared by OCHA. They were developed by the former Representative of the Secretary-General on Internally Displaced Persons (IDPs), Francis M. Deng, and published jointly with a former ERC, the late Sérgio Vieira de Mello.

In 1997, the General Assembly (GA) tasked the ERC with *a central role in the inter-agency coordination of protection and assistance to IDPs*^{xviii}. It thereby reinforced the IASC's designation in 1994 that the ERC be the "reference point" to support an effective IDP response in the field. This aspect of the ERC's mandate is particularly important as no single agency is formally in charge of IDPs.

Operationally, UNHCR, as the Global Protection Cluster lead, has been entrusted to lead protection efforts of conflict-affected IDPs within the cluster system. Given major protection concerns in recent large-scale natural disasters such as Haiti, the protection lead in contexts of natural disasters is currently under discussion.

In raising awareness to the plight of IDPs, OCHA works in close partnership with Security Council bodies, UNHCR, the Special Rapporteur on the Human Rights of IDPs to the Human Rights Council, protection-related IASC agencies and UN Secretariat organizations to promote the development of national legal frameworks and policies on internal displacement.

Apart from these agencies of United Nations for protection and promotion of Human Rights many other agencies or organs are assisting UNHCR, UNHRC, IASC etc. to achieve their goals.

- **Approaches of United Nations agencies**

The previous system set up internationally to address the needs of IDPs was referred to as the collaborative approach as the responsibility for protecting and assisting IDPs was shared among the UN agencies i.e.

- United Nations High Commission for Refugee (UNHCR)
- United Nations Human Right Council (UNHRC)
- The United Nations Children's Emergency Fund (UNICEF; UNICEF)
- World Food Programme (WFP)
- United Nations Development Programme (UNDP)
- International Federation of Red Cross (IFRC)
- Office of the High Commission for Human Rights (OHCHR)
- International Organization for Migration (IOM)
- International Committee for the Red Cross (ICRC) etc.

They are assisted by the Inter-Agency Displacement Division which has been discussed by the researcher above and is housed in the UN Office for the Coordination of Humanitarian Affairs (OCHA).

In 2005 there was an attempt to fix the problem by giving sectoral responsibilities to different humanitarian agencies, most notably with the UNHCR taking on the responsibility for protection and the management of camps and emergency shelters.

The cluster approach designates individual agencies as 'sector leaders' to coordinate operations in specific areas to try to plug those newly identified gaps. The cluster approach was conceived amid concerns about coordination and capacity that arose from the weak operational response to the crisis in Darfur in 2004 and 2005, and the critical findings of the Humanitarian Response Review (HRR) commissioned by the then ERC, Jan Egeland. Egeland called for strengthening leadership of the sectors, and introduced the concept of "clusters" at different levels (headquarters, regional, country and operational)'.

The cluster approach operates on the global and local levels. At the global level, the approach is meant to build up capacity in eleven key 'gap' areas by developing better surge capacity, ensuring consistent access to appropriately trained technical expertise and enhanced material stockpiles, and securing the increased engagement of all relevant humanitarian partners.

At the field level, the cluster approach strengthens the coordination and response capacity by mobilizing clusters of humanitarian agencies (UN/Red Cross-Red Crescent/IOs/NGOs) to respond in particular sectors or areas of activity, each cluster having a clearly designated and accountable lead, as agreed by the HC and the Country Team. Designated lead agencies at the global level both participate directly in operations, but also coordinate with and oversee other organizations within their specific spheres, reporting the results up through a designated chain of command to the ERC at the summit.

However, lead agencies are responsible as 'providers of last resort', which represents the commitment of cluster leads to do their utmost to ensure an adequate and appropriate response in their respective areas of responsibility. The clusters were originally concentrated on nine areas^{xix}:

- Logistics (WFP)
- Emergency Telecommunications Cluster (WFP)
- Camp coordination and management (UNHCR for conflict-generated IDPs and IOM for natural disaster-generated IDPs)
- Shelter (IFRC for natural disasters; UNHCR for conflict situations)
- Health (WHO)
- Nutrition (UNICEF)
- Water, sanitation, and hygiene promotion (UNICEF)
- Early recovery (UNDP); and
- Protection (UNHCR for conflict-generated IDPs, UNHCR, UNICEF, and OHCHR for natural disaster generated IDPs).

