

Bhopal Mass Disaster Litigation: Legal Issues and Outcome

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The Bhopal mass disaster was an unprecedented event in the industrial history of the world. Similarly the litigation relating to the Bhopal disaster has also been unique and a class in itself. It has already been said that the Bhopal litigation is one of the most complex litigation in the history of mass tort. This litigation has a complex and long legal history.

1. The Bhopal Mass Disaster-Factual Background

1.1. Union Carbide Corporation (UCC) and Its Bhopal Pesticide Plant

The Union Carbide Corporation was a company with headquarters in U.S.A. having affiliate and subsidiary companies throughout the world. These subsidiaries were supervised by four regional offices which were controlled by UCC, U.S.A. UCIL is a subsidiary of UCC, U.S.A. Union Carbide Eastern Inc. with its office in Hong Kong is the regional office of UCC USA. which controlled UCIL, India, besides others. The UCC was a majority shareholder (50.9%) in UCIL. UCC was nominating its own Directors to the Board of Directors of the UCIL and was exercising strict financial administrative and technical control on the Union Carbide India Ltd. Thus, all major decisions were taken under the orders of the Union Carbide Corporation of America.¹

The facts of this case were dependent on highly scientific and technical evaluation of the events which led to the escape of MIC gas from the UCIL plant at Bhopal. The Government of India therefore constituted, immediately after the incident a team headed by Dr. S. Varadarajan, then DG/CSIR to study all the scientific and technical aspects and submit their report. Dr. Varadarajan submitted the report in December, 1985. A further back up report was submitted by the C.S.I.R. in May 1987. These reports furnish, *inter alia*, causes that led to the incident.

The several studies on Bhopal disaster have disclosed that the factory at Bhopal was deficient in many safety aspects. The design, know-how and safety measures were provided by the Union Carbide Corporation, USA and the erection and commissioning of the plant was done under the strict control of the experts of UCC. The Indian officials and workers in this plant were only working under their directions.

The report of the scientific team shows that MIC is reactive, toxic, volatile and flammable. It is a highly hazardous and lethal material by all means of contact and is a poison. Skin contact with MIC can cause severe burns. MIC can also seriously injure the eyes even in 1 % concentration. Exposure to MIC is extremely, irritating and would cause chest pain, coughing, choking and even pulmonary edema

The scientific team headed by Dr. Varadarajan has concluded that the factors which led to the toxic gas leakage causing its heavy toll existed in the unique properties of very high reactivity, volatility and inhalation toxicity of MIC. The needless storage of large quantities of the material in very large size containers for inordinately long periods as well as insufficient caution in design, in choice of materials of construction and in provision of measuring and alarm instruments, together with the inadequate controls on systems of storage and on quality of stored materials as well as lack of necessary facilities for quick effective disposal of material exhibiting instability, led to the accident.

1.2: Effects of MIC Leak From the Bhopal Plant

(A) Effects of MIC on Human Being

¹. The relationship between the parent multinational company – UCC and its subsidiary UCIL has been subject matter of closure examination. See generally, Morehouse Ward and M. Arun Sbramaniam., *The Bhopal Tragedy* (New York : The Book of Laughten and Forgetting, 1981); Jasanoff, Sheila, (ed.), *Learning from disaster Risk Management After Bhopal* (Philadelphia : University of Pennsylvania Press, 1994); Piasecki, Bruce W., *Corporate Environmental Strategy – The Avalanche of Change Since Bhopal* (New York : John Wiley & Sons, Inc., 1995); Amnesty International., *Clouds of Injustice Bhopal Disaster* (Oxford : Alden Press Osney Mead, U.K., 2004); Fact Finding Mission on Bhopal., *The Bhopal Gas Disaster* (New Delhi : Fact Finding Mission of Bhopal, 1999-2004); Hanna, Bridget, Morehouse, Ward and Sarangi, Satinath., (eds.), *The Bhopal Reader* (Goa, India : Other India Press, 2005); Eckerman, Ingrid: *The Bhopal Saga* (Hyderabad : Universities Press (India) Private Ltd., First Edn. 2005).

(i) Death and Injury

According to The Second Citizen's Report² exactly how many died in the Bhopal disaster remains a mystery. On the first day, the government counted 400 dead and unofficial sources said 500. On fourth day of the accident, as unofficial figures went up to 1,700, the government doubled its earlier death estimates to 1,327. In its petition in the US courts, the central government has claimed that 1700 persons died.

But there are many who believe that even the unofficial estimates are not anywhere near the truth. Members of the Zahreeli Gas Kand Sangharsh Morcha have claimed that corpses were picked up by the army in hundreds and trucked away to be buried and cremated en masse. In those first two horrendous days, few were interested in counting bodies. The Morcha has claimed that the number of dead must have been over 5,000.

A UNICEF official who returned to New Delhi after a week-long visit to Bhopal pointed out in his confidential report in December that the death toll may have been as high as 10,000 and that many government officials and doctors privately believed this figure to be true. The local Cloth Merchants' Association had claimed that retailers had sold or distributed cloth for over 10,000 corpses. UNICEF estimated that affected people were about 200,000, of which 80 per cent were Muslims, 75 per cent slum dwellers, 40 per cent children below 15, 20 per cent women in the reproductive age group, and 10 per cent elderly women.

(ii) Damage to Health

The early acute effects were vomiting and burning sensations in the eyes, nose and throat, and most deaths have been attributed to respiratory failure. For some, the toxic gas caused such massive internal secretions that their lungs became clogged with fluids, while for others, spasmodic constriction of the bronchial tubes led to suffocation. Many of those who survived the first day were found to have impaired lung function. However other follow-up studies on survivors have also reported neurological symptoms including headaches, disturbed balance, depression, fatigue and irritability. Abnormalities and damage to the gastrointestinal, musculoskeletal, reproductive and immunological systems were also frequently found.

Research findings on chromosomal aberrations suggest that the future generations of the survivors are likely to carry ravages of the industrial toxins. Withholding of toxicological information on the leaked gases by the Company has prevented an effective and meaningful protocol of medical treatment. The majority of those affected by the gases are people who earned their livelihood through hard physical labour and today their economic conditions force them to continue working, often in unsuitable jobs, thus exposing them to further health risks.

(B) The Effect of MIC on Animals

A team from the Indian Council of Agricultural Research (ICAR), which arrived in Bhopal on December 11, found that animal had died within three minutes of inhaling the gas. They were frothing from the mouth, full of tears and breathless; many cows miscarried. In clinically ill animals, reported the team, "there was an immediate drying of milk after exposure and milk production came down from about 8 kg to 10 kg per day to 0.5 kg to nil".

Official records put the number of dead animals-cattle, goats, sheep and so on-at 1,047, while about 7,000 received therapeutic care. Poultry, it seems was relatively less affected, for inexplicable reasons. According to Professor Paul Shrivastava 2,000 animals were killed and 7,000 were injured.³ According to judgment of the Supreme Court, delivered on September 13, 1996, "the death toll of animals amounted to 2544".⁴

². Centre For Science and Environment (CSE), *State of India's Environment – The Second Citizens' Report 1984-85*, (CSE, New Delhi, 1985, Reprint 1996) p. 210.

³. Paul Shrivastava, 'Societal Contradictions and Industrial Crisis' in Sheila Jasanoff, (ed.), *Learning From Disaster*, (1994) 248, 254.

⁴. See, *Keshub Mahindra v. State of M.P.* 1996 (6) SCC 129, 134 (para 4)

(C) The Effect of MIC on Plants and Soil

The effect of MIC on plants and soil was also studied by the Central Board for the Prevention and Control of Water Pollution. The board used neem as an atmospheric indicator because it was found to be one of the most sensitive trees. A vegetation damage contour map was prepared to indicate which parts of Bhopal were hit by the deadly gas. The board found that the vegetation in an area of 3.5 sq km around the factory was severely affected, 10.5 sq km was badly affected, 6 sq km moderately and 5 sq km mildly.

Leaves bore the brunt of the damage: methi saplings, for instance, showed symptoms of scorching and all the top leaves had withered. Methi and brinjal seedlings were found to be most sensitive. These plants were completely destroyed even 3 km to 4 km away from the factory.

2: The Bhopal Disaster Litigation- Major Legal Developments

On December 3, 1984, Methyl isocyanate (MIC) leaks from the Union Carbide India Ltd. plant in Bhopal. Five junior employees of UCIL were arrested. On December 6, the case was handed over to the CBI. On December 7, UCC Chairman, Warren Anderson flies to Bhopal and is arrested at airport. On the same day first law suits were filed by American lawyers in the different states on behalf of thousands of Bhopal victims. Suits combined in Southern District of New York, as assigned to Judge John F. Keenan.

On March 29 1985, Indian Parliament enacted the Bhopal Gas Leak Disaster (Processing of Claims) Act 1985 whereby Union of India would be the sole plaintiff in a suit against the UCC and other defendants for compensation arising out of the disaster. On April 8, 1985: Government of India files complaint against Carbide, USA in Southern District, New York. On July 29, 1985, Union Carbide asks for dismissal of all US claims on grounds of forum non conveniens.

On January 3, 1986, A Writ petition No. 164 of 1986 filed by Rakesh Shrouti, advocate challenging constitutional validity of the Bhopal Gas Leak Disaster Processing of Claims Act on the ground that it gives exclusive power to Union of India to represent all victims. On January 3, 1986, oral arguments on forum non conveniens begin before Judge Keenan.

On May 12, 1986, Judge Keenan dismisses Bhopal victims' claim against Carbide on grounds of forum non conveniens, subject to the following: (1) UCC consent to submit to Jurisdiction of the courts in India and waive defenses based on statute of limitation: (2) UCC agrees to satisfy any judgment recorded by an Indian court and if applicable. as upheld by the appellate courts of that country where such judgment conforms with the minimal requirements of due process; (3) UCC shall be subject to discovery in the model of US Federal Rules of Civil Procedure.

On Sept. 5, 1986: Government of India files a suit against Carbide in District Court in Bhopal asking unspecified compensatory damages plus punitive damages.

On January 14, 1987, the US Court of Appeals (2nd circuit) upholds Judge Keenan's ruling dismissing the gas victims' compensation case and modifies the conditions imposed by Judge Keenan. Union of India also subjected to discovery.

On May 23, 1987: Indian government decides to petition for cert before the US Supreme Court stating that any alterations made by the 2nd circuit court in the conditions imposed by Judge Keenan, are unacceptable. On October 5, 1987, US Supreme Court refuses to remove law suit from India to US courts. It also rejects an appeal by the Indian government seeking tougher procedural restrains on Union Carbide.

On December 1, 1987, CBI filed a charge sheet in the court of the Chief Judicial Magistrate, Bhopal charging accused for offences under Section 304 Part II IPC and other offences.

On December 17, 1987, Judge Deo of the Bhopal District Court ordered interim relief of Rs. 350 (S 270m) crores. On January 18, 1988, Union Carbide appeals against the Bhopal District Court's order for interim relief in the Madhya Pradesh High Court.

April 4, 1988: Justice S.K. Seth of the Madhya Pradesh High Court upheld power of the District Court to grant interim relief and ordered Union Carbide to pay a reduced amount of Rs. 250/- crores (reduced from Rs. 350 crores) as interim relief.

On July 8, 1988, Union Carbide filed a special leave petition before the Indian Supreme Court against order of High Court granting interim relief to Rs. 250 crores. Union of India also files a special leave petition challenging the order of the M.P. High Court reducing the interim relief.

On November 16, 1988, Trial Court Magistrate R.C. Mishra issued arrest warrants for two Union Carbide officials and former Chairman, Warren Anderson. On February 9, 1989, Magistrate R.C. Mishra declared Warren Anderson, former Chairman of Union Carbide an absconder and seeks to extradite him from the United States.

During February 14 to 15, 1989, the Indian Supreme Court approved a settlement between the Indian government and Union Carbide and orders. Union Carbide to pay \$ 470 m. in damages for the toxic gas leak at Bhopal. The settlement gave no reasons for settling the claims of \$ 470 million, nor did it explain whether the settlement was fair. As part of the settlement, the Indian government drops its criminal charges against all Union Carbide officials. There were wide scale protests against the settlement and the manner in which it was arrived.

On March 8, 1989, hearing on constitutional validity of the Bhopal Gas Leak Disaster (Processing of Claims) Act, 1985 began. The settlement was arrived at despite the fact that petition was pending. Hence a post decisional hearing was ordered by the Supreme Court. In April 1989, the review petition was filed in the Supreme Court challenging the validity of its settlement orders dated 14/15 February 1989. On May 4, 1989, the Supreme Court delivered an order giving reasons for accepting the settlement.

December 22, 1989: Judgment delivered by the Bench presided over by Justice S. Mukharji upholding the validity of the Act but stating that victims had a right to be consulted before any settlement and that government had the obligation to give interim relief to victims. The Supreme Court upheld the validity of the Claims Act applying the doctrine of *parens patriae*.

In November 1999, Greenpeace, an international environmental NGO, came out with an independent report of test of soil and water samples collected in areas around the plant site and confirmed extensive contamination. On November 15, 1999, fresh class action litigation was filed in the court of the Southern District New York by Sajida Bano, Haseena Bi and five other victims directly affected by the contamination and five Bhopal victims groups claiming damages under 15 counts. Counts 9 to 15 were related to common law environmental claims.

On August 28, 2000, Judge Keenan dismissed the class action claim on the ground that the 1989 settlement covered all future claims. On November 15, 2001, the Second Circuit Court of Appeals affirmed in part but remanded claims on counts 9 to 15 to Judge Keenan. In March 2003, Judge Keenan dismissed the suit of Hasina Bi again on legal grounds of limitation. On March 17, 2004, the Court of Appeal affirmed in part, but asked Judge Keenan on remand to consider claims of Hasina Bi arising out of damage to property and the issue of decontamination by UCC of the site if the Union of India and State of M.P. had no objection.

On June 09, 2005, members of the International Campaign for Justice in Bhopal (ICJB) staged a demonstration before the Carbide plant demanding that internationally accepted hazardous chemical waste management protocols be deployed to clean up the toxic wastes in the plant. They also demanded transparency, participation of NGOs and recovery of clean-up cost from UCC. On June 12, 2005, Hyderabad based company started clean-up operation at Carbide plant site. The M.P. High Court had earlier set the deadline of June 20, 2005, for completing the clean-up operation.

3. Judicial Interventions in Bhopal Disaster Litigation – Basic Data⁵

⁵ . This data is based on the three broader sources. The first source is three books - Baxi, Upendra and Thomas Paul., *Mass Disaster and Multinational Liability : The Bhopal Case* (Bombay : N.M. Tripathi Private Ltd., 1986); Baxi, Upendra., *Inconvenient Forum and Convenient Catastrophe – The Bhopal Case* (Bombay : N.M. Tripathi Pvt. Ltd. 1986); Baxi, Upendra and Dhanda, Amita., *Valiant Victims and Lethal Litigation – The Bhopal Case* (New Delhi : Indian Law Institute, 1990) on Bhopal case edited by Professor Upendra Baxi et. al. which contain documents (plaint, written statements, memorandums, affidavits, orders and judgments) relating to the Bhopal litigation up to the year 1990. The second source is those orders and judgments which have been reported by the leading law reports. In this connection the

The Bhopal litigation has a long history in the U.S. Courts. The earliest civil claims were filed by the U.S. lawyers in various U.S. District Courts. The U.S. courts have delivered 10 orders.

4. Bhopal Disaster Litigation: An Overview

4.1. Judicial Proceedings in the American Courts

Entire Bhopal litigations in the American courts may be divided into three phases. The first phase of judicial proceeding of the Bhopal litigation in the US courts consists three substantive law orders delivered by three different Courts namely the Southern District Court, New York, the court of Appeals, Second Circuit and US Supreme Court respectively on May 12, 1986, January 14, 1987 and October 05, 1987.

The Bhopal disaster took place on the midnight of December 2-3, 1984. Just after the disaster hectic legal activities began not in India but in US. Several US individual lawyers and representatives of the US law firms traveled the 8,200 miles, came to Bhopal to “sign up” Indian plaintiffs. US lawyers went for this legal adventure in expectation of large contingency fee in future civil suit.

On December 7, 1984 the first Bhopal lawsuit was filed by the US lawyers in the US on behalf of thousands of victims.⁶ Subsequently about 144 additional actions commenced in US federal courts. By order of February 6, 1985 the actions had all been joined and assigned by the judicial panel on Multidistrict Litigation to the Southern District of New York.

In the above said background, the Government of India decided to intervene in the Bhopal litigations. Consequently on February 20, 1985 the Government of India issued an ordinance – The Bhopal Gas Leak Disaster (Processing of Claims) Ordinance, 1985 and made itself the sole legal representative of the victims. This emergency measure of the government was made permanent when the Indian Parliament converted the Ordinance into a legislation by passing The Bhopal Gas Leak Disaster (processing of Claims) Act, 1985 (The Bhopal Act, 1985). Having empowered itself as the sole legal representative (plaintiff) of the victims, the Central Government filed a complaint against Defendant – Union Carbide Corporation (UCC) on April 08, 1985.

Subsequently, the individual federal court complaints had been superseded by a consolidated complaint filed on June 28, 1985. There were 145 actions filed in the Southern District, New York involving approximately 200,000 plaintiffs. The District Court, New York was presided over by the Judge Jon F. Keenan.

In its complaint filed in the District Court, the Union of India demanded damages and relief including punitive damages. On the other hand defendant – UCC in its defence filed motion to dismiss actions on the grounds of “*forum non convenience*” and requested the court to dismiss the said action in favour of the Indian forum. The *question of forum* was the Central issue before the District Court and it remained so during the entire first phase of Bhopal litigation in the US courts. After a tough legal proceeding on May 12, 1986 judge keen accepted the motion of the defendant – UCC and thereby dismissed the consolidated case on the ground of *forum non convenience*. However, Judge Keenan imposed three important conditions on the UCC to the effect that it shall accept the jurisdiction of the Indian Courts, comply judgment of Indian Courts and fulfill obligation under US discovery rule if so demanded by plaintiff.⁷

Against the judgment of District Court plaintiff – UOI and defendant – UCC respectively filed appeal and cross appeal in the Court of Appeals, Second Circuit. The UOI challenged the dismissal of its suit on the *forum non conveniens* and UCC challenged the imposition of three conditions imposed by the District Court. In its judgment dated January 14, 1987 rejected the appeal of the UOI and the Court of Appeals affirmed the order of the District Court. In addition to it the court allowed the cross appeal of the

present researcher has consulted the various law reports namely AIR, SCC, SCALE, etc. The third source relates to the websites relating to the Bhopal disaster or environmental non- governmental organizations.

⁶. Dewani et al. v. Union Carbide Corporation. S.D.W. Va (84-2479).

⁷. The detailed study of the entire first phase of Bhopal U.S. litigation has been undertaken in subsequent chapters under appropriate heads.

UCC and partly deleted the second condition and modified the third condition imposed by the District Court.

Order of the Court of Appeals was challenged by the plaintiff – UOI by filing a writ of certiorari in the U.S. Supreme Court but the court by its order of October 05, 1987, declined to grant the writ.

4.2. Judicial Proceedings in the Indian Courts: The District Court of Bhopal, The Madhya Pradesh High Court and the Supreme Court of India

Purpose of the present discussion is to give a brief but full picture of Bhopal litigation so far in Indian Courts. The Bhopal litigation in India may be divided into Civil and Criminal Litigation.

Civil Aspects of Bhopal Litigation in India

Under the civil litigation we shall present a brief picture of numerous judicial orders and judgments delivered by the District Court, Bhopal, Madhya Pradesh High Court and the Supreme Court of India on a wide range of issues such as interim compensation, settlement, constitutional validity of the Bhopal Act, 1985 and Scheme framed there under, validity of settlement, right to medical treatment, matters relating to Bhopal Hospital, construction of Bhopal Hospitals, functioning of the Bhopal Hospitals, assessment and distribution of compensation, pollution and contamination at Bhopal plant site, appointment of Monitoring and Advisory committees for medical rehabilitation and last but not the least distribution of balance settlement fund.

Civil aspect of Bhopal litigation in India began on September 5, 1986 when Central Government filed a suit against the UCC in district Court asking unspecified compensatory damages plus punitive damages. During the proceeding before the District Court the question of interim compensation became the center of controversy. Despite of UCC's opposition District Judge M.W. Deo directed the UCC to pay Rs. 350 crores as an interim relief to the victims. In appeal justice S.K. Seth of Madhya Pradesh High Court reduced the amount from Rs. 350 to Rs. 250 crores.

The Bhopal litigation knocked the door of Supreme Court of India on September 6, 1988 when the judgment of Madhya Pradesh High Court on interim compensation was challenge by filing special leave petitions both by UOI and UCC. The matter was heard by a five judges bench of the court and hearing continued upto Feb. 1989. It was on 14-15 Feb. 1989, the Supreme Court passed the controversial settlement order under which UCC agreed to pay 470 million US dollars (Rs. 750 crores) for the victims of Bhopal disaster.⁸

The second major issue before the Supreme Court was the constitutional validity of the Bhopal Act, 1985. Again the matter was heard by a five judges bench of the Court led by Chief Justice Mukherji. The court unanimously upheld the Constitutional Validity of the Act.⁹ In *Sahu case* the court also upheld the doctrine of *parens patriae* (State as the guardian of its people) and its application in Bhopal disaster litigation. The Court accepted that in view of special circumstances of the Bhopal disaster and poverty and illiteracy of the Victims, it is necessary to uphold the exclusive right of the Central Government to represent the victims. However, the Court acknowledged a lacuna in the February, 1989 settlement of no notice and opportunity of hearing to the victims before entering into any settlement. But, the Court refused to quash the settlement order since present Bench was constituted exclusively to examine the validity of the Bhopal Act, 1985 and a separate five judges Bench was already constituted to hear the review petitions filed by victims' organizations challenging the settlement order. However, the Court in its order ensured that the opportunity of hearing would be given to the victims in future review proceedings.

The Supreme Court faced one of the toughest legal problem when it heard large number of review petitions filed by the victims. By the review petitions certain fundamental issues as to the constitutionality, legal validity, propriety and fairness of the settlement were raised. The five judges Bench¹⁰, consisting of Ranganath Misra, C.J.; K.N. Singh, M.N. Venkatachaliah, A.M. Ahmadi and N.D. Ojha, JJ.; on 3rd

⁸. *Union Carbide Corporation v. Union of India* A.I.R. 1990 SC 273.

⁹. *Charan Lal Sahu v. Union of India* A.I.R. 1990 SC 1480.

¹⁰. *Union Carbide Corporation v. Union of India*, AIR 1992 SC 248

October, 1991 partly allowed the review petitions. Having satisfied with the protection available under the Scheme known as the Bhopal Gas leak Disaster (Registration and Processing of Claims) Scheme, 1985 framed in exercise of the power conferred under the Bhopal Act, 1985, the Supreme Court held that in view of the availability of post decisional hearing the settlement was not vitiated. However, the Supreme Court declined to justify the quashing of the criminal proceeding under the terms and conditions of the settlement. On the other vital issues such as, expeditious disposal of the victims' claim; administration and disbursement of the compensation amount; medical surveillance and insurance cover, etc., the Supreme Court issued necessary orders, directions with guidelines.

After the *Review judgment* of October 3, 1991, the Bhopal litigation relating to civil aspects continued in Indian courts and especially in the Supreme Court of India. This is evident with the fact that after the *Review judgment* about forty orders/judgments have been reported in law reports relating to various aspects of civil litigation.

Criminal Aspects of Bhopal Litigation in India:

The criminal aspects of the Bhopal litigation have been as long and as controversial as civil litigation. After the disaster the police registered a criminal case on 6th December 1984 against officials of the UCC and UCIL. Subsequently the Bhopal case investigation was handed over to the CBI which under took a lengthy investigation and filed a preliminary charge-sheet on 1st December, 1987. The Supreme Court through its settlement order approved immunity to the officials of the UCC and UCIL from criminal liability. Subsequently the Supreme Court through its Review judgment of October, 1991, revived the criminal liability of the UCC and UCIL. A major development in criminal litigation came on September 13, 1996, when the Supreme Court quashed the specific criminal charges against certain Indian officials of the UCIL.¹¹ The trial against Mr. Warren Anderson – the then Chairman of the UCC has not been able to proceed because the Central Government has so far failed to secure his extradition from the USA. The Criminal trial is still pending in Indian courts.

4.3 : Second and Third Phases of Judicial Proceeding in the U.S. Courts

The second phase of Bhopal litigation in U.S. Courts started when the Bhopal victims filed post Bhopal settlement civil claim. In its order of Feb. 18, 1992 Judge John F. Keenen again applied doctrine of *forum non conveniens* and dismissed the claim.¹²

The victims filed an appeal against the judgment of the District Court in Court of Appeals, Second Circuit. The three judges of the Court of Appeals by its order of January 26, 1993 affirmed the dismissal of the victims' class actions and concluded that the plaintiffs lacked standing in view of the Bhopal Act, 1985 which conferred exclusive standing to the Central Government of India.¹³

The third phase of Bhopal litigation in U.S. Courts started when the victims filed a suit in the District Court, New York for compensation for Bhopal disaster and for ongoing pollution and contamination at the Bhopal plant site. The Court presided over by the judge - John F. Keenan by its order of August 28, 2000 once again dismissed the suit having found firstly, that plaintiffs' lacked standing to bring this action and secondly, plaintiffs' claims were barred by the 1989 Bhopal settlement.¹⁴ This judgment of the District Court was challenged and the victims filed an appeal in the Court of Appeals. The three judges of the Court of appeals by their order of November 15, 2001, held that the District Court properly dismissed the plaintiffs' claim under the Alien Tort Claims Act but erred in dismissing the plaintiffs' common-law environmental claims. The Court remanded environmental claims of the victims to

¹¹. *Keshub Mahindra v. State of M.P.* (1996) 6 SCC 129

¹². *In re : Union Carbide Corporation Gas Plant Disaster*. 1992 U.S. Dist. LEXIS 1909, 1992 WL 36135 (S.D.N.Y.). Order dated February 18, 1992.

¹³ *Bi v. Union Carbide Chemicals and Plastics Co., Inc.* 984 F. 2d. 582 (2nd Cir.) Cert. denied, 510 US 862, 126 L. Ed. 2d 138, 114 S. Ct. 179 (1993).

¹⁴. *Sajida Bano, et al. v. Union Carbide Corporation and Warren Anderson, Defendants*. 2000 U.S. Dist. LEXIS 12326, Available at (www.earthrights.org/bhopal/bano) Order dated August 28, 2000.

the District Court.¹⁵ The matter relating to environmental claims of the Bhopal victims once again reached to the District Court and the judge John F. Keenan by its order of March 18, 2003, rejected the victims' claims. The Court held that environmental claims of the victims were untimely and directed at improper parties.¹⁶ The order of the District Court was challenged and appeal was filed in Court of Appeals, Second Circuit. The Court of Appeals, presided over by three judges, which by its order of March 17, 2004, affirmed the judgment of the District Court on plaintiffs "personal" injury claim except to the extent that it dismissed Bi's claims for monetary and injunctive relief for alleged injury to her "property". The Court, in addition, held that Union Carbide could be ordered to clean up the Bhopal plant site if the Central and State Governments in India show their willingness for the same. The Court once again remanded the matter to the District Court for further action.¹⁷

5. Conclusion

The Bhopal was a manifestation of a crisis which broadly relates to the existing concept of development and progress. The Bhopal disaster represents the ill effects of ever growing hazardous industries and chemicals. The Bhopal disaster has accelerated the debate between developmental violence and protection of human environment. In India, industrial agriculture, or Green Revolution has led the establishment of the UCC's pesticide plant at Bhopal which brought a mass disaster. The Bhopal mass disaster vividly explained the impact of industrialization on environment and human health in India. The problem of environmental justice in Bhopal litigation has close linkages with the role of international economy in general and multinational corporation (MNCs) in particular. The economic might of the MNCs have influenced the law and policy in the many parts of the world including India. The crisis of Bhopal has been linked with the growth of the 'toxic capitalism'. The Bhopal case carries a historic importance to India and its legal system. Before Bhopal, Indian Courts had never tried a toxic tort suit. This chronology also substantiates the opinion that the Bhopal case has been one of the most complex litigation in the late twentieth century world. The Bhopal disaster litigation has been rightly described as one of the longest and complex litigation and some of its aspects for long period of time debated in Indian and United States' Courts.

During three phases of Bhopal litigation in U.S. Courts the doctrine of *forum non conveniens* was successfully utilized by the UCC against the victims. During Bhopal disaster litigation, the doctrine of *parens patriae* also created the problem of access to justice. The *parens patriae* role of the Government once again highlighted the problem relating to creditability of the Government itself. The Bhopal litigation also highlighted the crisis of the governance. The violation of natural justice was another problem of access to justice in the Bhopal litigation. The Court belittled the right to natural justice in order to protect the settlement. In *Sahu case* the court itself accepted that "to do a great right, it is permissible sometimes to do a little wrong". The objective of the civil litigation is to provide compensatory justice to the victims. The search for compensatory justice compelled the Government of India to knock the doors of the U.S. Courts. Discussion relating to *forum non conveniens* doctrine has shown that an adequate judicial forum is *sine qua non* to achieve the goal of compensatory justice. In industrial disaster the interim relief becomes crucial. In India existing mechanism relating to interim relief is inadequate. The Supreme Court in Bhopal case faced problem to assess and quantify the damages. It is suggested that while doing so the Court must consider the long term needs of the victims of the toxic tort. The Bhopal disaster litigation has also raised the issues relating to administration of justice in general and corporate crimes in particular. The inadequacy of the administration of criminal justice has not been able to ensure corporate accountability in India. The long history of complex Bhopal disaster litigation has exposed the 'incapacity' of national and international legal order to provide justice to the victims of a man-made industrial disaster.

