

# A Discussion on State, War & Civil Society in India In reference to Hegel's views

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## ABSTRACT

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*Hegel remarks rightly that in all that has been said there is involved an “ethical aspect of war.” To make the state the kind of ethical community which Hegel postulated, that is, participate effectively in law-making- a people must give themselves laws. Hegel thought it ridiculous to suggest that the people are not mature enough for that. By the same token he demanded the trial by jury, public judicial trials, local self-government for towns and other corporate entities. It is discussed that Hegel views on theory of war are totalitarian or liberal. Hegel is taken as a belligerent advocate of German Nationalism and even imperialism.*

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**Keywords: War, Civil Society, State, Nation, Peace, Politics.**

Hegel is viewed as simply reflecting the actual practices of states both on the national and the international scene.<sup>1</sup> Hegel does not distinguish the state from civil society, so does he also distinguish the virtue of which a man is capable as a member of a community or the virtue of individuals conceived in isolation from one another. Hegel means essentially morality of the Kantian variety which applies to individuals, thereby abstracting from their specific social and political functions as citizens. Hegel recognizes the legitimacy of both kinds of right. His point is that Kantian morality cannot account for political obligation. Because this type of morality is binding on conscience only, the Kantian moralist will be perpetually at odds with the state. Its imperatives will be regarded binding only “hypothetically” not “categorically” because they are seen to flow from some source outside ourselves. The Political impact of Kantian or liberal morality will be, then, to produce citizens who either waver between a kind of slavish obedience to law as law or who call into question all social norms and conventions.

In emphasizing the ethical character of the State Hegel means to indicate that the individual in what he is only by virtue of his participation in some totality wider than

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1. *For a response to the fascist appropriation of Hegel, see Lukacs(1948) and Marcuse (1955). The liberal view has been ably defended in Avineri (1977), ch. 10 and Plamenatz. (1963), vol. 2, p.26. For a less polemical statement of Hegel's position from which have profited, see Verence (1971), pp.168-80.*

himself. One is obligated to the state not because of its superior force, but because it is a community of persons united around some conception of the good life. The state involves shared standards and principles what Hegel means in emphasizing its spiritual character. Indeed, it is the willingness to sacrifice oneself for the sake of this common ideal which is for Hegel at the core of political obligation properly understood.

The ethical significance of war resides, then, above all in its ability to raise us above the level of mere civil association with its rootedness in material possessions. In times of war, common values and commitments are not only preserved but enhanced. Thus, in the phenomenology, Hegel presents war as the power of the “negative” in which the contingency of the material world is demonstrated. This approach is buttressed by a philosophy of history that views prolonged peace as giving rise to the illusion that the state exists merely for the sake of civil society. The positive value of war is then that it transcends attachment to things by uniting men for the purpose of a common ideal. In this respect, Hegel presumes that:

In order not to let them get rooted and settled in this isolation and thus break up to whole into fragments and let the common spirit evaporate, government has from time to time to shake them to the very center by war. By this means it confounds the order that has been established and arranged, and violates their right to independence, while the individuals (who, being absorbed there, get adrift from the whole, striving after inviolable self-existence and personal security), are made, by the task thus imposed on them by government, to feel the power of their lord and master, death. By thus breaking up the form of fixed stability, spirit guards the ethical order from sinking into merely natural existence preserves the self of which it is conscious, and raises that self to the level of freedom and its own powers.

War is the state of affairs which deals in earnest with the vanity of temporal goods and concerns a vanity at other times a common theme of edifying sermonizing. This is what makes is the moment in which the ideality of the particular attains its right and is actualized. War has the higher significance that by its agency, as I have remarked elsewhere. “The ethical health of people is preserved in their indifference to the stabilization of finite institutions: just as the blowing of the winds preserves the sea from the foulness which would be the result of prolonged calm, so also corruption in nations would be a product of prolonged, let alone ‘perpetual’ peace”. This, however, is said to be only a philosophic idea or to use another common expression, a “Justification of Providence” and it is maintained that actual wars require some other justification.

In his early writings, Hegel’s solution to the problem of German disunity is to invoke the figure of a modern day. Theseus who could weld the Germans into a state by sheer dint of will.<sup>2</sup> Like Machiavelli’s prince or Rousseau’s legislator, Hegel regards this tyrant

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2. Machiavelli. *The Prince*. chap. 26; Rousseau. *On the Social Contract*., Bk. II, Chap 7.

as laying the foundation for all future legitimacy. Thus, unlike liberal theories of the state which view the founding in terms of an initial act of consent of freely willing individuals, Hegel regards the power of a single individual or great man as the force around which the political bond is forged. This call for a latter day Theseus is no mere wishful thinking or “Rousseau’s abstraction”, as Avineri has suggested. However, there is considerable evidence to suggest that Hegel saw in Napoleon just such a tyrant, especially since he speaks of a “conqueror”. One can even glimpse in Hegel’s remarks the later idea of the cunning of reason in the suggestion that like Theseus Napoleon is merely an instrument in the service of some larger historical purpose who is destined to disappear once his tasks have been completed. We can see here exactly how far Hegel is from any kind of hero worship or great men or what he calls world historical individual.” What interests him is the principle takes possession of a given person at a given time using him as an instrument for its own ends. The principle that Napoleon represents which makes him Hegel’s most likely candidate is that of the modern rational of constitutional state.

In his earlier writings Hegel has called on a modern Theseus to unite the Germans by the time he wrote the Philosophy of Right, almost twenty years later his implicit assertion is that Germany has since become a state. It is now in possession of “The idea of right”. Accordingly war takes on a different function in already established states. Hegel’s earlier reflections are still implicated with his enthusiasm for the French Revolution and the cult of the citizen. By 1821 he still continues to think of war as necessary not to found but to preserve the state from the internal tensions generated by civil - society and its market economy.

Hegel says, the virtue of modern courage is not that it is done for the sake of personal honor or kudos, but that it is in the service of larger processes or movements namely the state. What distinguishes the ancient from the modern warrior is that the former regards war as bound up with ideas of personal honor and excellence, whereas the latter means essentially the willingness to fight for some more abstract “cause” or ideal in which the self becomes lost. Ancient warfare point to an Achilles or a Hector; modern warfare to a Mazzini or a Trotsky. Whereas ancient courage always entails to get one’s proper place with its requisite honors and profits, the virtue of the modern warrior is precisely his “abstract” character. The virtue of the modern warrior is not that he fights to receive his due, but he aligns himself with the “universal”.

## CONCLUSION

Hegel makes it clear that war exists not merely because states remain unenlightened about their true interests or because of a natural scarcity of resources. War, he believes, is contemporary with the political perspective. States, like individual human beings, define themselves in terms of what they are not, that is, in terms of opposition and struggle. Thus, Hegel once more takes Kant to task for believing that the re-education of humanity through the spread of enlightenment or the rearrangement of political institutions will simply solve once and for all the problem of war. To remind, perpetual peace is often advocated as an ideal towards which humanity should strive. With that end in view, Kant proposed a league of monarchs to adjust differences between states, and the Holy

Alliance was meant to be a league of much the same kind. But the state is an individual, and individuality essentially implies negation. Hence, even if a number of states make themselves into a family, this group as an individual must engender an opposite and create an enemy.

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# Sustainable Livelihood Development In India

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## ABSTRACT

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*One of the top priorities of developing ones is to create sustainable livelihood on a large scale. Even in the poorest countries, the capacity of agriculture to absorb additional labor is rapidly diminishing, with the modernization, unplanned development, colonization and accelerated economic growth, which have adversely affected the natural resources and consequent by massive destruction in India. This requires fundamental changes in consumption patterns and production systems. In rural areas too, where non-form activities intend to overtake agriculture as the largest employer. Creating livelihood opportunities and employment is not the job of government only. The initiatives have to come from the private sector and the community-based civil societies as well. The largest potential for livelihood creation for women and other disadvantaged people lies in the micro-enterprises. However, sustainable livelihoods by themselves are not sufficient to ensure sustainable development. Therefore, more environmentally sound and socially equitable production systems, consumption patterns are sustainable development of natural resources are essentially required. The present paper highlights theatrical framework of sustainable livelihood development in India.*

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## INTRODUCTION

One of the top priorities of the third world countries specially developing ones is to create sustainable livelihood on a large scale. Even in the poorest countries, the capacity of agriculture to absorb additional labor is rapidly diminishing, with the modernization, unplanned development, colonization and accelerated economic growth, which have adversely affected the natural resources and consequent by massive destruction in India. This loss of natural assets now acts as a major brake on the ability of economies to respond to the ever increasing needs of their population and its substance. The second and equally important priority is the bring the forests, biodiversity, wildlife, river, land and ground water back to the ancient glory, i.e. conservation, protection effective management as well as sustainable development. The third priority and a goal for a developing country like India are to accelerate the rate of growth of the economy, to create and nurture the spread of sustainable livelihoods and to regenerate the resources base. The priority focus for economic policy has to be on creating the basis for rapid expansion of sustainable livelihoods and measures for environmental management. This requires fundamental

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changes in consumption patterns and production systems. Further, the poverty alleviation needs different approaches leading to structural changes in society, grassroots democracy, participatory development paradigms, democratic decentralized governance, land reform, access to livelihood resources, SHG's based micro-finance, entrepreneurship and skill training etc. Importantly, small and medium enterprises (SME) form the backbone of most of the national economies and are considered the largest source of employment, income generation, and improving the living standards of the poor. In rural areas too, where non-form activities intend to overtake agriculture as the largest employer. Creating livelihood opportunities and employment is not the job of government only. The initiatives have to come from the private sector and the community-based civil societies as well. The largest potential for livelihood creation for women and other disadvantaged people lies in the micro-enterprises. However, sustainable livelihoods by themselves are not sufficient to ensure sustainable development. Therefore, more environmentally sound and socially equitable production systems, consumption patterns are sustainable development of natural resources are essentially required.

In recent years, economic development, globalization and information revolution have created several opportunities for those who are already well endowed with information, capital and the ability to capitalize upon them. This has led to the widening gap between the rich and poor while creating disparities in development. Therefore, made by a few privileged has raised concerns about communities that are enhanced the vulnerability and marginalization of the poor and has become a threats to lives and livelihoods of individuals in the communities. Thus, human security, that encompasses security and well being of an individual from critical and pervasive threats and situations, focuses on protection of people from serve wide spread threats and situations to their lives, livelihoods and the way of life (Singh, 2005).

The sustainable livelihoods approach is well recognized as an integrated mechanism for poverty reduction and natural resources management. A successful implementation of strategies to create sustainable livelihoods for human security requires:

- A strong thrust on sustainable livelihoods in policies and programmes for poverty reduction, social development, and community-based natural resources management;
- Increased collaboration between government agencies, non-government organizations, the community and the private sector to identify the means to create sustainable livelihoods for local economic development, social equity, and cultural preservation;
- Change in local governance to include participatory planning and inclusion of the weakest groups;
- Empowerment of the weakest groups to enable them to express their needs, protect their rights, and demand accountability from the agencies providing services to them; and
- Greater access to information in the community with appropriate use of information and communication technologies and e-governance (Singh, 2005).

The environmental crisis is most serious problem in India. The biosphere, which provided favorable conditions for gradual development of human life on earth, started losing its rejuvenating potency on account of man's impudence acts of omission and commissions. The resultant impact bordering on a sort of crisis posed for middle challenge. The crux of this crisis has been exploitation of natural resources by the human being only to fulfill their needless needs. Importantly, forests play a vital role in the economy of the state. A large segment of India's population depends on forestry for energy, housing, fodder and small timber. The demand for forest products and services is increasing with the growth in population and economy where as the forest cover in the country is deteriorating. In recent years, economic development, globalization and information revolution have created several opportunities for those who are already well endowed with information, capital and the ability to capitalize upon them. This has created gaps between rich and poor class. In this context, the sustainable livelihoods approach is well recognized as an integrated mechanism for poverty reduction and natural resources management that is crisis scrotal and one that encompasses all the assets of a community (Singh, and dixit, 1999). Significant efforts are required for Greening India to addressed food security and environmental challenge. Deforestation has resulted in environment crisis, economic decline and unbalanced development of the country. The successful implementation of the programme will help the country achieving ecological security, environmental and economic balance, and hold the country in pride position amongst developed nations of the world. It will ensure sustainable management of land, water forest and bio-diversity. Integrated development of these natural resources will bring about desirable peace, prosperity, happiness, livelihood security and sustainable development ( Singh and Singh,1999).

### **Sustainable Development**

The term Sustainable Development was first used in 1980 by the World Conservation Strategy presented by the International Union for conservation of Nature and Natural Resources. The term Sustainable Development became popular after the 1987 report entitled "Our Common Future" furnished by the World Commission on Environment and Development of the United Nations. The report is generally referred to as the "Brundtland Commission Report" in honor of the Chairperson Dr. Gro Harlem Brudtland, who is the Prime Minister of Norway. Brundtland's Commission Report ((WCED, 1987) defines "Sustainable Development as the development that meets the needs of the present without comprising the ability of future generation to meet their own needs".

This definition point out three issues related to SD:

1. There should be limit on the use of resources;
2. The present generation should be answerable to the future;
3. Consideration of inter generation equity;
4. Development of the present generation.

Worldwide growth in material production and much of human well-being is based largely on the use of natural resources and loss of biodiversity. In achieving material

welfare we forgot that the protection of lakes, rivers, streams, and groundwater from pollution is fundamental to food production, public health and health of all living species. The concept of sustainability has become a building word with the increasing awareness on environment protection and the emerging need for preservation of habitats. Sustainability is a dynamic concept. It does not mean maintaining the same level, but refers to continuity with growth. Sustainability is not stability. There are two concept of sustainability: weak sustainability, which implies compensation for losses of natural capacity by increase in manmade capital of equal value, and strong sustainability, which demands that aggregate natural capital should not decrease (Rama Krishnan, 2000).

**The main objective of sustainable development is:**

- The ability of an activity or development to continue in the long term without undermining that part of the environment which sustains it.
- Sustainable development that seeks to improve the quality of human life without undermining the quality of our natural environment.
- Sustainability that implies human use of or enjoyment of the world's natural and cultural resources which should not, in overall terms, diminish or destroy them
- The concept of sustainability which draws upon scientific studies of the dynamics of animal's populations and ecosystem equilibrium, and ideas about the economics of renewable resources exploitation (ABD, 2001).

According to the world commission, sustainable development is the “development that meets the goals of the present without compromising the ability of future generations to meet their own needs” (WCED, 1987). The food and Agricultural Organization (FAO,2005 ) defines sustainable development as “The management and the conservation of the resource base and the orientation of technological and institutional changes in such a manner as to ensure the attainment and continued satisfaction of human needs for present and future generations. Such sustainable development is environmentally non-degrading, technically appropriate, economically viable and socially acceptable” (WCED, 1987). World Conservation Union in 1991 defined sustainable development as “improving the quality of human life while living within carrying capacity of supporting eco system”. This pioneering definition implies a view of sustainable development as a case of intergenerational sensibility in respect of the use of natural resources. In concrete terms, sustainable development focuses on three things:

1. to follow a path of development that does not impair or damage the cover provided by nature to mankind
2. to use the renewable natural resources that their rate of re-generation is always in excess to their rate of use, and
3. to use the non-renewable resources in a sparing and responsible manner and to ceaselessly work to find substitute for them.

The concept of sustainable development represents an important advance in contemporary development thinking. It signifies that not all is well with the prevailing

paradigm of development. In particular, it brings in sharp focus the ecological unsustainability of the present mode of development. Accordingly, it calls for a need to so refashion it that it becomes ecologically sustainable. The push for sustainable development came in 1992 with well-known Earth Summit in Rio de Janeiro. On the ecosystem the exiting development strategy has exerted four negative effects: global warming, ozone depletion, toxic pollution and erosion of biodiversity. With the increasing pace of industrialization, burning of fossil fuels and massive deforestation, all in the name of development, there has been a steady rise in the temperature of the earth. Consequently, the earth's surface reached its record level of warming in 1990 ever since record keeping began in the mid 19th century. Huge build up of gases and chemicals has led to depletion of ozone layer which served as a shield to protect life on earth from the harmful ultraviolet rays of sun. It is reported by space scientists that a hole has already developed in the ozone layer above the Antarctica region. Toxic pollution is yet another consequence of industrial development. This is produced by the dumping of hazardous and toxic wastes, both solid and liquid, released by industrial plants. It pollutes ground water as well as air, thanks to the emission of fuel smoke and poisonous gases which cause not only burning sensation in the eyes but also various types of allergies. Besides the damage to ecology to ecology, development has also undermined the stock of natural resources both renewable and nonrenewable (Singh & Singh, 1999). The Sustainable development is a multi-dimensional concept with three interacting angles---- ecology, economics and ethics. The necessary conditions for achieving sustainable development are ecological security, economic efficiency and social equity. Sustainable development does not end with the sustainability of just the environment and resource system but requires the sustainability also of economic and social system. Development which meets the needs of present without compromising the ability the future generations to meet their own needs may be termed as sustainable development. Thus, sustainable development identifies how and why future development patterns and processes must be sustainable on a global scale. In broad terms the concept of sustainable development encompasses.