These agencies and various committees are making best efforts to make peace and trying to provide basic Human Rights to each and every person.

The above discussion reveals that the problem of internally displaced persons is now global problem and it has attracted the attention of international agency also. The UNO through its various committees and other agencies has done tremendous work for the protection of Human Rights of such displaced persons especially internally Displaced Persons. Being member states, the municipal governments are also taking long strides in the direction of protection of Human Rights of Internally Displaced Persons.

Much has been done but still remains to be done. We may hope that some bold steps will be taken at both international and national level for ameliorating the conditions of IDP up to their satisfaction.

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Choudhary Dipangshu, "Economic impact of displacement – a case study ..." Social Science Researcher, Aug.2013-Jan. 2014, 3.1:18-27 p. 19.

see 2nd para of "introduction, scope and purpose" of Guiding Principal on Internal Displacement, page 1, UNHCR
ibid page 8

see Internally Displacement, Published By OCHA, April 2010, page 1

see OCHA on Message, Internal Displacement, page 1

A refugee is defined as a person who owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his/her nationality or habitual residence, and is unable, or owing to such fear, is unwilling to avail himself/herself of the protection of that country. See Art. 1 of the 1951 Convention Relating to the Status of Refugees.

see Making Process, Human Right for all, resources for speaker on global issues, para 2, page 1, at United Nations website.

see "Overview of United Nations" at UNO- UK on UN International day.

see History of UNHCR at its office website.

ibid para 5

"On the run of their own land", IDP uploaded by UN Refugee Agency at para 3

ibid para 4

see official website of IDMC for detail

IASC Framework on Durable Solutions for Internally Displaced Persons, Published by: The Brookings Institution – University of Bern Project on Internal Displacement, April 2010

Protection of Internally Displaced Persons - Inter-Agency Standing Committee Policy Paper, New York , 1999
52/12, 1997

- ¹ IASC Principles deemed it unnecessary to apply the cluster approach to four sectors where no significant gaps were detected: a) food, led by WFP; b) refugees, led by UNHCR; c) education, led by UNICEF; and d) agriculture, led by FAO.

ⁱ "Human Rights in India", Asish Kumar Das, Prasant Kumar Mohanty, page 1 para 1, published by Sarup & sons, New Delhi

ⁱⁱ "Human Rights in India", Asish Kumar Das, Prasant Kumar Mohanty, page 1 para 1, published by Sarup & sons, New Delhi

ⁱⁱⁱ Choudhary Dipangshu, "Economic impact of displacement – a case study ..." Social Science Researcher, Aug.2013-Jan. 2014, 3.1:18-27 p. 19.

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- iv see 2nd para of "introduction, scope and purpose" of Guiding Principal on Internal Displacement, page 1, UNHCR
- v *ibid* page 8
- vi see Internally Displacement, Published By OCHA, April 2010, page 1
- vii see OCHA on Message, Internal Displacement, page 1
- viii A refugee is defined as a person who owing to a well-founded fear of being persecuted for reasons of race, religion, nationality, membership of a particular social group or political opinion, is outside the country of his/her nationality or habitual residence, and is unable, or owing to such fear, is unwilling to avail himself/herself of the protection of that country. See Art. 1 of the 1951 Convention Relating to the Status of Refugees.
- ix see Making Process, Human Right for all, resources for speaker on global issues, para 2, page 1, at United Nations website.
- x see "Overview of United Nations" at UNO- UK on UN International day.
- xi see History of UNHCR at its office website.
- xii *ibid* para 5
- xiii "On the run of their own land", IDP uploaded by UN Refugee Agency at para 3
- xiv *ibid* para 4
- xv see official website of IDMC for detail
- xvi IASC Framework on Durable Solutions for Internally Displaced Persons, Published by: The Brookings Institution – University of Bern Project on Internal Displacement, April 2010
- xvii Protection of Internally Displaced Persons - Inter-Agency Standing Committee Policy Paper, New York , 1999
- xviii 52/12, 1997
- xix IASC Principles deemed it unnecessary to apply the cluster approach to four sectors where no significant gaps were detected: a) food, led by WFP; b) refugees, led by UNHCR; c) education, led by UNICEF; and d) agriculture, led by FAO.