¹⁵.Sajida Bano, et al. v. Union Carbide Corporation. Available at (www.earthrights.org/bhopal/bano), Order dated November 15, 2001.

¹⁶.Sajida Bano v. Union Carbide Corporation Available at (www.earthrights.org/bhopal/bano), Order dated March 18, 2003.

¹⁷.Haseena Bi, et al. Plaintiffs Appellants v. Union Carbide Corporations and Warren Anderson, Defendants – Appellees. Order dated March 17, 2004, Available at (www.earthrights.org/bhopal/bano).

Right to Health: A distant Dream in West Bengal, a critical analysis***Bhabani Prasad Mishra**

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Abstract

Nutrition, health and education are the three inputs accepted as significant for the development of human resources and the progress of the State of West Bengal in India during the last decade towards achieving these three inputs has been uneven. The main purpose of this article is to show the health facilities and challenges in West Bengal of India where the problem of providing effective health care services to the majority of its citizens has become an impossible task for the State of Government of West Bengal. Public Health expenditure under the State of West Bengal is so low that there has been a hunger and starvation death in different districts of West Bengal. This article has attempted to make a focus whether it will be possible for the state of West Bengal to meet Millennium Development Goals, i.e. right to health for all by 2015 or it will be a distant dream. This article has made a focus on the urgency of strengthening the implementation of all the rural and urban health care program and improve infant and child feeding practices among women. It is a challenge for the State of West Bengal in India to meet Millennium Development Goals by 2015.

Key words : Right to health Distant Dream in West Bengal, Analysis**1.Introduction**

The state of West Bengal in India suffers from enormous health problem, where majority of the poor is outside the effective medical network. But it is needless to say that health is highly influenced by the health care facilities available in a country to its population, and the non-provision of health care facilities is considered as the violation of basic human right, the right to life. 'Right to Health' means access to health care, access to safe water supply, access to sanitation, pollution free surroundings, nutrition and many other facilities and amenities necessary for keeping the person healthy. To enjoy the highest attainable standard of health is one of the fundamental rights of every human being without distinction of race, religion, political belief and economic or social condition. For improving and protecting right to health in West Bengal, it is necessary to reduce poverty because poverty is a state of deprivation. Poverty is hunger, poverty is lack of shelter, poverty is being sick and not being able to see a doctor, poverty is not being able to school and not knowing how to read.¹ Though, science and technology have contributed much to the field of medicine, health care facilities or the quality health care delivery system is still a distant dream in West Bengal as well as in India.

2.International Momentum on Right to Health

The Preamble to the WHO constitution declared that it is one of the fundamental rights of every human being to enjoy "the highest attainable standard of health". Inherent in the right to health is the right to the underlying conditions of health as well as medical care.²

The article 25 of the Universal Declaration of Human Rights states "Everyone has the right to a standard of living adequate for the health and well being of himself in his family."³

Article 12 of the International Covenant on Economic, Social and Cultural Rights, 1966 recognizes the right of every one to the enjoyment of the highest attainable standard of physical and mental health. It urges to the state to take steps with an object to ensure these rights.⁴

Article 28 of the Universal Declaration of Human Rights guarantees the right to adequate standard of living suitable to the health and well being of an individual and his family including food, cloth, housing, medical care and necessary social service and the right to security in the event of unemployment, sickness, disability, widowhood, old age or other lack of livelihood in circumstances beyond his control. ⁵

3.Indian Constitutional Mandate on Health Care facilities

The Constitution of India not only provides for the health care of the people but also directs the state to take measures to improve the condition of health care of the people. Thus the preamble to the Constitution of India,⁶ *inter alia*, seeks to secure for all its citizens justice — social and economic. It

provides a framework for the achievement of the objectives laid down in the preamble. The preamble has been amplified and elaborated in the directive principles of state policy. The various Directive Principles⁷ which talks about health and health care, are Articles 39, 41, 42, and 47. These articles act as guidelines that the State must pursue towards achieving certain standards of living for its citizens. It also shows clearly the understanding of the State that nutrition, conditions of work and maternity benefit as being integral to health. Although the DPSP are a compelling argument for the right to health, this alone is not a guarantee. There must be a clearly defined right to health so that individuals can have this right enforced and violations can be redressed. With 260 million Indian citizens still below the poverty line and without the fundamental assurance of healthcare, the right to health clearly acquires great importance in Indian scene. The World Health Organization (WHO) rankings place India as 112th on the list of 199 member countries with regard to the health care systems. In India, the government's concern for health and safety of its people is indicated by the legislations enacted for health care. Recently Article 21 of the Indian Constitution⁸ has been interpreted to incorporate the right to health in right to life and hence this right having now acquired a constitutional status through judicial activism, can be judicially enforced.⁹

The Directive Principles of State Policy provide against the exploitation of weaker sections of society, including children, and mandate the state to raise the levels of nutrition, the standard of living and improve public health. Protection and improvement of environment and safeguarding forests and wildlife is also an obligation of the state. These are contained in articles 39, 47 and 48A in Part IV of the Constitution.

3.1 Judiciary in India

The apex judiciary in India has liberally infused the salutary safeguards for human rights by concluding that both the Fundamental Rights and Directive principles are based on human rights and ought to be given fundamental force, and by deduction of 'unremunerated fundamental right' as supplemented to those specified in part III of the constitution. The glory of human rights would not flourish without enshrining of the directive principle in the constitution. The human rights denominated as the political and civil rights are termed as 'fundamental rights' and enshrined in part III of the Indian Constitution. The Supreme Court, while examining the issue of the constitutional 5 right to health care under articles 21, 41 and 47 of the Constitution of India in *State of Punjab v Ram Lubhaya Bagga*,¹⁰ observed that the right of one person correlates to a duty upon another, individual, employer, government or authority. Hence, the right of a citizen to live under article 21 casts an obligation on the state. This obligation is further reinforced under article 47; it is for the state to secure health to its citizens as its primary duty. No doubt the The Supreme Court, in *Paschim Banga Khet Mazdoor Samity & ors v State of West Bengal & annor*,¹¹ while widening the scope of art 21 and the 'governments' responsibility to provide medical aid to every person in the country, held that in a welfare state, the primary duty of the government, is to secure the welfare of the people.

In *Akhila Bharatiya Soshit Karmachari Sangh v Union of India*,¹² the Supreme Court pointed out that fundamental rights are intended to foster the ideal of a political democracy and to prevent the establishment of authoritarian rule, but they are of no value unless they can be enforced by resort to courts. The directive principles cannot, in the very nature of things be enforced in a court of law, but it does not mean that directive principles are less important than fundamental rights or that they are not binding on the various organs of the state. The Supreme Court, in its land mark judgement in *Pt Parmanand Katara v Union of India & ors*,¹³ ruled that every doctor whether at a Government hospital or otherwise has the professional obligation to extend his services with due expertise for protecting life. No law or state action can intervene to avoid/delay, the discharge of the paramount obligation cast upon members of the medical profession. The Supreme Court has recognised the rights of the workers and their right to basic health facilities under the Constitution, as well as under the international conventions to which India is a party. In its path breaking 6 judgement in *Bandhua Mukti Morcha v Union of India*,¹⁴ the court delineated the scope of art 21 of the Constitution, and held that it is the fundamental right of every one in this country, to live with human dignity, free from exploitation.

In *Chameli Singh v State of UP*¹⁵ the Supreme Court held that the right to life includes right to human dignity, right of medical aid to workers and poor, right against torture, cruel or unusual punishment or degraded treatment is violation of right to life. In *Pashim Banga Khet Mazdoor Samiti v. State of West Bengal*,¹⁶ the Supreme Court held that denial of medical aid by government hospital to an injured person on the ground of non-availability of beds amounted to violation of right to life under Article 21 of the constitution.

Recently, the Supreme Court in *Consumer Education and Research Center v Union of India*,¹⁷ delivered a very significant judgment and held that the right to health and medical care of workers while in-service or post-retirement is a fundamental right. It means that the right to health or health care is not a fundamental right of the worker but all the individual of the state and this is the duty of the state or the employer to provide the proper health care to the worker and individuals.

4. Poor Health Status in West Bengal

The Government of West Bengal is preparing a medium-term fiscal stabilization program, and is expecting Asian Development Bank's financial support in this effort. This is a major change for the Government of West Bengal, which has only recently fully acknowledged the seriousness of the fiscal problem, and has for the first time asked for external assistance to address it. Largely as a result of the fiscal crisis, the share of West Bengal's 7 budget devoted to health has declined sharply, from 6.0% in 1999/00 to just 3.9% in 2003/04 (the share of non-interest expenditure has been more or less stable). Health spending as a share of GSDP has also fallen, and was just 0.8% last year, which is the same as the all-India average. Finally, per capita spending on health is near the average for Indian states at Rs 176 per head (around US\$ 3.50). Overall, the 2004/05 budget projects real expenditure 18% lower than in 2000/01. Department of Health and Family Welfare seem to have made expenditure cuts chiefly through allowing the number of staff vacancies to rise: officials estimate that 10% of all posts are now vacant. These vacancies are concentrated in rural and deprived regions, which are least able to cope with them, given low purchasing power and inadequate alternative (private) provision.¹⁸ The government health system in West Bengal has been on the verge of collapse vis-a-vis booming of private hospitals, nursing homes, clinics, diagnostic centres, insurance companies, Third Party Administrators, touts etc. Their beloved government even waived tax from these money and profit making organizations in the name of 'research'. Government has no will to thwart the unethical and corrupt activities of these private institutions like excessive and false billing, unnecessary investigations, negligence in patient care, irrational use of ventilator, ICU etc. At present the efficiency of treatment in the Govt. Hospital has gone to the poorest level. Anyone desiring satisfactory health-care is to depend on the private doctors or private hospitals. Since the charges of treatment in the private hospital is exorbitantly high and the deposit prior to admission needs minimum rupees ten thousands or more, it is now beyond doubt that the Dalits do not find any space of their treatment in the private capacity. Dalits are very often found to die of mal-nutrition and without proper treatment. In the tea-gardens of different places in North Bengal a few hundreds of the tribal people have died of the starvation just after the tea-gardens have been locked out. In a span of thirteen months in a particular tea-garden the death of 142 people occurred for scarcity of food only. In the NSSO (national sample survey organization) report published in February, 2007 it is seen that West Bengal is ahead of all the states in respect of the poor's performance to provide full meal at least once a day through the month of the year. What the Bengal media generally do? They are very habitual to point out the weak points of the other states and very glamorously depict the starvation death of Kalanhandi in Orissa. The above report mentions that 10.6 percent of the rural people of Bengal suffer from the food scarcity whereas it is 4.8 percent in case of Kalanhandi which stands second in the national gradation.¹⁹

4.1 Collapse of Health and Economic status-in West Bengal-Hunger, death, (some examples)

In June 2005, the Supreme Court directed the West Bengal State Human Rights Commission to investigate into the alleged starvation deaths in Murshidabad district.²⁰ The villagers were deprived of work although Murshidabad district had been declared as a backward district under the National Food for Work Programme.²¹ which was launched in November 2004, in 150 most backward districts of the

country, identified by the Planning Commission in consultation with the Ministry of Rural Development and the State Governments. A few families who were issued BPL (Below Poverty Line) ration cards did not get their rations properly as rice was not always available in the government designated ration shops. A few who got job under the National Food for Work Programme were not paid full wages. On 2 April 2005, a 16-year-old girl identified as Rumpa Sharma hung herself from the roof of her mud house after three days of starvation at Dayarampur village in Murshidabad district.²² On 9 September 2005, Hazrat Mollah died of starvation in Dayarampur village in Murshidabad district. He had been suffering from malnutrition for a long period of time.²³ The tribals in Amlashol of West Midnapore district were worst affected. Majority villagers of Amlashol, despite their acute poverty, were not enrolled as BPL families and only a few families had been listed under Annapurna Yojana. On 16 April 2005, 42-year-old tribal Lula Shabar died of starvation in Amlashol.⁹

According to Lula's nephew Rathu Shabar, Lula cried 'bhat dey, bhat dey' (give me rice, give me rice) for three days before he died. But there was virtually nothing to eat in the family. The district administration, however, attributed Lula's death to tuberculosis.²⁴ Tea gardens also witnessed wide-spread hunger. In 2005, about 2000 tea garden workers had been reportedly facing stark starvation ever since the Potong tea estate near the Indo-Nepal boarder under the Mirik block in Darjeeling district was closed down in March 2000 by the Tea Trading Corporation India (TTCI) owned by the central government.²⁵

5. Key Constraints for meeting the Health MDG targets

The state of West Bengal in the field of health care facilities is far from reaching its goal. The key challenges for meeting millennium development Goals (MDG) by 2006, target for West Bengal is to ensure that poor households specially in rural and urban areas, are able to demand access to quality basic health care services. There must be progress of improvement of Infant Mortality Rate, Child mortality Rate, Maternal Mortality Rate in comparison to the other states of India. As per SRS (Sample Registration System), 2009, the IMR of the state was 33 (Rural 34 and Urban 27) as compared to national average of 50 of which rural 55 and urban 34 and was coming as the fourth lowest in the country. If we look towards the other states of India it is noticed that the MDG for IMR for the country is 28 to be achieved by 2015 and Kerala and Tamil Nadu have achieved that already.

It is estimated that around 50,000 infants die every year before their first birthday in this state. Out of all infant death roughly two third die within the first four weeks (neonatal period) and out of all neonatal deaths around two third die within the first one week. Proper antenatal and 10 newborn care and awareness of mothers to assess severity of the risk of the sick newborn requiring care at hospital as well as arrangement for transporting the sick child with the least delay are some of the solutions for averting deaths of children. Most of those factors are relevant for safety of the mother and avoiding death.²⁶ Rank of West Bengal among different states of the country in respect of Child Mortality Rate (CMR) is worse than that of Infant Mortality Rate (IMR) deserving more attention to reducing CMR along with reduction of IMR. Though MMR of the state is better than most of the states but it is the only state where the MMR increased between the period 2004-06 (141) and the latest report of 2007-08. The MDG to be achieved by 2008 is to reach MMR of 109 for the country and West Bengal should achieve the same much earlier as already achieved by Kerala, Tamil Nadu and Maharastra. Poor status of nutrition, high incidence of anaemia and first birth of the child at the early age increase the rate of Meternal Mortality Rate (MMR) in the state of West Bengal.²⁷ West Bengal is facing a major challenge related to poor nutritional status of the population, particularly the children and the women in the rural and urban areas. Maternal and child under nutrition is responsible for more than one third of the deaths of children under 5 years. Infact, apart from poverty, the main causes of malnutrition in the state are deficiencies in child caring and poor feeding practices. The status of nutrition of the children becomes worse at the higher age group. Percentage of underweight children in the age group below 3 years was 37.6% as per the NFHS-3 survey, which suggests interventions for preventing such decline of nutritional status between six months and three years. This has tremendous impact on development of 11 cognitive skill of the child. Improvement of nutritional level of mother, proper feeding practice, availability of food, control of childhood illness, particularly diarrhoea,

warm infestation due to poor hygiene and insanitary environment and proper child care practices including proper implementation of the ICDS programme are very crucial from child's nutrition point of view.²⁸

6. Conclusion and Suggestion

In this paper an attempt has been made to show that the existing network of healthcare facilities of West Bengal which suffer largely from inefficient management can be helped through public-private partnerships which have helped in the improvement of the delivery of services in other aspects of the economy of West Bengal. Regulation of private services, which has grown tremendously in the past decade is also the need of the hour. It is not rare to see touts at the Govt. Hospitals of West Bengal who try to cheat ailing patients into using the services of small unrecognised nursing homes around the city and where if something does go wrong (which is the case more often than not), the patient or the family has no chance of demanding justice. The Govt. and private hospitals in Kolkata and its suburbs can improve if they do receive more attention and aid from the government and even look at private partnerships for improving services. The example of AIIMS in Delhi should by now have become an exemplary example for public hospitals throughout the country but like for many other reforms in public healthcare, the people are just waiting. Otherwise 'Health for all' by 2015 will be a distant dream in West Bengal.

Health indicators are very poor and access to basic services are bad particularly in rural areas of West Bengal. The poor face financial ruin if visited by a serious health event. The National Rural Health Mission must be given first priority. Design and accountability issues need to be kept under close review. Scope for private participation should be explored. Health status does not depend on curative health alone. Preventive measures such as vaccination are given, as also access to clean drinking water and sanitation and knowledge of hygiene. Convergence of different programmes is needed in West Bengal such as National Rural Health Mission, Rural Child Health, Integrated Child Development Services, Total Sanitation Campaign, Program for Rural Drinking Water Supply and so on. Health indicators are very poor and the poor face financial ruin if visited by a serious health event. India is committed to the goal 'health for all' and in the last four decades, a wide network of primary health centres and subcentres has been created. Yet most of the states including West Bengal are far away from this goal. It can be easily apprehended from many surveys as well as NFHS-1 and NFHS -2 that either the services do not reach the disadvantaged sections of the society or people from those sections do not utilize the available services. There is an urgent need to strengthen the implementation of all the rural and Urban Health Care programmes and improve infant and young child feeding practices among lactating women. However most of the patients in Government Hospitals have to wait hours after hours for treatment. It is expected that economic condition, the social hierarchy and the infrastructure of health care system in West Bengal will be better in future so that within a few years the State of West Bengal will provide health for all to its citizens. Let us hope for a rainbow to be seen.¹³

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Violence against Women in India: An Overview

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Abstract

Violence against women both inside and outside of their home has been a crucial issue in the contemporary Indian society. Women in India constitute near about half of its population and most of them are grinding under the socio-cultural and religious structures. One gender has been controlling the space of the India's social economic, political and religious fabric since time immemorial. The present study felt the need that in the era of globalization and modernization the present trends of Violence against women is on increase. Paper analysis the types of Violence against women and Legal safeguards.

Introduction

Violence against women is partly a result of gender relations that assumes men to be superior to women. Given the subordinate status of women, much of gender violence is considered normal and enjoys social sanction. Manifestations of violence include physical aggression, such as blows of varying intensity, burns, attempted hanging, sexual abuse and rape, psychological violence through insults, humiliation, coercion, blackmail, economic or emotional threats, and control over speech and actions. In extreme, but not unknown cases, death is the result. (Adriana, 1996) These expressions of violence take place in a man-woman relationship within the family, state and society. Usually, domestic aggression towards women and girls, due to various reasons remain hidden. Cultural and social factors are interlinked with the development and propagation of violent behaviour. With different processes of socialisation that men and women undergo, men take up stereotyped gender roles of domination and control, whereas women take up that of submission, dependence and respect for authority. A female child grows up with a constant sense of being weak and in need of protection, whether physical social or economic. This helplessness has led to her exploitation at almost every stage of life.

The family socialists its members to accept hierarchical relations expressed in unequal division of labour between the sexes and power over the allocation of resources. The family and its operational unit is where the child is exposed to gender differences since birth, and in recent times even before birth, in the form of sex-determination tests leading to foeticide and female infanticide. The home, which is supposed to be the most secure place, is where women are most exposed to violence.

The nature of domestic violence, its causes, and its prevalence must be fully understood in order to plan effective prevention and intervention strategies. Research should examine not only the determinants and consequences of violence but also relevant economic, social, and cultural factors. Most of the current Indian literature focuses primarily on the linkages between the socialization of women into subordinate positions, male patriarchy, and domestic violence (Krishnaraj 1991; Heise et al. 1994; Miller 1992). However, these explanations do not provide an understanding of how violence seeps into certain relationships or why husbands abuse their wives. As determinants of violence, proximate factors like economic stress, alcohol consumption, and allocation of time, need to be explored empirically and theoretically. This community-based study presents a picture of domestic violence as reported by married women in rural Gujarat. Through both quantitative and qualitative methods, the project explores the magnitude, onset, and forms of violence. In addition, it studies reasons given for abuse, correlates of violence, and women's options for support.

Attempts to address the issue of violence against women have been lopsided and shortsighted. For example, the Dowry Prohibition Act, which was passed in 1961 and amended in 1984 and 1986, emphasises marital violence in the context of dowry only. While inadequate dowry may be one of the underlying causes of harassment of women, in rural poor households, where dowry is either non-existent or is only a token payment, there are other causes of abusive behaviour. Immediate 'shortcomings', negligence or failure in performing duties expected of wives or daughter-in-law also lead to violence.

These causes may reflect the deep-rooted gender inequalities that prevail and persist in most regions of India.

Types of Violence against Women:

Drug Related Violence-An alcoholic beats his wife and children. There are number of incidences where under the influence of alcohol a Father raped his own Daughter. Alcoholism increases violence and therefore family interruption takes place.

Rape and Custodial Rape-In most of the cases the victim is branded as a woman of loose morals. Child and adolescents rape are on the rise, about 58% are below 16 years. In recent years girl children in the age group of 6-12 years have been more victimized. Custodial rape is extremely heinous since the offenders are supposed to be guardians of the law. Witnesses refuse to testify against offenders or men in power, which makes it impossible for the victim to get justice.

Harassment at Work Place and Eve Teasing-Whether out of choice or out of compulsion, most of the women who are involved in the work place in all vital sectors of country's economy may fall in the unorganized sectors. They are ill-paid but don't leave the job due to increasing unemployment. This need for survival drives to rape situations. Harassment at work place is all pervasive.

Dowry Related Violence-The practice of demanding dowry has spread so much. For that, death by burning is often punishment for the innocent young girls who is unable to satisfy the greed of her in-laws. Most of the women burnt by their in-laws or take the decision of suicide for dowry related tortures.

Domestic Violence-Subordination of women has led to violence under this head to rise. Incidence of domestic violence crosses all the barriers of class, income, culture and religion are in a high under reported crime. Domestic violence is one of the greatest obstacles to gender equality. It obstructs women to secure their fundamental rights to equal protection under the law and the right to life and liberty.

Women Trafficking:The problem of prostitution and trafficking in women seems to have increased tremendously in the last two decades. Trafficking in women and children, most often for commercial sexual exploitation is estimated to raise up to 8 million US dollar each year, according to the International Organization for Migration (IOM). The huge profit reaped by the perpetrators, increasingly linked to organized crimes has turned this trade into a rapidly growing menace. Poor women and the girls are among the target groups of traffickers, because other magnetization of poverty and limited economic resources. In India, a gang of traffickers induces the poor and wretched women and children for love marriage and also pretension of love and marriage and illegally traffic them to Pakistan, Bangladesh, and Middle East countries to become domestic servants and often used sexually.

Acid Throwing:Acid throwing is another form of violence against women, which are increasing at alarming women, which are increasing at an alarming rate. The young and teenaged girls are victims of acid burn because of refusal of marriage and rejection of love proposal given by young man. Acid burns also taken as measures of personal revenge, family quarrel and quarrel in couple and also feuds between two families, kinship. Although laws have been made against such cruelty, the offenders are practicing very often in the society.

Abduction

Women are helpless and suffer from a deep sense of insecurity with the increase of deterioration of law and order situation the scale of abduction has astronomically risen particularly in industrial cities where the female workers are abundant in garments factories, the abduction case has sharply increased. Not only it is confined to garments workers only, the teen aged girls are also reported being abducted from the school premises. After abduction the criminals demand a big ransom for their release. Incase they fail to get ransom the abducted girls are made worst victims of sex harassment, and in extreme cases they are brutally killed.

Women Related Acts

- Protection of Women from Domestic

- Violence Act, 2005.
- Dowry Prohibition Act, 1961.
- The Commission of *Sati* (Prevention) Act
- and rules.
- National Commission for Women Act.
- Protection of Women from Domestic
- Violence Act, 2005.
- Amendment Proposed in Immoral Traffic (Prevention) Act 2005.
- Protection of Women from Domestic Violence Act 2005.
- Orissa State Commission for Women Act, 1993.

Reasons for Increase of Violence against Women:

The basic reason for violence against women is their inferior status in a male dominated society as educationally, economically, politically and socially. Besides, there are also so many reasons too. More Awareness in Women of their Rights: Access to Mahila Courts, legal cells and crime cells for women helps directly or indirectly to encourage women to resister their complaints. Low Rate of Punishment of Guilty: Lack of evidence and lack of guidance, loop holes in existing laws are some of the reasons for the rise in crime against women. Law Pertaining to the Problem of Violence: International Conventions, the Constitution and various other legal provisions provide certain rights for women.

Conclusion:

Understanding both immediate precipitating factors and underlying causes for abuse as well as the structures that women feel comfortable tapping for support provides a starting place for designing initiatives to counter violence. The ways in which correlates such as age, caste, education, and duration of marriage, are associated with different forms and factors is an important finding that can aid in informing context specific efforts in domestic violence prevention and intervention.

The basic reason for violence against women is their inferior status in a male dominated society as educationally, economically, politically and socially. Besides, there are also so many reasons too. More Awareness in Women of their Rights: Access to Mahila Courts, legal cells and crime cells for women helps directly or indirectly to encourage women to resister their complaints. Low Rate of Punishment of Guilty: Lack of evidence and lack of guidance, loop holes in existing laws are some of the reasons for the rise in crime against women. Law Pertaining to the Problem of Violence: International Conventions, the Constitution and various other legal provisions provide certain rights for women.

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Protection of Investors' Interest: An Analytical Study

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“Investor Protection” is a very popular phrase which everyone concerned with regulation of the capital markets uses these days, be they the Securities and Exchange Board of India, Stock Exchanges, Investors associations or for that matter of fact the companies themselves. The term Investor Protection is a wide term encompassing various measures designed to protect the investors from malpractices” of companies, merchant bankers, depository participants and other intermediaries.

In order to protect the investors various countries have developed their corporate and securities laws including norms on corporate governance and also on corporate ethics. Corporations exist as a product of corporate law, and their rules balance the interest of the management who operate the corporation; creditors who lend its good, services or money; shareholders who invest their capital; the employees who contribute their labour; and the clients they serve.

The history of corporation is not new, even in Ancient time there were entities which carried on business and were the subjects of legal rights. They were found in Ancient Rome, and the Mauryan Empire in Ancient India but the true progenitors of investors protection starts when the modern corporation emerged during the period of colonial expansion in the seventeenth century, as “Chartered Company” The evidence of investors protection can be seen from the time when many European Nations Chartered Corporations to lead colonial ventures. Acting under a charter sanctioned by the Dutch monarch, The Vereenigde Oost-Indische Compagnie (VOC), or the Dutch East India Company, defeated Portuguese forces and VOC were issued paper certificates as proof of share ownership, and were able to trade their shares on the original Amsterdam stock exchange. Shareholders are also explicitly granted limited liability in the company’s Royal Charter.

In the Indian Capital Market scenario, even before independence, an attempt to create a healthy and efficient capital was made by means of taking legislative measures. The Capital Issues (Control) Act, 1947 was the first piece of legislation passed in India to control the capital market. After that, the Companies Act, 1956 was passed with a view to regulate the formation, administration and dissolution of companies. The Companies Act, 1956 has provisions to ensure certain rights to its members, but the rights given to its members under this Act will not redress the grievances of individual investor and there is no protection under this Act, as far as getting back the capital invested and rate of return on investment. Apart from the Companies Act, the Securities Contracts (Regulation) Act, 1956 was also passed with a view to prohibit speculation and unfair trading in the stock market as a way out for investors’ protection. In the mean time the Globalization of financial market led to several changes in Indian Capital Market. The Capital Issue Control Act was replaced by the Securities and Exchange Board of India Act, 1992 (herein after referred to as “SEBI Act”). The SEBI Act creates an autonomous body by name Securities and Exchange Board of India under the SEBI Act, 1992 is the protection of the investors’ interest and the healthy development of Indian financial markets. One of the weapons in the hand of the regulators is the collection and distribution of disgorged money to the aggrieved investors. SEBI has issued guidelines for the protection of the investors through the Securities and Exchange Board of India (Disclosure and Investor Protection) Guidelines, 2000. These Guidelines have been issued by the Securities and Exchange Board of India under Section 11 of the Securities and Exchange Board of India Act, 1992.

In spite of these Legislative, judicial, administrative measures, there are fraudulent Companies which are cheating the investors. Satyam’s fraud is a blot on India’s corporate image despite the fact that India continues to rank high in its capabilities and competence in I.T. Sector. The scandal rocked India Inc and shaken the confidence of thousands of retail investors in India and abroad. It is collective failure of directors, auditor and regulatory agencies in ensuring transparency and accountability. There are other

examples too like in India around 9600¹ listed companies are available for trade in Bombay Stock Exchange and National Stock Exchange of India Ltd., but only 2500 company shares are traded in Bombay Stock Exchange and nearly 800 company shares are actively traded in National Stock Exchange, most of companies are traded only in the penny stock level. The remaining companies are enjoying benefit from the legal provisions of corporate veil from the Companies Act, 1956. Recently the Central Government has identified nearly 229 (Website, mca.gov.in) companies which were vanished. The Government was unable to trace some companies' managerial persons, proper communication addresses etc., and the Department of Company affairs filed a prosecution against 75 (Website, mca.gov.in) companies through the Registrar of Companies. Most of the vanished companies tapped capital from the market and collected funds from the public through issue of shares/debentures at the time of Capital Market boom period during early 1990s. Some of the companies took advantage of the market conditions but later defaulted in their commitments made to the public while mobilizing funds. Some of these companies are not even traceable' the public has thus been cheated to their hard earned money.