1. help for the very poor because they are left with no option other than to destroy their environment;
2. the idea of self-reliant development, within natural resource constraints;
3. the idea of cost effective development using different economic criteria to the traditional approach; that is to say development should not reduce productivity in the long run;
4. the great issues of health control, appropriate technologies, food, self-reliance, clean water and shelter for all;
5. the nation that people centered initiatives are needed, human beings, in other words, are the resources in the concept.

In 1984, the United Nations commissioned an independent group of twenty-two people from member states, drawn from both the developed and developing world's identify long term environment strategies for the international community. In 1987, the

World Commission on Environment and Development, also known as the Brundtland Commission, reported to the UN, calling for a common endeavor and for new norms of behavior at all levels and in the interest of all. Core issues and necessary condition for sustainable development as identified by the World Commission on Environment and Development are: (a) Population and development; (b) food security; (c) species and eco-systems; (d) energy; (e) industry; (f) the urban challenge (WCED, 1987). India is a large, diverse and poor country that faces severe environmental problems. The inter-linkages between the economy and environment cannot be over emphasized. The strategy of economic growth leaves its footprint on the environment. The environmental degradation also may jeopardize economic development. The range of environmental problems confronting India is vast and mitigation measures are expensive (ADB, 2001). There is a serious concern about the growing fragility of the earth’s life support system. The growing population and its activities are adversely affecting the ecology & environment. The ecological footprint (the area required to produce food, materials and energy) has increased by 50 per cent between 1970 and 1997 and has far exceeded the existing biological capacity in most Asian countries (Wu and Overton, 2002:189-194). Sustainable development is a buzz word in the development agenda of the globe. It emphasized that rate of consumption and use of natural resources must approximate the rate at which these resources can be substituted or replaced. The various human activities intended to improve the quality of life are usually accompanied by environmental degradation (Chart 1).

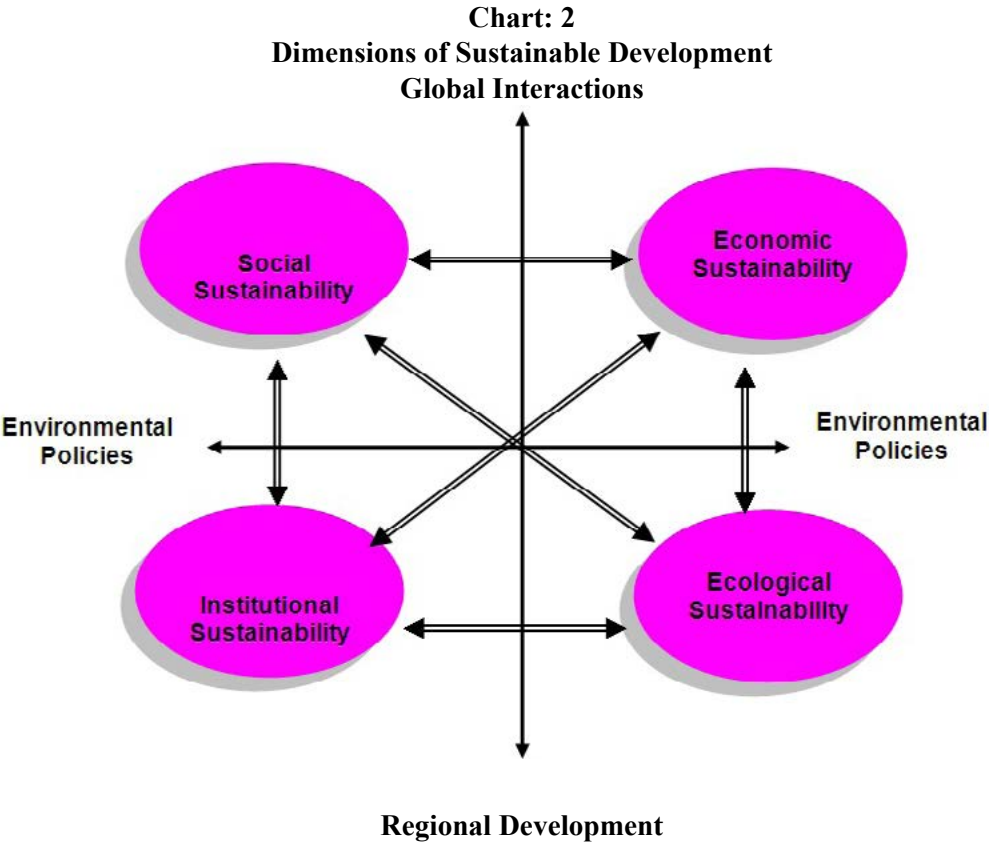
**Chart: 1**  
**Human Activities & Its Impact on Sustainability**

Human Activities		Intended Results:	Improved Quality of Life
Land Clearing	→	Food Production	Fibre Production
Agriculture		Shelter	Water Supply
Forestry		Consumer Goods	Enjoyment
Fisheries		Culture	Knowledge
Grazing	→	Unintended Results:	Environmental Costs
Water Diversion		Habitat Fragmentation	Soil Degradation
Mineral Extraction		Deforestation	Pollution
Fuel Consumption		Desertification	Eutrophication
Industrialization		Acid Precipitation	Loss of Biodiversity
Urbanization		Climatic Change	
Recreation			

*Source:* Lubchenco et. al. 1991.

The challenges for achieving sustainable development are numerous. The main threats include economic disparity and political instability, extreme poverty, under

nourishment and disease, population growth, high consumerism in developed economies and increasing global energy use. Ever since the concept of sustainable development was initiated by Moris Strong, there is strong emphasis on sustainable development strategies which include environment and development with conservation strategy. The Brundtland Commission Report (1987) defined sustainable development as development that needs of the present without compromising the ability of future generations to meet their own needs (WCED, 1987). The concept of sustainable development has three principle dimensions viz., economic, social and environmental (Chart 2).



*Source:* Singh, et. al. , 2008.

The issue of sustainable development has been dealt in a series of UN-based conferences. At the time of United Nation Conference and Environmental Development (Earth Summit) held in Rio d Janeiro, most of the countries of the globe signed the framework of convention on climate change and biological diversity. The Rio Summit of sustainable development emphasized on (1) equal consideration of environment, society and economy; (2) inter-generational solidarity; (3) intra-generational solidarity. The Rio Summit was followed by several other conferences which were held in 1994, 1995, 1996 and 2002. The UN World Summit on Sustainable Development, held at Johannesburg,

South Africa is a milestone in sustainable development. The Summit urged in its plan of implementation that state should take immediate steps to make progress in the formulation and elaboration of national strategies for sustainable development and began their implementation by 2005.

### **Sustainable Livelihood Development:**

The concept of livelihoods however, moves the analysis beyond the coordinates of production, employment and income alone, embracing a more holistic view and recognizing the diverse portfolio of activities that not only enhance household income but also food security, health, social networks and savings. The approach emphasizes the social and environmental as well as economic dimensions of rural life (Bryceson, 1999). The sustainable livelihoods approach (SLA) is a way to improve understanding of the livelihoods of poor people. It draws on the main factors that affect poor people's livelihoods and the typical relationships between these factors. It can be used in planning new development activities and in assessing the contribution that existing activities have made to sustaining livelihoods.

The two key components of the Sustainable Livelihood Approach (SLA) are (1) a framework that helps in understanding the complexities of poverty. (2) a set of principles to guide action to address and overcome poverty. There is no single Sustainable Livelihood approach, and flexibility in method is a distinctive feature of Sustainable Livelihood. But in most models the main elements are similar and analysis will address all of these to some degree:

- Context. The external environment in which poor people live their lives and which is responsible for many of their hardships.
- Assets and capabilities (or 'capital'). The resources poor people possess or have access to and use to gain a livelihood.
- Policies, institutions and processes (sometimes called transforming structures and processes). The institutions, organizations, policies and legislation that determine access to assets and choice of livelihood strategies.
- Livelihood strategies. The ways in which poor people deploy their assets and capabilities to improve their livelihoods (i.e., consumption, production, processing, exchange and income-generating activities).
- Outcomes. Successful livelihood strategies should lead to more income and more economically sustainable livelihoods, increased well-being, reduced vulnerability and more sustainable use of the natural resource base.

The sustainable livelihood framework places people, particularly rural poor people, at the centre of a web of inter-related influences that affect how these people create a

livelihood for themselves and their households. Closest to the people at the centre of the framework are the resources and livelihood assets that they have access to and use. These can include natural resources, technologies, their skills, knowledge and capacity, their health, access to education, sources of credit, or their networks of social support. The extent of their access to these assets is strongly influenced by their vulnerability context, which takes account of trends (for example, economic, political, technological), shocks (for example, epidemics, natural disasters, civil strife) and seasonality (for example, prices, production, employment opportunities). Access is also influenced by the prevailing social, institutional and political environment, which affects the ways in which people combine and use their assets to achieve their goals. These are their livelihood strategies (ADB, 2008).

People are the main concern, rather than the resources they use or their governments. Sustainable Livelihood Approach (SLA) is used to identify the main constraints and opportunities faced by poor people, as expressed by them. It builds on these definitions, and then supports poor people as they address the constraints, or take advantage of opportunities. The framework is neither a model that aims to incorporate all the key elements of people's livelihoods, nor a universal solution. Rather, it is a means of stimulating thought and analysis, and it needs to be adapted and elaborated depending on the situation.

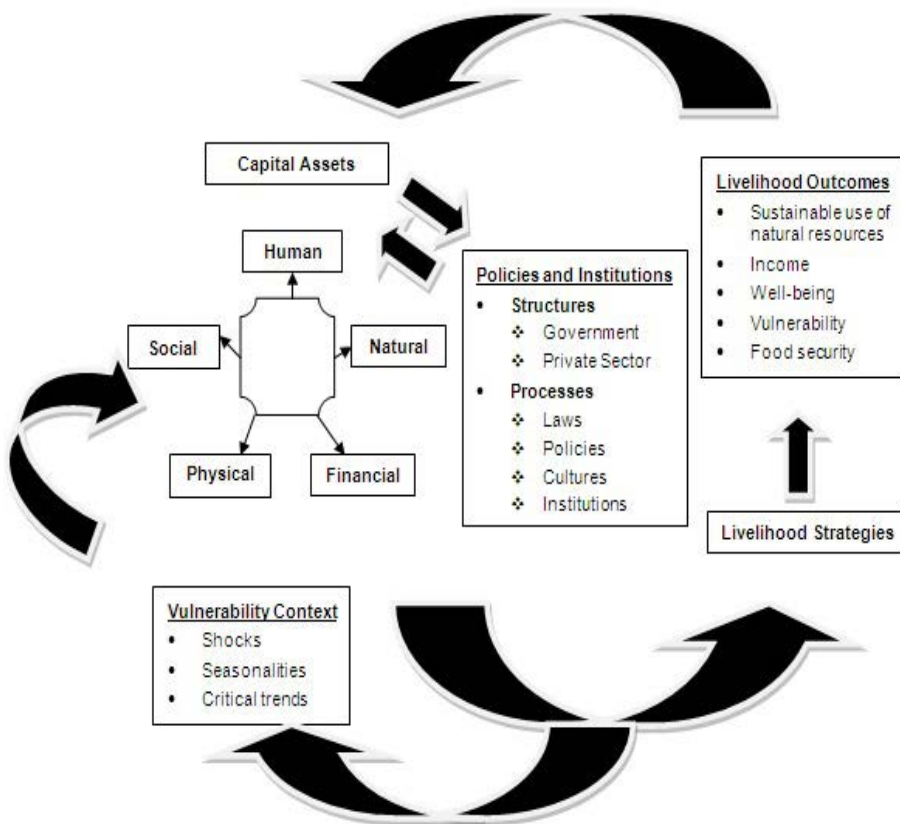
The Sustainable Livelihood Approach framework is presented in schematic form (Chart 3) and shows the main components of SLA and how they are linked. It does not work in a linear manner and does not attempt to provide an exact representation of reality. Rather, it seeks to provide a way of thinking about the livelihoods of poor people that will stimulate debate and reflection about the many factors that affect livelihoods, the way they interact and their relative importance within a particular setting. This should help in identifying more effective ways to support livelihoods and reduce poverty (ADB, 2008).

The livelihood assets, which the poor must often make trade-offs and choices about, comprise:

- **Human capital**, e.g., health, nutrition, education, knowledge and skills, capacity to work, capacity to adapt
- **Social capital**, e.g., networks and connections (patronage, neighborhoods, kinship), relations of trust and mutual understanding and support, formal and informal groups, shared values and behaviors, common rules and sanctions, collective representation, mechanisms for participation in decision-making, leadership
- **Natural capital**, e.g., land and produce, water and aquatic resources, trees and forest products, wildlife, wild foods and fibers, biodiversity, environmental services

- **Physical capital**, e.g., infrastructure (transport, roads, vehicles, secure shelter and buildings, water supply and sanitation, energy, communications), tools and technology (tools and equipment for production, seed, fertilizer, pesticides, traditional technology)
- **Financial capital**, e.g., savings, credit and debt (formal, informal), remittances, pensions, wages.

**Chart: 3**  
**The Sustainable Livelihoods Framework**



*Source:* DFID, 2008

A good way of understanding the inner workings of the livelihood system is to analyze how households organize the means of production at their disposal in order to meet the basic needs of the household economy. The basic needs of the households are supplied by the basic needs supply systems, each of which is composed of a number of production sub-systems. The basic needs are universal, but the exact manner in which they are supplied varies from area to area and from household to household (Chart: 4).

**Chart: 4**  
**Household Livelihood System – Diagnostic Results**

Basic Needs Supply System	←	Production Subsystems (Components of Basic Needs Subsystems)
Direct Needs (Outputs Consumed Directly by the Household)		
Food	←	Crops, Livestock, Fish, NTFPs, Purchased Foods
Energy	←	Firewood from forests and fallows, crop residues, etc.
Shelter	←	Timber, NTFPs, Purchased
Medicine	←	Medicinal plants, Purchased Medicines
Cash	←	Short term cash crops, livestock, NTFPs, cottage industries +
Savings/Investment	←	Long term savings/investments in livestock, trees, banks, farm improvements +
Indirect Needs (Major Inputs for Producing Outputs that are consumed by the Household)		
Feed for livestock	←	Grasses, forage crop residues, feed crops
Raw materials for cottage industry	←	NTFPs, timber, crops, purchased materials

*Source:* Raintree, 1986

Vulnerability is characterized as insecurity in the well-being of individuals, households, and communities in the face of changes in their external environment. People move in and out of poverty and the concept of vulnerability captures the processes of change better than poverty line measurements. Vulnerability has two faces: an external side of shocks, seasonality, and critical trends; and an internal side of defenselessness caused by lack of ability and means to cope with these. In the vulnerability context, Trends are long term and usually large scale. They may include trends in population, resource acquisition and use (including conflict over resources), economics (national and international), governance and politics, technology and the environment (e.g., climate change). Shocks include human health shocks (e.g., epidemics), natural shocks (e.g., natural hazard-induced disasters), economic shocks (e.g., rapid changes in exchange rates), conflict and crop/livestock health shocks. They can destroy assets directly (e.g., in the case of floods or storms). They can also force people to dispose of assets as part of coping strategies. Resilience to external shocks and stresses is an important factor

in livelihood sustainability. Seasonality is expressed through seasonal shifts in prices, production, food availability, employment opportunities and health. These are some of the greatest and most enduring sources of hardship for poor people.

Livelihood strategies and outcomes are not just dependent on access to capital assets or constrained by the vulnerability context; they are also transformed by the environment of structures and processes. Structures are the public and private sector organizations that set and implement policy and legislation; deliver services; and purchase, trade, and perform all manner of other functions that affect livelihoods. Processes embrace the laws, regulations, policies, operational arrangements, agreements, societal norms, and practices that, in turn, determine the way in which structures operate. Policy-determining structures cannot be effective in the absence of appropriate institutions and processes through which policies can be implemented. Processes are important to every aspect of livelihoods. They provide incentives that stimulate people to make better choices. They grant or deny access to assets. They enable people to transform one type of asset into another through markets. They have a strong influence on interpersonal relations. One of the main problems the poor and vulnerable face is that the processes which frame their livelihoods may systematically restrict them unless the government adopts pro-poor policies that, in turn, filter down to legislation and even less formal processes.