Constitution, Function and The Role of Human Right Commission

Sukhdev Rebari
Research Scholar,
University College of Law,
Mohanlal Sukhadia University, Udaipur (Raj.)

Abstract:

Human Rights are for every human whether from any caste, race, sex, nationality. Human Rights are also called as Fundamental Rights, Basic rights, inherent rights, natural rights, birth rights because of its importance for human.

The constitution of NHRC is in conformity with the Paris Principles that was adopted at the first International Workshop on National Institutions for the Promotion and Protection of Human Rights organized in Paris in October 1991, and endorsed by the General Assembly of the United Nations in Resolution 48/134 of 20 December 1993.

Keywords:

Fundamental Rights, Inherent Rights, Human Rights, Commission, Equality, Dignity, Nationality, Civil, Political Rights, Guaranteed.

What is Human Rights?

Human Rights are vested in Human since birth. Human Rights are for every human whether from any caste, race, sex, nationality. Human Rights are also called as Fundamental Rights, Basic rights, inherent rights, natural rights, birth rights because of its importance for human.

According to under sec. 2 (d)¹ human rights means the rights relating to life, Liberty, equality and dignity of the individual, guaranteed by the constitution embodied in the international covenants and enforceable by courts in India.

International Covenants:

According to the protection of human Rights Act, 1993 under Sec. 2 (f) 'International covenants means the International covenant on civil and political Rights and the international covenant on Economic, Social and cultural rights adopted by the general assembly of the united Nations on the 16th December, 1996 and such other covenant or convention adopted by the general assembly of the united nations as the central government may, by notification. Specify.

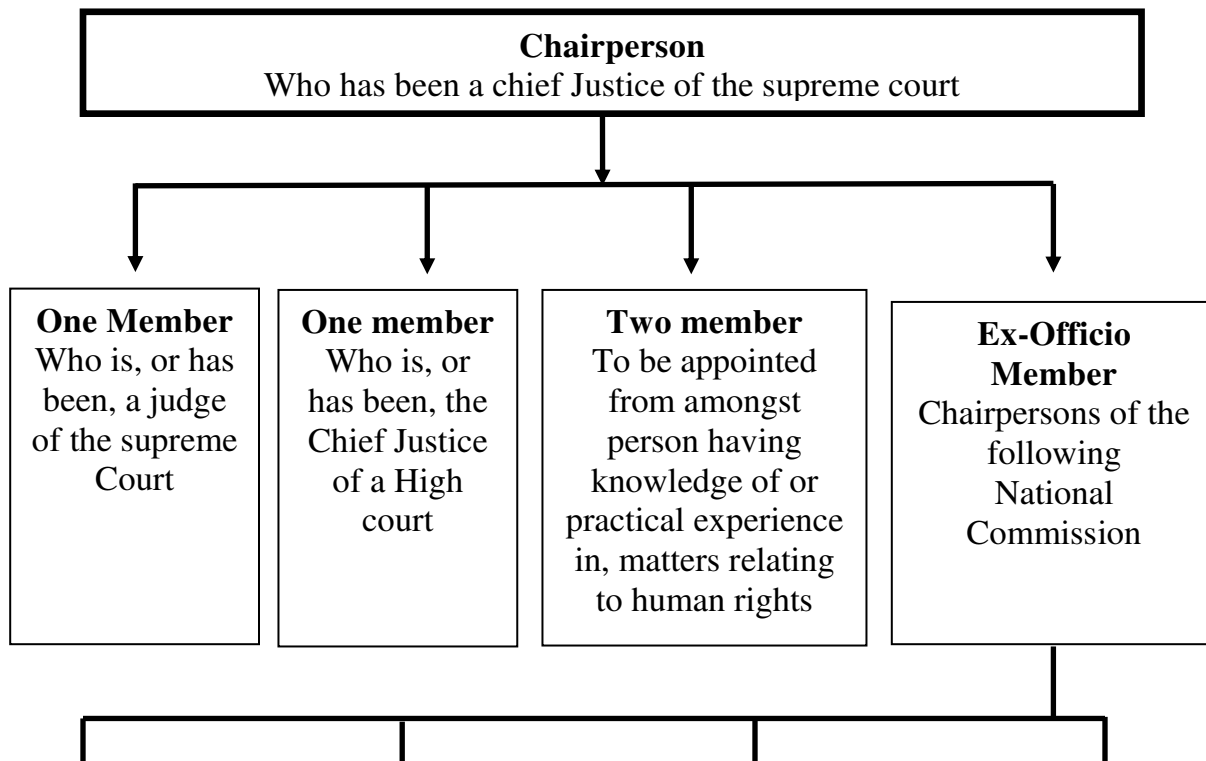
National Human Rights Commission:

The National Human Rights Commission (NHRC) was established on 12 October 1993. Its mandate is contained in the Protection of Human Rights Act, 1993 as amended vide the Protection of Human Rights (Amendment) Act, 2006 (PHRA). The constitution of NHRC is in conformity with the Paris Principles that was adopted at the first International Workshop on National Institutions for the Promotion and Protection of Human Rights organized in Paris in October 1991, and endorsed by the General Assembly of the United Nations in Resolution 48/134 of 20 December 1993. The Commission is a symbol of India's concern for the promotion and protection of human rights.²

Constitution of a National Human Rights Commission:

The central Government shall constitute a body to be know as the National Human Rights commission to exercise the powers conferred upon, and to perform the functions assigned to. It under this act.³

The Commission shall consist of -⁴

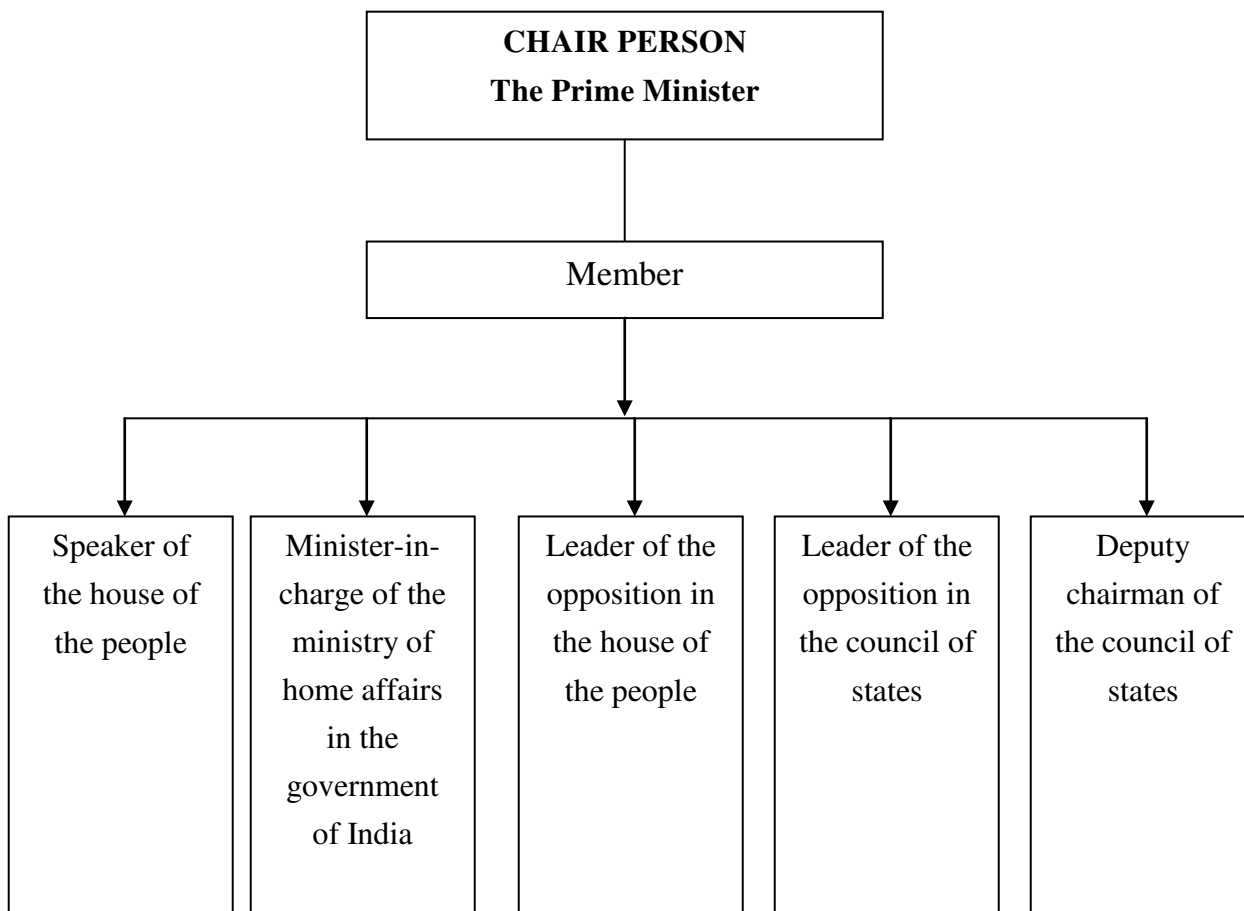


There shall be a secretary-general who shall be the chief executive officer of the commission and shall exercise such powers and discharge such functions of the commission.⁵ The headquarters of the commission shall be at Delhi and the Commission may, with the previous approval of the central government, establish at other places in India.⁶ Subject to the provision of this Act and the rules made there under, the commission shall have the power to lay down by regulations its own procedures.⁷

Appointment of chairperson and other members:

According to under Sec. 4 (1). The chairperson and the members shall be appointed by the president by warrant under his hand and seal. Provided that every appointment under this subsection shall be made after obtaining the recommendations of a committee consisting of –

Selection Committee for Appointment of Chairperson and Members of NHRC



Provided further that no sitting judge of the supreme court or sitting chief justice of a High Court shall be appointed except after consultation with the chief justice of India.

Function of the Commission:

The function of the commission are laid down under section 12 of the Act which are as follows:

- a) Inquire, suo motu or on petition presented to it by a victim or any person on his behalf⁸ [or on a direction or order of any court], into complaint of –
 - i. Violation of human rights or abetment thereof ; or
 - ii. Negligence in the prevention of such violation, by a public servant ;
- b) Intervene in any proceeding involving any allegation of violation of human rights pending before a court with the approval of such court ;
- c) Visit⁹, notwithstanding anything contained in any other law for the time being in force, any jail or other institution under the control of the State Government, where persons are detained or lodged for purposes of treatment, reformation or protection, for the study of the living conditions of the inmates thereof and make recommendations thereon to the Government;]