Moreover, some of the major corporate scams including those in developed economy like US (Enron debacle of 2001, followed by other scandals involving some other large US corporations such as WorldCom, Qwest etc.) have forced the regulators world over to take up a review of their existing laws and affect suitable changes, both corrective as well as preventive.

Some of the significant global development in the field of corporate law and governance at world level are the Americans Fraud and Corruption Practices Act 1977, Sarbanes Oxley Act of 2002, The U.K. Companies Act, 2006 and many more.

The International Organization of Security Commission (IOSCO) has set out three objectives- protection of investors, ensuring fair, transparent and efficient market and reduction of systemic risk-which securities regulations need to address.² Further to enhance the ability of the regulatory system to attain various objectives, the IOSCO has also laid down a set of guiding principles. They are:-

- (i) Principles Relating to the Regulator.
- (ii) Principles for Self Regulation.
- (iii) Principles for the Enforcement of Securities Regulation.
- (iv) Principles for Cooperation in Regulation
- (v) Principles for Issuers
- (vi) Principles for Collective Investment Schemes.
- (vii) Principles for Market Intermediaries.
- (viii) Principles for the Secondary Market.

In India, playing a pro-active role, the Department of Company affairs, on August 21, 2002, appointed Naresh Chandra Committee to Examine various corporate governance issues. As reported by the Naresh Chandra Committee, "When in doubt, disclose" is probably the simplest and best yardstick for evaluating good corporate governance.

Naresh Chandra Committee presented its Report to DCA in December, 2002 culminating finally into the Companies (Amendment) Bill, 2003, presented before the Rajya Sabha on May 7, 2003.

However, industry expressed lot of concerns on various issues involved in the Bill and it couldn't see the light of the day.

DCA had also constituted an Expert Group under the chairmanship of Shri Sharda Shroff to suggest guidelines on valuation of corporate assets and shares in connection with amalgamation, merger, demerger, acquisitions, buy-back, etc. and/or restructuring of capital of companies. On January 31, 2003, The Committee presented, to DCA, its Report containing several recommendations in the context of valuation. Transactions for which independent valuation by the Registered Valuer(s) has been recommended to the mandatory, inter alia include all schemes of Compromise and Arrangement under Section 391 to 394 of the Companies Act, 1956.

The Ministry of Company Affairs (MCA), in the meanwhile, undertook the task of revising the entire Companies Act and on August 4, 2004, came out with Concept Paper on Draft Companies Bill, followed by draft Concept Rules in 2005. On December 2, 2004, the Ministry constituted an Expert Committee on Company Law (the Committee) under the Chairmanship of Dr. J.J. Irani. The Committee submitted its Report to the Ministry on May 31, 2005.

A Committee headed by Shri O.P. Vaish has also been constituted to consider ways and means to improve the process of prosecution under the Companies Act, 1956. The Committee is yet to submit its report.

On the other hand, in order to identify deficiencies/inconsistencies in the existing provisions of the SEBI Act, 1992 and also to suggest new provisions that can be incorporated into the Act in order to make it more effective and investor friendly, taking into account the recommendations of the other expert groups constituted by SEBI from time to time, the SEBI Board had constituted an Expert Group under the chairmanship of Justice M.H. Kania (the Group). After a series of meetings, the Group has submitted its Report to SEBI. On July 10, 2009, the Treasury Department released the proposed Investor Protection Act of 2007 (The "Act"), which would, if enacted, implement portions of the financial reform proposals contained in the Administration's recent White Paper. The white paper recommends that a number of steps be taken in order to bolster investor protections. These include: 1. The creation a consumer financial protection agency. 2. The delegation of expanded authority to the SEC in order to promote transparency in disclosures made to investors. 3. Harmonization of the regulations applicable to certain products, including OTC derivatives. 4. And a number of actions intended to make financial institutions (whether broker-dealers or investment advisers) more accountable to investors.

With regard to the protection of Investors Interest much has been said and much have been done, but every time there is crisis (as in Satyam's case) money pours in bank deposits. Again with the economic recovery in the country, the funds are diverted to the markets. Investors panic when market slide. So in order to make protection of investors more broad and meaningful and also to put more flesh and blood in it, following points need to be taken into consideration by way of suggestions, they include:-

1. The internal audit should be a concerned by an independents agency.
2. There is a need to have systems of independent judicial review of the decisions of SEBI and RBI.
3. There is a need to simplify and streamline the legal framework and to consolidate the SCRA and the SEBI act in line with the recommendations of the Dhanuka Committee.
4. Small investors should be encouraged to either invest through Mutual Fund mechanisms, or should take investment decisions only after getting adequate information about risks and rewards.
5. There should be suitable amendment in the law for the procedure for making claims and needs to be simplified to facilitate reimbursement of such claims speedily.
6. An effective investor grievance redressal mechanism at the corporate level should ensure protection of the interest of investors through timely interventions.
7. There should be a need for companies to take risk cover/insurance for depositor.
8. Private companies should devise their own mechanism to the satisfaction of shareholders and lending institutions. Credit Rating.
9. There is a need to bring about coordination in the role and action of various regulatory agencies to enable effective investors protection.
10. There is a need to provide a suitable orientation to corporate law so that the investor, irrespective of size, is recognized as a stakeholder in the corporate processes.

It is hoped that the suggestions given will prove more effective in protection of investors interest. Investor Protection is a continuous exercise and not one time effort.

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Use of ICT for Developing Conceptual Understanding in Chemistry

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Abstract:

This paper describes two studies about teacher use of visualization software designed to develop conceptual understanding of chemical equilibrium. Study I involved experienced teachers' use of the software senior secondary school students, and Study II focused on science pre --service teachers' adaptation of the software to design lessons for chemistry students. Teachers in Study I relied on demonstrations to present the software, and pre-test post-test results found no significant improvement on students' understanding. Two workshops were developed for pre-service teachers. The first refreshed their knowledge and allowed them time to use the software. During the second workshop they modified the software to create specific lessons that they would teach. Students reported that they were more motivated. Also they appreciated using the modified software. The integration of software resources with teaching strategies appeared to develop pre-service teacher understanding and they claimed that they felt more confident in teaching this topic.

Key words: Chemistry, Software, Students, Learning Difficulties and misconception

Introduction

Chemical equilibrium is one of the fundamental concepts in chemistry. Reviews of examination reports revealed that students have difficulty in solving conceptual questions about chemical equilibrium. The examination reports commented on weak performance of conceptual questions of chemical equilibrium and attributed this to student inability to transfer knowledge to new problem situations. Reviews of literature suggested possible causes and consequences such as students' misconceptions, alternative conceptions, and misapplications of laws and rules. Other studies document difficulties in teaching chemical equilibrium with traditional instructional methods. Conceptual questions in chemistry often require students to represent understanding in multiple ways, as most concepts need to be understood in three-levels of representations: macro, sub-micro, and symbolic. The macroscopic level is accessible while sub-micro and symbolic levels are remote and abstract. The source of many conceptual difficulties in chemical equilibrium lies with inaccurate mental representations, and many studies document several misconceptions and alternate conceptions of chemical equilibrium. Garnett, Oliver and Hackling (1997) suggested that traditional instructional strategies are not adequate to attain conceptual understanding of chemistry. Dalton, Tasker and Sleet (2001), and Justi (2002) reported that their research showed that conceptual understanding is reached when students are capable of visualising a chemical reaction from a molecular point of view as this allows them to see *why* and *how* the changes take place.

Many researchers (Sanger and Badger, 2001; Tasker, 2000) found that the use of multiple representations, especially computer-based visual resources helped learners to understand abstract concepts in chemistry. Their work stimulated the development of a number of software products and research about the use of such products to develop students' understanding. Some studies identified the important role of the instructor, and instructional strategies. For example, Dalton, Tasker and Sleet (2001) integrated *VisChem* resources into lecturers' instructional strategies, and found significant improvement of first year university students' mental models of chemistry concepts. Harwood and McMahon (1997) have shown that integrated use of the '*World of Chemistry*' video series within teacher designed chemistry microunits produced significant achievement gains in chemistry content knowledge. Levy, Ben-Ari and Uronen (2003) used the programmed animation system '*Jeliot 2000*' for teaching introductory computer science to high school students and they found that teaching strategies with animations provide concrete models that can improve the learning of students who would otherwise have difficulty with abstract computer-science

concepts. Thus the role of the instructor, the strategies they employ and their comfort with technology are all key factors that influence students' learning outcomes.

Theoretical Background-Conceptual understanding is the ability to use knowledge flexibly, to apply what is learned in one setting appropriately to another. Many students are unable to solve conceptual questions as they focus on surface features of the problems and try to apply procedures. Such students attempt to solve problems using mental models of procedures (Jonassen, 2003). But studies show that students' performance in algorithmic problem solving that contains procedures has little connection to their conceptual understanding of chemistry (Nakhleh and Mitchell, 1993). Conceptual understanding in chemistry involves being able to link all three forms of the representations – macroscopic, particulate, and symbolic (Kozma, 2003; Tasker, 2000). Technological tools that can integrate these three levels as multiple representations can provide students with opportunities to visualize chemistry and promote conceptual understanding (Tasker, 2000).

Learning with multiple external representations (MERs) has been recognised by many researchers (Kozma, 2003) as a potentially powerful way of facilitating understanding of chemistry. There are a variety of representational formats including animations, sound, video, and dynamic visualizations. The integrated use of MERs rather than a single representation performed efficiently for some tasks that require different forms of knowledge. MERs construct mental representation in different ways, support complementary cognitive processes, constrain interpretation of another, and construct abstraction, extension and relational understanding. Parallel access of MERs in the form of computerbased molecular models, animations, and simulations provide rich resources to construct conceptual understanding of abstract concepts.

Software Resource in SMV: CHEM and VisChem

We acknowledge that there are many software resources on the market and space precludes us from commenting on a few of these. SMV: CHEM – Synchronized Multiple Visualizations in Chemistry (Russell, Kozma, Becker and Susskind, 2000) and VisChem – Visualizing the Molecular World (Tasker, Sleet, Bucat, Corrigan and Chia, 1997) utilize a variety of chemistry representations such as video segments (macro), molecular animation (sub-micro), static and dynamic graphs, and symbolic equations. Research on the instructional use of computer animations (Sanger and Badger, 2001) found that animations are most effective when the instructional topics involve the attributes of visualising dynamic movements and motion. Mayer (2001) supported this view and claimed that animation with its narration could promote students' understanding. VisChem uses a three-thinking-level approach and encourages students to think about chemistry concepts at three levels. SMV: CHEM utilizes computer split-screen design with four windows that show videos of real experiments, molecular animation of these experiments, dynamic graphs of the same phenomena, and symbolic mathematical representations. All representations include narration and all the actions of video, animation, and dynamic graph are simultaneous and synchronous. SMV: CHEM resources were used in this study as the prime source of visual resources associated with 'chemical equilibrium'.

Learning Difficulties-The learning difficulties presented in Table 1 were identified through review of chemistry examination reports, and classified by applying the Revised Bloom's Taxonomy. Possible causes and consequences were identified through a review of related studies. Table 1 summarise the learning difficulties, possible causes and consequences

Teaching Difficulties-The teaching difficulties presented in table 2 were identified mainly through a review of related studies, and through teachers' reflections about their lessons. The following difficulties associated with the teaching of chemical equilibrium by traditional instructional methods: Only some of the above-identified difficulties of learning and teaching of chemical equilibrium can be eliminated using visual software resources.

Methodology-This study involved two studies with experienced teachers and pre-service teachers. The participants of Study I were five experienced chemistry teachers and 40 class XI chemistry students. The

participants of Study 2 were a group of 8 pre-service science teachers and 51 students of three chemistry classes in two schools. On the basis of the results of the first study, two workshops were designed for pre-service teachers

Table 1: Difficulties in achieving learning outcomes, possible causes and consequences

Learning difficulties	Possible cause	Consequences
Recognition and recall of chemical equilibrium and associated concepts.	The abstract dynamic nature of chemical equilibrium Everyday knowledge' interprets sub-microscopic behaviours inaccurately Inability to extend macroscopic properties to the sub-microscopic properties	Misconceptions Alternate conceptions
Interpreting, illustrating, inferring, comparing, and explaining dynamic nature of equilibrium.	Confusions of students' language and the teachers' intended meanings Lack of mental representations relate to empirical and atomic level Inability to conceive the initial situation of a system at chemical equilibrium	Misapplications Misunderstandings
Executing and implementing the knowledge into routine or non-routine tasks.	Inability to conceive the evolution of a system of substances towards chemical equilibrium Poor understanding of the role and meaning of equilibrium constant law Misapplications and misunderstandings of Le Chatelier's principle	Misinterpretations
Differentiating, organizing, and attributing the information related to chemical equilibrium	Inaccurate interpretations of colour changes of equilibrium systems seen in textbooks Inappropriate graphical illustrations of sub-microscopic levels seen in textbooks Inappropriate diagrams and drawings of chemistry and science textbooks	
Checking and critiquing the given information of chemical equilibrium	Unsystematic analogies in textbooks Lack of knowledge of chemical meaning of representations Less capability to provide equivalent representation for a given representation	Difficulties in learning models with analogies
Generating hypothesis planning experiments, and inventing products of chemical equilibrium and associated concepts.	Inability to transform chemical expressions from one medium to another Dependency on surface features, signs and symbolic expressions Unable to map similarities between analogue and target Inability to use analogical representations as metaphors Inability to understand how scientific models are used and their purposes. Lack of representational competencies	Difficulties in the use of multiple representations

Table 2 – Teaching difficulties

Teaching Difficulty	Explanation
Explaining	why some reactions go to completion and why some reactions do not go to completion'
	dynamic nature of chemical equilibrium reactions
	macroscopic properties in terms of sub-microscopic properties
Applying	teachers' 'meanings' of analogies to students.
	Le Chatelier's principle accurately.
Transferring	teachers' understanding about chemical equilibrium to the students.
Use of resources	in textbooks, textbook analogies and teachers' own analogies to illustrate chemical equilibrium.
	such as physical models and analogies to visualize abstract entities.
	of macro and symbolic representations to explain concepts at molecular level as sub-micro level is abstract.
Linking	empirical observations to sub-microscopic explanations in laboratory teaching.
Misconceptions and alternative conceptions	about chemical equilibrium and associated concepts.

Table 3: Pre-service teachers use of resources

Teams	Team A (2 members)	Team B (2 members)	Team C (3 members)
Application software	Word, and PowerPoint	Word, PowerPoint, and Excel	Word, PowerPoint, and Excel
Physical analogies	Tennis balls used to show dynamic reversibility Coloured soft-balls used to illustrate Le Chatelier's principle Water boiling in a covered beaker illustrates evaporation and condensation	A glass 2/3 filled with water Students simulation represent evaporation of water in a open and sealed beaker	Preparation of soda water Catching of golf balls Sand put in and out of a big container in equal rates to show the steady state of the system Two joined containers with H ₂ O used to explain Le Chatelier's principle.
Hands-on activities	Fe ³⁺ / CNS ⁻ experiment illustrates Le Chatelier's principle.		Group activity with computer experiment and animation
Resources SMV: CHEM	Animation and dynamic graph	Animations, Dynamic graphs, Video segments	Animation video segments and dynamic graphs
Resources form VisChem	Water boiling animation		Water boiling animation
Resources from other chemistry software	Dynamic graphs to illustrate the results of Fe ³⁺ / CNS ⁻ experiment from a software in a textbook	Some diagrams and Pictures from websites	

Table 4 – Different approaches of lessons

Steps	Team A	Team B		Team C		
Title of the lesson	Title: Dynamic equilibrium & Le Chatelier's principle	Title: Part i. - Dynamic equilibrium	Part ii. - Effects of T & P on equilibrium	Title: Part i. – Dynamic physical equilibrium	Part ii. – Dynamic chemical equilibrium	Part iii. – Constancy of products and reactants in equilibrium
Step 1	Experimental demonstration	PowerPoint presentation with static pictures	Video, animation and dynamic graph	Started with the revision of reactions	Physical analogical activities with students	Students activity - three molecular animations and its videos
Step 2	Chemical experiment as a group activity	Molecular animation in PowerPoint	Discussion and written exercise	Video and its narration illustrated liquid / gas equilibrium	Questions and discussion	Students activity with an animation
Step 3	Computer-based dynamic graph	Static pictures in PowerPoint	Animation and dynamic graph	Molecular animation to explained same concept		Plotted a graph using Excel (time vs reactant and product molecules)
Step 4	Analogy (seesaw)	Analogical activity with students		Analogical demonstration		Discussion, and students' reflections
Step 5	Physical analogies	Video, dynamic graph and animation				
Step 6	Molecular animation – SMV: CHEM	Student activity with animations (SMV: CHEM)				

Study I

In the orientation programme each teacher was given a copy of the software to use in their classroom teaching. Before they used the software a pre-test was administered to assess students' knowledge of chemical equilibrium and associated concepts. Two days after the pre-test teachers used the

software in a lesson conducted in the school computer laboratory. Students worked in pairs, and each pair was provided with a copy of software. Two days later the post-test was administered. These teachers and students were surveyed regarding the use of software resources.

Study II

Study II designed two workshops to guide pre-service teachers in designing and developing teaching strategies. During two workshops pre-service teachers explored topic-relevant visual resources of SMV: CHEM and learned how to integrate individual resources into classroom teaching with the use of other application software such as Word, Spreadsheet, and PowerPoint. Each pair was given a copy of SMV: CHEM to develop a lesson plan with their own teaching strategies with visual resources to teach chemical equilibrium in HSC classes. Three teams of pre-service teachers (2, 2, 3) developed three lessons and each taught one class. The researcher observed all three classes, and students of these classes were surveyed, and pre-service teachers were interviewed regarding the use of software resources.

Results of Study I

The means of pre-and post-tests showed no significant difference between two tests ($t = -2.026$, 23 df, $\text{sign} = 0.055$). Thus the results of the experienced teachers' trial of 'direct demonstration' of relevant software resources as presented on CD-ROMs did not clearly show an improvement of students' understanding of 'chemical equilibrium'. The teachers indicated that they were reluctant to make full use of technology, as they were under pressure of timetables, new syllabus content and examinations and had to take shortcuts. Some claimed that the time it took to become fully familiar with the software was not justified given their busy schedule.

Results of Study II

Pre-service teachers collaborated to design and implement teaching strategies. They used various combinations of application software, physical analogies, hands-on activities, chemical demonstrations and resources from SMV: CHEM, VisChem or other chemistry software (see Table 3). Each team took a slightly different approach: Team A covered the dynamic nature of chemical equilibrium and Le Chatelier's principle; Team B covered the dynamic nature of chemical equilibrium and effects of temperature (T) and pressure (P) on the equilibrium system; Team C covered dynamic equilibrium. These approaches are summarised in Table 4.

Patterns within Teaching Strategies using Electronic Visual Resources

Each lesson started with revision of students' prior knowledge then linked with new knowledge using different levels of representations (macro, sub-micro and symbolic). These linkages were achieved using combinations of experimental demonstrations coupled with software animations, physical analogies coupled with animations, experimental observations coupled with dynamic graphs, and hands-on activities coupled with software resources. While the sequence of resource use differed across lessons, all used molecular level explanations. Pre-service teachers emphasized that the variety of resources they used helped them to design more effective lessons.

Conclusion

This study showed that it cannot be assumed that teacher presentation of appropriate software alone will have an impact on learning. Appropriate teaching strategies are needed if learning with computer based visualization tools is to be effective. Our study suggests that students who receive integrated and timely instruction that is tailored to their specific needs tend to develop positive attitudes about learning with visual resources. Further, we believe that effective use of electronic visual resources develops student understanding of abstract concepts and can change teacher beliefs about: the teaching of chemistry with software resources, the use of ICT in other contexts and increase teacher self-confidence in the use of flexible resource-driven teaching strategies. However, we emphasize that this was a preliminary study and that more extensive follow up studies are needed in variety of contexts in order to develop set of principles that can be generalized.

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This paper investigated the stressors

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Abstract

This paper investigated the stressors, Symptoms and effect that are likely to be experienced by the post graduate student in M.D.U Rohtak. Stressors related to time, academic pressure, academic environments and its impact on health were explored. A total of 200 post graduate students (Girls & boys, aged 21-25) participated in this study. Data was collected through self-administered questionnaires and a standardized test that were randomly distributed to the students. Obtained data analyzed using descriptive statistics and Tables. The open ended questions were analyzed thematically. Result indicate that, academic workload, inadequate resources, low motivation, poor performance in academic, continuous poor performance in academic, overcrowded lecture halls, and uncertainty of getting job after graduation lead to stress among students and results, related to health are also not so good. Stress may be referred to as an unpleasant state of emotional and physiological arousal that people experience in situations that they perceive as dangerous or threatening to their well-being. The world stress means different things to different people. Some people define stress as events or situations that cause them to feel tension, pressure, or negative emotions such as anxiety and anger. Others view stress as the response to these situations. This response includes physiological changes- such as increased heart rate and muscle tension- as well as emotional and behavioural changes. However, most psychologists regard stress as a process involving a person's interpretation and response to a threatening event.

Keywords: Stressors, health, symptoms, academic stress.

Introduction

Stress is a common experience. We may feel stress when we are very busy, have important deadlines to meet, or have too little time to finish all of our tasks. Often people experience stress because of problems at work or in social relationships, such as a poor evaluation by a supervisor or an argument with a friend. Some people may be particularly vulnerable to stress in situations involving the threat of failure or personal humiliation. Others have extreme fears of objects or things associated with physical threats such as snakes, illness, storms, or flying in an airplane- and become stressed when they encounter or think about these perceived threats. Major life events, such as the death of a loved one, can cause severe stress.

Stress has been defined as the perception of discrepancy between environmental demands (stressors) and individual capacities to fulfil these demands. While Campbell, (2006) define stress as the adverse reaction that people have to excessive pressure or other types of demands placed on them. Stress occurs when an individual is confronted by a situation that they perceive as overwhelming and cannot cope up with them. Stress can have both positive and negative effects. Stress is a normal, adaptive reaction to threat. It signals danger and prepares us to take defensive action. Fear of things that pose realistic threats motivates us to deal with them or avoid them. Stress also motivates us to achieve and fuels creativity. Although stress may hinder performance on difficult tasks, moderate stress seems to improve motivation and performance on less complex tasks. In personal relationships, stress often leads to less cooperation and more aggression. If not managed appropriately, stress can lead to serious problems.

The pressure to perform well in the examination or test and allocated time makes academic environment very stressful. This is likely to affect the social relations both within the college and outside since there is conflict with the social aspect of one's life. This affects not only the social relations within or outside the college but it also affects the individual's health and personal life in terms of commitment to achieving the goals. Knowing the causes of students stress will make the college administrator how to monitor and control the stress factors that are responsible for the students stress.

Objectives of the Study

- To study the common symptoms of stress among the post graduate students while at the college campus.

- To explore the most common stressors among the post graduate students
- To measure the extent of students' experienced stress while at the Campus.
- To explore the effect of stress on health.

Hypotheses of the study

- There would be common symptoms of stress among post graduate students while at the college campus.
- There would be few most common symptoms among students
- The students may experience stress to some extent at college campus
- Health would be affected by the academic stress.

Method: Participants

The participants were drawn from post graduate students of the M.D University Rohtak. (N=200). Self administered questionnaires were given to a population of 300 post graduate students, out of this 200 questionnaires were duly completed and returned, giving 66.67% return rate. This return rate was considered sufficient for this type of survey. This sample population consisted of 80 female and 120 male students. Table 1 below shows the distribution by gender. The questionnaire was divided into 4- parts; demographic, stress. Demographic examined (age, gender, current academic level); Symptoms consisted of 6 items measured (0= Often; 1= Sometime; 2=Never); Academic stress comprised of 15 items measured on 5-point Likert scale ranging from 5 (Strongly agree) to 1 (Strongly disagree). The open ended question was thematically analyzed as indicated in Table 5. The participants' distribution by gender and academic level is presented in Table 1 and 2 respectively. Sampling method for collecting data was random sampling. The respondents were addressed before the questionnaires were administered and were informed about the purpose of the research and were informed about the purpose of the research and the importance of their participation. They were given administered to the students of all faculties within the college.

Table No. 1: Gender wise distribution among sampled population (N=200)

Respondents	Frequency	Percent	Cumulative Percent
Male	115	57.5%	57.5%
Female	85	42.5%	100%
Total	200	100	

Table No. 2 Under graduate academic level distribution among the sampled Respondents (No=200)

Year	Frequency	Percent	Cumulative Percent
First Year	95	47.5%	47.5%
Second Year	105	52.5%	100%
Total	200	100	

Instruments

Self- administered Inventory was constructed A; Demographic examined (age, gender , current academic level); B; Symptoms consisted of 6 items measured (0= often; 1= Sometimes; 2= never); C; based on 5 point Likert scale; and D; one open ended question. The instrument used was based on the one earlier used by McCarty et al(2007). To ensure the reliability and validity of the instrument, the reliability test was carried out and measured 0.81 Cronbach alphas for all the 25 items. To ensure the validity, the test was piloted with one class consisting of 50 students. Their views and comments were factored in and the instrument was modified to suit the purpose of this study.

Data Analysis

Statistical Package for Social Science (SPSS) version 15.0 was used to analyze the data. The 25 items in the instrument were loaded into SPSS V 15.0 for analysis using descriptive statistics and frequency Tables as shown in Table 5.

Result and Observation

Result , related symptoms of stress, are as follow:

Table No. 3: Symptoms of Stress among students (N=200)

Symptoms of Stress	Often	Sometime	Never
Experience, anxiety or nervous indigestion	3	84	13
People at home or college make me feel anxious	3	69	28
I eat, drink, or smoke in response to anxiety producing Situations	2	36	62
I feel tense, experience pain in neck or shoulders, and suffer from migraine headaches, or have difficulty in breathing	5	72	23
I can't stop thinking about my concerns at night or on weekends long enough to feel relaxed and refreshed the next day	10	73	17
I have trouble concentrating on what I'm doing, because I'm worrying about other things.	03	84	13
I take over-the – counter medications or prescription drugs to relax	03	23	74

The result in the table indicate that students do experience stress related symptoms.

Table No. 4: Stressors in Academic Work of P G Students (N=200)

Variable	SD+D	Neutral	SA+A
1. Continuous poor Performance	20	26	54
2. Unfair treatment by boyfriend/ girlfriend	41	24	35
3. Academic Workload	09	12	79
4. Inadequate resources to do assignments	13	24	63
5. Uncertainty about getting job after PG	20	28	52
6. Competition with fellow students	36	39	25
7. Overcrowded lecture rooms	24	23	57
8. High expectations from my parents	23	29	48
9. Not attending lectures	41	19	40
10. Conflict with my fellow students	56	23	21
11. Poor performances	15	19	66
12. Low Motivation	15	18	67
13. Conflict with Lecturer	51	28	21

The result indicate different type of stressors that students do face in their Academic work.

Table No. 5: Name one major source of your stress. (N=200)

Items	No.	Percentage
1. Academic overload e.g. assignments, semester, tests	85	42.5%
2. Academic Performance	23	11.5%
3. Fear of failure	22	11%

4. Inadequate resources e.g. Computer, Books, Lecturers	13	6.5%
5. Financial	15	7.5%
6. Overcrowded lecture rooms	12	6.0%
7. Relationship with girl / boy friend	08	4.0%
8. Family / Academic life	12	6.0%
9. Fear of getting job	10	5.%

The result Table indicates Percentage of student showing their major source of stress in Academic work.

Sources of Stress

The circumstances that cause stress are called stressors. Stressors vary in severity and duration. For example, the responsibility of caring for a sick parent may be an ongoing source of major stress, whereas getting stuck in a traffic jam may cause mild, short-term stress. Some events, such as the death of a loved one, are stressful for everyone. But in other situations, individuals may respond differently to the same event- what is a stressor for one person may not be stressful for another. For example, a student who is unprepared for a chemistry test and anticipates a bad grade may feel stress, whereas a classmate who studies in advance may feel confident of a good grade. For an event or situation to be a stressor for a particular individual, the person must appraise the situations as threatening and lack the coping resources to deal with it effectively.

Stressors can be classified into three general categories: catastrophic events, major life changes, and daily hassles. In addition, simply thinking about unpleasant past event or anticipating unpleasant future events can cause stress for many people.

1.Catastrophes-A catastrophe is a sudden, often life- threatening calamity or disaster that pushes people to outer limits of their coping capability. Catastrophes include natural disaster- such as earthquakes, tornadoes, fires, floods, and hurricanes- as well as war, torture, automobile accidents, violent physical attacks, and sexual assaults. Catastrophes often continue to affect their victims' mental health long after the event has ended. For example, in 1972 a dam burst and flooded the West Virginia mining town of Buffalo Creek, destroying the town. Two years after the disaster, most of the adult survivors continued to show emotional disturbances. Similarly, most of the survivors of concentration camps in World War II (1939-1945) continued to experience nightmares and other symptoms of severe emotional problems long after their release from the camps.