Livelihood strategies aim to achieve livelihood outcomes. Decisions on livelihood strategies may invoke natural- resource based activities, non-natural resource based and off-farm activities, migration and remittances, pensions and grants, intensification versus diversification, and short-term versus long-term outcomes, some of which may compete. (One of the many problems of development is that projects and programs, while favoring some, can disadvantage others.) Potential livelihood outcomes can include more income, increased well-being, reduced vulnerability, improved food security, more sustainable use of the natural resource base, and recovered human dignity, between which there may again also be conflict.

## **CONCLUSION**

Natural resources which are vital for food, livelihood and environmental security are under intense pressure. The challenges of their conservation and sustainable use remain enormous. Circumstances warrant integration of environmental issues with strategies of poverty alleviation. It is now widely accepted that future of food, livelihood and environmental security depend upon the attention paid to the management of natural resources viz., land, water, forest and biodiversity. In this context, natural resources involve concurrent attention to conservation, sustainable use and equitable sharing of benefits. In fact, development activities must not be allowed to result in severe depletion of natural resources and degradation of environment. One of the top priorities of the third world countries especially developing ones is to create sustainable livelihoods on a large scale. Even in the poorest countries, the capacity of agriculture to absorb additional labour is rapidly diminishing, with the modernization, unplanned development, colonization and accelerated economic growth, which have adversely affected the natural resources and consequently massive destruction in India. This loss of natural assets now acts as

a major brake on the ability of economies to respond to the ever increasing needs of their population and its sustenance. Sustainable livelihood approach is well-recognized as an integrated mechanism for poverty reduction and natural resource management. Livelihood security and sustainable development are the major development agenda in the policy and planning of forestry sector development. It has been well realized that agriculture sector cannot absorb the increasing work force for livelihood generation while industry sector has already shrunk over the period. Thus, the non-farm sector has enormous potential for the employment generation. Forest dependent people may have a crucial role in the conservation and development of the forestry resources as well as conservation and protection of wild animals such as tigers, however, the livelihood security is imperative. Significantly, the biotic pressure and stress on part of the forest dependent people has to be reduced through providing opportunities for livelihood development as well as incorporating economic activities which promote livelihood development for the forest dwellers and farmers nearby the forest areas.

Participatory system based on traditional management system through village community should be promoted in order to regenerate and participatory rehabilitation of degraded forest. The local community would have to respect social fencing and must not allow grazing in the demarcated areas. More reliance should be placed on re-generation and development of silvi-pastoral practices rather than on conventional forestry. Promotion of low-cost conservation measures/strategy based on indigenous practices and devices with higher reliance on vegetative conservation measures and use of plant species in degraded land is ensured. Agro-Forestry systems have proved potential for the reasons which require educating farming community for adoption of improved practices of agro-forestry. Agro-forestry and social-forestry are prime requisites for maintain of ecological balance and augmentation of biomass production in the agriculture system. Today, forestry has a wide spectrum of interfaces and multi-dimensional array of impacts. The situation calls for new and in-depth knowledge about forest resources, their use, their management and conservation, etc. Forest resources and forestlands should be sustained ably managed to meet the social, economic, ecological cultural and spiritual human needs have presented and future generations. The farmers should be encouraged by government and research institutions to take up farm/agro-forestry for higher income generation through evolving technology, extension and credit support packages. Effective regulation of environment laws should be ensured through government policy and improving legal system.

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# Important Issues Related to Hiv/Aids Infected Persons

**Darvesh Yadav**

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## Confidentiality

In the long run, preservation of confidentiality is the only way of securing public health; otherwise doctors will be discredited as a source of education, for future individual persons 'will not come forward if doctors are going to squeal on them'<sup>1</sup>. The maintenance of confidentiality of an individual's health status is one of the cornerstones of public health and rights-based legal responses to HIV/AIDS. Not only does the principle rest on human rights norms of autonomy and respect for privacy, but it has also been viewed as crucial to encouraging those most at risk to come forward for HIV testing, counseling and clinical attention. Public health experiences and research over the last two decades have revealed that non-consensual disclosure of a person's HIV-positive status has resulted in social stigmatisation, denial of work, denial of medical services and is likely to fail in controlling the spread of infection. The revelation of HIV-positive status in the community has seen the violent death of HIV-positive persons and even isolation in inhuman circumstances leading to severe stigma, callous neglect and death. India, too, has recognized the protection of confidentiality and human rights as vital in its response to the epidemic. Confidentiality is also recognized in international instruments as a central component both of the human rights framework and to the HIV/AIDS response. This principle is not absolute and has been circumscribed in law by defining certain limits and exceptions within it. The debate around the maintenance of confidentiality of HIV-positive status has taken place within the paradigm of the 'private good' (to maintain confidentiality) versus the 'public good' (to disclose).<sup>2</sup>

The important question that has arisen in the HIV scenario is whether the HCW is obliged to disclose her/his person's HIV positive status to others including his/her spouse or partner. Traditionally common law has dealt with this resorting to the balancing of interests approach. Given that confidentiality is maintained in public interest, disclosure would arise only if the competing interest is also a public interest and it overrides the interest to maintain confidentiality. Courts have also held that where a physician determines that the person poses a serious danger to a foreseeable victim then the physician owes a duty to warn and protect the third party.<sup>3</sup>

The ILO Code of Practice on HIV/AIDS and the World of Work suggests that the workers shall not be asked to disclose HIV related personal information. Nor should co-

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workers be obliged to reveal such personal information about fellow workers. Access to personal data relating to a worker's HIV status should be bound by rules of confidentiality consistent with ILO's Code of Practice on the protecting worker's personal data. These provisions lean in favour of keeping worker's personal data regarding his HIV status strictly confidential. Since AIDS is not transmitted through touch, sharing dress, or food, or other contacts, there is nothing much to be worried, even if a co-worker is not informed of his/her HIV status. On the other hand, if the HIV status of the person living with HIV/AIDS is informed to the co-workers, or to the employer, he may either lose the job, or even with the employment he will be mentally tortured. So, in the case of employment, it is better, and harmless to keep the HIV status of a person confidential, at least from the co-workers.<sup>4</sup>

There are very few clear statutory requirements for the maintenance of confidentiality in India. Indian statute has come to recognizing it as a legal right (through judicial interpretation) has been in Art.21 of the Indian Constitution that provides for the fundamental right to life and liberty. Art.21 does not confer positive rights but protects a person from State action that infringes the right to life and liberty, except that authorized by law. The right to personal liberty under Art.21 has been interpreted, subject to exceptions, to include the individual's right to live with dignity and to safeguard her/his privacy.<sup>5</sup>

There have not been many legal developments in the sphere of confidentiality and HIV/AIDS in India although the National AIDS Prevention and Control Policy (NACP) states that confidentiality should be ensured. However, the Supreme Court of India passed a judgment, which impacts on the issue of partner notification. In the case of *Mr. X v. Hospital Z*<sup>6</sup>, the Supreme Court suspended the right of HIV-positive persons to marry. Although the judgment recognized the right to privacy and the duty of physicians to maintain person confidentiality, it held inter alia, that the Code of Medical Ethics formulated by the Medical Council of India creates an exception to confidentiality when public interest is at stake and where there is an immediate or future health risk to others. The court found that the disclosure of the appellant's HIV-positive status to a prospective spouse was not violative of the principle of confidentiality since the spouse was saved by such disclosure. The Court, however, failed to lay down any conditions and protocols by which such disclosure was to be made. It also added that an HIV-positive person who marries and transmits the infection to the spouse would be criminally liable under Sections 269 and 270 of the Indian Penal Code, which criminalise those who perform a negligent or malignant act likely to spread a disease dangerous to life. In 2002, however, the Supreme Court set aside its own observations vis-à-vis the right to marriage, privacy/confidentiality and criminal liability but also stated that in the facts of the particular case, the appellant's right was not affected due to revelation of his HIV-positive status to relatives of the prospective spouse.<sup>7</sup>

A legislation that addresses HIV/AIDS must, therefore, also ensure that confidentiality of vulnerable status is also guaranteed to individuals who share such information in various settings.<sup>8</sup>

## Vulnerabilities and Empowerment

HIV is not a simple problem that can be countered by the twentieth century public health responses of isolating those who are infected in the hope that others will not contract HIV. Among other things, there is a need to examine vulnerabilities of individuals and populations. The rights based response examines these issues and protects and promotes the rights of those most vulnerable. In the HIV scenario this means empowering sex workers, homosexuals, women, injecting drug users and other marginalized and vulnerable populations and removing the causes of their vulnerabilities. This fashions a response that can alter the course of the epidemic. Justice Michael Kirby has put it most eloquently. He argues that, “paradoxically enough, the only way in which we will deal effectively with the problem of the rapid spread of this epidemic is by respecting and protecting the human rights of those already exposed to the virus and those most at risk”<sup>9</sup>.

There is no gainsaying that countries that have had success in combating HIV have dealt with this factor head on. For example, programme initiated in 1991 by Thailand government for 100% condom use requiring universal condom use in all brothels. Brothel owners who failed to comply with the same were subject to sanctions including closure of brothels.<sup>10</sup> There are examples in India also. The STD/HIV Intervention Programme (SHIP) in Sonagachi, Kolkata stands out as one of the most successful examples of a rights-based HIV/AIDS intervention with sex workers. The three main components of the project included a health and STD clinic, condom distribution and ‘Information, Education and Communication’ programme to be implemented through a peer based strategy.

How have countries responded to the HIV epidemic? In the context of rights one can conveniently divide the responses into two. One that we have termed the isolationist response and the other the integrationist response. These are set out in the table below.

RESPONSE		
ISSUE	ISOLATIONIST	INTEGRATIONIST
Testing	Mandatory without consent	Voluntary with consent
Confidentiality	Breached	Not Breached
Discrimination	Person isolated	Person integrated

In India the original response was in the isolationist mould. In Goa, the State Legislature amended the Goa Public Health (Amendment) Act, 1988 and made the testing of a person suspected of being of HIV mandatory. If the person was found HIV positive on a single test s/he would be isolated. The amendment was challenged by Lucy D’Souza<sup>11</sup>, the mother of Dominic D’Souza, the celebrated HIV activist in India who was forcibly kept in isolation for the crime of testing positive. The challenge was repelled by the Bombay (now Mumbai) High Court, Goa Bench. The Court proceeded (it is submitted wrongly) on the footing that as medical grounds were indicated for isolating HIV positive persons in certain circumstances and as the discretion to isolate or not was left to medically trained persons, the provision could not be held to be arbitrary or

unreasonable. However, the Court agreed with the petitioners that principles of natural justice had to be observed and read these into the provisions of the Goa Act. Thereupon the Central Government sought to introduce a bill on similar lines in Parliament.

But these isolationist strategies are violative of human rights and have negative public health outcomes must be rejected outright. Instead, there must be an effort to create conditions that enable sex workers to assert their rights and make informed decisions about sex work, safety, health and HIV/AIDS concerns.

### **Discrimination**

Persons who are seen to be associated with PLHAs such as family and friends or those seen to be at risk of infection such as ‘vulnerable groups are also discriminated against. In India, the existing legal framework has proved inadequate to effectively safeguard PLHAs from discrimination, despite the constitutional protection of equality.

Currently, virtually the entire private sector is free to discriminate. Though employment in the private sector is covered to a limited extent by law, discrimination in employment or private health care remains unregulated. The rampant private discrimination evident particularly in the context of the HIV/AIDS epidemic calls for immediate legal interventions.

### **Health Care**

In India, discrimination is particularly rampant in the health care sector. PLHAs are often refused treatment and surgery, denied admission to hospitals or charged additionally for basic services. PLHAs have also been subject to mandatory pre-admission testing and consequently stigmatized by having their hospital beds tagged with ‘HIV-positive’ or being isolated in special wards with a lower quality of care. Health care providers contribute to the culture of discrimination that has emerged around HIV/AIDS by refusing to touch objects used by HIV-positive persons including utensils and bed sheets, and wrapping only the bodies of persons who died of AIDS-related complications in quarantine bags. Discrimination in health care is critical to address for a variety of reasons. Most important, the right to health is enshrined in most constitutions as an aspect of the right to life; thus any barrier to equal access to health care that can be overcome must be dealt with by the State. If we do not legislate against discrimination, the sheer fear of infection and subsequent stigmatization and discrimination will prevent health care workers from treating HIV-positive persons.<sup>12</sup> Although a law may not be able to eliminate entirely the stigma associated with HIV/AIDS, anti-discrimination legislation has the potential to influence societal attitudes and encourage more sensitive approaches towards PLHAs.

### **Indian Case Law and Policies**

A defining moment in the history of law in HIV in India came when the Bombay High Court in *MX v. ZY*<sup>13</sup>, through Tipnis J., decided that a PLHA had the right not to be discriminated in recruitment to a public sector company provided s/he had the necessary qualifications for the job, was fit to perform the functions of the job and that s/he did not pose a significant risk to co-workers, customers etc. This standard developed in the

Arline case<sup>14</sup> by the US Supreme Court, has now become universally accepted the world over. It was followed by the South African Constitutional Court in the Hoffman case<sup>15</sup>. MX is also significant for the reason that it permitted a PLHA to sue by suppressing her/his identity. MX held that the court may allow the PLHA to sue by suppressing her/his identity if s/he were to be able to show that s/he would be prevented from suing if her/his identity is made public. In the context of the heavy stigma against HIV this strategy allows the PLHA to sue without fear of disclosure of her/his identity in public. Fortunately this is being followed in other courts in India now. Though varied success has been achieved in the employment sector against discrimination, there have been virtually no favourable judgments in the area of discrimination in the health sector.

In an earlier case, *Lucy D'Souza v. State of Goa*<sup>16</sup>, the court held that if a person tests positive for HIV, the government may isolate such person in the interests of health care; the individual's right to liberty must be balanced against the public interest. However, it has also been held that every doctor whether at a government hospital or otherwise has the professional obligation to extend his services with due expertise for protecting life without discrimination. This is a fundamental principle of health care included in the Indian Medical Council (Professional conduct, Etiquette and Ethics) Regulations, 2002, which states that "no physician shall arbitrarily refuse treatment to a person", except for good reason, and in the case of an epidemic, "the physician should abandon his duty for fear of contracting the disease himself."

## **Consent**

"Every human being of adult years and sound mind has a right to determine what should be done with his own body; and a surgeon who performs an operation without the person's consent commits an assault."<sup>17</sup> There is no doubt and it is universally accepted that consent is necessary for testing for HIV. However, the kind of consent is an issue. Protagonists of the existing system contend that HIV testing should be treated like any other diagnostic test. An oral and even implied consent is sufficient to test for HIV. However advocates of the rights based approach argue that given that HIV has no cure and given further that there is severe stigma attached to HIV, the test must be accompanied by pre-test and post-test counseling. This would prepare a person who reports HIV positive to cope with the new situation. For the person who reports negative, information can be imparted about means to prevent the contracting and transmitting of HIV. This would serve a public health goal.

## **Informed Consent**

This would mean informing the person the risks that s/he would be exposed to, the benefits of the proposed treatment and alternatives if any.<sup>18</sup> However the standards of informed consent are different in different countries. The English standard is what is "accepted by a body of skilled and experienced medical men". However the onus is on the person to show that s/he would have not consented had s/he been informed of the risks. In the US the HCW has to disclose material risks that the prudent person would want to know.<sup>20</sup> In Canada the objective risks that HCW would disclose in all situations as well the subjective concerns of the person have to be disclosed.<sup>21</sup>

Indian courts have held that a surgeon who fails to perform an emergency operation must prove that the person refused to undergo the operation not only at the initial stage but even after the person was informed about the dangerous consequences of not undergoing the operation. Failure to perform an emergency operation amounts to negligence.<sup>22</sup> In fact, the principle of informed consent to be taken in writing, even if it from a relative has not been articulated in the Indian context. Thus, where the wife informed the hospital authorities in unambiguous terms that she had no objection to her husband undergoing bypass surgery (even though relations between the couple were strained), her consent was deemed sufficient for the purpose of any formalities that the hospital was required to comply with.<sup>23</sup> The Medical Council of India had laid down guidelines that are now issued as regulations in which consent is required to be taken in writing before performing an operation.<sup>24</sup>

The concept of informed consent, though recognized by the National AIDS Prevention and Control Policy (NACP), is not fully developed in India. Therefore, a specific law incorporating the principles of informed consent from common law is required. Because breaches continue to occur and in the absence of a clear statutory mandate it is necessary to enact legislation that deters such breaches.