- d) Review the safeguards provided by or under the Constitution or any law for the time being in force for the protection of human rights and recommend measures for their effective implementation;
- e) Review the factors, including act of terrorism, that inhibit the enjoyment of human rights and recommend appropriate remedial measures ;
- f) Study treaties and other international instruments on human rights and make recommendations for their effective implementation;
- g) Undertake and promote research in the field of human rights ;

- h) Spread human rights literacy among various section of society and promote awareness of the safeguards available for the protection of these rights through publications, the media seminars and other available means ;
- i) Encourage the efforts of non-governmental organizations and institutions working in the field of human rights;
- j) Such other function as it may consider necessary for the promotion of human rights.
- k) The commission shall submit an annual report to the central government and to the state government concerned and may at any time submit special reports on any matter which, in its opinion, is of such urgency or importance that it shall not be deferred till submission of the annual report. The central government and the state government to be laid before each house of parliament or the state legislature respectively alongwith a memorandum of action taken or proposed to be taken on the recommendation, it any.¹⁰
- l) The commission shall perform function pursuant to the direction issued by the supreme court in exercise of the jurisdiction under Article – 32 of the constitution. The supreme court in **Premjit Kaur V. State of Punjab**,¹¹ Stated that the commission would function pursuant to the directions issued by this court and not under the act under which it is constituted. In deciding the matters referred by this court national human rights commission is given a free hand and is not circumscribed by any conditions. The refore the jurisdiction exercised by the national human rights commission in these matters is of a special nature not covered by enactment or law, and thus acts *sui geherhs*.¹²

The Role of National Human Right Commission for the Protection of Human Rights:

The programme in pursuance of supreme court Remit are¹³ :-

1. Abolition of Bonded Labour.
2. Functioning of the mental hospitals at Ranchi, Agra, Agra, and Gualior.
3. Functioning of the Government Protective (Women), Agra.
4. Right to Food.

Others programmes and Human Rights issues taken up by the Commission include :-¹⁴

1. Abolition of child labour.
2. Rehabilitation of marginalized and Destitute women in vrindavah.
3. Combating sexual Harassement of women at the work place.
4. Abolition of manual scavenging.
5. Rights to Health.
6. HIV/AIDS.
7. Relif work for the victims of 1999 Orissa cyclone.
8. District Complaints Authority.
9. Population Policy – Development and Human Rights.