2.Major Life Changes-The most stressful events for adults involve major life changes, such as death of a spouse or family member, divorce, imprisonment, losing one's job, and major personal disability or illness. For adolescents, the most stressful events are the death of a parent or a close family member, divorce of their parents, imprisonment of their mother or father, and major personal disability or illness. Sometimes, apparently positive events can have stressful components. For example, a woman who gets a job promotion may receive a higher salary and greater prestige, but she may also feel stress from supervising co-workers who were once peers. Getting married is usually considered a positive experience, but planning the wedding, deciding whom to invite, and dealing with family members may cause couples to feel stressed.

3.Daily Hassles-Much of the stress in our lives results from having to deal with daily hassles pertaining to same hassles every day. Example of daily hassles include living in a noisy neighborhood, commuting to work in heavy traffic, disliking one's fellow workers worrying about owing money, waiting in a long line, and misplacing or losing things. When taken individually, these hassles may feel like only minor irritants, but cumulatively, over time they can cause significant stress. The amount of exposure people have to daily hassles is strongly related to their daily mood. Generally, the greater their exposure is to hassles, the worse is their mood. Studies have found that one's exposure to daily hassles is actually more predictive of illness than is exposure to major life events.

Effects of Stress Negative effects

1.Impairment of cognitive functioning: a moderately common effect of stress is impairment of one's mental functioning. In some people, stress may lead to a narrowed form of attention, reduced flexibility in thinking, poor concentration and less effective memory storage. Such effects are far from inevitable. (Mandler, 1979)

2.Shock and disorientation: severe stress can leave people dazed and confused. (Horowitz, 1979) In these states, people tend to feel emotionally numb and they respond in a flat, apathetic fashion to events around them. They often stare off into space and have difficulty maintaining a coherent train of thought. Their behaviour frequently has an automatic, rigid, stereotyped quality.

3.Burnout: burnout is a buzzword for the eighties. This is a stress- related syndrome wherein one's behaviour comes to be dominated by feelings of physical, mental and emotional exhaustion. The physical exhaustion includes chronic fatigue, weakness, and low energy. The emotional exhaustion refers to feeling hopeless, helpless, trapped, and emotionally drained. The mental exhaustion is manifested in highly negative attitudes toward oneself, one's work, and life in general.

4.Disruption of social relations: there is one evidence that stress can lead to deterioration in one's normal social relations. The effect of stress on interpersonal behaviour has not attracted much attention. However, researches working with Vietnam veterans suffering from the delayed stress response syndrome (also called "posttraumatic stress disorder") observed disruptions in social functioning with some regularity. These disruptions feeling of alienation, difficulties in relating to spouses and friends, and impairments in the capacity to love and trust others. (Blank, 1982; Shatan, 1978)

4.Delayed Stress Response Syndrome: dysfunctional behaviour attributed to exposure to significant stress, which emerges only after the stress has been alleviated.

5.Psychological Problems and Disorders: on the basis of clinical impressions, psychologists have long believed that stress might be a key factor in the causation of many kinds of psychological problems and mental illness. In the domain of common psychological problems, it is clear that stress may contribute to poor academic performance, insomnia, sexual difficulties, drug abuse, excessive anxiety, nervousness, dejection and depression. Above and beyond these "everyday" problems we have evidence that stress frequently plays a role in the most of full-fledged psychological disorders.

6.Physical problems and illness: the existence of a connection between stress and certain kinds of physical illness has long been recognized. Example of illnesses that have long been viewed as stress-related are asthma, hypertension, migraine headache, and ulcers.

Positive effects

The beneficial effects of stress are more difficult to pinpoint than the harmful effects because they tend to be more subtle.

First, we would probably experience a suffocating level of boredom if we lived a stress-free existence. Life would be very dull indeed if it were altogether devoid of challenge. There is evidence (Suedfeld, 1979) that an intermediate level of stimulation and challenge tends to be optimal for most people. Although most of us think of stress in terms of stimulus overload, it is clear that underload can be extremely unpleasant as well.

Secondly, stress may frequently promote personal growth. Basically, personal growth refers to movement toward greater psychological health. Stress must sometimes force us to develop new skills, learn new insights, and acquire new strengths. In other words, the adaptation process initiated by stress may often lead to personal changes for the better. Confronting and conquering a stressful challenge may lead to improvement in specific coping abilities and to favourable alternative in one's self-concept.

Third, today's stress can "inoculate" us so that we are less affected by tomorrow's stress. If stressful experience is moderate in intensity and does not overwhelm us, it may increase our subsequent stress tolerance. Thus, a fellow who has previously endured business's setbacks may be much better prepared

than most people to deal with the fact that the bank is about to foreclose on his home. In light of the negative effects that stress can have, improved stress tolerance is a desirable outcome.

Results and Discussions

The aim of this study was to test the following research questions: what are the common symptoms of stress among the students while at the campus? To what extent the students experience stress? To what extent do students experience stress based on their gender? And is health of students affected by Academic stress? The analysis of data was purely done quantitatively, and the drawbacks of this analysis are based on the fact that the questionnaires were administered during the lecture time. The analysis was done by calculating, the percentage of respondents who gave a high rating symptoms and stressors questions. The compounded results of the responses in Table 3 indicates that (87%) students have experienced anxiety, or nervous or having indigestion problems more than once at the University level. Our finding reflects that most of the students are experiencing stress in their daily academic activities. Students (72%) pointed out that people at home or campus makes them feel anxious about their daily lives. This finding is in agreement with the study of Fairbrother and Warn (2003) that identified conflicts at home and work environment as one source of individual stress. This indicates that student experience a lot of pressure from home or campus which impact either negatively or positively on their daily lives. In response to eating, drinking or smoking, (62%) of the students indicated that they have never been engaged in such activities in response to anxiety producing situations. Stevenson and Harper (2006) Mc Carty et al. (2007), also revealed that people tend to resort to drinking as coping strategies whenever confronted with complex situation in their lives. From Table 3, analysis of the distribution revealed significantly higher symptoms of the stress in students as indicated. While over the counter medication is the lowest among the students. Students also indicate some health problems as, they often or sometimes feel tense, experience pain in the neck or shoulders, and suffer from migraine headache, or have difficulty in breathing. This was indicated by (72%) of the students who responded to the symptoms of stress that they have experienced. When the students were asked to indicate whether they have stopped thinking of their concerns at night or weekends long enough to feel relaxed and refreshed the next day 83% of the students indicated that they often or sometimes do experience such symptoms. Student (87%) do indicate that they have trouble concentrating on what they are doing, because they worry about other things. This is also has shown in other studies (Elfering et. Al., 2005 Agolla, 2008) on stress which also indentified trouble in concentrating as a symptom. On the question of whether they are involved in taking over the counter medications or prescription drugs to relax. 74% respondent indicated that they have never been involved in taking over the counter medication or prescription drugs to relax. It also reveals that the students do not take to drugs or alcohol as coping strategies when stressed.

However, the second part of the questionnaire was to elicit their response with regard to what students consider sources of their stress while on campus. The result is presented in Table 4 as shown. The result indicates that 54% of the students view continuous poor performance as stressful. Whether their relationships with finances or fiancés are causing stress (41%) of the students disagreed, (35%) of the students agreed while (24%) of the students remained neutral on this statement. On the question regarding academic workload, (79%) of the student agreed with the statement that academic workload is stressful. Inadequate resources to do assignments such computers and books were rated by 63% of the students as stressful. The students also pointed out that their stress is exacerbated by the inadequate resources which could not meet their need. Uncertainty about getting job after job after post graduating was rated by (52%) of the students who indicated that their prospects of getting a job after post graduating is stressful. Competition with fellow students 39% of the participants disagreed with the statement that it is causing stress, while 36% of the participants remained neutral and 25% were agreed. Ongori and Agolla, 2008 also identified competition as a source of stress among employees in organizations. Students 57% rated overcrowded lecture halls as stressful, since they have to take their lectures while standing outside or inside due to shortages of seats or accommodation. As 48% students rated high expectations from parents,

relatives and friends stressful, 29% of the students remained neutral in this statement, and 23% of the students completely disagreed.

This finding is consistent to earlier findings (Topper, 2007; Agolla, 2009) that identified the expectation from parents, friends or relatives as one of the causes of the stress to an individual. On the question of whether not attending lectures will stress them, 41 % of the students disagreed, 40% of the students agreed and 19% remained neutral with statement. 56 % of the students indicated that conflict with fellow students is not likely to stress them, while 23 % of the students remained neutral and only 21% of the students agreed with the statement. A poor performance was by 66% of the students likely to stress them, while 19% of the students remained neutral and 15% of the students disagreed that poor performance as a source of stress. Low or lack of motivation among the students has been rated by 67% of the respondents who states that is stressful. Conflicts with lectures were not seen as creating stress among students. This was indicated by 51% of the students who disagreed and conflict with their lecturers is likely to cause them stress. Agolla(2007) , also has indicated that there is cordial relationship between students and their lecturers which is good for learning environment.

In order to find out the major source of stress responsible for their academic stress. The result of the open ended question is presented in Table 5. Thematic analysis in Table No. 5 reveals that 42.5% students' stressors are academic workload, academic performance, fear of failing, (Awino & Agolla, 2008), inadequate resources, financial problems, overcrowded lecture halls, poor relationship with girlfriend/ boy friend, family / academic life conflicts and fear of getting job after completing studies. Students indicated that academic workload is due to short semester coupled with too many assignments, tests and preparation for the final semester examination. They cited too much work to be accomplished within short time that leaves them with no time to enjoy their social life. Academic performance and fear of failing are other stressors that are of concern to the students' health life. This is consistent to earlier studies that identified fear of failing or poor performance as stressful. Continuous poor academic performance and expectation from family or friends have been cited as some of the problems that they face in their daily academic life at the campus. On the other hand students also indicated inadequate resources and financial matters as stressors. Inadequate resource such as computers, overcrowded lecture halls, lecturers, and text books were mentioned since their availability or in availability leads to success or failure in academic pursuits. Whereas other students indicated that they are affected by their relationship with their spouses.

Conclusion

Stress could be defined as unpleasant state of emotional and physiological arousal that people experience in situations that they perceive as dangerous or threatening of their well-being. The word stress means different things to different people. Some people define stress as events or situations that cause them to feel tension, pressure, or negative emotion such as anxiety and anger.

From the foregoing findings, the results clearly show that students are stressed. The symptoms identified are anxiety, nervousness, indigestion, endless worries, tense, pain in the neck or shoulder among post graduate students at home or school. While these symptoms do not tell the cases that have already lost control, it is important to note that they are hampering students at home or school. While these symptoms do not tell the cases that have already lost control, it is important to note that they are hampering students' ways of academic life. Stress has been associated with the outcomes such as suicides, violent behaviours, or even social withdrawals and the need to address issues should be seen as urgent. This is consistent with the spate of violence amongst the post graduate students. Collages, as well as deptt. of M.D.U. Rohtak have been experiencing cases of violence among the students' community at a rate that could be termed as alarming. Academic year never passes without reported case of murder taking place. Students are the future leaders. These outcomes can be divided into physical violence and psychological abuse among the students. Psychological pressure to perform well in tests, examinations, expectations from peers, friends, family members and attending of lectures were among the common sources of the students stress among students are academic workload, inadequate resources, low motivation, and poor performance in academic work, continuous performance in academic work, overcrowded lecture halls, and uncertainty of getting

jobs after post graduation from the university. The University management needs to address the above issues raised by the students in order to manage the academic environment conducive for learning. With the semesterisation of the academic programmers, students are required to accomplish many modules within short period of time which is coupled with continuous assessment test (CAT), assignments, attend lectures, and present term paper beside other extra curriculum activities. These present students with a lot of pressure, coupled with the pressure of preparing and passing of the examination. Indeed poor performance and continuous poor performance in tests or examination can frustrate students and may even leave other students with no option but to experience depersonalization and sometimes to withdraw from the campus. This can lead other students to vent anger at their colleagues or even on girl/ boy friends. The situation get exacerbated when students try their best but cannot improve on their previous or current performance coupled with the expectations from parents, family, relatives and friends. The outcomes of these may result in violent behaviour, depersonalization, lack of motivation, and displaced aggression. Whenever there is violent behaviour against a fellow student, it creates ripple effect among other students and this impact negatively on academic atmosphere which is not conducive for learning environment. Therefore, based on foregoing findings, this study suggests that there should be a variety of changes such as elimination of non core subjects to reduce work load on students. Some students were so specific and did mention subjects such as politics of gender, and general education courses (GECs) as heaping too much work load on them, while in real sense these subjects mean absolutely nothing to their careers. Post Graduate Collages should employ more qualified lecturers to alleviate the staff shortage that always lead to overcrowded lecture halls.

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The role of District industrial center Indore for the development of entrepreneurship in district

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Since last long period central government and state government are tried for development of entrepreneurship in the country. For this government established financial institution. Then various types of training centers start and implemented entrepreneurship syllabus in the higher education. But after that also entrepreneurship could not developed because entrepreneur has doubt regarding government facilities, training, finance and marketing problems. It is said that the above doubt the youth do not prepare to entrepreneurship and government of JANTA PARTY central government gives the order in 1977 instructed that in each district entrepreneurship Friend center and this is changed into DISTRICT INDUSTRIAL CENTER (DIC) in 1982. District industrial center are very important center for our entrepreneurs. These institutions are established in each state. These institution help entrepreneurs from idea generation to conduction of industry and earning of profit. There fore the District industrial center (DIC) is parents of entrepreneurs

What is District Industrial Center?

District industrial center are very important center for our entrepreneurs. These institutions are established in each state. District industrial center (DIC) means one single agencies making available all supports and facilities and to services to entrepreneurs at single place under one roof. District industrial center is a district level organization which provides all services and facilities to entrepreneurs at one place that they can run and established small and cottage industry. District industrial center is a district institution, which are for the establishment and growth of all the industries and providing facilities resources and helps less than one roof.

Characteristics of District industrial center

District industrial center is a district level organization which provides all services and facilities to entrepreneurs at one place that they can run and established small and cottage industry. Provides all services and facilities to entrepreneurs at one place that they can run and established small and cottage industry. These institution help entrepreneurs from idea generation to conduction of industry and earning of profit. There fore the District industrial center (DIC) is parents of entrepreneurs. This is government established financial institution. Then various types of training centers start and implemented entrepreneurship improvement programme. Providing information about government schemes and plans for the welfare of the entrepreneurship improvement in the district.

Objectives of research work:- Every research work is done for some specific objectives. Without objectives work does not useful in any types of fields. To know the problems of the entrepreneurs in the District.

Methodology of Study:- For methodology an extensive literature review of secondary data from various sources has been held as related to the stated objectives of the study as well as research study on internet survey basis.

Need and importance of District industrial center:- District industrial center are very important center for our entrepreneurs. These institutions are established in each state. These institution help entrepreneurs from idea generation to conduction of industry and earning of profit. There fore the District industrial center (DIC) is parents of entrepreneurs. The following points describe the Need and importance of District industrial center:

- Developed the district in industrial sector.
- Continuation development of the district by proper analysis and implementation of government schemes and plans.

- Proper utilization of available resources of that particular district.
- Providing all the basic facilities to all entrepreneurs such as road , transportation, communication, water, electricity , bank etc.
- Provides all services and facilities to entrepreneurs at one place that they can run and established small and cottage industry.

Entrepreneurship is the need nation:-Entrepreneurship Meaning-The origin of the basic word “Entrepreneurship” is from a French word “Entrepreneur”, where it cradled and originally meant to designate an organizer of certain musical or other entertainments. The Oxford English Dictionary (of 1897) defines the term “Entrepreneur” in similar way as the director or a manager of a public musical institution, one who gets-up entertainment arranged, especially musical performance. Initially in the early 16th century, it was applied to those who were engaged in military expeditions. In 17th century. It was extended to cover civil engineering activities such as construction and fortification. Since then, the term “Entrepreneur” is used in various ways and various views. These views are broadly classified into three groups namely:-

- Risk-Bearer
- Organizer
- Innovator

Thus, a person who assumes and bears all types of risks involved in an enterprise, who organizes the various inputs or factors of production and who innovates new ideas, concepts, strategies and methodology in business from time to time is known as Entrepreneur.

The concept of entrepreneurship is an age old phenomenon that related to the vision of an entrepreneur as well as its implementation by him. Entrepreneurship is a creative and innovative response to the environment. It is also the process of setting up a new venture by the entrepreneur. Entrepreneurship is a composite skill such as imagination, risk taking, ability to harness factors of production. i.e. land, labor, technology and various intangibles factors.

The concept of entrepreneurship has been around for long time. In last decade it has resurvey as if a new discovery has been made. Usually any one who runs a business is called an entrepreneur.

The more precise meaning of entrepreneur is one who creates his own business i.e., a person who organizes; operates any assumes the risk of a business venture. An entrepreneur is a person who perceives a need and then brings together manpower, material and capital required to meet that need.

Today many entrepreneurs base their enterprise more and more on the possibilities of new tasks created by outsourcing and more open competition. Computer services, counseling, cleaning, and entertainment are the lines of business that have provided the most new jobs during the last five years. Many entrepreneurs have previous competence in these branches of business. This trend gives these entrepreneurs new chances of establishing their own enterprise.

In general, contemporary economics agree that entrepreneur is a business leader who has a pivotal role in fostering economic growth and development. Entrepreneurship is one of the most important inputs in the economic development of a country or a region. The number and competence of entrepreneurs affect the economic growth of a region. It is not wrong to consider entrepreneurship as a panacea of the economic evils in a developing country. In fact, entrepreneurship is the dynamic need of a developing nation.

Problems of entrepreneurs in District

Indore is known as a commercial capital of Madhya Pradesh. Indore is located in the western region of Madhya Pradesh, on the southern edge of the Malwa plateau. It lies on the bank of Saraswati and Khan Rivulets, which are tributaries of the Shipra River and has an average elevation of 553.00 meter above mean sea level. It is located on an elevated plain, with the Vindhya range to the south. Apart from Yashwant Lake, there are many lakes that supply water to the city including Sirpur Tank, Bilawali Talab, Sukhniwas Lake and Piplyapala Talab. Soil cover in the city region is predominantly black.. The

underlying rock of the region is composed of black basalt, and their acidic and basic variants dating back to the late Cretaceous and early Eocene eras. The area is classified as Seismic Zone III region.

Indore district consists of 4 Tehsils, Depalpur, Sanwer, Indore and Mhow. Number of Blocks in the district is 5 (consisting of 36 Police Stations). There are total 335 Panchayats and 649 villages in these 4 blocks. Rojadi is one of them which are the first village in which every house has power cable direct to the transformer. At present, after the delimitation of parliamentary and legislative assembly constituencies in 2008, there are nine Vidhan Sabha constituencies in this district: Depalpur, Indore-1, Indore-2, Indore-3, Indore-4, Indore-5. Indore is often referred as the commercial capital of Madhya Pradesh with a bulk of its trade coming from Small, Mid and Large scale manufacturing & service industries. These industries range from Automobile to 3 Pharmaceutical and from Software to Retail and from Textile trading to Real estate. Major industrial areas surrounding the city include the Pithampur Special Economic Zone and the Sanwer Industrial belt.

Location & Geographical Area.

District industrial center plays an important role for the growth and development of entrepreneurship in the country. To establish industries is very difficult and complicated task. It is like farmer grow its fields and contractor construct a building and mother gave birth the baby. All the steps are very difficult to establish industries:-

1. lack of education: Entrepreneurs are uneducated and unaware about his works.
2. Lack of awareness in Entrepreneurs: It is clear that still large category of Entrepreneurs is unaware and it creates problems.
3. Lack of communication with rural Entrepreneurs: 2/3 of India's population resides in villages are out of coverage of DIC. Thus, they could not properly received messages.
4. Lack of self confidence in Entrepreneurs: Lack of self confidence in Entrepreneurs increases so many problems. He thinks himself in front of organized Entrepreneurs.
5. Less participation of women Entrepreneurs: Women make half portion of the population still there participation in Entrepreneurship is very less.
6. Government and political corruption: Corruption is the main problem of India. There are so many institutes for doing effort for development of Entrepreneurship in the country but could not succeed due to political corruption.

Suggestions for improvement condition of entrepreneurs:-Today it is very necessary to pay more attention towards poor and rural entrepreneur's. Because growth and developments of every country depends upon the entrepreneurs of the countries. It is necessary to includes all important elements in the development of entrepreneurship in the country.

Thus, for the development of entrepreneurship in the country these are few guidelines, which are to be followed for the benefit of the DIC. Suggestions in this direction are as follows:-

1. Activities of entrepreneurship development are limited up to cities only. Therefore it is duty of government to spread it to villages also.
2. Government should try to encourage other organization, so that they can expand their activities in rural India also.
3. Government should concentrate on the problems of the entrepreneurs.
4. Government should help and encourage the process of building confidence in the entrepreneurs.
5. Even Government should arrange for the entrepreneurs education from the school level also.
6. Government should also encourage the work of NGO's in the field of entrepreneurs.
7. NGO's should work bravely, faithfully and without partiality.
8. Government should also encourage the work of women entrepreneurs.
9. Government should also advertisement of DIC by proper media.

10. Entrepreneurship education syllabus also added in school at high school study.

Conclusion and finding:-Today's situation is totally change from past. Today each country wants to protect its country. In ancient time also kings used to protect its kingdom. But after wards this policy was abolished and democracy took its place. Now in each state/ country democracy was applicable.Entrepreneurs has doubt regarding government facilities, training, finance and marketing problems .It is said that the above doubt the youth do not prepare to entrepreneurship and government of JANTA PARTYcentral government gives the order in 1977 instructed that in each district entrepreneurship Friend center and this is changed into DISTRICT INDUSTRIAL CENTER (DIC) in 1982.

Following conclusion can be done drawn with the help of following research:

- It is concluded from research that increases in awareness of entrepreneur's education.
- Even this is concluded from research that due to liberalization, globalization, and new economic policy entrepreneurs has increased.
- It is concluded from research that central and state government done many efforts for the improvement in entrepreneurship.
- Growing unemployment, particularly educated unemployment, is an acute problem of the nation. The available employment opportunities can cater to only 5 to 10 percent of the unemployed.
- When government creates, say a hundred jobs in various department, 100 persons get employed and the vacancies are filled for thirty years or so, till these people retire and the vacancies reemerge. If a hundred persons become entrepreneurs they not only create a hundred jobs for themselves but also provide employment to many more. As the time passé these enterprises grow providing direct and indirect employment.
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- When government creates, say a hundred jobs in various department, 100 persons get employed and the vacancies are filled for thirty years or so, till these people retire and the vacancies reemerge. If a hundred persons become entrepreneurs they not only create a hundred jobs for themselves but also provide employment to many more. As the time passé these enterprises grow providing direct and indirect employment.
- They need exposure to modern processors, machinery and training. Without this the productivity and increased production is difficult. Promotion, distribution and implementation of customer feed back are lacking. Facilities like electricity, road, street lighting, and road transport are either not available or poorly served. Entrepreneurs are not so much aware about various facilities and concessions provided by the government.
- It is economical and easy for large industries to buy any raw materials. But small industries they have to buy from middlemen and are likely to pay more for their input. The middlemen exploit entrepreneurs. Finally all entrepreneurs were men of discipline, high integrity and with strong need for achievement.
- The commercial structure and the enterprises are in a state of change. IT and the Internet revolutionize the very method of running a business. New types of enterprises emerge requiring changes in the organization of work, qualifications, and management. Business life is in the process of adjusting itself to an economy that is based on knowledge rather than on material resources – and to a community that communicates and trades in networks via IT and the Internet.

- As a part of this development, the existing enterprises but in particular the entrepreneurs – play an important part. They improve competitive power, increase employment, and meet the business community's demands for flexibility.

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भारतीय राजनीति में : जातिवाद

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एक परम्परावादी सामाजिक संरचना में आधुनिक राजनीतिक संस्थाओं की स्थापना भारतीय राजनीति का एक अदभुत पक्ष है। उदारवादी जनतंत्रीय संस्थाओं और आधुनिक मूल्यों तथा मान्यताओं को अपनाने के परिणामस्वरूप भारतीय राजनीति और जाति व्यवस्था का पारस्परिक सम्बन्ध एक विचित्र समस्या प्रस्तुत करता है। जाति व्यवस्था भारतीय समाज का अटूट अंग रही है और इसने जीवन के सभी पक्षों को प्रभावित किया है। स्वतंत्रता से पूर्व भी जाति व्यवस्था का राजनीतिक जीवन पर काफी प्रभाव था। स्वतंत्रता के बाद जाति व्यवस्था का अन्त नहीं हुआ, लेकिन स्वरूप अवश्य परिवर्तित हो गया।

भारत के राजनीतिक आधुनिकीकरण के प्रारम्भ होने के पश्चात् सामान्य रूप से यह धारणा विकसित हुई कि पश्चिमी राजनीतिक तंत्र और जनतन्त्रात्मक मूल्यों को अपनाने के फलस्वरूप भारतीय समाज से जातिवाद का अन्त हो जाएगा। इसीलिए यह प्रश्न बराबर उठता रहा है कि क्या जातिवाद का लोप हो रहा है? गत 55 वर्षों में राजनीतिक संस्थाओं की कार्यप्रणाली और सामान्य राजनीतिक जीवन के अनुभव से इस बात का संकेत मिलता है कि भारत की सामाजिक और राजनीतिक व्यवस्था पर जातिवाद का प्रभाव विद्यमान है। अमेरिकी लेखकगण लाएड रुडाल्फ तथा सूजन रुडाल्फ ने यह विचार प्रतिपादित किया है कि भारतीय समाज से जाति का विनाश नहीं हो सकता, लेकिन जाति का स्वरूप अवश्य ही परिवर्तित होता रहेगा। एक परम्परावादी व्यवस्था के आधुनिकीकरण के मूल्यों के अनुरूप, परिवर्तित होने को ही उन्होंने 'परम्पराओं की आधुनिकता' का नाम दिया है। रजनी कोठारी का मत है कि भारतीय राजनीति और जाति व्यवस्था के पारस्परिक सम्बन्धों के विषय में यह आशा करना कि जनतन्त्रीय संस्थाओं की स्थापना के बाद जाति व्यवस्था का लोप हो जाना चाहिए, एक भ्रामक और त्रुटिपूर्ण विचार है। उनका यह दावा है कि कोई भी सामाजिक तंत्र कभी भी पूर्णतया समाप्त नहीं हो सकता, अतः यह प्रश्न करना कि क्या भारत में जाति का लोप हो रहा है, व्यर्थ है।¹

वास्तव में सामाजिक और राजनीतिक जीवन को एक दूसरे से पूर्णतया पृथक् नहीं किया जा सकता, वह अन्योन्याश्रित तथा एक दूसरे के पूरक हैं। दोनों एक दूसरे को प्रभावित करते हैं। और एक दूसरे के स्वरूप को निर्धारित करने में समान महत्व रखते हैं, इसीलिए रजनी कोठारी का कहना है कि वर्तमान राजनीतिक परिदृश्य में यह प्रश्न ज्यादा सार्थक है कि 'आधुनिक राजनीति के प्रभाव में जाति व्यवस्था किस प्रकार का रूप धारण कर रही है और एक जाति अभिमुख समाज में राजनीति क्या स्वरूप अपना रही है, उनका यह भी कहना है कि वे लोग जो भारतीय राजनीति में जातिवाद के विद्यमान होने की शिकायत करते हैं, वह एक ऐसी राजनीति की कल्पना करते हैं जो समाज में सम्भव नहीं है। वास्तव में जिसे राजनीति में जातिवाद कहा जाता है, वह जातियों के राजनीतिकरण से अधिक और कुछ नहीं है।²

भारत में राजनीति और जाति व्यवस्था के पारस्परिक सम्बन्धों को ठीक ढंग से समझने के लिए हमें कई प्रश्नों पर विचार करना होगा। 1. भारतीय राजनीति के बदलते हुए स्वरूप ने जाति व्यवस्था को कहाँ तक और किस प्रकार परिवर्तित किया है। 2. जाति व्यवस्था भारत के आधुनिक राजनीतिक तंत्र की कार्यशीलता को कहाँ तक और किस रूप में प्रभावित किया है। 3. जाति व्यवस्था भारत में राजनीतिक तंत्र के कार्य संचालन में बाधक हुई है अथवा सहायक।