### **Access to Treatment**

HIV is able to mutate very fast. This implies that ART has to be constantly monitored for CD4, viral load, resistance etc. Second, the ARVs are very expensive. Even now, in India the first line regime cost about Rs.1200 per month. However the tests resistance cost an extra Rs.2500 per month. This means that even the first line regime can cost about Rs.4,000 per month. If resistance sets in and a protease inhibitor has to be added, the cost can shoot upto Rs.15,000 per month. However, they are not available in the developing world including India. The situation the world over is so serious that the World Health Organization (WHO) has declared the lack of access to ARVs an emergency. There is thus a demand from PLHAs that ARVs be made available free of cost to them when medically indicated.<sup>25</sup>

The National AIDS Control Organization (NACO) policy provides for free drugs for Opportunistic Infections (OIs) to PLHAs through the public health system. However in practice PLHAs are not able to access the OI drugs that are required. We have a piquant situation in India today. Despite the fact that Indian pharmas are manufacturing and marketing ARVs at the lowest prices in the world they are not available to the vast majority of the PLHAs in India. Indian pharmas are now concentrating their energies on exporting their generic products in the lucrative markets of the US, Europe and Japan.<sup>26</sup>

The Government of India justifies in not providing free ARVs to all PLHAs who need them by contending that it does make economic sense to spend disproportionate amounts to provide ARVs free of cost to PLHAs. However that assumption has been completely destroyed by the Brazilian experience (1996) that has shown that it makes economic sense to provide free ARVs. Brazil has shown that taking into account monies that would be otherwise be spent on treatment of OIs, hospitalization etc., if ARVs are not provided, the expenses incurred on providing ARVs constitute a net saving. It is to

be noted economics was not the primary reason that the Brazilian government started its programme of providing free ARVs. It was the Brazilian government's decision that its citizens were entitled to live with dignity that prompted it to embark on the programme of free ARVs to all PLHAs. The positive economic fall out is fortuitous. In the same vein the Government of India must provide free ARVs to make sure that our PLHAs do not die.

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# Functions and Processes of Entrepreneurship in Orissa

Soumya Kanti Palit

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## ABSTRACT

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*Essentially, it is the summation of some of the findings of my fieldwork of "A Case Study of Selected Small Scale Industries in Orissa". The findings were arrived at by conducting structured as well as informal interviews of entrepreneurs who have set up Small Scale Industries in the Industrial Estates of Madhupatna and Jagatpur of Cuttack town in Orissa. The officials of the promoting agencies, commercial bank officials, employees in the industrial units, whole salers, retailers and the general public work also interviewed. The number of entrepreneurs interviewed time and again were 46 in number. Cross checking was done by interviewing people with whom they interacted in performing their entrepreneur role. The officials of the promoting agencies were from District Industries Centre at Cuttack, Office of Export Promotion and Marketing at Bhubaneswar, Orissa State Financial Corporation at Cuttack, and Small Industries Service Institute at Cuttack. The official of the Commercial Banks were from State Bank of India, United Bank of India, Punjab National Bank and Bank of Baroda.*

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## INTRODUCTION

In this paper four vital functions of entrepreneurship, that is, the selection of product, arranging of finance, production and marketing are taken into account. The processes by which these functions are carried out in Orissa are explored. Finally focus has been drawn on the relationship between the entrepreneur and the government. The possibilities and constraints which are encountered by entrepreneurs are also highlighted. An attempt has been made to consider the non-conomic factors affecting the decision making of the entrepreneurs.

In the section relating to 'Selection of Product' the passive and imitative nature of the entire process has been dealt with. The activities of the consultant who are supposed to play an important role in making the project report have also been taken into consideration.

In the section 'Arranging of Finance' attention has been drawn to how the entrepreneur generally coming from the lower middle class is affected by his limited resources. As such the arranging of finance becomes the key issue for industrial venture for him. The sums involved in the transaction are larger than what could be arranged by

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the individual of his own. He has to depend on the government even for his own equity by over invoicing. This effectively puts him at the mercy of the government officials, and the Commercial Banks. How the inefficiency of the government institutions and banks affects the entire industrial venture has also been discussed.

The section on 'Production' deals with the involvement of the entrepreneurs in the production processes. The problems they encounter in partnership, management of industries, recruitment of personnel both managerial and labour are also discussed. The role of kinship networks in entrepreneurial activity is explored.

The section 'Marketing' discusses the most important aspect of entrepreneurial venture, because it is marketing and the profits that ultimately determine the success. We have discussed the protection provided by the government to the entrepreneurs for their marketing, which brings into focus the entrepreneurs' dependence on an unwieldy bureaucracy for getting orders and payments. Scarcity of raw materials and mutual competition among units in the same line of production have also been touched upon. Their inability to enter the open market and delayed payments from the government compel some of them to sell their products to some bigger established firms.

In the section 'Government, Bureaucracy and the Entrepreneurs' it has been highlighted that the government is not willing to accept even constructive criticism. The government side of the picture emerges as that of a few disjointed organizations heavily overworked and changing its priorities with the populist slogans of ministers. As such the relationship of entrepreneurs with the bureaucracy is discussed. It is shown how such a situation leads to widespread corruption. The entrepreneurs' associations which are supposed to protect the interests of the entrepreneurs has also been studied. However, it is seen that mutual competition, jealousy and corruption seep into these organizations also.

### **Selection of Product**

The selection of product is imitative in nature. Decisions regarding product selection are arrived at in keeping with one's occupational experience, training, circumstances and in anticipation of demand. While suggestion and guidance do play an important part there is no systematic method adopted by the promotional agencies to enable the entrepreneurs to choose the best possible product. Entrepreneurs who put in lot of effort to prepare their project reports were disappointed to find them being copied by others with the connivance of at least the subordinate staff. This undermines the trust of the genuine entrepreneurs, on the sincerity of the promotional agencies, from the very beginning of venturing into industrial activity.

The lack of adequate facility to develop the general awareness of the entrepreneurs regarding product choice, technology, manufacturing process, marketing etc. has led to the involvement of the middlemen who not only benefit from the crisis situation but defeat the very purpose of industrial activity because they are unable to give proper guidance to entrepreneurs, especially those who come for very small and tiny projects, accentuating industrial sickness.

The consultants play more or less the role of middlemen between the entrepreneurs and the promotional agencies rather than providing the needful service which would be useful for the entrepreneur in the long run. On the face of it the consultants limit their activities to mere drafting of the project report. But the possibility of the pseudo-entrepreneurs, in connivance with the consultants and the officials to usurp a lot of money cannot be denied. As a result, not only most of industries have become sick but a large number of them have actually closed down with very little real assets in them to be seized and handed over to a real enterprising entrepreneur.

### **Arranging of Finance**

Since most of the entrepreneurs in Orissa belong to the lower middle class it is difficult for them to arrange the equity for their venture. Very few of them have any surplus resources for investment. The industrial climate is not mature enough to encourage friends and relatives of the entrepreneur to invest in his enterprise.

The difficulties faced in arranging money leads to 10 to 20 percent over-invoicing for the project. Now-a-days this is considered normal practice even by the government institutions. In a backward region like Orissa where the capital is scarce, many industries would not have come up without over-invoicing. Entrepreneurs having a good rapport with the authorities manage to establish industries with paltry resources.

The inefficient management of loan giving agencies and the cumbersome procedures in sanctioning loans leads to long delay in implementation of the projects. This leads to the accruing of interests on the industry, further pushing them into liabilities. Thus these delays have defeated the very purpose of sanctioning the loans.

As far as the working capital is concerned, the banks are quite conservative in giving loans as most of the entrepreneurs do not have adequate security. Even if some entrepreneurs manage to get the working capital, the sanctioned amount is inadequate to meet their requirements. In most cases entrepreneurs unable to break even cease their transaction with the bank. Very few entrepreneurs are in a position to sustain themselves in the gestation period which is exceptionally long in Orissa. All this leads to industrial sickness.

Some officials are of the view that the major reason for industrial sickness is the inability of the entrepreneur to manage their finance. According to them the problem of working capital is not the cause but the consequence of lack of managerial ability. They are of the opinion that the crux of the problem is diversion of fund for non-productive purposes. The use of short term funds for long term purposes leads to shortage of funds for the immediate running of the industry. The sums might be a small fraction of the total working capital but at times they may make or break the industry. Many inexperienced entrepreneurs although quite sincere have misplaced priorities, they might end up wasting too much money on inventories, work force or some non-productive item.

Diversion of funds to non-productive uses is perhaps the most important cause for industrial sickness. The entrepreneurs caught in a web of kinship networks and religious rituals seem to divert the money sanctioned for the industry. When a sister or daughter

is to be married, in a money starved economy, a soft loan from the bank in the name of the industry is more likely to be used for marriage than industry. If the choice is between the girls' marriage and the efficient management of the industry, the girls' marriage takes precedence.

The other side of the problem is of course the all too familiar story of the "would have industrialists". Attraction of a consumerist culture providing a range of luxuries to anyone who has the money prove too seductive for the lower middle class entrepreneur who has suddenly acquired a considerable amount of money even if it is through loans. Thus these entrepreneurs start their business not by setting up the factory but by buying motor-bikes, cars and adopting five-star life styles.

The lack of proper coordination between the financial institutions which provide the long term loans and the short term loans leads to many problems.

As for the inefficiency of bank officials, they believe that their inefficiency is caused by lack of adequate appraisal skills, frequent transfers of officials, increasing volume of bank work and disillusionment caused by the sickness of a large number of industrial units. The bank officials believe that there are some problems with the entrepreneurs as well. The entrepreneurs are often too preoccupied with the implementation of the project. As such they are not able to follow up their dealings with the bank. The banks are left in the dark about the progress made in the project.

It is found that the people coming from a higher socio-economic background find it easier to get long term or short term loans sanctioned. That, of course, is a reflection of the skewed social situation in our society. There are also cases of unaccounted money being pumped into industries. But those industries do not seem to be doing very good business, whereas many entrepreneurs who started on a small scale have built up very successful enterprises in course of time.

## **Production**

Industrial production is a crucial component of the entrepreneurial activity and to a very large extent the product determines the profit earned by the entrepreneur. This problem can be handled at two levels.

1. The entrepreneur's direct and conscious effort to produce better products.
2. His relationship with all those who are involved in the enterprise.

Most of the entrepreneurs supervised the production work themselves. However, they had to learn to delegate various responsibilities to their partners and subordinates. Otherwise, they tend to get bogged down in one aspect of production and productivity declines. For being a successful entrepreneur, technical knowledge helps but that does not necessarily mean success. Even those people who began with very little skill but learnt about the production process in course of time have managed to do well.

Those entrepreneurs who consciously tried to improve the quality of products have managed to do well. This is because they have been able to enter the open market and free themselves from the clutches of the purchasing officers. Locating high quality and

cheap raw materials and its efficient use in terms of recycling the waste materials, were crucial for high productivity. Machines of a good quality also made a difference in the nature of the product.

Many entrepreneurs began their enterprise in partnership. However, most of the partnerships did not seem to work well. Lack of professionalism led to lack of clarity in the division of work among the partners. This created jealousy, suspicion, and rift among partners. However in some cases where the partners were able to define their areas of activity the enterprise was exceedingly successful.

In most of the cases the entrepreneurs seem to recruit their family members in the managerial cadre. The response of the entrepreneurs to this situation was mixed. In some cases the relatives managed to cooperate with each other and in other cases there were tensions. However, these tensions rarely led to a breakdown in relations. This structure of relationship by and large hampers high productivity. Generally the entrepreneurs had a tendency to rely more on the kinsmen even though they did not live up to their expectations entirely.

The managerial jobs though monetarily not all that satisfactory, definitely proved to be alternatives especially for those who did not want to move out from the town for various reasons. Retired government officials or middle-aged persons who join the small scale industries are found to be utter misfits. Their expectations are normally high while they are incapable of giving much return from their contacts which also prove to be ineffective.

The non-availability of skilled workers is a problem which was felt invariably by almost all the entrepreneurs except those having fabrication units. Very few entrepreneurs are in a position to send their local workers for training while most of them brought skilled people from elsewhere at least during the initial years of production.

The dependence of the entrepreneurs on primary relationships like close friendship or kinship for running the industries is because of the need for an adaptive nature of management. Besides, the adaptive nature of management does not permit professionalism to a great extent. Most of the managerial staff are recruited with very little experience as the entrepreneurs of the small scale industries find it difficult to attract experienced managerial personnel.

They often learn their job according to the exigencies without much prior practical training. Due to shortage of management staff it is imperative for one to handle others jobs to ensure that the work does not get held up in case someone is absent. Thus the managerial jobs are plural in nature. Though the career prospects seem to be limited in the small scale industries, they provide good grounds to gather all round practical experience to prepare oneself for venturing into running one's own industry.

Most of the entrepreneurs seemed to be quite unhappy with their labour. They complained that there was no direct proportional relationship between remuneration and productivity. Absenteeism and lethargy are usually observed amongst the workers. Some entrepreneurs are scared of being tough with labour lest they may feel harassed in many

ways which may end up in losses. Some stated that without disciplined and cooperative workers the entrepreneurs can do very little. To have control over the workers the entrepreneurs are reluctant to make them permanent employees while some of them give them all other benefits of a permanent employee. Whenever it is possible, entrepreneurs try to get their work done on contract basis to avoid labour troubles. The local workers are more troublesome than those who come from elsewhere. Those coming from elsewhere especially the tribals are normally more disciplined and responsible to their duties.

For the repair and maintenance of the machines the entrepreneurs cannot depend totally on the local people. To meet their various requirements they have to depend on people from Kolkata.

### **Marketing**

The entrepreneurs of small scale industries of Orissa find marketing, the ultimate in industrial venture, as the most difficult part. With inadequate resources and products of substandard quality they find it extremely difficult to compete with the established medium and large industries. Moreover, the situation is aggravated by the severe competition between the small scale units manufacturing the same product. Marketing for the small scale industries of Orissa boils down to merely selling or making things according to orders. Strategic marketing which requires an integrated effort seems to be lacking.

Entrepreneurs of most of the existing units depend for their marketing more or less directly or indirectly on the government purchase. The entrepreneurs appear far from satisfied with the government's provisions and arrangements to render protection to the small scale units from the severe competition they have to face otherwise. A good rapport with the concerned officials and living up to their expectations enable the entrepreneurs to procure regular orders from the government and semi-government organizations.

The entrepreneurs feel that mere circular and policy resolutions are not enough unless they are seriously abided by the concerned officials and strict vigil is kept over the official functioning. Lack of it would dampen the enthusiasm to produce quality products. Under the prevailing circumstances, entrepreneurs tend to give in to easy methods of making money by supplying goods from Kolkata or elsewhere with their brand names by keeping the officials in good humour. The entrepreneurs who are serious about production feel quite frustrated with such practices.

It was gathered from the experience of the entrepreneurs that high level contacts are not enough for selling one's products to the government departments. Sometimes they may prove to be counter productive. To procure orders the concerned officials should not only benefit, the entrepreneurs are also expected to maintain secrecy.

To ensure a fair distribution of orders the entrepreneurs having pharmaceutical SSI (Small Scale Industries) units have got together to form an association called UPMA (Utkal Pharmaceutical Manufacturers Association). The Association acts as a pressure group to assert its marketing interests apart from looking into various problems related to manufacturing activities of pharmaceutical industries.

After execution of orders the entrepreneurs normally have to wait for a long period to get their payments. Lack of funds, inefficiency and dishonesty of the government personnel in charge of payments have much to do with the release of money. The entrepreneurs feel that it would be suicidal to protest on an individual basis. Multiplicity of small scale industries in similar line of production has put the entrepreneurs in a more disadvantageous position. Entrepreneurs feel that any protest would debar them from procuring further orders as there are many in the line to grab them. Moreover, the multiplicity of units have not only checked the growth of the existing units but also resulted in industrial sickness in many cases as it is difficult to get into the open market. There are instances of government sponsored organisations posing themselves as competitor for the small scale units.

Discontent with the government purchase policy and the inability to launch their products in the open market have forced some entrepreneurs to sell their products to the big companies that have established goodwill in the market and have a wide marketing network all over the country. Such arrangements are not always possible as they may not be mutually beneficial. The trend is to gradually come into the open market while having one foot in the protected market like the government purchase or contract agreement with a bigger company.

Even those who cater to the open market are worried about the multiplicity of the units. Multiplicity of units all over the country has created a situation of scarcity of raw materials. Problems faced in procuring the raw materials at cheaper prices have posed a major hurdle for many entrepreneurs to venture into the open market. The role of the Orissa State Industries Corporation which is supposed to supply the raw materials at fair prices is far from satisfactory. Another hurdle that comes in the way of the entrepreneurs in getting into the open market is the high credit facility that is expected from them by the middlemen or the agents.