Various complaints / allegations:

Till year 2011-2012 After the establishment of National Human Rights commission are as follows :-

Table for the complaints received by the commission in earlier years are as follows ;

Table No. 1

Year	No. of Complaints Received	Years	No. of Complaints Received
1993-1994	496	2003-2004	72,990
1994-1995	6987	2004-2005	74,401
1995-1996	10,195	2005-2006	74,444
1996-1997	20,514	2006-2007	82,233
1997-1998	36,791	2007-2008	1,00,616
1998-1999	40,724	2008-2009	90,946
1999-2000	50,634	2009-2010	82021

2000-2001	71,555	2010-2011	84,605
2001-2002	69,083	2011-2012	95,174
2002-2003	68,779		

Source : A Data Collected as per the annual report of National Human Rights Commission.

Table No. 2

Data of Last five years

Years	No. of Complaint Registered	No. of Complaint Disposed	Pending of Complaint as on 31 March
2007-2008	100616	102848	29649
2008-2009	90,946	103996	18146
2009-2010	82021	85587	14580
2010-2011	84605	857568	11617
2011-2012	95174	92942	15090

Source : Data Collected as per the annual Report of National Human Right Commission from Annual Report 2007-08 to 2011-2012

Table No. 3

Statement Showing Number of Cases Registered from 01-04-2011 to 31-03-2012¹⁵

Name of the State/Union Territory	Complaints	Suo-Motu Cognizance	Intimation Received about Custodial Deaths/Rapes			Intimation Received about Encounter Deaths	Total
			Police Custodial Deaths/Rapes	Judicial Custodial Deaths/Rapes	Para-Military/Defence Cutody Deaths/Rapes		
All India	171	2	0	0	0	0	173
Andhra Pradesh	1461	0	13	77	0	8	1559
Arunachal Pradesh	28	0	0	2	0	1	31
Assam	209	65	4	20	0	87	382
Bihar	3197	1	8	95	0	2	3303
Chhatisgarh	724	3	5	41	0	3	776
Goa	85	0	0	1	0	0	86
Gujarat	1044	4	5	53	0	2	1108
Haryana	4117	4	3	49	0	2	4175
Himachal Pradesh	170	0	3	7	0	0	180
Jammu & Kashmir	365	0	3	3	0	0	371
Jharkhand	1749	3	4	46	0	9	1811
Karnataka	1301	2	2	13	0	1	1319
Kerala	525	0	1	37	0	0	563
Madhya Pradesh	2597	4	8	86	0	5	2700
Maharashtra	2267	2	20	95	0	1	2385

Manipur	143	0	1	1	0	17	162
Meghalaya	44	0	0	1	0	5	50
Mizoram	17	0	1	0	0	0	18
nagaland	12	0	0	0	0	0	12
Odisha	3337	1	4	33	0	5	3380
Punjab	1149	1	6	115	0	0	1271
Rajasthan	2806	2	3	70	0	3	2884
Sikkim	14	0	0	0	0	0	14
Tamil Nadu	1862	1	7	58	0	2	1930
Tripura	67	0	0	2	0	1	70
Uttarakhand	2008	1	1	12	0	0	2022
Uttar Pradesh	51909	11	17	260	0	19	52216
West Bengal	1512	1	5	89	2	5	1614
Andaman & Nicobar	42	1	1	4	0	1	49
Chandigarh	208	0	0	4	0	0	212
Dadra & Nagar Haveli	14	0	0	0	0	0	14
Daman & Diu	15	0	0	1	0	0	16
Delhi	7830	7	1	27	0	0	7865
Lakshadweep	8	0	0	0	0	0	8
Puducherry	73	0	3	0	0	0	76
Foreign Countries	366	0	0	0	0	0	366
Grand Total	93446	116	129	1302	2	179	95174