राजनीतिक व्यवस्था का जाति व्यवस्था पर प्रभाव

ऐसा लगता है कि भारत में जाति व्यवस्था और राजनीतिक तंत्र दोनों ने एक दूसरे को प्रभावित किया है, और यह द्विपक्षीय प्रभाव इस कारण स्वाभाविक प्रतीत होता है कि आधुनिक समाजों में राजनीतिक सत्ता में बिना भागीदारी बने कोई भी समूह अपना सम्पूर्ण विकास नहीं कर सकता। इसलिए आधुनिक समाजों में राजनीतिक उदासीनता और राजनीतिक अलगाव वांछनीय नहीं है। राजनीति एक प्रतियोगी क्रिया है, इसका लक्ष्य कुछ निश्चित उद्देश्यों की पूर्ति के लिए राजनीतिक सत्ता को प्राप्त करना है। एक ऐसे समाज में जिसमें राजनीतिक समानता के सिद्धान्त को मान्यता दी गई हो और उसमें सरकार का निर्माण और परिवर्तन बहुमत की इच्छा के द्वारा होता हो, प्रत्येक उस समूह के लिए जो राजनीतिक सत्ता को ग्रहण करना चाहता है, अन्य समूहों की सहायता और समर्थन प्राप्त करना आवश्यक होगा। यही कारण है कि स्वतंत्रता के पश्चात् भारत की राजनीतिक व्यवस्था में परिवर्तन आया और गणतन्त्रात्मक शासन व्यवस्था की स्थापना की गई, धर्म निरपेक्षता के सिद्धान्त को अपनाया गया और वयस्क मताधिकार के द्वारा देश के प्रत्येक नागरिक को उसके धर्म, जाति, मूल वंश आदि के भेदभाव को स्वीकार किए बिना राजनीति में भाग लेने के लिए आमंत्रित किया गया तो परम्परावादी जाति व्यवस्था के बंधन ढीले पड़े। उच्च राजनीतिक पद जो अब तक उच्च जातियों के जन्मजात अधिकार समझे जाते थे, यह समाज के हर छोटे-बड़े, अमीर-गरीब, उच्च और निम्न जाति के लिए उपलब्ध हो गये। राजनीतिक समानता ने असमानता की दीवारों को तोड़ दिया। बदलती हुई राजनीतिक परिस्थितियों में एक ओर निम्न जातियों को राजनीति में प्रवेश करने का अवसर प्राप्त हुआ और दूसरी ओर इस नई राजनीतिक व्यवस्था में समुचित प्रतिनिधित्व प्राप्त करने के लिए उच्च जाति के लोगों को परिस्थितिवश निम्न जातियों के सहयोग और समर्थन के लिए हाथ फैलाना पड़ा, क्योंकि वर्तमान राजनीतिक व्यवस्था में राजनीतिक पदों का आधार प्रतियोगिता बन गई, इस राजनीतिक प्रतियोगिता में सफलता प्राप्त करने के लिए ब्राह्मण और क्षत्रियों को शूद्रों के साथ मैत्रीपूर्ण सम्बन्ध स्थापित करना आवश्यक हो गया। यहाँ तक कि गैर सुरक्षित निर्वाचन क्षेत्रों में भी उच्च जाति के मतदाताओं ने निम्न जाति के उम्मीदवारों को निःसंकोच रूप से अपने प्रतिनिधि के रूप में निर्वाचित किया। राजनीतिक आधुनिकीकरण ने सामाजिक प्रतियोगिता के नए द्वार खोल दिए। यह कहना गलत न होगा कि उच्च जातियों ने राजनीतिक आधुनिकीकरण के कुछ मूल्यों को बड़ी हद तक परिस्थितियों से मजबूत होकर ग्रहण किया और शायद इसी कारण भारतीय राजनीति में 'राजनीतिक दिखावापन' के तत्व ने प्रवेश किया, जिसकी व्याख्या मोरिस जॉन्स ने 'राजनीति की विभिन्न भाषाएँ' शीर्षक के अन्तर्गत की है।³ इसका अर्थ यह है कि उच्च जातियों ने समानता के सिद्धान्त को व्यवहारिक कारणों और

राजनीतिक विवशता से स्वीकार किया। यद्यपि आन्तरिक रूप से वह परम्परावादी मूल्यों को अपने दिल से पूरी तरह न निकाल सके। परिणामस्वरूप यह हुआ कि सक्रिय राजनीति में प्रवेश करने के बाद ब्राह्मणों तथा अन्य उच्च जातियों ने शूद्रों तथा अन्य पिछड़ी जातियों के साथ उठना-बैठना, खाना-पीना आरम्भ किया और अपने वाह्य आचरण से यह सिद्ध करना चाहा कि वे परम्परागत जातीय भेदभाव पर विश्वास नहीं करते और वे राजनीतिक तथा सामाजिक समानता के उपासक हैं। इस स्थिति के परिणामस्वरूप भारतीय राजनीति में भाग लेने वालों के वाह्य आचरण और उनके आन्तरिक विचारों और विश्वासों में परस्पर विरोध उत्पन्न हुआ। उच्च जातियों की इस आन्तरिक भावना के कारण राजनीतिक और आर्थिक लाभों के वितरण में धर्म और जाति के आधार पर विभेद विद्यमान रहा इसलिए मोरिस जॉन्स का कहना है कि भारतीय राजनीति के सहभागियों की कथनी और करनी में अन्तर है।⁴

कुछ भी हो भारत की राजनीतिक व्यवस्था के परिवर्तित होने से दो महत्वपूर्ण परिवर्तन हुए। प्रथम—यह कि राजनीतिक क्षेत्र सर्वसाधारण के प्रवेश के लिए खुल गया और अवसरों की समानता ने हर जाति के लोगों को राजनीति में भाग लेने के लिए आमंत्रित किया। द्वितीय राजनीतिक सफलता के लिए बहुमत के समर्थन को प्राप्त करने की आवश्यकता ने उच्च जातियों को इस बात के लिए बाध्य किया कि वे अपनी परम्परावादी अभिवृत्ति को परिवर्तित करें और आधुनिक 'राजनीतिक भाषा' को ग्रहण करें। इन दोनों परिवर्तनों के फलस्वरूप जाति व्यवस्था का परम्परावादी स्वरूप परिवर्तित हो गया।

यह निश्चित हो जाने के बाद कि भारत में राजनीतिक आधुनिकीकरण ने परम्परावादी जाति व्यवस्था के स्वरूप को परिवर्तित किया है, दूसरा विचारणीय प्रश्न यह है कि इस परिवर्तन में निम्न तत्वों ने महत्वपूर्ण भूमिका अदा की है और किन कारणों से उच्च जाति के लोगों ने आधुनिकीकरण के मूल्यों को ग्रहण किया है।

जाति व्यवस्था के परम्परावादी स्वरूप को परिवर्तित करने में तीन कारक महत्वपूर्ण दिखाई देते हैं। प्रथम संस्कृतिकरण, द्वितीय पश्चिमीकरण और तृतीय राजनीतिक आधुनिकीकरण। यद्यपि यहाँ पर हमारा विशेष उद्देश्य यह निश्चित करना है कि राजनीति के स्वरूप में होने वाले परिवर्तन से जाति व्यवस्था किस सीमा तक प्रभावित हुई है, लेकिन इस सम्बन्ध में अन्य कारकों की उपेक्षा नहीं की जा सकती है, क्योंकि किसी भी देश की सामाजिक संरचना में परिवर्तन साधारणतया बहुमुखी शक्तियों के फलस्वरूप होते हैं।

संस्कृतिकरण शब्द का प्रयोग सबसे पहले समाजशास्त्री एम०एन० श्रीनिवास ने किया।⁵ उनके अनुसार देश में होने वाले पुनर्जागरण और बौद्धिक पुनरुत्थान ने निम्न जातियों को उच्च जातियों का आचार-विचार तथा रहन-सहन को अपनाने के लिए प्रेरित किया और उन्होंने अपने परम्परावादी व्यवसाय को बदलकर ऐसे व्यवसायों को अपनाना प्रारम्भ किया जो उच्च जातियों के लिए नियत थे। परिणामस्वरूप यह हुआ कि निम्न जातियों का रहन-सहन उच्च जातियों के रहन-सहन के इतना समरूप हो गया कि उनके बीच अन्तर करना कठिन हो गया। यहाँ तक कि कुछ निम्न जातियों ने सम्मानपूर्ण स्थिति प्राप्त करने के लिए अपना जाति चिन्ह तक परिवर्तित कर दिया। संस्कृतिकरण की प्रक्रिया ने सामाजिक स्तर पर जाति-विभेदीकरण और जाति-श्रेणीकरण के परम्परावादी स्वरूप को काफी हद तक बदल दिया, क्योंकि विभिन्न व्यक्तियों की जाति को पहचानने का आधार उनका वाह्य आचरण, रहन-सहन और व्यवसाय ही हो सकता था। निम्न जातियों द्वारा अपने व्यवहार, खान-पान के तरीके और अपना जाति चिन्ह बदलने तथा विशेष रूप से अपने जन्म स्थान से शहरों की ओर चले जाने के परिणामस्वरूप उनकी जाति को पहचानना मुश्किल हो गया। इस प्रकार होने वाली जाति गतिशीलता से जाति व्यवस्था के स्वरूप का परिवर्तित होना स्वाभाविक था।

जाति व्यवस्था के स्वरूप को बदलने में पश्चिमीकरण दूसरा महत्वपूर्ण कारक रहा है। अंग्रेजों के भारत में आगमन के बाद निम्न जातियों की स्थिति में कुछ परिवर्तन आया। अंग्रेजों ने यह सिद्धान्त प्रतिपादित किया कि व्यक्ति की सामाजिक स्थिति का निर्धारण उसके जन्म के बजाय उसकी व्यक्तिगत क्षमता, निष्पादन और उपलब्धि के द्वारा होना चाहिए। अंग्रेजी शिक्षा के प्रारम्भ होने के परिणामस्वरूप उच्च और निम्न जाति के लोगों की बौद्धिक विकास तथा पश्चिमी राजनीतिक एवं सामाजिक संस्कृति से परिचय होने का अवसर मिला और भारत के सामाजिक स्वरूप में अनेक प्रकार के सुधार किए जाने लगे। पश्चिमीकरण से भारतवासियों का मानसिक क्षितिज विस्तृत हुआ और साथ ही वैज्ञानिक आविष्कारों और औद्योगिक विकास ने उनकी सामाजिक मनोवृत्तियों को बहुत कुछ बदल दिया। पश्चिमीकरण ने स्वभाविक रूप से धार्मिक अंधविश्वासों और जाति व्यवस्था के प्राकृतिक और धार्मिक आधार को चोट पहुँचाई और इस विचारधारा को विकसित किया कि उन्नतशील और विकसित राष्ट्र के निर्माण के लिए प्रत्येक व्यक्ति के कार्यों का निर्धारण उसकी व्यक्तिगत क्षमता पर किया जाना चाहिए।

राष्ट्रीय आन्दोलन ने जातिवाद की उपेक्षा करते हुए देश की स्वतंत्रता के लिए सभी व्यक्तियों का सहयोग और समर्थन प्राप्त करना चाहा, विशेषकर गांधी जी ने शूद्रों और निम्न जाति के लोगों के ऊपर उठाने और सामाजिक भेदभाव का अन्त करने का उपदेश दिया।

इसी प्रकार महाराष्ट्र की राजनीति तमिलनाडु से कुछ भिन्न रही, वहाँ मराठा और ब्राह्मणों के बीच संघर्ष रहा। इस संघर्ष में मराठा जाति ने ब्राह्मणों के शताब्दियों से चले आ रहे प्रभुत्व का अन्त किया। बीसवीं शताब्दी की दूसरी चौथाई में राजनीतिक दलों में भी ब्राह्मणों का आधिपत्य था। उदाहरण के लिए तिलक, गोखले, हिगडेवाल, गोलवालकर, एस.एन. डांगे आदि ब्राह्मण थे। स्वतंत्रता के बाद मराठा जाति ने ब्राह्मणों को पराजित कर दिया और यह आन्दोलन 1960 में अपनी पूर्णता को पहुँच गया जब महाराष्ट्र नामक एक पृथक राज्य की स्थापना की गई और मराठा जाति को राजनीति में पूर्ण प्रधानता प्राप्त हुई इस नए महाराष्ट्र राज्य में मराठा जाति को राजनीति में पूर्ण प्रधानता प्राप्त हुई। इस नए महाराष्ट्र राज्य में मराठा जाति की संख्या 45 प्रतिशत थी। ए०जे० दस्तूर के शब्दों में 'जिस दिन महाराष्ट्र का निर्माण हुआ, उस दिन इस राज्य के राजनीतिक विशिष्ट वर्ग और राजनीतिक

नेतृत्व में अत्यधिक महत्वपूर्ण और मौलिक परिवर्तन हुए। सत्ता, प्रभाव और शक्ति ब्राह्मणों के हाथों से निकलकर मराठों के हाथों में पहुँच गई।⁶

इसमें संदेह नहीं कि भारतीय राजनीति में जातिवाद का प्रभाव विद्यमान है और रूडाल्फ का यह कहना काफी हद तक ठीक है कि “(भारत के) नए राजनीतिक तंत्र के परिप्रेक्ष्य के अन्तर्गत जाति भारतीय समाज का एक केन्द्रीय तत्व है, यद्यपि इसने जनतंत्रीय राजनीति के मूल्यों और उपायों तथा साधनों को ग्रहण किया है।” ऐसा लगता है कि जातिवाद को एक साधन के रूप में अपनाया गया है, क्योंकि इसके माध्यम से राजनीतिक समर्थन प्राप्त करने और अन्ततोगत्वा राजनीतिक सत्ता प्राप्त करने में सहायता मिलती है।

जातिवाद : वरदान या अभिशाप

वास्तव में यह निश्चित करना कठिन है कि जातियों को राजनीति विभाजित करती हैं अथवा उन्हें एकता के सूत्र में भी बाँधती है, क्योंकि भारत में ये दोनों बातें सही दिखायी देती हैं। लायड रूडाल्फ तथा सूजन रूडाल्फ लेखकों का यह दावा है कि भारत की जाति व्यवस्था ने राजनीतिक जागृति और विभिन्न जातियों के ‘राजनीतिकरण’ में सहयोग दिया है। रूडाल्फ का कहना है कि “अपने परिवर्तित रूप में जाति ने भारत के कृषक समाज में प्रतिनिधिक जनतंत्र की सफलता तथा भारतीयों की आपसी दूरी को कम करके उन्हें अधिक समान बनाकर समानता के विकास में सहायता दी है।” उनका यह दावा इस तर्क पर आधारित है कि नई राजनीतिक व्यवस्था के स्थापित होने और परिणामस्वरूप प्रतियोगी राजनीति के वातावरण ने विभिन्न जातियों के लोगों को जो अभी तक देश के विभिन्न भागों में असम्बद्ध रूप से बिखरे हुए थे, एकता के सूत्र में बाँध दिया। जातीय हितों के आधार पर विभिन्न दबाव गुटों का जन्म हुआ और इन जातियों ने संगठित होकर राजनीतिक प्रतियोगिता में भाग लेना शुरू किया, जिससे राजनीतिक जागरूकता और राष्ट्रीय राजनीति के प्रति रुचि उत्पन्न हुई। उन्हीं के शब्दों में “जातीय भावना तथा हित पर आधारित अधिजाति राजनीतिक सत्ता, सामाजिक स्थिति तथा आर्थिक हितों की प्राप्ति के लिए एक संरचना प्रस्तुत करती है, जो प्रतिनिधिक जनतंत्र तथा धर्म निरपेक्षता को सामान्य भारतीयों के लिए सहज एवं साध्य बनाते हो”⁸ इसी दृष्टिकोण का समर्थन भारतीय लेखक रजनी कोठारी के शब्दों में भी पाया जाता है कि—जिसे राजनीति में जातिवाद कहा जाता है वह जातियों के राजनीतिकरण से अधिक और कुछ नहीं है।⁹

रूडाल्फ ने यह सिद्ध करने का प्रयत्न किया कि जाति पर आधारित समूह का निर्माण राजनीतिक आधुनिकीकरण के आदर्शों को स्थापित करने और संसदीय जनतंत्र के कुशल संचालन में सहायक हुआ है। उनके अनुसार परम्परावादी जाति व्यवस्था का आधुनिकीकरण होने से जातिवाद अभिशाप होने के बजाय वरदान बन गया। अमेरिकी लेखकगण लायड रूडाल्फ तथा सूजन रूडाल्फ का यह विचार कि भारत में जातीय आधार पर संगठित होने वाले समूहों से देश के आधुनिकीकरण और संसदीय जनतंत्र की कार्यशीलता में सहायता मिली है, विवादपूर्ण है। यह सही है कि संचार और परिवहन साधनों के विकास के फलस्वरूप देश के विभिन्न भागों में बसने वाली जातियाँ एक दूसरे के सम्पर्क में आयी और राजनीतिक समानता तथा वयस्क मताधिकार के सिद्धान्तों ने उन्हें राजनीतिक क्षेत्र में भाग लेने का अवसर प्रदान किया। राजनीतिक संस्थाओं में प्रतिनिधित्व प्राप्त करने के लिए विभिन्न जातियों ने संगठित होकर प्रतियोगी संस्थाओं में भाग लेना शुरू किया और इसने स्वाभाविक रूप से उनमें राजनीतिक जागरूकता, अपने अधिकारों का ज्ञान, अपने हित सुरक्षित और विकसित करने की भावना को प्रबलता भी मिली है। जातीय भेदभाव पर आधारित राजनीतिक गतिविधियाँ वास्तव में देश के राजनीतिक आधुनिकीकरण के लिए घातक और राष्ट्रीय एकीकरण में बाधक सिद्ध हुई हैं। जातीय जागरूकता ने यदि एक ओर विभिन्न जाति समूहों को एकता के सूत्र में बाँधा और उनमें राजनीतिक जागृति उत्पन्न की तो दूसरी ओर इसने सम्पूर्ण समाज को और भी छोटे-छोटे समूहों में विभाजित कर दिया। इससे जातीय भेदभाव, राजनीतिक पक्षपात तथा सामाजिक अन्याय की भावना का और ज्यादा विकास हुआ। अभी तक जातीय केवल सामाजिक जीवन तक सीमित था और राजनीतिक क्षेत्र उससे बहुत कुछ अप्रभावित था, किन्तु जाति पर आधारित समूहों के निर्माण के बाद जातिवाद का प्रभाव राजनीतिक क्षेत्र में काफी बढ़ गया।

ब्रिटिशकालीन भारत में जन्म के बजाय क्षमता के आधार पर राजनीतिक स्थिति को निर्धारित करने के सिद्धान्त का आरम्भ हुआ। स्वतंत्रता के बाद भारत के संविधान में जातीय भेदभाव को अवैधानिक घोषित किया और क्षमता के सिद्धान्तों को मान्यता प्रदान की। आशा यह थी कि इन संवैधानिक सम्बन्धों से जातिवाद का प्रभाव कम होगा, लेकिन जाति समूहों के संगठित होने से जातिवाद उग्र रूप में राजनीतिक क्षेत्र में दाखिल हुआ। यह कहना एक हद तक तीव्र है कि राजनीतिक आधुनिकीकरण के आरम्भ होने के बाद सामाजिक क्षेत्र में जातिवाद का प्रभाव अपेक्षाकृत कम हुआ, लेकिन राजनीतिक क्षेत्र में उसका प्रभाव निरन्तर बढ़ता रहा। इस दावे की पुष्टि इस तथ्य से होती है कि शहरों में पहले की उपेक्षा विभिन्न धर्म और जातियों के लोग काफी बड़ी संख्या में एक दूसरे के साथ उठने-बैठने और खाने-पीने लगे हैं इस तरह दैनिक जीवन में यह जातियाँ सुसंगठित रूप में जातिवाद को एक महत्वपूर्ण आधार एवं साधन के रूप में अपनाकर राजनीतिक संस्थाओं में अधिक से अधिक प्रतिनिधित्व तथा अन्य लाभों को प्राप्त करने के लिए प्रयत्नशील हैं। जातीय समूहों के निर्माण के पश्चात् विभिन्न जातियों को संगठित रूप से अपनी सत्ता को प्रदर्शित करने का अवसर मिला। यही कारण है कि यहाँ जाति-समूह, निर्वाचनों में जाति के आधार पर प्रत्याशियों के चयन, जातीय आधार पर मताधिकार का प्रयोग, मंत्रिमण्डल में अपनी जाति के समुचित प्रतिनिधित्व और अन्य राजनीतिक लाभों को जातीय आधार पर प्राप्त करने का प्रयत्न करते हैं तथा प्रशासकीय कर्मचारियों में जातीय भावना को उत्तेजित करके उनकी सहायता से समुचित सुविधाएँ प्राप्त करते हैं। परिणामस्वरूप समानता के स्थान पर विषमता और सामाजिक अन्याय, धर्म निरपेक्षता के स्थान पर साम्प्रदायिकता, व्यक्तिगत क्षमता के बजाय जाति के आधार पर पदों का वितरण, सर्वसाधारण के हितों के बजाय समूह-हितों के प्रधानता आदि का उदय होता है। ये सारे तत्व राजनीतिक आधुनिकीकरण के मौलिक सिद्धान्तों का निषेध करते हैं और हमें

परम्परावादी समाज की ओर वापस ले जाते हैं। इस प्रकार जाति जागरूकता और फलस्वरूप जातीय समुदायों का निर्माण, राजनीतिक आधुनिकीकरण में ही नहीं राजनीतिक एकीकरण में बाधक सिद्ध हुआ है। अतः रूडोल्फ की तरह रजनी कोठारी का यह दावा है कि 'भारतीय राजनीति में कथित जातिवाद वास्तव में जातियों के राजनीतिकरण से अधिक या कम कोई और चीज नहीं है, पूर्णतः सत्य नहीं मालूम होता।

उपर्युक्त दृष्टिकोण के विपरीत कुछ ऐसे विचारक हैं जो भारतीय राजनीति में जातिवाद के बढ़ते हुए प्रभाव को चिन्ता की दृष्टि से देखते हैं। हैरिसन का तो कहना है कि देश में होने वाले आर्थिक परिवर्तनों के प्रभावस्वरूप जाति का लोप होना तो दूर रहा, जातिवाद पहले से ज्यादा सबल बन गया है।¹⁰ एम0एम0 श्रीवास्तव का कहना है कि परम्परावादी जाति व्यवस्था ने प्रगतिशील और आधुनिक राजनीतिक व्यवस्था को इस तरह प्रभावित किया कि ये राजनीतिक संस्थाएँ अपने मूल रूप में कार्य करने में समर्थ नहीं हैं।¹¹ डी0आर0 गाडगिल ने भी जातिवाद को राष्ट्रीय एकीकरण के लिए हानिकारक मानते हुए कहा है कि क्षेत्रीय दबावों से ज्यादा खतरनाक बात यह है कि वर्तमान काल में जाति, व्यक्तियों को एकता के सूत्र में बाँधने में बाधक सिद्ध हुई है।¹²

यह प्रश्न प्रायः हमारे मस्तिष्क में उठता है कि एक धर्म निरपेक्ष और जनतन्त्रात्मक राजनीतिक व्यवस्था स्थापित किये जाने तथा राजनीतिक और सामाजिक समानता को मूल अधिकारों के रूप में मान्यता दिये जाने के बाद भी भारत के सामाजिक और राजनीतिक जीवन में जातीय भेदभाव और छुआछूत क्यों विद्यमान है। इस स्थिति के कुछ और कारण भले ही हों, लेकिन भारतीय समाज में पाये जाने वाले जातिवाद का एक मनोवैज्ञानिक कारण भी बताया जा सकता है जो कुछ ज्यादा ही महत्वपूर्ण लगता है। जैसा कि पहले कहा जा चुका है परम्परावादी सामाजिक व्यवस्था में राजनीतिक और धार्मिक कार्य पर समाज में उच्च जातियों का एकाधिकार था और प्रत्येक जाति के कार्य जन्मतः निर्धारित होते थे।

संक्षेप में देखें तो भारत में स्वतंत्रता के बाद जातिवाद द्विभागीय व्यवस्था बनकर रह गया है। (उच्च और निम्न जातियों की इस मनोदशा के कारण उच्च जातियों में खोई हुई प्रतिष्ठा की याद, निम्न जातियों में, उन पर किये गये अत्याचारों के कारण, बदला लेने की भावना) भारतीय समाज और राजनीति से जातिवाद को संविधान के मन्तव्य के अनुसार समाप्त करना आसान नहीं है। इस स्थिति में सुधार केवल कानूनी उपबंधों के द्वारा सम्भव नहीं, जब तक उसके अनुरूप मानसिक परिवर्तन न हो क्योंकि कानून तथा दण्ड का भय मनुष्य के वाह्य आचरण को नियंत्रित कर सकता है, उसके विचारों और भावनाओं को नहीं।

भविष्य में भारतीय राजनीति में जातिवाद का क्या स्वरूप होगा और भारतीय राजनीति कहाँ तक अपने को जाति के प्रभाव से मुक्त रख सकेंगी, इस सम्बन्ध में कोई अन्तिम मत व्यक्त करना कठिन है। लेकिन सैद्धान्तिक रूप से यह निष्कर्ष निकालना गलत न होगा कि शिक्षा के प्रसार और आधुनिकीकरण के मूल्यों को वास्तविक रूप से अपनाये जाने के बाद विभिन्न जाति-समूह, राजनीतिक क्षेत्र में सफलता प्राप्त करने के उद्देश्य से समानता और धर्मनिरपेक्षता के आदर्शों से समझौता करने के लिए मजबूर होंगे।

सन्दर्भ

1. रजनी कोठारी: कास्ट इन इंडियन पालिटिक्स (आरियन्ट लांगमैन, दिल्ली, 1970), पृ. 4 2. वही। 3. मोरिस जॉस : गवर्नमेंट ऐंड पालिटिक्स आफ इंडिया (हचिंसन ऐंड कं०, लंदन, 1967), पृ. 52-60 4. वही, पृ. 52 5. एम.एन. श्रीनिवास: सोशल चेंज इन मार्टन इंडिया (एलायड पब्लिशर्स, दिल्ली, 1966), पृ. 146 6. ए.जे. दस्तूर : दि पैटर्न आफ महाराष्ट्र पोलिटिक्स, इकबाल नारायण (सं)-स्टेट पोलिटिक्स इन इंडिया (मीनाक्षी प्रकाशन, मेरठ, 1967) में उद्धृत, पृ. 188 7. लायड आई. रूडोल्फ ऐंड एस. हाबर रूडोल्फ : दि मार्टिनीटी आफ ट्रेडीशन (ओरियंट लांगमैन, 1969), पृ. 11 8. वही, पृ. 36 9. रजनी कोठारी, पूर्वोक्त पृ. 4 10. सेलिंग एम हैरिसन : इंडिया-दि डेंजरस डिक्ट्स (प्रिंसटन यूनिव प्रेस, 1960), पृ. 101 11. एम.एन. श्रीनिवास, सेमिनार (दिल्ली) जून 1965 में, पृ. 2 12. डी.आर. गाडगिल : इंडिया-दि मोस्ट डेंजरस डिक्ट्स में उद्धृत, पृ. 102 13. प्रोफेसर एस0एम0 सईद : भारतीय राजनीतिक व्यवस्था, भारत बुक सेंटर, लखनऊ, 2010 14. डॉ. पुखराज जैन एवं डॉ. बी0एल0 कडिया : भारतीय शासन व राजनीति, साहित्य भवन पब्लिकेशन, आगरा, प्रथम संस्करण, सोलहवाँ संशोधित संस्करण 15. डॉ. आर0एन0 त्रिवेदी एवं डॉ. एम0पी0 राय, भारतीय सरकार एवं राजनीति, कालेज बुक डिपो, जयपुर



शिक्षा तथा राज-शासन

*विनोद कुमार सिंह

प्रवक्ता-शिक्षा शास्त्र ईश्वर शरण इण्टर कालेज इलाहाबाद,

राज-शासन के कतव्यों और विशेषकर राजकर्म तथा निजी उद्यम के उचित सम्बन्धों पर बहुत दिनों से विवाद होता आ रहा है। इस विषय पर विशद विवेचन शिक्षाशास्त्र के जानकारों के लिये आवश्यक है। इस समस्या के कुछ महत्वपूर्ण अंगों पर दृष्टिपात करना आवश्यक होगा, क्योंकि उससे हमको यह पता चलता है कि वर्तमान सभ्य राज्यों की शिक्षा के आयोजन तथा नियंत्रण के सम्बन्ध में क्या निश्चित नीति है। अथवा होनी चाहिए।

इंग्लैण्ड में वर्तमान राजनीति के जन्मदाता हाब्स से लेकर लाक, ऐडम स्मिथ, बेन्थम, जे०एस०मिल, तथा हरबर्ट स्पेन्सर तक अनेक विद्वान हुये हैं। जिन्होंने राजनीतिक सिद्धान्तों पर विद्वतापूर्ण ग्रन्थ लिखे हैं। कुछ बातों में इनके विचार एक-दूसरे से नितान्त भिन्न हैं। परन्तु एक महत्वपूर्ण दिशा में ये विद्वान एक मत हैं। समाज की उत्पत्ति के विषय में तथा समाज के प्रति व्यक्ति के सम्बन्ध के विषय में तो वे एकमत नहीं हैं। परन्तु वे सभी व्यक्ति को ही समाज का मूल मानते हैं। अनैतिहासिक तथा काल्पनिक सामाजिक अनुबन्ध के आधार पर हाब्स का विचार था कि राजशासन का ही पूर्णाधिकार होना चाहिये क्योंकि सामाजिक अनुबन्ध के सिद्धान्तानुसार प्रत्येक व्यक्ति अपना हित दूसरों की भलाई के लिये त्याग देता है और बदले में सब मिलकर इसकी रक्षा करते हैं। सन् 1688 ई० के इंग्लैण्ड के राजविप्लव का समर्थन करने वाले लॉक ने उपर्युक्त सामाजिक अनुबन्ध के स्वरूप में कुछ संशोधन कर दिये। उनका कथन है कि आरम्भ काल में मनुष्य ने अपनी सारी स्वतंत्रता समाज को अपर्ण नहीं कर दी थी, वरन कुछ निश्चित उद्देश्यों के लिये ही उसने समाज का वरन किया। अंत में उनका निष्कर्ष यह है कि साधारण वैज्ञानिक राज्य ही प्राकृतिक नियमानुसार वास्तविक अधिकारी है। इसी प्रकार ऐडम स्मिथ, बेन्थम आदि दार्शनिकों ने भी राजनीतिक सिद्धान्तों के अनुसार समाज का निर्माण सामाजिक अनुबन्ध की काल्पनिक तथा अस्थिर भित्ति पर नहीं होता वरन उपयोगिता के आधार पर होता है। राज्य का कर्तव्य प्रत्येक नागरिक के व्यक्तिगत सुख को बढ़ाना है, और व्यक्तिगत स्वतंत्रता की रक्षा करना है। ध्यान केवल इस बात पर रखना है कि एक की स्वतंत्रता दूसरे की स्वतंत्रता में बाधा तो नहीं पहुँचाती। उनकी राय में राज-शासन का कोई निजी नैतिक महत्व नहीं है। अन्य दिशाओं में इसका अस्तित्व भी किसी को अनुभव न होना चाहिये। इसी प्रकार राज्य के कार्य को जान स्टुअर्ट मिलने बताया है।