A small scale unit working under capital constraint is unable to meet both the credit expectations and maintain a regular supply of its products or either of them till the product creates a demand for itself in the market. Depending on the product and the management, this period varies. This is most crucial for an entrepreneur. Any problem created by the bankers, raw material suppliers or the agents is bound to cause sickness to the units which most often is the case. For those units for which the requirement of working capital is less, and there is excessive demand for the products, the probability of being successful is more, provided they are managed properly.

Generous lending of money and buy back arrangement by the government has not strengthened the industrial culture of Orissa as much as it should have. Red tapism and corruption have given birth to a flaccid entrepreneurial category. Government help was meant to quicken the process of industrialization. The category entrepreneur was the harbinger of this new age. What seems to have emerged is an amalgam of political lackeys and parasitical industrialists who sell poor quality products. They depend on the government to buy their products since no one else would buy them. Very few successful entrepreneurs have emerged from this process of selective intervention by the government.

## **Government, Bureaucracy and the Entrepreneurs**

The reaction of the government or the party in power was vindictive when a noted economist tried to bring out the fallacies in its policy and achievements with regard to industrial development. Even the foremost financing institutions like the IDBI dissociated itself from the report, giving in to the influence of the people at the helm of affairs. The government's enthusiasm apparently seems to be more of a propaganda or a populist measure than genuine interest.

The bureaucracy responsible for implementing policies of the government appears to be suffering from utter stagnation. It is unrealistic and apathetic in realizing its goals as far as industrialization is concerned. To reduce the overload of work for the officials and the paperwork that the entrepreneurs are expected to do by the various allied offices, a thorough reorganization of the bureaucratic set up along with the simplification of the procedures is needed.

The entrepreneurs generally overcome the delay in getting their official work done bribing people from top to bottom. Connections and threats are adopted as means to expedite the movement of files but bribing is normally practiced. The acceptance of bribe is still at a very personal level which makes the problem no less difficult for the entrepreneurs as even after paying the money, he has to keep following the files and part with some money at all levels, while maintaining due secrecy. Perhaps, the primary relations of the staff with the local people and entrepreneurs and the traditional value structure interfere to check acceptance of money in an organized manner which would be more effective. Apart from being partly responsible for the corruption of the bureaucracy some entrepreneurs give in to the inclination for immediate gains by disengaging themselves from the botheration of production. They supply products to the purchase departments of the various government organizations which are produced elsewhere, with their own brand names. Thus, they take all the privileges that are reserved for the small scale industries.

Entrepreneurs have got together to voice grievances and assert their rights. They have formed associations, however individual vested interests of the entrepreneurs have ridden these associations with factionalism. As a result, the associations are not strong enough to stand behind the individual entrepreneur to withstand the unforeseen challenges. It is no wonder that many of the successful entrepreneurs have very little confidence in such associations. Some others consider them to be merely for entertainment, and pursuing the interests of the few who take up the leadership. The associations of the entrepreneurs under the prevailing circumstances are bound to be fragile especially when the individual interests of its members are competing with each other to survive. It is futile to think that such associations can ever be strong enough to counter the state machinery and the labour organizations which are yet to make a strong foothold. The entrepreneur's association can at best be the mediators between entrepreneurs in general, the government and the labour organizations to find an amicable solution to the problems encountered by them.

## Conclusion

The entrepreneurs in Orissa are not innovative and path-breakers as held by Schumpeter. The selection of products as we have seen, was not only imitative, but even the imitation lacked the needful spadework to assess the demand of the product and other aspects of the viability of the project, like supply of raw materials, labour, power and etc. Innovation or creativity of the entrepreneurs was limited to adapting to unfavorable and unforeseen circumstances, trying to survive somehow or the other or to make as much money as possible even to the extent of not caring whether the industry was running smoothly or in the red. The circumstantial situation demanding an adaptive nature of management compelled the entrepreneur to rely on familial relations for management and production activity. The dearth of professionalism in management and non-availability of skilled persons along with an in disciplined and lethargic labour not only hampered productivity but also the quality of the product. On the other hand, the inability of the entrepreneurs to procure regular orders, uncertainty of payments, and the lack of resources to go into the open market, complicated the task further. Cumbersome bureaucratic procedures, diverse and often changing official paraphernalia, consume much energy and time of the entrepreneur, who, because of his limited resources, is incapable of delegating responsibilities, to take care of the routine requirements. Under such circumstances, it is perhaps unwise to expect any innovative entrepreneurship from the entrepreneurs of small scale industries.

In many cases, the entrepreneur seemed to lack rationality in the Weberian sense. Much of the funds of the entrepreneurs got dissipated for non-productive purposes (as far as the interest of the industry are concerned), compelled primarily by the social obligations and commitment to values. This could be the cause of much of the industrial sickness in the small scale industries of Orissa, especially as the entrepreneurs have very limited resources of their own. At least during the formative period of the industry, the entrepreneurs need to overcome the social threshold caused by his social obligations and commitment to the prevailing values. Depending on the individual cases of the entrepreneurs this threshold proves to be a major deterrent or otherwise. For Mr. Bishma Kumar Sahoo this threshold could not be easily overcome, (it stunted the growth of his industry), but for Mr. Binod Dash, it never mattered much as his father was quite well-off to take care of them. Moreover, it should be mentioned that the need for money by most of the officers and their subordinates which tends to corrupt them is, to a great extent, caused by their desire to fulfill their varied social obligations which they are incapable of meeting with their limited income due to rising costs and growing consumerism.

The situation appears to be aggravated by the vested political interests of the ruling party and those who gain out of them, to maintain the stagnating status quo. Determined political will to adopt and implement realistic measures seems to be utterly lacking at all levels and spheres in promoting small scale industries in Orissa. Though the entrepreneurs have formed associations to look after the interests of their industries, yet they are not much affective due to factionalism and individual vested interests.

The behavioristic model seems to be beneficial for economic development, provided

there is a great deal of control to manipulate various variables to keep the set goals among the entrepreneurs intact, by seeing to it that the gap between aspiration and achievement is not too large to overcome. Otherwise, it is bound to lay the demonstrative effect of various deviant behaviors which would lead to more detrimental consequences and check the further supply of genuine entrepreneurs. With the burden of the low level of the economy, the efforts of the government for the promotion of small scale industries in Orissa should however not be outrightly rejected, but need to be critically assessed to ensure development.

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# Impact Of media and Freedom of Political Communication: On Major Fraud & Forgery in Banking Sector as Crime Against Public Money

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## ABSTRACT

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*It is well known that Banking industry play very important roles in developing the Indian economy and provide job opportunities to fulfill microeconomic objectives. Trust is significant aspect among depositors, investors and borrowers through the bankers are mediators. The major frauds committed in the Banking Industry in the shape of consortium advance from seventeen Banks by the owner of Kingfisher Airlines Vijay Malya to the extent of Rs.9000 crores and he is being tried in British Court. The frauds and forgeries committed by NiravModi his family members, relative MehulChoksi, in connivance with top bank's officers who have fled to foreign and others to the extent of Rs. 11, 400 crores from Punjab National Bank on the basis of forged Letter of Undertakings (LOU) reported to CBI for investigation by CMD of PNB which has reached up to 21603 crores as per investigation by CBI as highlighted by the media on all TV Channels, newspapers and political parties as well as by Chairman & Managing Director of the Banks, Reserve Bank of India (RBI) and Security Exchange Board of India (SEBI). The Income Tax Authorities have also been investigating these frauds. These frauds were committed during regime of Congress led Government and investigated during BJP led Government. Criticism is being done by spokesperson of both BJP & Congress political parties. Trust get lost when borrowers fails to repay the loan/advance plus interest as per agreed obligation while signing loan agreements and it is considered as nonproductive assets. Recovery of debt is most essential for banking and financial institutions, it is process of reduction of debt. The Government of India has constituted thirty-three Debts Recovery Tribunals and five Debts Recovery Appellate Tribunals across the country. The Recovery of Debts Due to Banks and Financial Institutions (Amendment) Act, 1995..*

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**Keywords: Fraud, forgery, Bank Management, RBI, CBI, ITA.**

## **INTRODUCTION**

The media has great impact not only at national level but in the world as a whole in respect of any financial fraud and forgery which and create awareness among masses to keep themselves away from the fraudulent and forged acts of omission and commission of playing with public money. The financial crimes are reported to different detecting and investigating agencies viz. Police, CBI, ITA, CVC, SEBI and SIFO under Indian Companies Act etc. for prevention thereof and punishing the offenders as per disciplinary action under administrative law and criminal law for fixing the accountability, liability and recovery of losses out of proceeds of assets of fraudulent after sealing and seizure of accounts and properties movable & immovable and auction thereof as per procedure of law to make the losses good. In other countries like USA ‘debt collector’ perform the task of debt recovery. In Australia, the debt recovery is done through courts of law. In UK debt are recovered through the Late Payment of Commercial Debts Regulations 2002. In India, Government has made various enabling legislations for debt recovery. The main object of the present paper is to highlight the impact of media i.e. newspapers, radios, various TV channels for spreading the live telecast of fraudulent and forged practice prevailed in banking sectors at global level like the frauds committed by Vijay Malya the owner of Kingfisher Airlines for committing fraud of Rs.9000 crores of seventeen various banks and another PNB fraud by NiravModi& his maternal uncle MehulChoksi in Gitanjali Gems case to the extent of Rs.11400 crores for fraudulent transactions during preliminary investigation by CBI and Enforcement Directors and the same has reached to 21,603 crores approximately which has created panic amongst public and led to downfall in share marketing for loss of public money. The third big bank fraud committed by Rotomac Pens Owner,Vikram Kothari, his son Rahul Kothari and his wife Sadhnaaccused of Rs. 3,695crorefraud were raided By CBI as part of its probe into bank fraud case.Canara Bank Consortium Fraud Rs.515.15 crores by R P Info Systems, Kolkata. They have been accused of cheating a consortium of seven nationalized banks,and Foreign Investment fraud of Rs.305 crores by INX Media (P) Ltd., Scam done in connivance with Karti Chidambaram, son of former Finance Minister P Chidambaram in UPA government and other cases.

**BRIEF HISTORY OF VIJAY VITTAL MALLYA:**<sup>1</sup> His DOB is 18th December, 1955 and borne in Kolkata West Bengal. He is known for hisnick name as ‘The king of Good Time’ He is son ofVttalMallya, a famous industrialist andLalithaRamiaha (Biological mother), step mother-RituMallya,

**Educational qualifications:** He passed B.Com (Hon) from St Xavier College, Kolkata.andDoctor of Philosophy in Business Administration (HonorisCausa) from Southern California University, Irvine, USA.

He had affairs/girlfriends withPinkilalwani, former Kingfisher Airline employees. His first wife wife wasSameeraTayabjiMallaya, farmer Airhostess since (1986-1987) and presently having 2nd wife RekhaMallya since 1993. He has a son namelySidharathMallyaand twodughters: namely (i) Neina, Tanya, (ii) Leila (Step daughter), He hadnet worth of Rs.615 Crore in 2014

**Political Career:** He became member of AkhilaBhartiaJantaDal in 2000, He was elected as Rajya Sabha Members in 2002 as an independent member of his home Constituency Karnataka. In 2003 he joined the SubramaniamSwamy led Janta Party. In 2003-2010 he served as National Working President of Janta Dal. In 2010 he was reelected as Member of Rajya Sabha for second term as member of BJP.

He has won trophies in professional car racing circuits and is a keen yachtsman and aviator. He has also won numerous trophies in horse racing including several prestigious Derbies

**Brief facts of Fraud:** He became the Chairman of the UB Group in 1983 in which his father VittalMallyawas famous industrialist. He established Kingfisher Airlines in 2005 the first Indian airline to order the Airbus A380 and it became headlines when it became defunct he failed to repay the outstanding salaries and dues to its employees after starting international operations. It was second largest airlines. Its net losses widened to 188 crore in 2008 and Rs.1608 crore in 2009. He was sanctioned Rs.950 crore by IDBI in 2010 .His intension was doubtful, he was declared wilful defaulter by the end of 2014. He has committed offence under Foreign Exchange Regulation Act (FERA) violation case,

However, he was later granted bail, and released on a bond of \$ 650000. India Media extradition trial hearing on 18-04-2017.He once proclaimed himself to be the king of good times and over Rs9,091 crore, charges of money laundering and financial irregularities made his great escape from India left the country on 2ndMarch, 2016 the State Bank of India, is the leader of the consortium of 17 banks.

Bank Loan exposure to Kingfisher liabilities towards Banks under Consortium Advances:<sup>2</sup>

	Name of Banks	Amt Rs. in Cr.
1.	State Bank of India	1600
2.	Punjab National Bank	800
3.	IDBI	800
4.	Bank of India	650
5.	Bank of Baroda	550
6.	United Bank of india	430
7.	Central Bank	410
8.	UCO Bank	320
9.	Corporation Bank	310
10.	State bank of Mysore	150
11.	Indian Overseas Bank	140
12.	Federal Bank	90
13.	Punjab & Sind Bank	60
14.	Axis Bank	50
15,	16,17 Three other Banks	603
	Grand Total-	6963

**Non Productive Assets (NPA):** Kingfisher, was declared an NPA by most banks, including SBI, towards the end of 2011 and beginning of 2012. The majority burden of Kingfisher loans was on government-owned banks.

Attorney General Mukul Rohatgi, however, asserted in court that Mallya was a fugitive from justice and was playing "hide and seek", and cooking up "cock and bull stories". He alleged that Mallya was "deliberately concealing something from the banks", and also seemed to be of the view that he had "no intention to come back".

B.K. Upadhyaya, Additional Director General of Police (Prisons), revealed that they sent a report regarding European prison barring an AC, his prison in India to counter Mallya's contention that Indian jails are not good enough to house him. "In Arthur Road jail, they have already provide European-style toilets for some convicts who are senior citizens.

**Proclaimed Offender & Non-Bailable Warrant:** A Delhi Court on 4th January, 2018 declared him as a "proclaimed offender" for repeatedly evading summons by the Enforcement Directorate in a FERA violation case.

Supreme Court: He has been living in London since sneaking out of the country in March 2016 just days before a consortium of banks approached the Supreme Court against him for defaulting on loans worth nearly Rs 9,000 crore.<sup>3</sup>

**Trial by Westminster Magistrate's Court, London:** Vijay Mallya was formally arrested by the Scotland Yard in London on April 18, 2017. But it all began in India on January 31, 2017, with the issue of an arrest warrant in a Rs 900 crore IDBI Bank loan default case. He owes Indian banks Rs 6,963 crore (Rs 9,000 crore with interest), fled the country on 2nd March, 2016. He appeared before the Holborn police station in central London and was released hours later by the Westminster Magistrate's Court on a 650,000 pound bail bond.

The spokesperson in the Ministry of External Affairs (MEA) Raveesh Kumar had informed that the extradition trial of 61-year-old liquor baron, wanted in India on charges of Rs 9,000 crore fraud and money laundering, began at a UK court on 4th December 2017.

**Extradition Trial in UK:** Vijay Mallya subject to trial by media, claims lawyer at extradition trial: Vijay Mallya's lawyer Clare Montgomery targets style of Indian media coverage and emergence of powerful commentators, which raise doubts about a fair trial.<sup>4</sup> He remains on a 650,000-pound bail bond, extended until 2nd April 2018 at the last hearing in the extradition case in January.

High Court in the United Kingdom ordered Singapore-based BOC Aviation and estimated \$90 million (Rs 579 crore) in claims. The Crown Prosecution Service (CPS), representing the Indian government, has claimed that the evidence they have presented confirms "dishonesty" on the part of the businessman, who acquired the loans through misrepresentation and had no intention of repaying them.

**Arrested on an Extradition Warrant:** He had been arrested on an extradition warrant by Scotland Yard in April 2017 According to court documents submitted at the

UK High Court last year, the claim brought by 13 Indian banks is expected to come up for a two-day hearing in the Queen's Bench Division of the commercial court in England's High Court of Justice sometime after 11th April 2018.<sup>5</sup>

UK Court awards BOC Aviation USD 90 Million against Vijay Mallya. His Extradition case is being heard in UK. Vijay Mallya has been declared proclaimed offender by Delhi Court in FERA Case.