Table No. 4

Statement Showing disposal of Cases During 2011-2012¹⁶

Name of the State/Union Territory	Dismissed with Limini	Disposed with Directions	Transferred to SHRC	Concluded after Receipts of Reports			Total
				Complaints Sou-Motu Cases	Custodial Deaths/Rapes	Intimation Received about Encounter Deaths	
All India	146	18	0	0	0	0	164
Andhra Pradesh	820	227	297	74	142	15	1575
Arunachal Pradesh	16	5	0	11	0	0	32
Assam	103	37	25	51	36	30	282
Bihar	1471	380	831	159	118	0	2959
Chhatisgarh	380	66	131	38	35	3	653
Goa	44	23	0	7	4	0	78
Gujarat	630	158	120	105	61	0	1074
Haryana	1956	1464	0	448	66	5	3939
Himachal Pradesh	100	25	21	18	5	0	169
Jammu & Kashmir	113	59	32	38	4	0	246
Jharkhand	982	363	160	144	83	7	1739
Karnataka	423	102	706	33	61	10	1335

Kerala	263	88	64	46	35	0	496
Madhya Pradesh	1492	290	544	121	73	6	2526
Maharashtra	1403	285	400	86	177	13	2364
Manipur	38	35	5	32	0	1	111
Meghalaya	17	11	0	11	8	1	48
Mizoram	7	5	0	7	2	0	21
nagaland	5	2	0	2	3	0	12
Odisha	833	1231	798	157	34	2	3055
Punjab	580	208	242	73	100	1	1204
Rajasthan	1430	368	697	124	41	1	2661
Sikkim	8	4	0	0	1	0	13
Tamil Nadu	997	303	374	72	56	5	1807
Tripura	22	14	0	17	3	0	56
Uttarakhand	1289	559	0	214	24	10	2096
Uttar Pradesh	27472	4629	18323	1931	275	112	52742
West Bengal	752	171	285	95	93	1	1397
Andaman & Nicobar	18	5	0	2	1	0	26
Chandigarh	82	84	0	19	2	0	187
Dadra & Nagar Haveli	13	1	0	0	0	0	14
Daman & Diu	8	8	0	0	0	0	16
Delhi	4702	1861	0	813	23	6	7405
Lakshadweep	3	4	0	1	0	0	8
Puducherry	33	25	0	6	5	0	69
Foreign Countries	262	96	0	5	0	0	363
Grand Total	48913	13214	24055	4960	1571	229	92942

Recommendations of the commission¹⁷:

- (1) The commission recommended for the amendments to the protection of Human right Act, 1993 to ensure more autonomy to the commission by being empowered to grant relief to the victim or to his family members.
- (2) The the right to education be enforced if the nation is to prove its seriousness in the efforts to end the child labour.
- (3) The commission in its 1999-2000 report recommended to improve certain aspects of the administration of criminal justice in India.
- (4) That the para-military forces and the Army make it a point to report directly to the commission any instance of death or rape occurring while a person is in their custody.

- (5) The commission recommended for the ratification to the convention against torture and other forms of cruel inhuman and degrading treatment or punishment adopted by the united nations in December, 1984 which come into force in June, 1987.¹⁸

Conclusion:

National Human Right Commission has played an important role in protection of Human Rights Commission has disposed a lot of numbers of complaints i.e.- violence in custody, atrocities on women & children, bounded labour and child labour, right to health, right to food, right to calculation, awareness of Human Rights of various laws in respect of Human Rights etc. Efforts done by commission in last years established a believe among people regarding protection of Human Rights.

References:

1. Protection of Human Rights Act, 1993
2. Annual Report 2011-2012, National Human Rights Commission, p. 13
3. Sec. 3 (1), The Protection of Human Rights Act, 1993
4. Sec. 3 (2), *Ibid.*
5. Sec. 3 (4), *Ibid.*
6. Sec. 3 (5), *Ibid.*
7. Sec. 10 (2), *Ibid.*
8. Ins by Sec. 9, Act 43 of 2006 (w.e.f. 23.11.2006)
9. Subs. by Act 43 of 2006, S. 9, for cl. (c) (W.e.f. 23-11-2006).
10. Section 20, The Protection of Human Rights Act, 1993
11. AIR 1999 Supreme Court, P. 340
12. *Ibid.* pp. 343-44

13. www.hhrc.nic.in/hrissues.htm

14. www.hhrc.nic.in/hrissues.htm

15. Annual Report 2011-2012, National Human Right Commission, Annexure 1, Para 2.5, p. 199

16. *Ibid*, Annexure 2, Para 2.5, p. 200

17. Dr. H.O. Agarwal, International Law & Human Rights.

18. India signed the convention on October 14, 1997