पुरे संसार में प्रायः यही देखा जा रहा है कि राजनैतिक रूप राज्यों के संचालन में सरकार की महत्वपूर्ण भूमिका है। राज्य की शक्ति, उसका प्रभाव तथा काम का दायित्व बढ़ा हुआ है। राज्य के कार्य के रूप में शिक्षा, नागरिक प्रशासन, कानून व्यवस्था, न्याय प्रशासन राज्य का प्रमुख कार्य माना गया है। शिक्षा में राज्य का प्रमुख स्थान है। इसलिये राज्य का हस्तक्षेप आवश्यक हो जाता है। क्योंकि विद्यार्थी को शिक्षा का सम्पूर्ण मूल्य ज्ञात नहीं हो सकता। अतः विद्यालय खोलना राज्य का काम है। आरम्भिक शिक्षा अनिवार्य होनी चाहिये। परन्तु जनसाधारण के निजी उद्यम में किसी प्रकार की बाधा नहीं होनी चाहिये। जो स्थान राजनीतिक क्षेत्र में अपने समय में मिल का है। वही परवर्ती वैज्ञानिक युग में स्पेन्सर का है स्पेन्सर के अनुसार जीवन का संघर्ष ही उन्नति की कुँजी है। 'जिस प्रकार जीवन की उपयोगिता में पिछड़ जाने पर कोई जीव तथा पौधा नष्ट हो जाता है। उसी प्रकार समाज में पिछड़ जाने पर व्यक्ति भी नष्ट हो जाता है। अतः राजनितिज्ञ का कर्तव्य है कि सुव्यवस्थित प्रतियोगिता का क्षेत्र समाज में बना रहे। उसका हस्तक्षेप इतना ही हो जिससे प्रतिद्वन्द्वियों को एक ही अनुरूप सुयोग प्राप्त होता रहे। अतः दुर्बल की सहायता के लिये वे सबल को बलहीन बनाने के विरोधी है। सारांश यह कि लाक से स्पेन्सर तक इंग्लैण्ड के सभी राजनीतिज्ञों ने व्यक्ति स्वातंत्र्य में राज्य का हस्तक्षेप कुछ ही अंशों में उचित माना है। यदि कुछ मत भेद है तो इस आंशिक हस्तक्षेप की सीमा-निर्देशन में ही है।

परन्तु सारी कहानी इतनी ही नहीं है। यद्यपि ऐडम स्मिथ और उनके अनुयायियों ने इंग्लैण्ड के राजनीतिक सिद्धान्तों को पर्याप्त मात्रा में प्रभावित किये, परन्तु राज्य के हस्तक्षेप के विरोध की उनकी नीति का भी घोर विरोध हुआ। मैथ्यू अरनाल्ड ने बड़े प्रभावपूर्ण शब्दों में उच्च शिक्षा के लिये राज्य का दायित्व बतलाया था। कारलाइल और रस्किन ने भी 'पद भाव्यनीति' (व्यक्तिगत स्वाधीनता) का विरोध किया था। और वर्तमान युग में अब यह सर्वस्वीकृत है कि अपने नागरिकों के अधिकारों के व्यक्तिगत हस्तक्षेप को रोकने के अतिरिक्त भी राज्य के कुछ और कर्तव्य हैं। स्पष्ट शब्दों में राज्य का कर्तव्य यह है कि येन केन प्रकारेण अपने नागरिकों को व्यक्तिगत रूप से यथा सम्भव सुयोग्य बनाये अथवा दूसरे शब्दों में उन्हें यथा सम्भव सुयोग्य बनाने में सहायता करें। अनियंत्रित प्रतियोगिता का सिद्धान्त अब नहीं माना जाता। उसका स्थान सहकारिता ने ले लिया है। जिसका स्वाभाविक परिणाम व्यक्तिगत स्वातंत्र्य का नियंत्रण है। मोटे रूप से साधारण सिद्धान्त तो यही है कि राज्य सभी व्यावहारिक तथा उपयोगी उपायों से अपने नागरिकों का जीवन स्तर ऊँचा करे। वर्तमान सभ्य राज्य का कर्तव्य केवल इतना ही नहीं है कि वह देश की रक्षा करता रहे, पर राष्ट्रनीति की देखरेख भी करता रहे, अपराधियों को दण्ड देता रहे अथवा न्याय विधान चलाता रहे। देश की सम्पत्ति को बढ़ाने का भी उसका कर्तव्य है। अपने करों को नियंत्रित करके तथा अन्य लोगों से किसी प्रकार धन निकालकर निर्धनों की सहायता करके सम्पत्ति के समुचित वितरण की व्यवस्था भी राज्य करता है। राज्य का कर्तव्य अपने नागरिकों की शिक्षा-व्यवस्था में सुविधा देकर और प्रारम्भिक शिक्षा को अनिवार्य तथा निःशुल्क कर दें। सारांश यह है कि स्वच्छन्द प्रतियोगिता की नीति जिसमें शक्ति सम्पन्न की विजय तथा दुर्बल की मृत्यु अवश्यम्भावी है, विल्कुल त्याज्य है। नागरिकों के व्यक्तिगत नैतिक उद्धार का अधिकार ही सर्वमान्य हो रहा है।

किसी भी सभ्य समाज में अन्य हितकारी कार्यों की भाँति शिक्षा का संचालन निम्न तीन साधनों में से किसी साधन द्वारा अथवा सभी साधनों द्वारा हो सकता है।

1.स्वलाभ के लिये स्वेच्छा से 2. दान संस्था अथवा धर्म संस्था द्वारा स्वेच्छा से 3. राज्य द्वारा। शिक्षा का इतिहास यही बताता है कि जनसाधारण के स्वेच्छा से ही शिक्षा का प्रबन्ध पहले किया राज्य ने इसके बाद ही उसे अपने हाथ में लिया परन्तु राज्य का हस्तक्षेप विभिन्न देशों में विभिन्न समय पर हुआ। मध्य युग में शिक्षा धर्माधिष्ठानों के अधीन थी। जर्मनी में धर्म सुधार के समय (सत्रहवीं शताब्दी) से राज्य का हस्तक्षेप प्रारम्भ हुआ। फ्रांस तथा अन्यान्य कैथोलिक देशों में राज्य का यह हस्तक्षेप और देर से हुआ फ्रांस की क्रांति ने प्राचीन परम्परा को उजाड़ फेंका और शिक्षा में राज केन्द्रित व्यवस्था प्रतिष्ठित कर दी। स्काटलैंड में जर्मनी की भांति धर्मसुधार के समय से ही शिक्षा का राज नियंत्रण प्रारम्भ हुआ। जो काम मार्टिन लुथर ने जर्मनी में किया वही जान लाक्स ने स्काटलैंड में किया। परन्तु इंग्लैंड में इस धर्म का तात्कालिक प्रभाव कुछ और ही पड़ा। कारण यह था कि इंग्लैंड में शिक्षा सुधार समाज के उच्च स्तर से प्रारम्भ हुआ और स्काटलैंड में जनसाधारण की ओर से अपने हित की दृष्टि से ही प्रेरित था। भारत की शिक्षा व्यवस्था पर प्रभाव इंग्लैंड की शिक्षा व्यवस्था का प्रभाव पड़ा चूँकि भारत अंग्रेजों द्वारा शासित राज्य था। इस कारण भारत की शिक्षा व्यवस्था पर अंग्रेजों की शिक्षा प्रणाली का स्पष्ट प्रभाव पड़ा। भारत वर्ष में स्वतंत्रता के बाद शिक्षा व्यवस्था सरकारी व निजी व्यवस्था के हाथ में रही वर्तमान में राजनीतिक क्षेत्र की भाँति शिक्षा क्षेत्र में भी संसार के सामने एक आदर्श उपस्थित करें। हम सिद्ध कर चुके हैं कि शिक्षा में स्वैच्छिक संस्थानों के स्थान धीरे-धीरे राज्य को ले लेना चाहिये।

प्रभावशाली शिक्षा व्यवस्था के दृष्टि से राज्य के निम्नलिखित कर्तव्य निर्धारित किये गये हैं।

- 1.राज्य स्थानीय आवश्यकतानुसार प्राथमिक व माध्यमिक विद्यालयों की स्थापना करे। इसके उपरान्त उच्च शिक्षण संस्थानों की स्थापना विशिष्टता के आधार पर की जाय।
- 2.विद्यालयों की स्थापना के बाद राज्य अपने नागरीकों (माता-पिता) को इतना प्रेरित करें कि वे शिक्षा के महत्व व आवश्यकता को ध्यान रखकर अपनों बच्चों में शिक्षा के प्रति लगाव पैदा करें।
- 3.राज्य का तीसरा कर्तव्य यह है कि वह यह निश्चित करे कि शिक्षा का व्यय भार किस प्रकार बहन करेगा।
- 4.राज्य का चौथा कर्तव्य यह है कि वह शिक्षा पर नियंत्रण संचालन अपने हाथ में रखे।

सरकार उपरोक्त कर्तव्यों के पालन व शिक्षा के आवश्यक साधन (भवन, शिक्षक, पुस्तकें, फर्नीचर) आदि की व्यवस्था सुचारु रूप से सुनिश्चित करके शिक्षा का विकास देश के आवश्यकताओं के अनुरूप कर सकती है। निष्कर्ष के रूप में यह कहा जा सकता है कि शिक्षा का राज-शासन इस प्रकार के हाथ में हो। व स्थानीय स्तर पर देखरेख हेतु एवं स्थानीय व्यवस्था भी हो, जो केन्द्रिय व्यवस्था के प्रति जबाबदेह हो। इस प्रकार शिक्षा में संघीय व्यवस्था का आचरण करके पुरे राज्य में शिक्षा का सम्यक उन्नयन किया जा सकता है।

संदर्भ

1. पाठक पी.डी.-भारतीय शिक्षा एवं उसकी समस्याएँ। 2. श्रीमद् भागवत गीता-गीता प्रेस गोरखपुर। 3. पाण्डेय राम सकल-भारतीय शिक्षा दर्शन। 4. उपाध्याय डा० प्रतिभा-भारतीय शिक्षा में उदीयमान प्रवृत्तियाँ। 5. गुप्ता एस०पी०-भारतीय शिक्षा का इतिहास, विकास एवं समस्याएँ।



पंचायतों में महिला आरक्षण : मिथक एवं वास्तविकता

*नीरजा

शोध छात्रा लखनऊ वि० वि०, लखनऊ

किसी भी समाज की उन्नति व प्रगति उसके मानवीय संसाधनों-स्त्रियों व पुरुषों के बीच समानता पर निर्भर करती है, ये ही सामाजिक संरचना के आधार स्तम्भ होते हैं। पूर्ण एवं निरन्तर विकास के लिए आवश्यक है कि दोनों आधार स्तम्भ अर्थात् स्त्री व पुरुष मिलकर समाज निर्माण में योगदान दें। परन्तु अल्प विकसित व विकासशील देशों के सन्दर्भ में यह धारणा कोरी कल्पना ही साबित होती है। हमारे समाज में पारम्परिक रूप से प्रदत्त सत्ता में पुरुष एक मुख्य भूमिका अदा करता आया है। निर्णयकारिता के प्रत्येक स्तर पर पुरुष अपना पारम्परिक हक जताता रहता है, इसके पीछे इसका तर्क है कि वह ही निर्णय लेने में सक्षम है। यद्यपि हमारे देश में महिलाओं को देवियों की मान्यता दी गयी है। लेकिन कालान्तर में उनके कार्य, योगदान और उनकी प्रतिष्ठा को समाज की मुख्य धारा से दूर कर दिया गया। महिलाओं द्वारा दोहरे दर्जे के कार्यों को किये जाने के पीछे तर्क दिया जाता रहा है कि उनमें बुद्धिमत्ता, दूरदृष्टि व दृढ़ निर्णय लेने वाली कुशलता का अभाव रहता है। इस प्रकार की व अन्य अनेक कमियाँ भी बिना किसी तार्किक आधार के महिलाओं से लम्बे समय से जुड़ी रही हैं। जबकि बिना किसी दुविधा के यह सिद्ध हो गया है कि यदि महिलाओं को समान अवसर व सुविधायें प्रदान की जायें तो महिलाएं न सिर्फ पुरुषों के समान बल्कि उनसे बेहतर कार्य कर सकती हैं। विपरीत परिस्थितियों में भी महिलाओं द्वारा अपेक्षा से अधिक किए गए कुशल कार्यों द्वारा परम्परागत शक्ति पुंज पुरुषों की मानसिकता में बदलाव आया है। आज के शहरीकरण, औद्योगीकरण व यान्त्रिकीकरण के युग में पुरुष व महिला सहभागिता के चक्र को पुनर्परिभाषित किया गया है। जिसने यह भी सिद्ध कर दिया है कि किसी समाज का निर्माण व विकास उस समाज के मानव संसाधन के उचित विकास पर निर्भर करता है। अभी तक विकासशील देशों की नीतियाँ और कार्यक्रम भौतिक विकास पर जोर देते आये हैं, इसलिए समुचित विकास न होकर विकास की गति एकांकी रही है और शायद इसीलिए आधुनिक नीति निर्माताओं ने न केवल विकास के दूसरे पक्ष अर्थात् मानव विकास पर अधिक जोर दिया जाता है बल्कि इसे एक प्राथमिक आधार माना है। मानवीय संसाधनों के विकास में महिला विकास अन्तर्निहित है।

हमारा देश ग्राम्य प्रधान रहा है। देश की कुल जनसंख्या का 68.84 प्रतिशत गांवों में निवास करता है। स्वतंत्रता प्राप्ति के पश्चात सरकार ने ग्रामीण समुदाय के विकास पर ध्यान दिया। सरकार द्वारा ग्रामीण विकास को गतिशील करने के उद्देश्य से सामुदायिक विकास योजना 1952 एवं राष्ट्रीय विस्तार योजना 1953 प्रारम्भ की गयी परन्तु दुर्भाग्यवश यह योजनार्यें अपने लक्ष्य को प्राप्त नहीं कर सकी। बलवन्त राय मेहता कमेटी 1957 की संस्तुतियों के आधार पर त्रिस्तरीय पंचायती राज व्यवस्था सन् 1959 में देश में लागू की गयी। अशोक राय मेहता कमेटी, 1977 तथा जी० वी० के० राव कमेटी, 1985 ने पंचायती राज व्यवस्था को व्यक्तिोन्मुखी बनाने हेतु अमूल्य सुझाव दिये।

73वें संविधान संशोधन अधिनियम (जो 24 अप्रैल, 1993 से लागू हुआ) द्वारा पंचायतों को संवैधानिक दर्जा प्राप्त हुआ। महिलाओं के विकास के दृष्टिकोण से 73वां संविधान संशोधन अधिनियम वास्तव में एक मील का पत्थर साबित हुआ जिसने पंचायतों में 33 प्रतिशत सीटों पर महिला प्रतिनिधियों को आरक्षण प्रदान किया। इसका प्रमुख उद्देश्य महिलाओं को राजनैतिक रूप से सशक्त किया जाना है। यह भी तय किया गया कि यह आरक्षण महिला

पदाधिकारियों के स्वयं के लाभ के लिए न हो बल्कि चुनी गयी महिलायें पिछड़ी व दबी महिलाओं के जीवन-स्तर में सुधार कर सकें। अधिनियम केवल महिलाओं को आरक्षण देने तक ही सीमित नहीं है अपितु उनकी अधिकाधिक भागीदारी सुनिश्चित करना चाहता है। साथ ही साथ उन महिलाओं को भी आरक्षण प्रदान करता है जो अनुसूचित जातियों, अनुसूचित जनजातियों व अन्य पिछड़ी जातियों की हैं तथा उन्हें भी निर्णयकारिता में भाग लेने का समान अवसर प्रदान करता है। महिला सशक्तिकरण के संदर्भ में कई प्रकार की शंकायें भी सामने आती हैं। जो अनेक प्रकार की भ्रांतियां पैदा करती हैं। क्या वास्तव में हम महिलाओं को सशक्त करना चाहते हैं? क्या वास्तव में इससे पहले महिला उद्धार के लिए कोई नियम कानून नहीं बनाये गये थे? क्या महिलायें अपने राजनैतिक अधिकार प्राप्त करने के लिए वास्तव में लड़ाई लड़ेगी? महिलायें किस तरह संवैधानिक जिम्मेदारी निभायेंगी और अपना कर्तव्यपालन करेंगी जबकि उनका एक बड़ा प्रतिशत अभी भी अशिक्षित एवं राजनैतिक क्षितिज पर अनुभव शून्य है? वे इन बदली परिस्थितियों में सामंजस्य कैसे स्थापित कर पाएंगी? उन्हें जनसभाओं के लिए अधिक समय देना पड़ेगा, रात में भी घर के बाहर रहना पड़ सकता है। पुरुषों से कंधे से कंधा मिलाकर चलना होगा, ऐसे निर्णय भी लेने होंगे जो अक्सर पुरुषों के विरुद्ध होंगे। वे किस प्रकार से दूसरों के लिए स्वतंत्र एवं निष्पक्ष निर्णय ले सकेंगी? जबकि वे अभी अनेक प्रकार से पुरुषों पर ही निर्भर रहती हैं-कभी पुत्री के रूप में तो कभी पत्नी के रूप में कभी माता के रूप में। वे गलाकाट राजनैतिक प्रतिद्वन्द्वता का, जिसका कोई अन्त नहीं होता है, किस प्रकार सामना करेंगी? लगातार अमानवीय अत्याचारों के प्रति वे स्वयं व समाज को कैसे जागरूक कर सकेंगी? वे अन्य सामाजिक संस्थायें जैसे पुलिस व न्यायालय में अपने ऊपर लगे भ्रष्टाचार के आरोपों पर अपना पक्ष किस प्रकार रखेंगी? जबकि कई बार ऐसे आरोप उनकी अपनी गलती से नहीं बल्कि दूसरों की साजिश व गलती की वजह से ही लगेंगे। क्या महिलायें ऐसी सिद्धहस्त कूटनीतिज्ञ हो सकेंगी कि वे ऐसे हमलों से अपना बचाव कर सकें? पंचायती राज संस्थाओं के साथ वह कैसा कार्यानुभव करेंगी? ऐसे व ऐसे ही अनेक प्रश्नों के उत्तर देने के लिए प्रस्तुत शोध एक प्रयास है।

पंचायती राज व्यवस्था में महिलाओं को संवैधानिक आरक्षण प्राप्त हुए लगभग डेढ़ दशक व्यतीत हो चुका है और अब आवश्यकता इस बात की है कि एक वस्तुनिष्ठ मूल्यांकन किया जाये, कि क्या महिलाओं की इस राजनैतिक सहभागिता से उनकी स्थिति में अपेक्षित सुधार हुआ है, और क्या वास्तव में उनका सशक्तिकरण हुआ है? यदि नहीं तो क्यों? महिला सशक्तिकरण के लिए किन आवश्यक कदमों को उठाकर और कैसे 'उनमें आत्मविश्वास को जागृत किया जाये?' ऐतिहासिक दृष्टि से महिलाओं की राजनैतिक सहभागिता की प्रक्रिया कहाँ से प्रारम्भ हुई इस पर विचार करने से निम्न तथ्य सामने आते हैं:-

भारत में सामाजिक पुनर्जागरण और राजनीतिक चेतना के विकास की शुरुआत 19वीं शताब्दी के प्रारम्भ में बंगाल में ब्रह्मसमाज के संस्थापक राजा राममोहन राय, बम्बई में प्रार्थना समाज के संस्थापक श्री महादेव गोविंद रानाडे और उत्तर-पश्चिम भारत में आर्य समाज के संस्थापक स्वामी दयानंद द्वारा सामाजिक सुधारों की श्रृंखला में स्त्री-उत्थान के विषय पर प्राथमिकता के आधार पर ध्यान देने से मानी जाती है। 1857 में भारत के पहले सबसे बड़े स्वतंत्रता संग्राम और 1885 में भारतीय राष्ट्रीय कांग्रेस की स्थापना के बाद सामाजिक सुधार और राजनीतिक चेतना की मिली-जुली प्रवृत्ति साथ-साथ आगे बढ़ी। राजनीतिक क्षेत्र में महिलाओं का वास्तविक पर्दापण 20वीं शताब्दी के प्रारम्भ के प्रथम दशक में कांग्रेस के स्वदेशी आंदोलन में महिलाओं की महत्वपूर्ण भूमिका के साथ हुआ और इसी में दूसरे दशक में वे सीधे राजनीतिक क्षेत्र में उतर पड़ी। 1931 में महान आयरिश महिला श्रीमती एनी बेसेंट जो भारत

को अपनी कर्मभूमि व घर मानती थीं, राजनीति के क्षेत्र में एक कर्मठ कार्यकर्त्री के रूप में उभरी। उनके योगदान के कारण व भारतीयों के प्रति उनके भाव को देखकर ही 1917 के कलकत्ता अधिवेशन में उन्हें भारतीय राष्ट्रीय कांग्रेस की प्रथम महिला अध्यक्ष के गरिमामयी पद की बागडोर सौंपी गई। यह देश की राजनीति के क्षेत्र में भारतीय महिलाओं के सक्रिय योगदान की दिशा में पहला सफल कदम था। हालांकि इसके पूर्व में श्रीमती बेसेंट ने श्रीमती मार्गरेट कजिंस तथा श्रीमती मार्गरेट नोबल (जिन्हें सिस्टर निवेदिता के नाम से जाना जाता था) के साथ मिलकर वेकअप इंडिया नाम के आंदोलन का सूत्रपात किया था यही आंदोलन बाद में 'होमरूल लीग' में परिणित हुआ था।

डा० मुथुलक्ष्मी रेड्डी पहली महिला विधायक के रूप में विधानसभा पहुँची और शीघ्र ही विधानसभा की उपाध्यक्ष चुनी गयीं। 1927 में ऑल इण्डिया वीमन्स काँग्रेस नामक अखिल भारतीय महिला संगठन यद्यपि प्राकृतिक रूप से गैर-राजनीतिक था, तथापि स्त्रियों में सामाजिक सुधारों के साथ, राजनीतिक जागृति लाने में प्रारम्भ से ही गतिशील रहा। आज भी यह संगठन महिलाओं की उन्नति में सतत प्रयासरत है। इस संगठन का नारा रहा है-समान अधिकार (विशेष अधिकार नहीं) और समान दायित्व। 1930 में 'नमक सत्याग्रह' के समय गाँधी जी ने महिलाओं को स्वतंत्रता-संग्राम में भाग लेने हेतु आवाह किया। 1930 के इस आंदोलन में 17 हजार महिलायें गिरफ्तार हुयीं। डा० मुथुलक्ष्मी ने मद्रास विधानसभा की सदस्यता से, श्रीमती कमलाबाई लक्ष्मण राव तथा श्रीमती हंसा मेहता ने अवैतनिक न्यायाधीशों के पदों से त्यागपत्र देकर अपना विरोध प्रकट किया। चाहें 'सविनय अवज्ञा आन्दोलन 1932' हो या फिर 'भारत छोड़ो आन्दोलन 1942'-स्त्रियों ने सदा ही स्वाधीनता के संग्राम में बढ़-चढ़कर हिस्सा लिया। भारत छोड़ो आन्दोलन के समय श्रीमती सुचेता कृपालानी, श्रीमती उषा मेहता तथा श्रीमती अरुणा आसफ अली ने भूमिगत रहकर आन्दोलन का संचालन किया तथा बाद में कांग्रेस में समाजवादी विचारधारा का प्रतिनिधित्व किया।

इस प्रकार से वैधानिक क्षेत्र में भी महिलाओं का प्रतिनिधित्व चलता रहा। 1927 में 'कॉमनवेल्थ ऑफ इण्डिया बिल' में महिला परिषद के प्रतिनिधित्व ने बिना लिंग भेदभाव के, समान अधिकार व समान कर्तव्य की धारा जोड़ने पर जोर दिया। पहली 'राउंड टेबल कॉन्फ्रेंस' में बेगम साहनवाज और श्रीमती राधाबाई सुब्रायन ने भाग लेकर महिला मतदाता संख्या में वृद्धि करने की माँग की। गाँधी जी दूसरे गोल मेज सम्मेलन, 1931 में सम्मिलित होने जब लंदन गये तो सरोजनी नायडू ने भी उनके साथ जाकर महिलाओं का प्रतिनिधित्व किया। 1935 में ब्रिटिश संसद द्वारा 'भारत सरकार अधिनियम' पारित कर केवल मतदाताओं की पत्नियों को ही मत देने का अधिकार दिया गया था और विधानसभाओं में स्त्रियों के लिए कुछ सीटों की व्यवस्था की गयी थी। इस पर विचार करने के लिए लार्ड लुटियन की अध्यक्षता में बनायी गयी कमेटी में राजकुमारी अमृतकौर, श्रीमती लक्ष्मी मेनन, श्रीमती राममूर्ति तथा श्रीमती मणिकलाल ने महिलाओं का प्रतिनिधित्व कर लिंग, जाति, संप्रदाय के भेदभाव पर आधारित इस मतदान अधिकार का खुलकर विरोध किया। किन्तु 1920 के अधिकार की अपेक्षा इसमें कुछ अधिक सुधारात्मक उपाय निहित होने से राष्ट्रीय कांग्रेस ने सरकार से कुछ स्पष्टीकरण प्राप्त कर, प्रायोगिक तौर पर इसे स्वीकार कर लिया। 1937 में 6 प्रांतों में कांग्रेस मंत्रिमण्डल बनने पर अच्छी संख्या में महिलायें विधानसभाओं की सदस्य चुनी गयीं जिनमें से कुछ मंत्री व उपाध्यक्ष भी बनीं। उत्तर प्रदेश के मंत्रिमण्डल में सम्मिलित श्रीमती विजयलक्ष्मी पंडित पहली महिला मंत्री थी। श्रीमती अनसूयाबाई काले केन्द्रीय प्रान्त/ सेन्ट्रल प्रांविस् की और श्रीमती लक्ष्मीबाई उडीसा विधानसभा की उपाध्यक्ष चुनी गयीं। श्रीमती रेणुका रे, श्रीमती अम्मू स्वामीनाथन, श्रीमती राधाबाई सुब्रायन

केन्द्रीय विधानसभा की सदस्य बनीं। 1937 में कुल 80 स्त्रियाँ विधानसभाओं में चुनकर गयीं। इस संख्या का उस समय विश्व में तीसरा स्थान था।

संविधान निर्माण में जिन प्रमुख महिलाओं ने भाग लिया, उनके नाम हैं: लीला रे, सरोजनी नायडू, राजकुमारी अमृतकौर, हंसा मेहता, दुर्गाबाई, सुचेता कृपलानी, रेणुका रे, कमला चौधरी, अम्मू स्वामीनाथन, मालती चौधरी, पूर्णिमा बनर्जी। इसीलिए स्वतंत्रता के तुरन्त बाद भारत के संविधान में भी पुरुषों को समान अधिकार का आश्वासन दिया गया। ऐसा उदाहरण अन्य देशों में नहीं मिलता। उन्नत देशों की स्त्रियों को भी इसके लिए लम्बा संघर्ष करना पड़ा था। हमारा लोकतंत्र वयस्क मताधिकार पर आधारित है और यह समान अधिकार केवल राजनीतिक क्षेत्र में ही नहीं, सभी क्षेत्रों में प्रदान किया गया है। भारतीय नारी की प्रगति के इतिहास में यह एक महत्वपूर्ण मोड़ सिद्ध हुआ।