**Other Cases against Vijay Malaya:** The following cases have been filed:<sup>6</sup>

- (i) Serious Fraud Investigation Officer (SFIO) under Companies Act: investigation into financial irregularities Rs.4000 crore.
- (ii) Provident Fund Investigation: In March 2016, retirement fund body Employees' Provident Fund Organization (EPFO) dues to Kingfisher Airlines employees is also being examined by Labour Ministry.
- (iii) GMR Hyderabad Airport Cheque Bounce Case: GMR Hyderabad International Airport Ltd filed a case against Mallya and former Kingfisher Airlines CFO Raghunathan for cheques bounced. Five non-bailable warrants have been issued by a local court in Hyderabad against Mallya.
- (iv) Airports Authority of India (AAI) Case: In July 2016, a Mumbai Metropolitan Court issued a non bailable warrant against Mallya in a case of cheque bouncing totaling Rs100 crore.
- (v) Case related to non-payment of TDS : The income-tax department had moved the Karnataka High Court in 2013 seeking dues amounting to Rs325 crore owed by Kingfisher Airlines relating to three fiscal years-2009-12.
- (vi) Debt Recovery Tribunal (DRT) Case: In January, 2016 the Debt Recovery Tribunal (DRT) in Bengaluru ruled in favour of creditors allowing them to recover more than Rs9,000 crore. Breweries Holdings Ltd and United Kingfisher Finvest India Ltd are liable to pay the money,
- (vii) Supreme Court hearing: On 16 March 2016, a consortium of banks led by SBI moved the Supreme Court to restrain Mallya from leaving the country. In March 2017, the court reserved an order on whether Mallya could be held in contempt of court for not fully disclosing his assets.
- (viii) The Securities and Exchange Board of India SEBI order on United Spirits: SEBI in January, 2017 barred Mallya and six former executives of United Spirits from accessing the securities market for alleged violations of the listing agreement, diversion of funds and fraud. Sebi's order said funds from United Spirits were diverted to some group companies of United Breweries Ltd, including Kingfisher Airlines.

**NIRAV MODI, MEHUR CHINNUBHAI CHOKSHI (MAMA BHANJADIAMOND JEWELLERY CASE) PNB FRAUD** Rs 11400 Crore to 22000 Crore:

**Brief Biography /History of Nirav Modi:** His nick name is Niru and born in

1971 in Antwerp, Belgium, Europe. He is a 46 years old man. He got married to Ami Modi from America and have two daughters namely Apasha Modi & Ananya Modi and a son Rohin Modi. All of them speak Gujarati. As a matter of fact, Ami Modi holds a USA passport. His father- Deepak Keshavlal Modi, who took the family business of diamond trading to Antwerp, Belgium which is known as the international trading hub of diamond. His mother- is an Interior Designer, his birth place is Palanpur, Gujarat. However, Nirav Modi was raised in Belgium. He shifted back to India after dropping out of Wharton. Nirav Modi was dropped out of Wharton Business School. He follows Jain religion. He belongs to a Gujarati Modh Ghanchi family. He has a brother namely Nishal Modi. His father shifted to Belgium in the 1940s to grow his diamond business as this country is famous for diamonds. He currently resides in Mumbai, India, founder of famous diamond jewellery company Firestar Diamond International and brand Nirav Modi. His father shifted to Belgium in the 1940s to grow his diamond business as this country is famous for diamonds.

His maternal uncle Mehul Chinnubhai Choksi is also a great businessman and runs a largest branded jewellery company Gitanjali Gems Ltd.

**Awards and Recognition:** He has been ranked by Forbes among 100 richest Indians since last five years. Net Asset: \$1.9 billion. His wife Ami has also been named in the whooping PNB fraud case by the CBI..

## CAREER

After study he joined his maternal uncle Mehul Choksi's company and worked there for around 10 years. In 1999, he founded his own diamond jewellery firm Firestar Diamond International. After some time, he designed the earring pair as per the request of his friend. He then turned his passion into brand to whom he gave the name Nirav Modi. He is known for his brilliant diamond designs which have been worn by many celebrities of Hollywood. Priyanka Chopra is the brand ambassador of his brand.

He launched his brand Nirav Modi in different locations such as Mumbai, Delhi, Hong Kong, New York, Macau, and London. He has designed so many unique patterns such as Riviere of Perfection, Golconda Lotus Necklace, etc. that make his brand so popular. His Golconda Lotus Necklace was sold in 2010 at the Hong Kong auction of Christy for Rs. 16.29 crore and his Riviere of Perfection was sold in 2012 at Hong Kong auction of Sotheby.

**Facts of Frauds and forgeries with Banks:** A criminal complaint dated 29-01-2018 and FIR No.971 dt. 31-01-2018 was registered by Sharda Raut, IPS, S.P, CBI, BSFC Mumbai on 31-01-18 U/S 120-B and 420 of IPC read with 13(2) and 13(1) (d) Prevention of Corruption Act, 1988 for criminal conspiracy, lodged by Sh. Avenesh Nepalia, Dy. General manager, PNB, Zonal Office Mumbai 11th Floor, Dalmia House, Jamna Lal Bajaj Marg, Nariman Point, Mumbai against the suspected persons for embezzlement by Fraud of Public funds 280.70 crore against Nirav Modi, Nishal Modi, Mehur Chinnubhai Choksi, Smt Ami Nirav Modi, Gokul Nath Shetty, Dy. Manager PNB Manoj Hanmat Kharate, SWO, PNB and any other suspected persons for criminal conspiracy, cheating and abuse of official position.<sup>7</sup> It was reported as:

GokulNath Shetty was posed as Dy. Manager PNB on 31-03-10 working in Foreign Exchange Department and looking Import Section.

**Manoj HanumentKharate:** was issuing LOU without following prescribed procedure by obtaining required application, documents and approval thereto and without making entries in Bank's system avoiding detection of transactions so made Transmitted SWIFT instructions to overseas branches of Indian Bank for raising buyer's credit and funding the NOSTRO account of PNB. He issued 143 Letter of Undertakings (LOUs) valued at Rs 3,032 crore and 224 Foreign Letters of Credit (FLCs) amounting to around Rs 1,854 crore and sent SWIFT Messages by Manoj HanummentKharate on 9-2-17 Fvg. Alhabad Bank Hong Kong, on 10-02-17 favouring to Allahabad Bank, Hong Kkong and on 14-02-17 Fvg Axes Bank Hong Kong which were due on 25-1-18. Hemant Bhatt and Ms Kavita Mankikar are Authorized Signatory of Firms. It was also requested that the accused may not be permitted to leave India to avoid process of law. Nirav Modi is turning out to be the new Harshad Mehta for Indian financial system.

The Second Complaint filed with the CBI on 13th February, 2018, Second FIR against Mehul Choksi (Nirav's maternal uncle) over unauthorized LoUs and foreign letters of credit worth Rs 4,500 crore. PNB has named overseas branches of:

1. State Bank of India in Mauritius and Frankfurt,
2. Bank of India in Antwerp,
3. Canara Bank in Bahrain,
4. Union Bank of India and
5. UCO Bank in Hong Kong, and
6. Italian bank Intesa Sanpaolo's branch in Hong Kong,

These banks have caused serious oversight that enabled diamondaire Mehul Choksi and his firms to defraud Rs 4,886.72 crores. The second complaint focuses on three Choksi entities: Gitanjali Gems, Gili India and Nakshatra Brands.

Arrest of offenders PNB officers & others: The following arrest have been Made; Dy Mnager Gopal Nath Shetty, Manoj Kharate, Single Window Operator, Hemant Bhatt, Authorized signatory of Nirav Modi, CBI Special Court remand them to CBI custody for 14 days. The Genral Mnager (Credit) Rajesh Juindal, arrested on 21st Feb, 2018 and sent to CBI custody. M.K. Sharma, Scale IV, Chief Officer, inter auditor of PNB has been arrested by CBI for interrogation on 28th February, 2018 and Nirav Modi refuses to join CBI probe.<sup>8</sup>

Suspension of PNB Officer: PNB has suspended 18 officers over the Rs 11,400 crore scam and referred the matter to CBI for investigation.

Luxuries and Glamorous life with Bollywood and Hollywood: Diamond king had luxuries and glamorous life with Bollywood and Hollywood actresses. He has been issued notice by Interpol with the intervention of CBI and communicated to foreign country for arrest of Nirav Modi. As per media he is expected to hide in Belgium, China, Hong Kong, UAE, New York as they Mama – Bhnja have video conferencing with each other

**Investigating Agencies:** CBI, SEBI, ITA, SIFO, CVC

**Mastermind:** Diamonds were hanged on the branches of tree in his arm house. The Palace of diamond king spread over 12000 sq.ft, guest house hall 3000 sqft CBI sealed 9 luxury cars valued Rs.10.44 crores. The CBI has approached INTERPOLE for assistance in locating NiravModi and his family and will be communicating with INTERPOLE Members to find him and bring him back to India and his properties are being seized.<sup>9</sup>

**LOUs and FLCs:** It pertains to 143 Letter of Undertakings (LoUs) valued at Rs 3,032 crore and 224 Foreign Letters of Credit (FLCs) amounting to around Rs 1,854 crore (the break-up in the PNB complaint adds up to a lower figure of Rs 1,799.36 crore under the FLC column).

The Society for Worldwide Interbank Financial Telecommunication (SWIFT) is a messaging network that financial institutions use to securely transmit information and instructions through a standardised system of codes. Two PNB bank officials, retired deputy manager Gokulnath Shetty and SWO Manoj Hanumant Kharat, were the first to be detected as working with NiravModi.

**CBS System:** None of the transactions were routed through the CBS system, thus avoiding early detection of fraudulent activity. The bank also cautioned of a similar modus operandi used by the same branch official in companies belonging to Gitanjali Gems Ltd, promoted by Mehul Choksi viz. Gitanjali Gems, Gili India and Nakshatra while issuing LOUs.

**He is a luxury diamond designer.** He is the kingpin /mastermind of Rs. 11, 400 Crores fraud at Punjab National Bank. A number of computers peripherals, hard device and documents have been seized on 15th Feb, 2016. "The public servants committed abuse of official position to cause pecuniary advantage to Diamond R US, Solar Exports, Stellar Diamonds and a wrongful loss of Rs 280.70 crore to Punjab National Bank during 2017,"

**PNB MD & CEO Sunil Mehta's press conference:** Punjab National Bank (PNB) MD Sunil Mehta said that the Rs 11,360 crore first started in 2011. He insisted that it was a "standalone incident in a single branch." "The fraud was detected in the third week of January and a case was filed with CBI on January 30," PNB will take full responsibility if investigations place the onus on the bank. The NiravModi fraud dates back to 2011. Some of the PNB staffers involved in the fraud have been suspended and named in the FIR.

The Directorate of Enforcement handles this case. His passport has also been cancelled by the Ministry of External Affairs for four weeks.

ED CBI seized gold, diamonds and precious stones worth around Rs.5,100 crore from 17 premises of NiravModi and Gitanjali Gems, but the main individuals named as being involved in the case by the Central Bureau of Investigation (CBI) seem to have left the country.

Other Banks Exposure to Rs.11400 Cr PNB fraud decline, falling in 12%:on BSE.<sup>10</sup>

- |                        |               |
|------------------------|---------------|
| 1. Allahabad Bank      | Rs. 4000      |
| 2. Axis Bank           | Rs, 2000-3000 |
| 3. Union Bank of India | Rs.1000- 2000 |
| 4. State Bank of India | Rs. 2400-4400 |

The PIL filed by lawyer Vineet Dhanda in the Rs 11,400 crore PNB fraud, has now been listed for further hearing on 16th March 2018. A bench comprising Chief Justice Dipak Misra and Justices A M Khanwilkar and DY Chandrachud said it would not say anything on the matter now. Attorney General K K Venugopal, appearing for the Centre.<sup>11</sup>

DyMnager Gopal Nath Shetty, Manoj Kharate, Single Window Operator, Hemant Bhatt, Authorized signatory of Nirav Modi, CBI Special Court remand them to CBI custody for 14 days. The Genral Mnager (Credit) Rajesh Juindal, arrested on 21st Feb, 2018 nd sent to CBI custody till CBI Arrested Bipul Ambabison of Natubhai Ambani, the youngest brother of Dhirubhai Ambani, President (Finance) of Nirav Modi's Firestar International and Kapil Khandelwal CEO of Nakshtra and Gitanjali Group (owned by Choksi) and three others executives. CBI interrogated 10 PNB officials including an Executive Director rank. CBI raids Palatial Babglo at Alibag owned by Nirav.

IT issued notice to Anita Singhvi w/o Congress Leader Abhisekh Manu Singhvi for cash purchase of jewellar worth Rs.4.5 Crore from Nirav. Arjun Patil, a senior executive in Fire star; and Niten Shahi, a manager in Gitanjali group were interrogated.

Diamond king and luxuries and glamorous life with Bollywood and Hollywood. He has been issued notice by Interpol with the intervention of CBI and communicated to foreign country for arrest of Nirav Modi. As per media he is expected to hide in Belgium, China, Hongkong, UAE, New York as they have video conferencing with each other

Investigating Agencies: CBI, SEBI, ITA, SIFO, CVC

Mastermind: According to media diamonds were hanged on the branches of tree in his arm house

The Palace of diamond king spread over 12000 sq.ft, guest house hall 3000 sqft

CBI sealed 9 luxury cars valued Rs.10.44 crores. The CBI has approached INTERPOLE for assistance in locating Nirav Modi and his family and will be communicating with INTERPOLE Members to find him and bring him back to India and his properties are being seized.

**Choksi Assets worth Rs.1217 Cr. Attached by CBI:-**It includes 15 flats, 17 office premises in Mumbai, a maul in Kolkata, 4 acre farm house in Alibaug and 231 acre of land located at Nasik, Nagpur, Panvel and Villupuram in Tamil Nadu, A 170 acre park in Hyderabad's Rangareddy District valued over Rs.500 crore, 4 flats in Borivile (east), Maharashtra and 9 others in Kheni Tower in Santacruz (east).<sup>12</sup>

Sh. Dinesh Dubey, a former government-nominated director of Allahabad Bank gave decent note to Gitanjali Gems (a firm promoted by Choksi) to Allahabad Bank in 2013

which was overruled and Rs 1,550 crore was sanctioned. He had to resign from the post as he wanted to ask certain questions from Union Financial Services Secretary, Rajeev Takru in New Delhi in 2013 because the previous dues were not paid.

PNB has launched case under the Prevention of Money Laundering Act (PMLA) for fraud of 11400 crores. Shares of PNB continued their downward spiral falling nearly 12% to Rs 128.35 on the Bombay Stock exchange. PNB's Brady House branch, less than a kilometer away from the swanky NiravModi diamond boutique in Kala Ghoda has become the epicenter of one of the largest banking fraud detected in the country. CVC has become the fourth government agency involved in the investigations besides Enforcement Directorate, Central Bureau of Investigation and Income-Tax Department. The IBA meeting was attended by Sunil Mehta, MD and CEO, PNB (through video-conference) and other top honchos of the banking industry.<sup>13</sup>

**Saga of NiravModi:** The store launch was graced by celebrity guests such as US presidential contender Donald Trump, Hollywood actress Naomi Watts and leading model Coca Rocha. NiravModi even walked the Red Carpet at the Oscars alongside Kate Winslet, who was adorned in a NiravModi jewel. Thereafter, he has opened stores on the Old Bond Street in London, Hong Kong and Macau.

Prianka Chopra, actress, who featured in one of the advertisement campaign for NiravModi has terminated her contract with the brand in light of the allegations of fraud against the billionaire jewelry designer. The ED, CBI called Ami w/o NiravModi for questioning and froze Bank deposits and shares worth Rs.44 crores on 23rd February, 2018. ED froze huge collection of watches and fresh free order on bank account containing Rs 300 crores and share Rs.13.86 crore of NiravModi under PMLA.<sup>14</sup>

**RBI Statement:** As per reports in the media regarding fraud involving a sum of USD 1.77 billion in Punjab National Bank (PNB), the Reserve Bank of India (RBI) has directed PNB to meet its commitments under the Letter of Undertaking (LOU) to other banks. RBI denies having given any such instructions. It is case of operational risk arising, delinquent behaviour by employees of the bank and failure of internal controls and directed to take supervision action.<sup>15</sup>

### **VIKRAM KOTHARI OWNER OF ROTAMAC PEN CASE- KANPUR:**

**Background:** Vikram Kothari- He is known as “King of Pen” s/o Mansukhlal Mahadev Kothari Babuji, Religion: Hinduism. Brother Deepak Kothari. Sister Rita, Wife Sadhna, r/o Santusti 7/23 Tilak Nagar, Kanpur. U.P

- In 1973 Pan Parag brought to the world Mouth Freshner
- In 1980 set up stationary business in the name of Rotamac
- Ownership of Pan Parag Dipak Kothari
- Salman Khan advertised the Rotamac Pen

**Stationary Business:** Kothari had set up his stationery business under the name of Rotamac in the 1980s. His brother, Deepak Kothari is the owner of Pan Parag, a prominent mouth-freshener brand in India. In the late 90s, the family business was divided among the two brothers with Vikram getting the ownership of Rotamac, while his brother Deepak was given Pan Parag.

According to information available on Rotomac website, Kothari heads Rotomac Exports Pvt. Ltd., Kothari Foods and Fragrances, Crown Alba Writing Instruments, Mohan Steels Limited, RFL Infrastructure Pvt. Ltd. and Rave Entertainment Pvt. Ltd., besides Group's real estate ventures at Kanpur, Lucknow, Dehradun & Ahmedabad.

The website says 'Vikram Kothari has been awarded by the then prime minister Atal Behari Vajpayee, with the Best Exporter Award, conferred by FIEO in conjunction with Union Ministry of Commerce, Government of India

Rotomac pens owner Vikram Kothari faced heat of central agencies after the CBI as well as the ED registered separate cases against him and his company for allegedly swindling of Rs 3695 crore from seven banks from 2008.<sup>16</sup>

The CBI registered a case, after receiving a complaint from Bank of Baroda, against Kanpur-based Rotomac Global Pvt Limited, its director Vikram Kothari, his wife Sadhana Kothari, son Rahul Kothari and unidentified bank officials for Rs. 2919.39 crore..

According to the FIR copy, the loan exposure of banks is as follows:

	Sr.No. Name of Banks	Amt.in Rs, crore
1.	Bank of India:	754.77
2.	Bank of Baroda:	456.63
3.	Indian Overseas Bank:	771.07
4.	Union Bank of India:	458.95
5.	Allahabad Bank:	330.68
6.	Bank of Maharashtra:	49.82
7.	Oriental Bank of Commerce:	97.47
	Total: -	2,919.39

The Kanpur-based company's owner had taken loans of Rs 352 crore from Kanpur branch of Allahabad Bank and Rs 485 crore from three other banks: Bank of Baroda, Indian Overseas Bank, and Union Bank of India. "Allahabad Bank has given loan (to Vikram Kothari) and recovery process is going on. Since properties are attached with loan, so we are hopeful that maximum loan will be recovered at the earliest." Initially, the alleged scam was estimated to be worth Rs 800 crore. Later, the CBI alleged that the accused had cheated a consortium of seven banks by siphoning off bank loans to the tune Rs 2,919 crore. The total outstanding amount along with interest and liabilities for the company were pegged at Rs 3,695 crore, the CBI alleged.

The Enforcement Directorate has also filed a case against Kothari under the Prevention of Money Laundering Act (PMLA). The Central Bureau of Investigation (CBI) on 22-02-18 arrested Rotomac Global Pvt. Ltd directors Vikram Kothari and his son Rahul Kothari as part of its probe into the Rs 3,695 crore Rotomac bank fraud case. The Rotomac bank fraud began in 2008 and amounted to "misappropriation of funds, criminal breach of trust and violation of FEMA (Foreign Exchange Management Act) guidelines."

Rotomac Pens Owner, Accused of Rs. 3,600 Crore fraud, raided by CBI. The CBI

has registered a case against Rotomac pen promoter Vikram Kothari and his family in connection with a case related to the alleged swindling of Rs 3,695 crore of bank loan funds on 19th February, 2018. They have been accused of cheating misappropriation, criminal breach of trust and violation of Foreign Exchange Management Act, a consortium of seven nationalized banks. Vikram Kothari was declared a wilful defaulter in 2017 for failing to repay loans taken from the Allahabad Bank, Bank of India, Bank of Baroda, Indian Overseas Bank and Union Bank of India.<sup>17</sup>

As alleged, since 2008-09, Mr. Kothari's companies had taken a loan of Rs., 919 crore from a consortium led by Bank of India and comprising Bank of Baroda, Indian Overseas Bank, Union Bank of India, Allahabad Bank, Bank of Maharashtra and Orienta Vikram Kothari, his wife Sadhana, and son Rahul, all directors in Rotomac Global Pvt. Ltd, have allegedly diverted the bank loans towards purposes other than they were meant for.

**Arrest of Vikram Kothari:** The Central Bureau of Investigation (CBI) on 22-02-18 arrested Vikram Kothari Director of Rotomac Global Pvt. Ltd and his son Rahul Kothari to probe into the Rs3,695 crore Rotomac bank fraud. "The case was registered late on 18-2-2018 upon a complaint by the Bank of Baroda (BoB) against Rotomac Global Pvt. Ltd, and its directors Vikram Kothari, Sadhana Kothari and Rahul Kothari," A consortium of seven public sector banks had given Rotomac Global bank loans worth Rs2,919 crore since 2008, The amount swelled to Rs3,695 crore, including the accrued interest.<sup>18</sup>

#### **CANARA BANK CONSORTIUM FRAUD RS.515.15 CRORES BYR. P. INFO SYSTEMS, KOLKATA:**

CBI booked Kolkata-based Computer Company R.P Info System Ltd and its directors for defrauding Canara Bank on the basis of complaint filed Sh. D.V. Prasad Rao, Deputy General Manager, Canara Bank on 26 February, 2018 with the CBI in Kolkata alleging that Shivaji Panja, Kaustav Kaustuv Ray and Vinay Bafna, Directors and Debnath Pal, Vice president (finance) of R P Info Systems cheated Canara Bank and 9 other member banks of a consortium to the tune of Rs 515.15 crore. The complainant alleged the bank fraud was committed through the borrowal accounts of the company in criminal conspiracy with unknown bank officials on 10 member banks of the consortium comprising:

1. Canara Bank,
2. State Bank of India,
3. State Bank of Bikaner & Jaipur,
4. Union Bank of India,
5. Allahabad Bank,
6. Oriental Bank of Commerce,
7. Central Bank of India,
8. Punjab National Bank,
9. State Bank of Patiala, and
10. Federal Bank

They were availing bank funds on the basis of false and fabricated stock/receivables/

debtors statements, forged drawing power letter, etc. The Letters of Credit (LC) opened by different member Banks of the Consortium on the applications of R P Info systems started devolving from 2012 onwards due to non-maintenance of funds. Canara Bank alleged that R P Infosystem dishonestly and fraudulently did not route the sale proceeds through the loan account and siphoned off the entire amount. It also inflated its receivables, it was alleged. Some of the purported debtors, viz, Gail India, Vincent Electronics (Rourkela), CEAT Ltd, had informed State Bank of India that they had no dealing with RP Info Systems. The other member banks of the consortium, had authorized Canara Bank to lodge the consolidated complaint, according to the FIR for commission of offences punishable under various sections of the IPC.

### **INX MEDIA (P) LTD. FOREIGN INVESTMENT FRAUD:**

Karti Chidambaram, son of former Finance Minister P Chidambaram in UPA government was arrested on 28th February, 2018 in connections with the INX Media (P) Ltd. Scam. The CBI had filed an FIR in the INX scam case on 15th May 2017 alleging that Karti Chidambaram had received a bribe of Rs 3.5 crores from the Peter and Indrani Mukherjee Ex-Director of INX Media (P) Ltd, Indrani Mukherjee made the statement before on 17th February, 2018. INX Media Scam: On 15th May, 2017, the Enforcement Directorate had filed a case against Karti Chidambaram alleging irregularities in the grant of Foreign Investment Promotion Board (FIPB) clearance to INX Media for receiving foreign investment of Rs. 305 crore in 2007 when P Chidambaram was the Union Finance Minister. It is alleged that Karti Chidambaram received funds to the tune of Rs 10 lakh in the case.<sup>19</sup> On 28th February, 2018 CBI has registered a case of bank fraud worth Rs 515.15 crore against RP Info System and its directors. The case has been registered under sections 120B (criminal conspiracy) read with 420 (cheating), 468 and 471 (both related to forgery) of the IPC and the criminal misconduct by a public servant. CBI has said that it arrested him as they 'felt he might influence witnesses' and 'tamper with evidence'. And sent to CBI custody for investigation at Patiala House New Delhi to unearth the "total conspiracy" hatched in the case and also to find out the details of overseas payments allegedly received by him from INX Media. Karti is 46 years old and was produced before Metropolitan Magistrate Sumeet Anand and the CBI sought his custodial interrogation for 15 days as he was not cooperating in the probe. His mother Nalini Chidambaram, a Senior Advocate and his father P Chidambaram also reached Patiala house to meet him. He will be produced before CBI Court on 6th March, 2018.<sup>20</sup>

### **POLITICAL COMMENTS:**

Prime Minister Narendra Modi on 23rd Feb, 2018 Friday said his government will take stringent action against financial irregularities and not tolerate loot of public money, breaking his silence more than a week after India's second largest bank PNB said it had been defrauded of over Rs 11,400 crore.

Ex-CMD of United Bank of India, Archana Bhargawa booked by CBI for Disproportionate amassing Assets to her known source of income of Rs.3.6 crore. She was on Senior position since 2004 to 2014 and amassed assets worth Rs.4.89 crore, incurred an expenditure of Rs.1.47 crore against income of Rs.2.73 crore. She became

DGM of PNB in 2004, GM in 2008 and ED in Canara Bank from 1st April, 2011 to 22nd April, 2013, she joined as CMD in United Bank of India, on 23rd April, 2013 and held the post till 20th February, 2014. A corruption case was registered against her in 2016 as alleged she obtained certain amounts for herself or for firm owned by her husband and son from the companies to which credit facilities were extended. It was found by the CBI that jewellery worth Rs.2.85 crore and cash of Rs.10.5 lac were found from her locker. In addition to above a deposit of Rs.5.42 crore in her name and Rs.2.26 crore in the name of family members, documents of three stories house in Noida, a flat in Vasant Kunj and two properties in the name of her family members in Delhi and Mumbai were also found.<sup>21</sup>

Congress president Rahul Gandhi bluntly asked Prime Minister Narendra Modi to tell the nation how Rs 22,000 crore of public money was looted from banks instead of tutoring children how to cope with examination stress.

Congress spokesperson Randip Singh Surjewala: He is quoting these case are highlighted on the basis political vendetta.

Union Minister Ravi Shankar Prasad said that the government had seized assets worth Rs 1,300 crore belonging to Nirav Modi besides initiating revocation of his passport. The fraud, incidentally, is 49 times the net profit posted by PNB for quarter ending December 31, 2017 and more than twice the amount that PNB got under bank recapitalization plan. He has also stated that people living in glass houses should not throw stone at others. "Modi government works honestly and will not come under pressure." Prasad quoted the prime minister to suggest that the bad loans problem in banks was created by the UPA and not the current NDA government.

BJP leader Nirmala Sitharaman stated that Congress is spreading lies on the PNB scam issue. The BJP emphasized that the jewellery designer was not part of the PM's delegation to Davos, and he travelled on his own and that PM Modi didn't meet him privately.<sup>22</sup>

It was reported that on 23rd Feb, 2018 CBI ED froze a bank account with Rs 30 crore balance and shares worth Rs. 13.86 crore held by one of Modi's companies. The ED, acting on a tip-off, also recovered a huge quantity of imported watches stacked in 176 steel almirahs, 158 corrugated boxes and 60 plastic containers.

The Parliamentary Standing Committee on Finance headed by senior Congress leader Veerappa Moily and former Prime Minister Manmohan Singh asked the ministry officials, including financial services secretary Rajiv Kumar, that how can the tax payers' money be used for recapitalizing the bank which is not well managed.

## **CONCLUSION:**

Keeping in view the above study it can safely be concluded that there is a gap of supervision and monitoring system at bank level? The alleged frauds have been perpetuated knowingly willfully in connivance with the bank management and outsiders, It has also been revealed that after NDA government came into power in May, 2014 not a single appointment of workman directors on the Board of Directors have been made, these directors have been playing the role of watchdog The liberalization era and information

and technology and computerization has also a great impact. The provision have been laid down under the Banking Companies (Acquisition & Transfr of Undertaking) Act, 1970 and 1980 or appointment of Workman Employees Directors and Officers Employees Directors for playing the role of watchdog. It is suggested that focus on enhancing supervision and monitoring at all level and fixing accountability of fraudulent employees/ executives, boards. The rotational transfer system should be strictly adhered to for every seat. Internal and external audit must be conducted in fair manner. e accountability of Chartered Accountant must be fixed in case of concealment of facts and wrong reporting /auditing. It is time for all banks to closely monitor the surveillance system and take all possible steps that can create security. Keeping in view the commitment by the Government to provide clean and responsible banking the public sector banks have to cut foreign operations and all 216 PBS operations to be examined. Non-viable operation market to be closed for cost efficiency and synergy. Ason 31st January,2018 PBS had 165 overseas branches besidessubsidiaries, joint venture, SBI has largest overseas branches (52), Bank of Baroda (50),Bank of India (29) spread in UK(32), Hong Kong, UAE(13) &Singapore(12) and other countries.The bankers must adhered to the guidelines issued by RBI to prevent fraud and forgery in Banks.

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1. NiravModi, 4 Grosvenor House 2nd Floor Rd. Mumbai-26 Partner of M/S Diamond R US/1110Prasad Chamber Opera House Mumbai, M/S Solar Export 15 Nagindas Mansion and M/S Stellar Diamond House 4 Nagindas Mansion 61 BSSF Rd Mmbai
2. NishalModi, Brother of NiravModi
3. MehurChinnubhaiChokshi. 9 & 10 Floor White House Walkeshwar Mumbai Partners
4. Smt Ami NiravModiSamudraMahal House Premises, CNS Ltd, Anni Besant Road, Worli Mumbai
5. Sh. GokulNath Shetty, , Deputy Manager,(Rtd), PNB 8 Sujata Plot No. 12/324 TPS-IIIKastur Park Borivali (W) Mumbai

6. Sh. Manoj Hanmat Kharate, SWO, PNB, Panchsheel Niwas, Yasin Nagar Talkriat District Ahmedabad
7. And other unknown persons.  
Registered by Sharda Raut, IPS, S.P, CBI, BSFC Mumbai on 31-01-18 Criminal complaint against the accused for registration of FIR for committed fraud of the funds so raised for payments of import bills for such purposes in many such cases, offences of cheating and fraud causing a loss to Rs. 280.70 crores
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# Teaching Skills of Primary School Teachers to Teach Children with Learning Difficulty

Dr. Md. Saifur Rahman\*

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## ABSTRACT

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*Education is not merely a knowledge, subject, and process but an influential instrument has enormous capabilities to shape the individual's potential and thought towards the all round development. Primary education is a foundation of all kinds of education which enables the child with life skills, better understanding to the environment, rational values, and other academic skills. Throughout the enhancement and building of primary education, a teacher plays key role in various ways by providing opportunities in curricular and co-curricular activities. But the majority of the teachers at primary level, unfortunately, is not skilled and experimental at the satisfactory level, this is the desperate condition of the teachers concerning to their skills to teach children with learning difficulties. To study the teaching skills of primary school teachers, information was collected through closed ended questionnaire form developed by researcher. All the subjects ranging from 25 to 40 years old of male and female with different qualifications have been selected. Teacher must have all the valued skills to understand all the psychological state and other needs of the child which makes the teaching healthy and could create the thrust at the deepest level for learning within the child, this is the way by which a child could channelize his or her potential for his or her betterment.*

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**Keywords: Teaching Skills, Learning Difficulty**

The growth and development of every individual is completely depends on maximum exploitation of their potential towards the development. Education is considered as a powerful tool and instrument of bringing desired changes in the behavior of children and prepares them to become productive member of the society. In the process of building conducive environment for learning where children construct knowledge at their own level, a teacher plays a crucial role. The teacher must have the adequate abilities to understand the thrust of learning that how learners construct knowledge, methods to identify the individual needs and how to develop the instructional strategies to meet the learner's needs. Teachers should also understand each learner's cognitive,

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linguistic, social, emotional and physical faculties influence learning and know how to make instructional decisions that build on learner's strengths and weakness. Learning encompasses many dimensions: knowledge, skills, values, beliefs, attitudes and habits.

Teaching is more than a profession as it involves commitment as well as obligations towards society at large. Besides taking periodic classes, a teacher is also suppose to ignite the emerging youths and give them proper direction as well as guidance for the nation building. Teaching is not considered merely the acts or behaviors planned to facilitate students learning directly or indirectly but it also build the confidence within the learner for their own construction of knowledge and skills. Imparting knowledge and information is not only core component of teaching but making learner thirsty to learn from their environment as per their need and level, is the base for their all round development.

Effective teaching is the teaching that successfully achieves the learning objectives. A teacher uses number of methods and techniques to make teaching learning effective. The techniques include, motivating the students, explaining, questioning, writing on the blackboard, using teaching aids and so on.