1937 में कांग्रेस मंत्रिमण्डल बनने के साथ ही स्त्रियाँ प्रांतीय मंत्रिमण्डल में और केन्द्रीय व प्रांतीय विधानसभाओं में ले ली गयी थीं परन्तु उच्च प्रशासनिक पदों पर अभी भी उनकी पहुँच न थी। स्वतंत्र भारत में समानाधिकारों की गारंटीयुक्त संविधान लागू होने के साथ ही उनके लिए भी रास्ता खुल गया। आजादी के पूर्व आई0सी0एस0 (इण्डियन सिविल सर्विस) कैडर में कोई भी महिला नहीं थी। कुमारी अन्ना जार्ज ने 1950 में भारतीय प्रशासनिक सेवा परीक्षा उत्तीर्ण करके प्रथम आई0ए0एस0 महिला के रूप में महिलाओं को सम्मान दिलाया। इसके पश्चात् तो एकाउन्टेन्ट जनरल, विश्वविद्यालय अनुदान आयोग की अध्यक्ष, राष्ट्रीय विज्ञान कांग्रेस की अध्यक्ष जैसे प्रतिष्ठित पदों को अनेक महिलायें सुशोभित कर चुकी हैं। इस अनुक्रम में हर वर्ष कोई न कोई नया नाम जुड़ जाता है। प्रथम आई0पी0एस0 किरण वेदी की तरह 'पहल' करने वाले नामों की कुछ दिन चर्चा रहती है, फिर संख्या बढ़ने पर सब सामान्य सा लगने लगता है परन्तु साहस के नए क्षेत्र में पहल करने वाली इतिहास में अपना स्थान जरूर बना लेती है। शिक्षा, ज्ञान-विज्ञान, व्यवसाय के क्षेत्रों में महिलाएं जिस प्रकार आगे बढ़ी हैं, राजनीतिक क्षेत्र में उतनी प्रगति नहीं हुयी है। यद्यपि ब्रिटेन, अमरीका, जापान जैसे उन्नत देशों की तुलना में भारतीय स्त्रियों की स्थिति इस क्षेत्र में अच्छी है। भारत में एक महिला विश्व के सबसे बड़े लोकतंत्र की प्रधानमंत्री बनी, अपनी राजनीतिक, कूटनीतिक योग्यता, सूझ-बूझ और प्रशासनिक क्षमता साबित की। एक बार चुनाव हारने के ढाई साल बाद ही दोबारा राजनीतिक पटल पर उदय को सारे संसार ने आश्चर्य से देखा और उनकी शक्ति का लोहा माना। यह दर्शाता है कि यदि भारतीय स्त्रियों की वर्तमान प्रगति इसी रफ्तार से चलती रही तो उनके लिए भविष्य में सम्भावनायें और अच्छी होंगी।

राजनीतिक प्रक्रिया के अन्तर्गत व्यक्ति द्वारा जो राजनैतिक व्यवहार या क्रिया की जाती है वह राजनैतिक सहभागिता होती है। यह व्यक्ति का सचेतन निर्णय होता है और यह क्रिया उद्देश्यपूर्ण होती है। राजनैतिक गतिविधि में व्यक्ति प्रमुख होता है इसमें राजनैतिक दलों, हित समूहों या अन्य संगठनों की भूमिका को सम्मिलित नहीं किया जा सकता है क्योंकि ये वे अभिकरण हैं जिनके माध्यम से व्यक्ति इन गतिविधियों में भाग होता है। सभी व्यक्तियों की राजनैतिक भागीदारी समान नहीं होती। कुछ व्यक्ति सक्रिय, कुछ निष्क्रिय तथा कुछ उदासीन रूप से राजनैतिक क्रियाकलापों में भाग लेते हैं। राजनीति के प्रति खिंचाव और दुराव को निश्चित करने वाले अनेक तत्व होते हैं। इनमें व्यक्ति का राजनैतिक सहभागिकरण बहुत महत्वपूर्ण होता है। जनसम्पर्क, प्रचार, साहित्य तथा संगठनों तक व्यक्ति की पहुँच आदि व्यक्ति के इर्द-गिर्द के उस वातावरण में होते हैं जिसमें वह पलता-बढ़ता है। व्यक्तिगत रुचि, व्यक्तित्व,

राजनीति के सम्बन्ध में उसके अवबोधन, राजनैतिक मुद्दों के सम्बन्ध में निश्चित राय, शिक्षा का स्तर, पारिवारिक दायित्व, सार्वजनिक जीवन के स्वरूप को निर्धारित करने में महत्वपूर्ण भूमिका निभाते हैं। सामाजिक और आर्थिक आधार पर व्यक्ति की वर्गीय स्थिति, लिंग, आय, और साधन सम्पन्नता जैसे तत्व भी व्यक्ति की सहभागिता की सक्रियता और गहनता पर प्रभाव डालते हैं।

राजनीतिक प्रक्रिया देश के संतुलित विकास हेतु अत्यावश्यक है। महिलाओं के सामाजिक, आर्थिक, राजनीतिक विकास के लिए समय-समय पर कई प्रयास किये जाते रहे हैं। महिला विकास के अनेक कार्यक्रम भी संचालित किये गये हैं, परन्तु कुछ महान महिला विभूतियों को यदि छोड़ दिया जाए तो महिलायें पुरुषों की बराबरी नहीं कर सकी हैं (घोषा, लोपा, मुद्रा व अपाला ने ऋग्वेद वेद के मंत्रों का उद्धोष किया, गाँगी ने सामाजिक जीवन को नियमित करने वाली संहिता का प्रणयन किया। रजिया सुलतान, दुर्गावती, चाँद बीबी और लक्ष्मीबाई ने अपार शौर्य तथा शासन संचालन का परिचय दिया, इंदिरा गाँधी, माँगैरट थैचर, सिरिमाओ बंदारनायके, चंद्रिका कुमारतुंग, सोनिया गाँधी, मायावती, शीला दीक्षित, वसुन्धरा राजे, प्रतिभा पाटिल ने सफल एवं दृढ़ नेतृत्व क्षमता दिखायी) किन्तु केवल ये उदाहरण महिलाओं की पुरुषों के समक्ष बराबरी दर्शाने में पर्याप्त नहीं हैं। अच्छा होगा कि महिलाओं में इतनी राजनीतिक चेतना आ जाये कि वे पुरुषों के सामने राजनीतिक प्रक्रिया में अपनी महत्वपूर्ण स्थिति दर्ज करायें। महिला-पुरुष समानता की प्रतिबद्धता नीति-निर्माण के सर्वोच्च स्तर पर अर्थात् भारत के संविधान में भली-भाँति स्थापित है।

भारत में लोकतांत्रिक विकेन्द्रीकरण के नाम पर बनी पंचायती राज संस्थाएँ ही ग्रामीण विकास को सार्थक गति प्रदान कर सकती हैं। चाहे नामकरण भिन्न हो किन्तु विश्व के बहुत सारे देशों के ग्रामीण क्षेत्रों में स्थानीय सरकारें सफलतापूर्वक कार्य कर रही हैं। इनमें कोलंबिया, चिली, फिलिपीन्स, जाम्बिया, बुरुकिनाकासी, मैक्सिको, आइवरीकोस्ट तथा पाकिस्तान प्रमुख हैं। “प्रत्यक्ष लोकतंत्र के घर” के नाम से प्रसिद्ध स्विटजरलैण्ड में स्थानीय सरकारें सर्वाधिक सशक्त हैं। भारत में राष्ट्रीय समस्याओं के समाधान, संपूर्ण देश के विकास तथा ग्रामीण क्षेत्रों की चहुँमुखी उन्नति हेतु 73वें संविधान संशोधन के माध्यम से संविधान की 11वीं अनुसूची में जिन 29 विषयों का समावेश किया गया है, वे वस्तुतः सामाजिक आर्थिक विकास की कुंजी हैं।

भारत में ग्रामीण समुदाय के सर्वांगीण विकास के लिए 1952 में ‘सामुदायिक विकास कार्यक्रम’ तथा 1953 में ‘राष्ट्रीय प्रसार सेवा योजना’ चलायी गयीं। इन कार्यक्रमों का मुख्य उद्देश्य ग्रामीणों में आत्मनिर्भरता तथा जनसहभागिता को बढ़ावा देना था लेकिन सरकार को इस कार्य में आशा के अनुरूप सफलता नहीं मिल सकी। इसका मुख्य कारण इस योजना में कार्यरत कर्मचारियों में ग्रामीण जीवन के ज्ञान की कमी एवं प्रशिक्षण का अभाव था। अतः 1957 में बलवन्त राय मेहता की अध्यक्षता में गाँवों के विकास के लिए एक अध्ययन दल का गठन किया गया। जिसे बलवन्त राय मेहता समिति के नाम से जाना जाता है। 1959 में इस समिति ने त्रिस्तरीय पंचायती राज की स्थापना की सिफारिश की, जिसमें ग्राम स्तर पर ग्राम पंचायत, ब्लॉक स्तर पर मध्यस्तरीय पंचायत समिति तथा जिला स्तर पर ‘जिला परिषद’ के गठन पर बल दिया गया था। समिति की सिफारिश के मुताबिक देश की कुछ राज्य सरकारों ने इसे लागू किया, किन्तु 1969 के बाद पंचायती राज प्रणाली में गिरावट आने लगी।

पंचायती राज संस्थाओं को नवजीवन प्रदान करने व ग्रामवासियों की भागीदारी सुनिश्चित करने के उद्देश्य से अशोक मेहता समिति (1977), जी० वी० के० राव समिति (1985), लक्ष्मी मल सिंधवी समिति (1986), पी० के०

धुगन समिति (1988), तथा 64वां संविधान संशोधन विधेयक (पारित नहीं हुआ) जैसे अनेक प्रयास किये गए। अन्ततः इन समितियों की सिफारिशों को ध्यान में रखते हुए 73वें संविधान संशोधन के रूप में 23 अप्रैल, 1993 से नवीन पंचायती राज सम्पूर्ण देश में लागू हुआ। महात्मा गाँधी ने स्वतंत्रता संग्राम के दौरान ग्रामीण स्वराज्य की जिस धारणा का बीजारोपण किया था उसे स्व० राजीव गाँधी ने पहली बार संविधान संशोधन करने हुए 'पंचायती राज विधेयक महिलाओं को 33 प्रतिशत आरक्षण के साथ पारित हुआ। इस संशोधन द्वारा पंचायत को एक संवैधानिक संस्था बनाकर शासन की आधारभूत इकाई के रूप में प्रतिष्ठित किया गया। पूर्व में संविधान के अनुच्छेद 40 में मात्र राज्य द्वारा पंचायती राज संस्थाओं को प्रोत्साहित करने की बात कही गयी थी तथा पंचायती राज के स्वरूप आदि के संदर्भ में कोई स्वतंत्र व्यवस्था नहीं दी गयी थी। 73वें संशोधन द्वारा संविधान की धारा 243 को प्रतिस्थापित करते हुए पंचायतों को संवैधानिक दर्जा दिया गया। इस नई धारा को जोड़ते समय राज्यों के पंचायती राज विषय पर कानून बनाने के अधिकार को समाप्त तो नहीं किया गया परन्तु उसे इस धारा की व्यवस्थाओं द्वारा परिमार्जित अवश्य कर दिया गया।

73वें संशोधन की प्रमुख विशेषताओं में त्रि-स्तरीय पंचायती राज व्यवस्था, सम्बन्धित पंचायत के सभी ग्राम सभाओं का गठन, प्रत्येक पंचायत की पांच वर्ष की कार्यवधि तथा विघटन की दिशा में पुनः निर्वाचन की व्यवस्था, पंचायतों को आर्थिक विकास तथा सामाजिक न्याय की योजनाओं को तैयार करने के अधिकार, नियमित चुनाव, महिलाओं के लिए एक तिहाई स्थानों का आरक्षण, अनुसूचित जाति एवं जनजातियों के लिए स्थानों का उनकी जनसंख्या के अनुपात में आरक्षण, पृथक राज्य वित्त आयोग आदि सम्मिलित हैं। अनुच्छेद- 243(8) के द्वारा व्यवस्था दी गयी कि पंचायतें अपने क्षेत्र के आर्थिक विकास और सामाजिक कल्याण की योजनायें स्वयं बनायेंगी और लागू करेंगी।

इस उद्देश्य से संविधान में 11वीं अनुसूची प्रतिस्थापित की गयी है, जिसमें कृषि, लघु उद्योग, प्राथमिक व माध्यमिक शिक्षा समाज और परिवार कल्याण कार्य, सार्वजनिक स्वास्थ्य, भूमि सुधार, भूमि संरक्षण, लघु सिंचाई, पशुपालन, सामाजिक वानिकी, ग्रामीण आवास, पेयजल कार्यक्रम, ग्रामीण संचार, ग्रामीण विद्युतीकरण, गरीबी उपशमन कार्यक्रम, स्वच्छता तथा सार्वजनिक वितरण प्रणाली सहित कुल 20 विषय सम्मिलित हैं। इस प्रकार ग्रामीण क्षेत्र के सर्वांगीण विकास से सम्बन्धित लगभग समस्त कार्य विभिन्न स्तर की पंचायतों को सौंपे गए हैं। 73वें संविधान संशोधनों में महिलाओं को स्थानीय संस्थाओं में निर्णयकारिता से महत्वपूर्ण रूप से जोड़ दिया है। ग्राम पंचायतों में बड़ी मात्रा में महिलाएं चुनी गयीं। 1995 के ग्राम पंचायत चुनावों में उत्तर प्रदेश में कुल 799780 चुने गए प्रतिनिधियों में महिलाओं की संख्या 120591 रही। पंचायत समिति सदस्यों की कुल 19991 संख्या में महिलाओं की सदस्य संख्या 13865 तथा जिला परिषद में कुल 2687 में से 634 महिला सदस्य रहीं। मध्यप्रदेश में ग्राम पंचायत स्तर पर कुल चुने गये सदस्य 474351 थे जबकि महिलाओं की सदस्य संख्या 74770 रहीं। पंचायत समितियों में कुल 9097 में से 1371 महिलाएं तथा जिला परिषद में कुल 1036 में से 150 महिलाएं थीं। महाराष्ट्र में ग्राम पंचायतों की कुल सदस्य संख्या 303545 में से 101182 महिलाएं, पंचायत समिति में 1174 तथा जिला परिषद में कुल 587 महिलाएं चुनी गयीं। इन आंकड़ों से स्पष्ट है कि संविधान संशोधनों ने बड़ी संख्या में महिलाओं को ग्राम विकास में भागीदारी ही नहीं बल्कि नेतृत्व करने का अवसर भी दिया है परन्तु राजनीतिक प्रक्रिया में महिलाओं की भागीदारी के सवाल पर महिलायें कई दशकों से संघर्ष करती आ रही हैं। निर्णय लेने वाले व्यक्तियों में

महिलाओं का प्रतिनिधित्व अभी बहुत कम है। कितनी महिलायें नीति निर्णायक स्थिति में रही हैं? जबसे महिलाओं को राजनीतिक भागीदारी प्राप्त हुई है सभी स्तरों पर कितने निर्णय लिए गए हैं? महिलाओं का सशक्तिकरण केवल राजनीतिक ही नहीं बल्कि सामाजिक, आर्थिक प्रश्न से भी है। दुर्भाग्य से महिलाओं के सशक्तिकरण का मामला राजनीतिक भागीदारी में अभी भी बहुत पिछड़ा है। आरक्षण के बावजूद महिलायें अभी भी हाशिए पर हैं। निर्णयकारिता में उनका योगदान न के बराबर है। वे केवल पति के डमी उम्मीदवार या रबर स्टैम्प ही बनकर रह गई हैं। कुछ चुने हुये उदाहरण हैं जिनसे परिलक्षित होता है कि महिलायें पंचायती राज में अपनी सहभागिता पूर्ण रूप से निभा पा रही हैं। राजनीतिक व्यवस्था में महिलाओं की छवि को रूढ़वादी ढंग से प्रदर्शित किया जाता है और महिलाओं को राजनीति में प्रवेश के लिए उत्साहित नहीं किया जाता है। महिलाओं के सम्बन्ध में अनेक अध्ययन हो चुके हैं जिसमें बताया गया है कि महिलायें स्वतंत्र मतदाता नहीं होती हैं क्योंकि उस वर्ग का अधिसंख्य निरक्षर होता है। उनको सूचनायें कम मिल पाती हैं। उनमें राजनीतिक जागरूकता का अभाव रहता है तथापि इन अध्ययनों में राजनीतिक भागीदारी शब्द की परिभाषा बहुत ही संकीर्णता से की गई है जिससे उसका सम्पूर्ण भाव स्पष्ट नहीं होता है। राजनीति में महिलाओं को हाशिए पर रखा जाता है यह घटना सार्वभौमिक है। संस्थायें एवं विचारों के कारण महिलाओं को सार्वजनिक जीवन में समान भागीदारी से रोका जाता है उसे अपंग बनाने का प्रयास किया जाता है। किसी भी समाज में जन सामान्य की राजनीतिक सहभागिता जितनी अधिक होती है राजसत्ता को उतना ही अधिक स्थायित्व प्राप्त होता है। चूँकि महिला एवं पुरुष स्वभावतः एक दूसरे के पूरक होते हैं। इसीलिए राजनीतिक क्षेत्र में भी पुरुषों के साथ-साथ महिलाओं की सहभागिता सत्ता क्षेत्र में स्थायित्व का प्रमुख कारक सिद्ध हो सकती है।

लोकसभा तथा विधानसभा की भाँति हर पाँच वर्ष में पंचायतों के चुनाव की भी संवैधानिक व्यवस्था है और झारखण्ड को छोड़कर सभी राज्यों में 5 साल बाद चुनाव भी हो रहे हैं। पंचायतों में महिलाओं के लिए 33 प्रतिशत आरक्षण की भी व्यवस्था की गई है। बिहार जैसे राज्य में तो महिलाओं के इस निर्धारित लक्ष्य में बढ़ोतरी होकर यह 50 प्रतिशत तक पहुँच गई है। साथ ही कई राज्यों में महिलाओं का आरक्षण 36-37 प्रतिशत तक पहुँच गया है। इस प्रकार भारत में पंचायती राज्य संस्थाओं में लगभग 9 लाख से ज्यादा निर्वाचित महिलायें हैं जो दुनिया की कुल निर्वाचित महिलाओं से कहीं अधिक हैं। लेकिन इसके बावजूद जमीनी हकीकत कुछ और है। अधिकांश मामलों में आरक्षण व्यवस्था का लाभ उठाकर चुनी गई जिस किसी महिला ग्राम प्रधान/सदस्य ने पुरुष की छवि से अपने को मुक्त कर स्वतंत्र निर्णय लेने का प्रयास किया और पंचायत के अन्तर्गत निर्माण कार्यों में पारदर्शिता लाने का प्रयास किया उसे तत्क्षण उसकी सजा मिली। यह सजा तिरस्कार, अपमान, भ्रष्टाचार में फँसाने से लेकर बलात्कार और फिर हत्या करने जैसे कुत्सित प्रयास के रूप में सामने आई। इसलिए पंचायती राज व्यवस्था अधिकतर महिला ग्राम प्रधान/सरपंच की स्थिति मात्र रबर स्टैम्प की रही है। यही नहीं पंचायती राज संस्थाओं में महिला सशक्तिकरण के तभी मायने हैं। जबकि यहाँ महिलाओं के लिए स्वतंत्र निर्णय लेने का माहौल बनाया जाये उसके अन्दर इतनी हिम्मत और सुरक्षा भाव आये कि ब्लाक ऑफिस से लेकर जिला कार्यालय तक बेरोकटोक जा सके और वहाँ अधिकारियों के साथ अपने क्षेत्र की समस्याओं को रखकर उसका समाधान करने की दिशा में ठोस कदम उठाने में सक्षम हों।

महिलाओं की सशक्तिकरण की दिशा में महिलाओं का शिक्षित होना भी एक अनिवार्य शर्त है। स्वतंत्रता प्राप्ति के उपरान्त 1951 में महिलाओं में साक्षरता दर 8.56 प्रतिशत थी जो सन् 2001 में बढ़कर 53.69 प्रतिशत हो

गयी। आज भी देश में लगभग 30 करोड़ लोग निरक्षर हैं और उनमें अधिकतर महिलाएं हैं। सरकार द्वारा महिला शिक्षा और साक्षरता बढ़ाने के प्रयास से महिलाओं की साक्षरता 1981 में 29.76 प्रतिशत, 1991 में 39.29 प्रतिशत एवं 2001 में 53.69 प्रतिशत एवं 2011 में 65.5 हो गयी। फिर अभी तक 34.50 प्रतिशत महिलाएं साक्षर नहीं हैं। विश्व भर में प्राथमिक शिक्षा से वंचित बच्चों का साठ फीसदी भाग लड़कियों का है। बिहार, उत्तर प्रदेश व राजस्थान ऐसे राज्य हैं जहाँ लड़कियों की नामांकन दर कम व स्कूल छोड़ने की दर अधिक है।

पंचायत स्तर पर भी शिक्षा की दृष्टि से महिलायें पुरुषों की बराबरी नहीं कर सकी हैं। कारण चाहे जो भी हो समग्र तौर पर महिला ग्राम प्रधानों में 11 प्रतिशत अनपढ़ हैं जबकि 2.6 प्रतिशत पुरुष ग्राम प्रधान स्कूल नहीं गए। इस सम्बन्ध में सबसे अच्छी स्थिति मणिपुर की है जबकि सबसे खराब स्थिति कर्नाटक की है। यहाँ 34 प्रतिशत महिला ग्राम प्रधान कभी स्कूल नहीं गए। कारण कुछ भी हो चाहे पुरुष मानसिकता, अशिक्षा या नौकरशाही का, उन्हें उचित स्थान न देना अथवा उनकी क्षमता पर संदेह व्यक्त करना हो, यह स्थिति किसी भी मायने में उचित नहीं कही जा सकती है। इसलिए राजनीतिक क्षेत्र में महिलाओं की वास्तविक अर्थों में भागीदारी तभी संभव है जबकि उन्हें शिक्षित बनाया जाए और इससे भी महत्वपूर्ण बात यह है कि पुरुषों को अपनी मानसिकता में बदलाव लाकर अपने इस भ्रम को दूर करने का प्रयास करना चाहिए कि महिलाओं के राजनीति में प्रवेश से उनके कार्यक्षेत्र में कोई हस्तक्षेप पड़ने की सम्भावना है। उन्हें यह भी ध्यान में रखना होगा कि जब महिला घर में कंधे से कंधा मिलाकर पुरुष के साथ परिवार चला सकती है और जीवन के अन्य क्षेत्रों में भी वह सफलता की बुलंदियां छू रही है तो फिर कोई कारण नहीं कि वे राजनीति में आकर अपना परचम न लहराये। इसमें दो राय नहीं कि राजनीति में महिलाओं की सक्रिय भागीदारी से निश्चित तौर पर शुचिता आएगी और अनुशासित व्यवहार को भी प्रोत्साहन मिलेगा। इसके साथ निर्वाचित प्रतिनिधियों का सामाजिक, राजनैतिक और सार्वजनिक जीवन में प्रतिनिधित्व, दक्षता में अभिवृद्धि, सामाजिक सुरक्षा की प्राप्ति को हासिल करके सशक्त बनाया जा सकता है। स्त्रियों, महिला प्रतिनिधियों का सशक्तिकरण उन्हें क्षितिज दिखाने का प्रयास है, जिससे वे नई क्षमताओं को प्राप्त कर स्वयं को नये तरीके से देखेंगी। घरेलू शक्ति संबंधों का बेहतर समायोजन करेंगी और घर एवं बाहर स्वतंत्रता की अनुभूति करेंगी। लैंगिक असमानता दहेज, सामाजिक मान्यता एवं समुचित शिक्षा, स्वास्थ्य आदि कुछ पहलुओं में प्रयास करके ही महिला सशक्तिकरण को सार्थकता प्रदान की जा सकती है। यहाँ पर महिला सशक्तिकरण से तात्पर्य सामाजिक सुविधाओं की उपलब्धता, राजनैतिक तथा आर्थिक नीति निर्धारित में भागीदारी समान कार्य के लिए समान वेतन, कानून के तहत सुरक्षा एवं प्रजनन अधिकारों आदि को इसमें सम्मिलित किया जाता है। सशक्तिकरण का अर्थ किसी कार्य को करने व रोकने की क्षमता से है। जिसमें महिलाओं को जागरूक करके उन्हें आर्थिक, सामाजिक, राजनैतिक साधनों को उपलब्ध कराया जाए ताकि उनके लिए सामाजिक न्याय और पुरुष महिला समानता का लक्ष्य हासिल हो सके। सशक्तिकरण का अभिप्राय सत्ता प्रतिष्ठानों में स्त्रियों की साझेदारी से भी है। क्योंकि निर्णय लेने की क्षमता सशक्तिकरण का एक बड़ा महत्वपूर्ण मानक है। महिला सशक्तिकरण का आशय नारी के अपने अधिकार, सम्मान एवं योग्यता में संवर्धन को अन्दर और बाहर दोनों में सुरक्षित करना है जिससे उन्हें जागरूक कर शक्तिशाली बनाया जा सके। महिला सशक्तिकरण की राजनीति का उद्देश्य महिलाओं की प्रगति, विकास एवं आत्मशक्ति को सुनिश्चित करना है, पर इसमें कोई सन्देह नहीं कि यदि ऊपरी स्तर पर महिलाओं की राजनैतिक सहभागिता को रोका गया तो सार्वजनिक जीवन एवं राष्ट्र निर्माण में महिलाओं की सहभागिता के पूरे लाभ प्राप्त नहीं होंगे तथा महिला सशक्तिकरण को सार्थकता प्रदान करने में बहुत अधिक समय लगेगा।

आज के परिप्रेक्ष्य में देखें तो वैश्वीकरण ने महिलाओं की स्थिति को भी प्रभावित किया है। जीवन के हर क्षेत्र में महिलाएं अपनी योग्यता, क्षमता के बल पर अपनी काबिलियत के झण्डे गाड़ रही हैं। देश के विकास में उनकी भागीदारी ने उन्हें अबला कमजोर से सबला और समर्थ सिद्ध बना दिया है। आज की रोल मॉडल इंदिरा नुई, ओपरा विनफ्रे, किरण देसाई, नैन्सी पिलोपी, सिगोलेने रायल, हिलेरी क्लिंटन जैसी महिलाएं हैं तथाति समाज की बहुसंख्यक महिलाएं मूलभूत अधिकारों से वंचित हैं, निरक्षर हैं, शोषित व पीड़ित हैं। आज भी महिला की भूमिका प्रमुखतः पत्नी, माता, पति की अनुगामिनी के रूप में ही है, चाहे उसकी शिक्षा और कैरियर का स्वरूप कुछ भी क्यों न हो। महिला के चिन्तन का केन्द्रबिन्दु पति और परिवार ही है। भारत में महिलाओं की स्थिति मिली-जुली है बहुत कम महिलाओं को अपनी स्थिति पर पूर्ण नियंत्रण प्राप्त है। अधिकतर महिलाएं काफी सीमा तक अपने पिता, पति, भाई अथवा बेटों पर आश्रित हैं। महिला विकास के लिए समाज और पुरुषों के दृष्टिकोण के साथ-साथ स्वयं महिलाओं को भी अपना दृष्टिकोण परिवर्तित करना होगा कि उनका घर परिवार से पृथक एक मनुष्य के रूप में भी अस्तित्व है और ऐसा व्यापक स्तर पर जागृति, शिक्षा और आर्थिक सशक्तिकरण द्वारा ही संभव है। पंचायती राज में महिलाओं को आरक्षण प्राप्त हुए डेढ़ दशक बीत चुका है अब आवश्यकता इस बात की है कि यह जानने का प्रयास किया जाए कि आखिर क्या वर्जनाएं हैं कि महिलायें अपनी भागीदारी सुनिश्चित नहीं कर पा रही हैं व किन प्रयासों द्वारा सार्थकता प्रदान की जा सकती है।

CHILD CARE PRACTICES AND UTILIZATION OF CHILD CARE HEALTH SERVICES IN INDIA

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Abstract

The UN millennium development goal (MDG 4) targeted to reduce child mortality by two-thirds between 1990 and 2015, but still more than 2 million children died annually in India before completing five years of age and that to preventable causes. The main causes of high child mortality is associated with poor child care practices, lower utilization of health services and treatment seeking because of their various socio-economic and health post availability, affordability and quality issues. Hence, an attempt is made to looks at the child care practices (breastfeeding practices), utilization of health services (ICDS services & vaccination) and prevalence of childhood mortalities and treatment seeking in the India. The three rounds of NFHS surveys data is used to study these child care practices, levels and trends in utilization of health care facilities.

The analysis shows that though the timely initiation of breastfeeding and complementary feeding has improved over the period, but still more than half of children (< 6 months) were not on exclusive breastfeeding and introduction of liquids and semi or solid foods often take place before six months. More than 70 percent children were not put to breast within recommended first hour of birth. Utilization of ICDS services is very low, even in rural areas; only 30 percent children received any services at ICDS posts. The coverage of full vaccination has improved during NFHS-1 and NFHS-3 period, but still less than half children received all vaccination. About 6 percent children less than five years suffered from acute respiratory infection (ARI), 15 percent fever, and 9 percent had diarrhoea episode during two week reference period. But about 70 percent, 71 percent and 74 percent children received treatment respectively for ARI, fever, diarrhoea.

Overall, the analysis reveals that still many people follow their years old traditions related to child care and feeding, and the utilization of vaccination is very poor, especially in weaker socio-economic groups and for girl child. There is urgent need to strengthen the health facilities, especially in the rural and remote areas, and sensitizing the population about the benefits of early initiation and exclusive breastfeeding for six months, utilization of ICDS services and treatment seeking for childhood illness/morbidities.

Key Indicators: Breastfeeding, vaccination, child care practices, childhood morbidities, utilization of health services.

Introduction

The recent trend in mortality rates shows that child mortality has been declining worldwide as a result of socioeconomic development and implementation of child survival interventions, yet 8.8 million children die every year before their fifth birthday (Black, et. al. 2008). The UN millennium development goal (MDG 4) intended to reduce mortality of children younger than 5 years by two-thirds between 1990 and 2008, but many countries, especially in south Asia and sub-Saharan Africa, are not on track to meet this target (You, et.al. 2008). About 49% (4.3 million) of child deaths occurred in five countries: India, Nigeria, Democratic Republic of the Congo, Pakistan, and China (Black, et. al. 2008). The million deaths study in India (The Million Death Study Collaborators, 2008) estimated that more than 2.3 million children died in India in 2005. Prematurity and low birthweight (0.33 million), neonatal infections (0.27 million), and birth asphyxia and birth trauma (0.19 million) accounted for 78% (0.79 million of 1.01 million) of all neonatal deaths. Pneumonia (0.37 million) and diarrhoeal diseases (0.30 million) accounted for 50% (0.67 million of 1.34 million) of all deaths during 1 - 59 months.

These alarming trends in child mortality and the human sufferings points to the fact that there is a need to focus more attention on saving children's lives. Past successes in reducing child deaths

demonstrate clearly that with existing tools and knowledge, we can save millions children who die every year worldwide. Tragically, these solutions are not reaching children who need them most. Within countries, poor children are more likely to die than their wealthier counterparts. Government of India envisioned the importance of bringing down child mortality in the country and initiated various corrective measures right from the First Five Year Plan (1950-51). Under the mandate of the National Common Minimum programme (NCMP) of the UPA Government, health care is one of the 7 thrust areas wherein it is proposed to increase the expenditure in health sector from 0.9 % of GDP to 2-3% of GDP over the next five years. Accordingly, a National Rural Health Mission (NRHM) was launched on 12th April 2005 for a period of 7 years (2005-2008), i.e. for two years of Tenth Plan and full Eleventh Plan. The objective was to provide accessible, affordable, accountable, effective and reliable health care, especially to poor and vulnerable sections of the population in rural areas (Hota, 2006).

Poor availability and utilization of health care services are the primary causes of lowest health statuses in developing countries. The health care utilization of a population is related to the availability, quality and cost of services, as well as to socio-economic structure, and personal characteristics of the users (Chakraborty et al. 2003; Manzoor et al. 2008). The under-utilization of the health services in public sector has been almost a universal phenomenon in developing countries (Zwi 2001). Equitable utilization of health care among ethnic groups reflects social equity in society (Aday, 2000). Research on differences in utilization of health care among ethnic/social groups is one of top priorities of health services research in the developed countries. It is also an emerging issue in the developing countries (Williams & Collins, 1995; ESCAP Secretariat, 2005).

Further, the lower level of utilization of health care is associated with worse health outcomes for poor social groups. Available evidence suggests that poverty is the prime cause for ill health, persistent morbidity and early death. The lack of access to right foods is the principal cause for the very high incidence of nutritional deficiency diseases. These factors combined with overdependence on traditional practices and customs related to child care and rearing, poor feeding practices are some of the main reasons for the unexceptionally high child morbidities and mortalities with the more developed parts of the country. The cycle between hunger-disease - low levels of productivity - low wages - indebtedness - reduced consumption levels - disease, is reflective of how the development process has, largely, bypassed the tribals (Rao, 1998). Besides having lower hospitalization rate, the poor had higher unmet need. High out of pocket (OOP) expenditure serves as a deterrent to poor households. Previous studies from India have cited reasons such as high absenteeism, poor quality of services, rampant corruption and long travel distances as prominent reasons for poor access of public sector facilities and underutilization of health care services (Hammer, et al., 2007; Gupta & Dasgupta, 2000).

With this brief introduction an attempt is made in this paper to assess the child care practices and utilization of child care health services, prevalence of childhood morbidities and treatment seeking in the case of childhood morbidities.

Methods & Material

For this assessment, the data is mainly taken from the National Family Health Surveys (NFHS)-3 survey, while to review trends, the data was collected from all three rounds of NFHS surveys undertaken during 1992-93, 1997-98 and 2005-06. NFHS surveys provide state and national level information on various aspects of infant and child health, maternal and reproductive health, and many other health and demographic indicators. Multistage stratified sampling methods were used to have a representative sample from all states of the country. In NFHS, all eligible women aged 15-49 years were asked to provide information on complete birth history and detail information about breastfeeding practices, vaccination and utilization of ICDS services childhood morbidities and treatment seeking for all children born in the five years preceding the survey. Reference period for childhood morbidities was two weeks preceding the survey. The detail methodology is available in NFHS-3 report. The results are mainly presented in the form of graphs prepared with help of MS-Excel 2007.

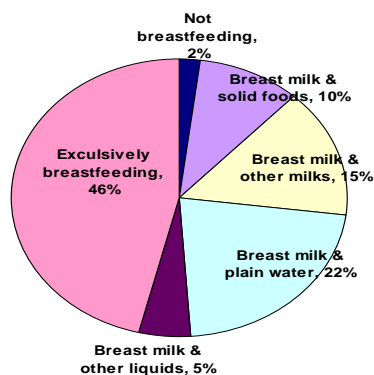
Results & Discussion

In the National Family Health Surveys (NFHS) information about child care practices was mainly collected about practices related to breastfeeding and vaccination. The fourth UN Millennium Development Goal aims to achieve a two thirds reduction in global under-five deaths by 2015 of which 38% occur in newborns. Inappropriate breast feeding significantly increases the risk of child mortality, and infant feeding practices have significant effects on both mothers and children. The Government of India recommends that breastfeeding should begin immediately after childbirth, preferably within one hour of delivery. It is important to breastfeed the child right after birth because the first breast milk (colostrum) is highly nutritious and contains antibodies that helps and protect the newborn child from diseases. Children should be exclusively breastfed for the first six months of life (that is, they should be given only breast milk with no other liquids or food). There are many reasons for recommending exclusive breastfeeding for the first six months. First, breast milk is nutritionally superior to other liquids and solid foods. Second, when a child consumes other liquids and solid foods, the intake of breast milk is reduced, which in turn decreases the mother's supply of milk. Third, feeding young infants liquids and solid foods increases their exposure to pathogens, putting them at greater risk of contracting diarrhoeal disease.

Breastfeeding practices

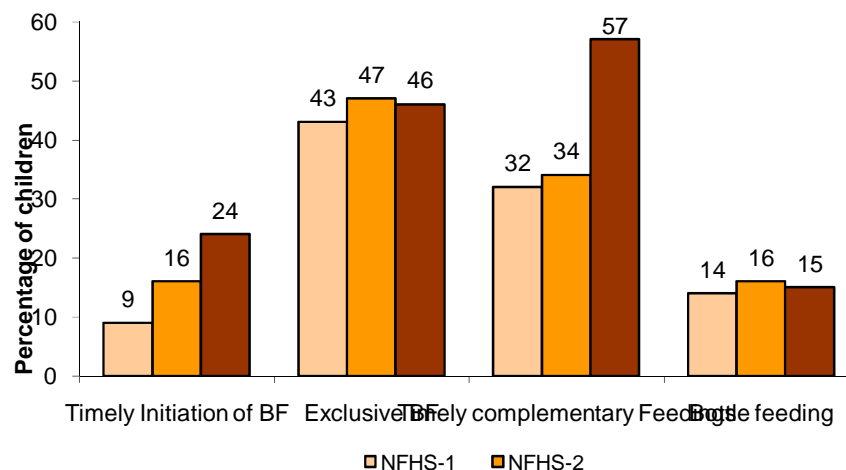
In India, the introduction of liquids and solid or semi-solid foods often takes place before the recommended age of six months. NFHS-3 data shows that less than half of children lesser than six months of age were on exclusively breastfeeding. Exclusive breastfeeding dropped to only 28 percent for children aged 4-5 months. In addition to breast milk, 22 percent of children lesser than six months of age were given plain water, 15 percent were given milk, 5 percent were given liquids other than water or milk, and 10 percent were given solid or semi-solid food. However, only 2 percent of infants of less than six months of age were not being ever breastfed (Figure 1).

Fig. 1: Breast Feeding Practices of Infant less than six months



As per NFHS-3 survey, although almost all children in India have had been breastfed (96 percent), however, the breastfeeding typically begins much later than recommended time of breastfeeding initiation (Figure 2). Overall, only one-fourth of children were breastfed within the first hour of birth and slightly more than half were breastfed within one day of birth. Though the early initiation of breastfeeding was more common in urban areas than in rural areas, even in urban areas, 7 out of every 10 children were not breastfed within the first hour after the birth. It is also recommended that children should not be given anything to drink or eat before the initiation of breastfeeding, not even plain water.

Fig. 2: Trends of Breastfeeding Indicators, India



Utilization of ICDS by children in areas covered by Anganwadi centre

India's Integrated Child Development Services (ICDS) programme which was established in 1975 is the world's largest early child development programme. The programme approaches child health holistically and comprises health, nutrition, and education components for pregnant women, lactating mothers, and children under six years of age. The programme is implemented through a network of community-level *anganwadi* centres (AWC). The range of services targeting young children and their mothers include growth monitoring, immunization, health check-ups, and supplementary feeding, as well as nutrition and health education to improve the childcare and feeding practices that mothers adopt.

According to NFHS-3 survey, one-third children in the areas served by an AWC received one or more services from an AWC and this proportion does not vary greatly by age or sex of the child. Utilization of AWC services was higher in rural than in urban areas. About half of scheduled-tribe children received any services compared to 28 percent of children who did not belong to any scheduled caste, scheduled tribe, or other backward classes. Utilization of services was more common among children living in enumeration areas where an AWC has existed for 6 or more years (35 percent) than in areas where the AWC was established in the past five years (27 percent). But, about three-fourths of children aged 0-71 months in areas covered by an *anganwadi* centre did not receive any supplementary food from the centre in the 12 months preceding the survey. Further, only a small proportion (12 percent) received supplementary food almost daily.

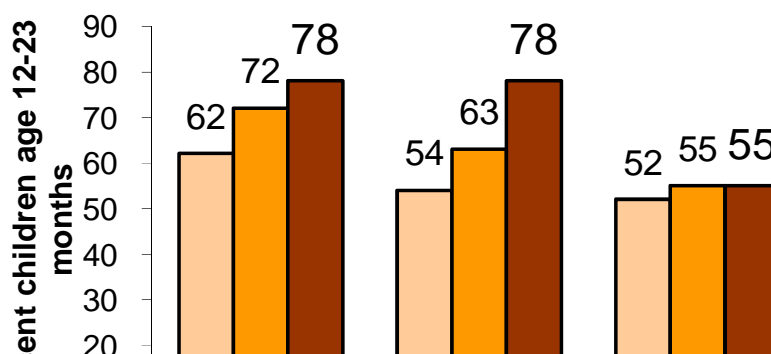
Vaccination Coverage

Universal immunization of children against the six vaccine-preventable diseases (namely, tuberculosis, diphtheria, whooping cough, tetanus, polio, and measles) is crucial to reducing infant and child mortality. According to the guidelines developed by the World Health Organization, children are considered fully vaccinated when they have received a vaccination against tuberculosis (BCG), three doses of the diphtheria, whooping cough (pertussis), and tetanus (DPT) vaccine; three doses of the poliomyelitis (polio) vaccine; and one dose of the measles vaccine by the age of 12 months. BCG should be given at birth or at first clinical contact, DPT and polio require three vaccinations at approximately 4, 8, and 12 weeks of age, and measles should be given at or soon after reaching 9 months of age.

According to the immunization schedule outlined by Government of India and the World Health Organization (WHO), all primary vaccinations, including measles, should be administered by the time a child is 12 months old. The NFHS-3 survey showed that only 44 percent of children aged 12-23 months were fully vaccinated by age 23 months. The percentages of children who received BCG, all dose of DPT and polio were 78, 55 and 78 respectively. Only 59 percent of children aged 12-23 months received a

measles vaccine. As shown in Figure 3, there was an increase in the proportion of children fully immunized between NFHS-1 and NFHS-3. The coverage of BCG, three doses of polio and measles had also improved considerably since NFHS-1. The proportion of children who received BCG increased to 78 percent in NFHS-3 from 62 percent in NFHS-1. Similarly, the proportion of children received 3 doses of polio increased considerably from 54 percent in NFHS-1 to 78 percent in NFHS-3 survey. However, the gain in the proportion of children who received 3 doses of DPT was very nominal during NFHS-1 (52 percent) to NFHS-3 (55 percent). The gains in full vaccination coverage and in the coverage of each individual vaccine were greater between NFHS-1 and NFHS-2, than between NFHS-2 and NFHS-3. These data indicate that India still lags far behind the goal of universal immunization coverage for children (Figure 3).

Fig. 3: Trends in vaccination coverage in India



Childhood morbidities and treatment seeking

In the National Family Health Survey information was also collected on the prevalence and treatment of acute respiratory infection (ARI), including treatment with antibiotics, and the prevalence of fever and its treatment with antimalarial drugs and antibiotics. Data on the treatment of diarrhoeal disease with oral rehydration therapy and increased fluids aids in the assessment of programmes that recommend such treatment was also collected.

Acute Respiratory Infection

Acute respiratory infection (ARI) is one of the leading causes of childhood morbidity and mortality throughout the world. Early diagnosis and treatment with antibiotics can prevent a large proportion of deaths caused by ARI. In NFHS-3 survey reveals that 5.8 percent of children under age five had experienced any symptoms of ARI in two weeks preceding the survey. However the ARI was relatively less prevalent among older children, children of educated mothers, children from the highest wealth quintile. However, the prevalence of ARI was highest among Muslim children and among children aged 6-11 months. It is also important to observe that 69 percent of children who had ARI symptoms during reference period, received some advice or treatment from a health facility or health provider. The health seeking percentage was relatively lower among scheduled-tribe children, children from lowest wealth quintile. Overall, thirteen percent of children with ARI symptoms received antibiotics (NFHS-3, 2005-06).

Fever

Fever is a major manifestation of malaria and other acute infections in children. Malaria and fever contribute to high levels of mortality. The NFHS-3 survey showed that 15 percent children suffered from fever during the two weeks before the survey. The prevalence of fever was higher among children in the age groups 6-11 months and 12-23 months (21 and 19 percent) and among Muslim children (20 percent). Overall, 71 percent of children who were ill with fever were taken to a health facility or provider for treatment. Treatment of fever from a health facility or health provider was sought more often for males and

urban children as compared to their respective counterparts. The percentage of children who took treatment rose steadily with increasing education of the mother and household wealth quintile.

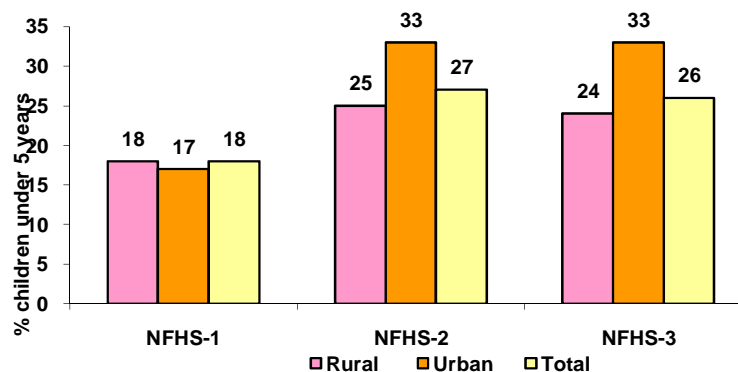
Diarrhoea

Diarrhoea is the single most common causes of death among children under age five worldwide, following acute respiratory infection. Deaths from acute diarrhoea are most often caused by dehydration due to loss of water and electrolytes. Nearly all dehydration related deaths can be prevented by prompt administration of rehydration solutions. The Government of India has launched the Oral Rehydration Therapy Programme as one of its priority activities for child survival.

NFHS-3 showed that overall, 9 percent of all children under age five had diarrhoea during two weeks preceding to the survey, with 1 percent having diarrhoea with blood. Among children 0-59 months, children 6-11 months were most susceptible to diarrhea, similar to cases with ARI and fever. However, the prevalence of diarrhoea with blood was minimal across all groups. Further, it was observed that only 26 percent of children who suffered from diarrhoea in the two weeks preceding the survey did not receive any treatment at all. Advice or treatment was sought from a health provider for 60 percent children who had diarrhoea. Similar to the treatment of ARI and fever, urban children, boys, children of mothers with at least 12 years of education and children from highest wealth quintiles were more likely than other children to be taken to a health facility or provider for the advice or treatment. About 26 percent of children aged 0-59 months who suffered from diarrhoea during the two weeks preceding the survey were treated with a solution made from ORS packets. As expected, use of ORS packets was relatively higher among urban children, children of more educated mothers, and those who were from the higher wealth quintiles. However, as Figure 4 shows, the use of ORS to treat diarrhoea did not increase in urban or rural areas in the seven years between NFHS-2 and NFHS-3, although there was a substantial increase, particularly in urban areas, in the period between NFHS-1 and NFHS-2 (Figure 4).

Only 20 percent of children who suffered from diarrhoea received gruel and 39 percent received either ORS or gruel or both. Only one in every ten children was given increased fluids when he/she was sick with diarrhoea. More than half (57 percent) of children received neither oral rehydration therapy nor increased fluids when they were sick with diarrhoea. The younger children (aged 0-11 months), children living in rural areas, children of less educated mothers, and children from lower wealth quintiles were less likely than other children to receive ORT or increased fluids during their diarrhoea episodes (NFHS-3, 2005-06).

Fig. 4: Trends in use of Oral Rehydration Salts (ORS) by Residence, India



Conclusion

The present analysis and review of NFHS surveys data demonstrated that by and large child care and health indicators have improved in India during the NFHS-1 and NFHS-3 survey periods. But the improvement was not uniform, there was a remarkable improvement during NFHS-1 & NFHS-2 survey

period, but this improvement declined to a nominal level between NFHS-2 and NFHS-3 surveys. Further, the analysis shows that though the timely initiation of breastfeeding and complement feeding has improved over the period, but still more than half of children (< 6 months) were not on exclusive breastfeeding and introduction of liquids and semi or solid foods often take place before six months. More than 70 percent children were not put to breast within recommended first hour of birth during NFHS-3 survey. Utilization of ICDS services is very low, even in rural areas; only 30 percent children received any services at ICDS posts. The coverage of full vaccination has improved during NFHS-1 and NFHS-3 period, but still less than half children received all vaccination. About 6 percent children less than five years suffered from acute respiratory infection (ARI), 15 percent fever, and 9 percent had diarrhoea episode during two week reference period in NFHS-3 survey, but about 70 percent, 71 percent and 74 percent children received treatment respectively for their ARI, fever, diarrhoea morbidities. Though a considerable proportion of under five children suffered from some kind of preventable diseases, but treatment seeking for these diseases is little bit better, nevertheless, about more than one-fourth children do not receive any treatment for their illness. This is a matter of concern and need an urgent attention of health authorities for appropriate intervention.

Overall, the analysis reveals that still many people follow their years old traditions related to child care and feeding. The utilization of vaccination is very poor, especially in weaker socio-economic groups and for girl child. Though the Government of India envisioned the importance of bringing down child mortality and improving child care and health in the country and initiated various programmes, however, the existing child care and health is grim. It needs sincere attention particularly in term of proper implementation of the programme. There is also need to strengthen the health facilities, especially in the rural and remote areas, and sensitizing the population about the benefits of maternal and child health schemes, scientific child care practices, utilization of ICDS services and treatment seeking for childhood illness/morbidities.

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Employment and Social Protection

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Social protection was initially seen as an umbrella term to connote social security which encompassed several mechanisms such as social insurance, social funds, social assistance, safety nets etc. However, it was suggested that orthodox social security schemes failed to address the problems of workers in the growing informal economy. This was because informal sector workers needed protection not just against shocks and contingencies, but protection to cover basic and structural insecurities they faced due to their weak position in the labour force and society. Social Protection is defined by the ILO as a set of public measures that a society provides for its members to protect them against economic and social distress caused by the absence or a substantial reduction of income from work as a result of various contingencies (sickness, maternity, employment injury, unemployment, invalidity, old age or death of the breadwinner), the provision of healthcare and the provision of benefits for families with children (ILO, 2004). Social protection is a wider concept than social security and includes statutory as well as non statutory provisions including public and private policies. UNICEF (2012) describes social protection as the set of public and private policies and programmes aimed at preventing, reducing and eliminating economic and social vulnerabilities to poverty and deprivation. Social protection includes contingencies as well as deficiencies. Conceptually, social protection leans towards social risk management which entails a framework to reduce the economic vulnerability of households with appropriate instruments and to help them smooth consumption patterns (World Bank, 2000). Social protection is also looked at through the perspective of human rights where it emphasised that basic human and economic security; entailing access to basic goods and services such as education, food, shelter and health and economic security in terms of work and income based needs and fluctuations, are question of human rights and state must guarantee this human right. This perspective looks at social protection as matter of rights. The 'supply' of rights within any given context is the responsibility of a number of institutional actors, with the state bearing ultimate responsibility for ensuring these rights are respected. There is an important two-way relationship between rights and social protection: the recognition and realisation of basic human rights provides a stable foundation on which to build social protection programmes while social protection programmes provide an important means for the operationalisation of rights (Gaunt and Kabeer). The political system provides channels for the negotiation of policy at the highest and arguably the most powerful level within the country. Fraser talks about the process of social policy making in terms of the 'politics of needs interpretation'. The dualistic structure of social protection in many developing countries, the privileged access by formal workers to state mandated social security and the discretionary and piecemeal provision of social assistance to the vast majority of the working poor is evidence that the translation of needs into rights has been a highly uneven political process. The dismantling of state welfare provision as a result of neoliberal reforms had the effect of eroding this dualism, on the one hand, but of reconstituting it on the other, between those able to benefit from privatized insurance and those relegated to residual safety net provision.

The need for social protection emanates from growing risk, uncertainties and vulnerabilities of a large section of population, especially in a market driven system which is much more prone to shocks and crisis. Some of these shocks may be chronic (e.g. disability) or anticipated (old age, child birth) and others which are not anticipated (e.g. sickness, accident). The more vulnerable a person is, the more likely it is that a shock will result in a decline in well being. Vulnerability itself is a function of individual, household and community asset endowment; insurance mechanisms and the characteristics (severity and frequency) of shocks themselves. For workers, the sources of risk arise due to changes in employment relations, labour rights, social security, along with changes in the coverage of social protection measures. Social protection to deal with different kinds of contingencies can interact with risks and shocks in three different ways. The protection given can seek to reduce the likelihood of occurrence of the particular shock faced

(risk reduction), or the impact of the shock (risk mitigation), or the ability to cope with the impact of the shock that has occurred (risk coping). In fact, high growth rate achieved by many economies like India has come through growing vulnerabilities of lower section of society. It is obligation of social systems to mitigate these challenges within their competence to ensure social cohesion. It is also argued that social protection is a 'win-win' investment where it not only enables households/individuals to absorb shocks and systemic risks but also stabilises economy in economic crisis by accelerating productivity and economic growth by stimulating effective demand. The ILO suggests that social protection should be approached in its various dimensions and through various phases of the life cycle. UNICEF (2012) argues that social protection is an important instrument for equity and social inclusion.

Social protection is required to address the problem of shrinking employment opportunities, deteriorating conditions of work, slow growth in real earnings of workers, growing informalisation of work, de-organisation of workers, decentralisation of work and adverse incorporation of workers. These processes of decentralisation, externalisation, fragmentation, and reconfiguration of production and services have resulted in a great deal of heterogeneity in work arrangements. Informal work, which proliferates in developing countries, is even more varied, ranging from waste picking to employment in unregistered factories, street vending, and paid domestic work performed in households by migrants. Not only are these work arrangements diverse, they are also fluid, shifting across boundaries such as formal and informal employment and, especially for women, paid and unpaid work. One common feature that unites these different types of paid work is that they trespass traditional economic and legal boundaries that are used to distinguish different economic activities for the purposes of regulation. These forms of work also tend to be associated with poor working conditions and low labour standards. The heterogeneity of work arrangements is accompanied by a hierarchy of work arrangements ranked in terms of the security of the work and the adequacy of the income generated. It is also important to recognise that neither the hierarchy of work arrangements nor social locations are stable. In fact, these are also challenges in designing a suitable social protection policy for workers.

NSS Employment and Unemployment Round Surveys provide some idea of growing economic insecurity of workers of India. An examination of latest round of Employment and Unemployment Survey of NSS (2011-12) brings out some startling facts as shown in Table 1, 2 & 3. This needs to be noted that a larger part of workers are self employed, not having any social security at all, and these workers are not taken into account in following results. It is amazing to note that less than 10 % regular salaried workers have only provident fund or pension. Even when all social security provisions are pooled together less than one fourth regular salaried workers have access to these provisions. The situation of casual labour is simply dismal and practically these provisions do not exist for casual workers (Table 1). Women always have lower access to these provisions. In some industry groups (which are largely in organised sector) workers have higher access to these provisions, but in industry groups like construction, manufacturing, trade, hotel & restaurants and transport & communication access is very low. Again these groups are largely unorganised (Table 2). It can be safely assumed that 'no -job contract' is defining characteristic of workforce, even if it is regular salaried work (Table 3).

Table 1: Participation of workers in different social security schemes, 2011-12 (UPSS)			
	Male	Female	Total
Regular Salaried			
Only PF/Pension	8.77	6.44	8.32
Only gratuity	0.94	0.98	0.95
Only Health/Maternal Benefit	1.57	2.47	1.75
Only PF/Pension and gratuity	2.92	1.53	2.65
Only PF/Pension and gratuity and health/ maternity benefit	2.95	3.52	3.06

Only gratuity and maternity	1.39	2.05	1.52
PF/Pension and gratuity, health care, maternity benefit	22.41	20.33	22.00
Casual Labour			
Only PF/Pension	0.08	0.06	0.08
Only gratuity	0.13	0.11	0.13
Only Maternal Benefit	0.13	0.20	0.15
Only PF/Pension and gratuity	0.01	0.06	0.02
Only PF/Pension and gratuity and health/maternity benefit	0.02	0.22	0.08
Only gratuity and maternity	0.02	0.02	0.02
PF/Pension and gratuity, health care, maternity benefit	0.11	0.14	0.12

Source: Extracted by the author from unit data of NSS, 68th round

Table 2: Percentage of workers having social security by industry groups (UPSS)			
	Male	Female	Total
Regular Salaried			
Agriculture	10.42	0.77	7.73
Mining	79.25	88.08	79.71
Manufacturing	30.41	26.95	30.03
Electricity	60.00	46.12	58.44
Construction	26.26	20.47	25.92
Trade, hotel and restaurants	11.01	19.73	11.74
Transport & communication	29.39	74.34	30.38
Other services	59.24	41.04	53.64
Total	40.96	37.31	40.24
Casual Labour			
Agriculture	0.07	0.01	0.05
Mining	0.99	0.00	0.79
Manufacturing	1.67	8.04	3.15
Electricity	1.94	0.00	1.65
Construction	0.68	1.59	0.85
Trade, hotel and restaurants	0.89	0.00	0.83
Transport & communication	1.80	0.00	1.75
Other services	1.21	1.93	1.45
Total	0.51	0.82	0.60

Source: Extracted by the author from unit data of NSS, 68th round

Table 3: Length of Job Contract, 2011-12 (UPSS)		
	Male	Female
No Job Contract		
Regular	63.86	62.55

Casual Public	87.23	82.17
Casual others	50.46	23.31
Casual total	51.46	29.66
Contract more than 3 Years		
Regular	2.70	2.64
Casual Public	0.22	0.14
Casual others	0.06	0.04
Casual total	0.07	0.06

Source: Extracted by the author from unit data of NSS, 68th round

It is possible that these workers may not have social security associated with their work, but they may have some sort of social protection in some other dimension like nutrition, housing, child care and health through programmes like MGREGS, Mid Day Meal, NRHM and PDS. It needs to be researched how far these other programmes have impacted on life of workers. The combined benefit incidence needs to be worked out to understand how far social protection has improved well being of these workers or have succeeded in insulating these workers from shocks and risks.

While paid workers have a channel of social protection, the same is not true in case of self employed workers. More than 95 % self employed workers are either own account workers or helpers in household enterprises. Interestingly, these are also workers who are much more exposed to market risks and volatility and characterised by low earnings. These workers have absolutely no social security associated with their work though there have been attempts like *Bunkar Bima Yojana*. The only alternative channel open for these workers is social support or assistance schemes administered from outside in form of income support or nutrition support or health support programmes. These support programmes have their own problems like implementation, designing, targeting and monitoring. The challenge for these self employed workers is their invisibility and home based workers are a classic case of this invisibility. This invisibility is a general characteristic of informal workers. Designing a social support programmes becomes an uphill task when 92 % of workers are reported to be in informal sector. These workers are the most vulnerable part of Indian workforce. These informal workers are quite heterogeneous and at times categories overlap. One needs to have a specific identifiable category of occupation within the legal framework for providing social protection. Separation of category is required to ensure enforceability of social protection, especially in a legal framework if social protection is sought as matter of rights. Sankaran (2013) has pointed out the mismatch of definition of labour, employer etc. within the framework of law. It is important to understand legal relationship of “employer- employee”. The latter has been narrowly defined across the world by labour jurisprudence and labour researchers. They have been primarily influenced by the early industrial era. Much depends on the legal definition of an “employer or worker” in order to provide any policy recommendation for social protection. One of the challenges have been to extend the definition of employee to those who are not directly employed by the principal employer or user enterprise (contract labour, labour employed via intermediaries) and also to extend the definition to those who appear self employed but who continue to display characteristics of subordination, economic dependency or vulnerability akin to employers. Such self employed persons who share “employee- like” characteristics should be brought within labour law in order to provide social protection and regulation for working conditions. The demarcation of boundaries between worker and non-workers and between different categories of workers needs to be completely spelled out for an effective social protection programme. This boundary is obliterated most strikingly in case of women unpaid workers and domestic workers.