**Teaching Skills:** teaching skill is a set of teaching acts/behaviors intended to facilitate pupils' learning directly or indirectly. Teaching is not a single skill but a composite one. Various skills are required by the teacher to make his/her teaching effective. Teaching is a complex process because it deals with human behavior which is in itself very dynamic in nature. The teaching process becomes complex when a teacher desires to be an effective and the whole process of teaching and learning must be result oriented. The complex process of teaching can be divided into various components that are called teaching skills which can be identified, practiced, evaluated, controlled and acquired through training.

### **Need of the Study**

Our society with full of potential is moving towards the remarkable development in which role of every individual is crucial. In the current scenario, the individual focus is important at all level but when it comes to primary section becomes vital and central. Building education healthy and productive need to sensitise the people towards the primary education which is the backbone for secondary and higher education as well. For full participation of all children with diverse needs in the society, teachers of primary schools need to be more equipped and skilled as well as explore more ways to make children dynamic and practical. In Indian scenario the population of children with Learning Difficulty in general classroom has been increasing around 10 to 12 per cent of all school children (Delhi Learning Disability Association 2012), this is really the threat to our society at national level and must be intervened at the earliest. But the conditions in some districts of Bihar including Araria have become worst and need more attention than ever. In my personal visit to Araria District, Bihar, I came to the contact of some responsible persons like; Mr. Azeemuddin, Mr. Arshad Hussain, Mr. Asrar Ahmad, and

Mr Athar Hussain, shared the condition of primary education and its practices in schools. Truly, it filled me with some sense of responsibility to make the way of sensitization towards the need of primary education through some ground work. As the literacy rate in Araria District is low from the National literacy rate 53.53 % (census 2011) and condition of rural areas are worst than the urban areas concerning to the ratio of literacy. This study is some account of the reflection of the teaching learning practices in primary schools conducted by the educators but requires more and rigorous study in this area.

### **Objective of the Study:**

The present study is being designed to achieve the following objectives:

1. To study the various teaching skills of male primary school teachers to teach children with learning difficulty.
2. To study the various teaching skills of female primary school teachers to teach children with learning difficulty.

### **Variables:**

Dependent variable: Teaching skills

### **Methodology:**

In this descriptive type of study, survey method was used to achieve the objective. To study the teaching skills of primary school teachers, information was collected through closed ended questionnaire form developed by investigator. Investigator personally met the teachers after getting permission from school authorities and asked some sort of questions related to skills required to teach children with learning difficulty in the classroom. The tool was administered on 50 teachers teaching in primary schools of Araria District, Bihar.

### **Sampling:**

The sample for this study was drawn from different primary schools of Araria District of Bihar dealing children with normal as well as children with learning difficulty. Taking into account the objectives of the study, random sampling techniques were used for selection of the subjects in which there was random selection of the primary schools taken place. All the subjects ranging from 25 to 40 years old of male and female with different qualifications have been selected.

### **Respondent and their Characteristics**

**Table – 1.1**

S. No.	QUALIFICATIONS MALE	No. of Respondents
1	Graduate and Trained	12
2	Graduate	7
3	Intermediate and Trained	11
4	Total	30

**Table 1.2**

S. No.	QUALIFICATIONS FEMALE	No. of Respondents
1	Graduate and Trained	5
2	Graduate	6
3	Intermediate and Trained	9
4	Total	20

**Tool Used:**

The investigator developed the closed ended questionnaire tool himself to study the teaching skills of primary school teachers.

Test Construction: NCERT (National Council of Educational Research and Training) in its publication “Core Teaching Skills” 1982, has laid stress on many skills require to a teacher. Some of the skills were observed in the relative teaching experiences of primary school teachers. For this purpose solely, the tool was developed for the respondents in keeping view of the following required skills to teach children with learning difficulties studying in primary schools:

- Skill of introducing lesson
- Skill of explaining
- Skill of illustrating examples
- Skill of stimulus variation
- Skill of reinforcement
- Skill of using black board

Description of the Items

**Table-2**

S. No.	Domain of Skills	No. of Items
1	Skill of introducing lesson	5
2	Skill of explaining	8
3	Skill of illustrating examples	8
4	Skill of stimulus variation	8
5	Skill of reinforcement	8
6	Skill of using black board	5
7	Total No. of Items	42

Item Writing: Keeping in view the above domain the investigator developed 30 items and were self-reviewed on the following points:

- Consistency of items
- Accuracy of language

- Avoiding undesirable overlapping
- Possible bias in the item
- Difficulty level

Validity and Reliability of the tool: Construction of every item of this tool is purely related to the content and checked by experts of this field. The reliability of this test was established by split-half method and the coefficient of correlation was calculated 0.61.

Statistical Test Applied

Mean and SD were applied to analyse the present study.

### Analysis and Interpretation

In pursuance of the research objectives of this study, the data has been analysed.

1. To study the various teaching skills of male primary school teachers to teach children with learning difficulty.

**Table- 3**

**Table shows the mean and SD of male teachers on teaching skills**

S. No	Raw score	12+Trained		Graduate		Graduate + Trained	
		mean	SD	mean	SD	mean	SD
Skill of introducing lesson	5	3.01	.94	2.5	.87	4.02	1.03
Skill of explaining	8	5.15	1.69	4.03	1.51	6.51	1.97
Skill of illustrating example	8	4.35	1.49	5.21	1.53	5.15	1.79
Skill of stimulus variation	8	4.05	1.23	3.51	.86	5.04	1.44
Skill of reinforcement	8	3.05	.78	3.57	.78	4.3	1.22
Skill of using black board	5	4.13	1.17	3.11	.93	4.51	1.43
Total	42	23.74	7.3	21.93	6.48	29.53	8.88

**Skill of introducing lesson-** it appears from the above table that the Mean and S.D. of the different level of the teachers on the skills of introducing lesson varies. Mean of the Trained Intermediate Teachers on introducing lesson is 3.01 and SD is .94. Obtained score shows that this group of teachers perform average but not much satisfactory as its maximum score is 5. Mean and SD score of the Graduate teachers are 2.5 and .87

respectively, it shows that this group of teachers perform poor on this domain. It is manifested from the above table that the mean of Trained Graduate Teachers is 4.02 and SD is 1.03 as well which is high among all three groups. Trained Graduate teachers performed satisfactory and are different from other two groups on the introducing lesson plan.

**Skill of explaining-** it is manifested from the table that mean of the Trained Intermediate Teachers is 5.15 and SD is 1.69 which indicates that their performance on this domain is satisfactory as its maximum score is 8. The mean score of Graduate Teachers on this domain is 4.03 and SD is 1.51 which indicates that this group of teachers perform average but not much satisfactory. As far as concerning the Trained Graduate Teachers who performed more than satisfactory on this skills as their mean and SD is high.

**Skill of illustrating example-** In the skill area of illustrating example, the Trained Intermediate Teacher's mean scores is 4.35 and SD is 1.49. It can be interpreted that the performance of this group on this domain is average and not much satisfactory. And in this regard the secured mean value of Graduate Teachers is 5.21, it shows that this group of teacher has satisfactory skills than the previous group. The mean value of Trained Graduate Teachers is 5.15 and SD is 1.79, it manifests that children with learning difficulties will be benefitted effectively from this group like the graduate teachers.

**Skill of stimulus variation-** Calculated mean value of Trained Intermediate Teachers is 4.05 and SD value is 1.23, it gives the satisfactory performance in this area of skills where as the mean value of Graduate Teachers in this regard is below some extent but the obtained mean value of Trained Graduate Teachers is 5.04, which is high among all these three groups and manifests much satisfactory performance.

**Skill of reinforcement-** Trained Intermediate Teachers score poor mean value 3.05 and SD is .78, it is really a mark of under performance of this group of teachers in this area of skills and the mean value of Graduate Teachers is some amount of above 3.57, which is almost satisfactory. Trained Graduate Teachers perform some extent well among all these groups.

**Skill of using black board-** Obtained mean value of Trained Intermediate Teachers is 4.13 and SD 1.17, it appears that this group of teachers perform well and satisfactory. Graduate Teachers secured mean value is 3.11 which is more than average and almost satisfactory where as the mean value of Trained Graduate Teachers is 4.51, it shows that this group perform excellent in this area of skills.

Overall, mean value of Trained Intermediate Teachers is 23.74, it is almost average in all areas of skills but the mean value of Graduate Teachers is below from average. And the mean and SD value of Trained Graduate Teachers are 29.83 and 8.88 respectively, shows this group perform well and much satisfactory.

2. To study the various teaching skills of female primary school teachers to teach children with learning difficulty.

**Table- 4****Table shows the mean and SD of female teachers on teaching skills**

S. No	Raw score	12+ Trained		Graduate		Graduate + Trained	
		mean	SD	mean	SD	mean	SD
Skill of introducing lesson	5	2.02	.64	2.01	.76	3.96	1.01
Skill of explaining	8	3.07	.99	2.03	.69	4.11	1.07
Skill of illustrating example	8	2.95	.89	2.21	.71	4.15	1.19
Skill of stimulus variation	8	3.53	.93	3.51	.86	3.61	1.04
Skill of reinforcement	8	3.12	.78	3.05	.77	4.03	1.02
Skill of using black board	5	3.19	1.07	3.11	.93	4.57	1.44
Total	42	17.88	5.3	15.92	4.72	24.43	6.77

**Skill of introducing lesson-** From the above table it appears that the calculated mean value of Trained Intermediate Teachers is 2.02, which gives the poor indication of performance in this area of skills. The mean value of Graduate Teachers is like the same of previous group. Obtained mean and SD value of Trained Graduate Teachers are 3.96 and 1.01 respectively, which shows that this group of teachers has average and almost satisfactory skill in this domain than above groups.

**Skill of explaining-** Calculated mean value of Trained Intermediate Teachers is 3.07 and SD is .99, it appears that this group of teachers has average skills of explaining the content. And the Graduate Teachers show below performance in this area of skill as their mean value is 2.03. At the same time, Trained Graduate Teacher's score is higher than all above two groups. It manifests that Trained Graduate Teachers have much satisfactory skills in this domain.

**Skill of illustrating example-** Trained Intermediate Teachers shows very little degree of skills as they score only 2.95 of 8 and Graduate Teachers perform almost the same in this area but the obtained mean value of Trained Graduate Teachers is 4.15, it manifests that their performance is much satisfactory than among all three groups.

**Skill of stimulus variation-** This is only the area of skills, where all groups of teachers perform almost equal and there is not remarkable difference in the calculated mean value of all three groups, it appears from the scores that they all are lacking in this area of skills which is notable.

**Skill of reinforcement-** It appears from the above table that the performance of Trained Intermediate and Graduate Teachers are less satisfactory on this domain as they

score only 3.12 and 3.05 where as the performance of Trained Graduate Teachers are almost satisfactory and shows that this group of teachers have adequate skills.

**Skill of using black board-** All the groups of teachers perform well in this skill as their calculated mean value are almost same and high.

Overall, the Trained Graduate Teachers perform almost more than average on the all areas of skills as they score 24.43 where as the rest of two groups perform below average at all level.

## **Findings**

**Male Primary School Teachers:** From the analysis and interpretation of the observed data, it was found that the achievement of Trained Graduate Teachers on the scale of six areas of skills is much satisfactory. This group of teachers showed very satisfactory performance and has ability to deal and teach children with diverse needs. The achievement level of Trained Intermediate and Graduate Teachers are almost same on this test which measures the six areas of basic teaching skills. These two groups only show their skills nearly to satisfactory on the overall skills which is severely required to make teaching learning effective. It becomes more special if the classroom population has almost 10% of children with learning difficulty. Children with learning difficulties have diverse needs and require unique methods of teaching to understand and comprehend the content. Therefore, only the effective teachers with these skills can meet their needs.

**Female Primary School Teachers:** From the analysis of the data, it is found that the achievement level of Trained Graduate Teachers on the all skills of teaching is high than the other two groups of teachers. Trained Graduate Teachers have the adequate capacity of the skills to teach the children with learning difficulties where as the Trained Intermediate and Graduate Teachers have less satisfactory skills to teach these children in the schools. It is found that female teachers require more rigorous training for the development of these six types of skills to handle and teach children with learning difficulties at primary level.

## **Conclusion and Recommendations**

Primary education is the foundation of all kinds of education which enables the child with life skills, better understanding to the environment, rational values, and other academic skills. This is the foundation of the valued human being and career advancement. Throughout the enhancement and building of this kind of education, a teacher plays key role in various ways by providing opportunities in curricular and co-curricular activities. But the majority of the teachers at primary level, unfortunately, is not skilled and experimental at the satisfactory level, this is the desperate condition of the teachers concerning to their skills to teach children with learning difficulties. It is true that without basic teaching skills a teacher cannot understand the degree and level of potential of the child and how it will be exploited in a different ways in productive manner. Teacher must have all the valued and required skills to understand all the psychological state and

other needs of the child which makes the teaching healthy and could create the thrust at the deepest level for learning within the child, this is the way by which a child could channelize his or her potential for his or her betterment.

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# **Kashmiri Pandits: Issue, Problem and Solution**

**Dr Jai Kishan Bhardwaj \***

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## **INTRODUCTION**

Due to JKLF and other Islamist rebels' targeting of the Hindu population in the Kashmir valley in late 1989 and early 1990—the vast majority of whom were Kashmiri Pandits—the Hindu population was compelled to leave the region. Out of the 300000–600000 people in the valley in 2016, only two or three thousand are still there. The Indian government reports that around 62,000 households, including some Sikh families, have registered as refugees from Kashmir<sup>1</sup>. Most of them have been resettled in different government-funded refugee camps, including as those in Purkhoo, Muthi, and Mishriwala, located in and around the nation's capital Delhi and other nearby states.(Zubair Ahmed,2016)

In 2011 and 2012, the Pandits were relocated to a sizable community called Jagti, together with immigrant Muslim and Sikh families. The camp, which is located 20 km from Jammu city, accommodates roughly 4,200 households now. It was opened in 2011. The government provides 9 kg of rice, 2 kg of wheat flour, and 1 kilogramme of sugar each month to each registered immigrant from Kashmir, along with a monthly sustenance allowance of Rs 2,500. The NGO Roots of Kashmir filed a Public Interest Litigation (PIL) in July 2017 asking the Supreme Court

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(SC) to open a new investigation into the murders of Pandits in the valley. The PIL was denied. The court declared, "It has been twenty-seven years. From where will the proof be obtained? Such a request ought to have been. Sheikh Abdullah consented to the 1975 agreement to follow through on actions made earlier by the central government in Jammu and Kashmir to incorporate the state into India. According to sociologist Farrukh Fahim, it sparked animosity among Kashmiris and set the stage for a subsequent rebellion. Jamat-a Islami Kashmir, the People's League in Indian Jammu and Kashmir, and the Jammu Kashmir Liberation Front (JKLF), which is based in Pakistan-Occupied Kashmir (POK), are among those who are against it. Communism rhetoric has been used in the state for vote-bank politics since the middle of the 1970s. It is important to note that the Jammu and Kashmir Liberation This act of ethnic cleansing was carried out by the JKLF and Hizbul Mujahideen.<sup>2</sup> Additionally, it is acknowledged that the act was carried out in compliance with the regulations.

Kashmir saw a rise in militant activity following the migration. Following their escape, the militants had targeted the Kashmiri Pandits' properties. The state legislative assembly declared September 14, 2007, to be Martyrs Day in 2009 in recognition of the ethnic cleansing and terror campaign against non-Muslim minorities in Jammu and Kashmir carried out by militants attempting to create an Islamic state.<sup>3</sup>

## **THE ISSUE OF KASHMIRI PANDITS**

Pandits from Kashmir have historically migrated out of the valley. Pandits were the favoured community in Kashmir during the Dogra dynasty, but they soon faced a difficult period in their lives. Five percent of them were still living there after about twenty percent of them were forced to migrate

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because of the 1950 land reforms. Their second turning point in life occurred in the 1990s when they were targeted and persecuted by various extremist and terrorist organisations. The turning point in their narrative came on January 19, 1990, when a mosque issued a fatwa (declaration) denouncing them as kafirs. They were to be murdered or converted to Islam, according to the decree. The latter said, 'We order you to leave Kashmir immediately, otherwise your children will be harmed—we are not scaring you, but this land is only for Muslims, and is the land of Allah. Sikhs and Hindus cannot stay here'<sup>4</sup>.

Most of the Kashmiri Pandits left the valley in compulsion and many of them are living in various camps with abject conditions. Moreover, government reported that Pandits living in Kashmir, are still under threat despite support from various Hindu organisations. As per a Pandit organisation, Kashmir Pandits Sangharsh Samiti, 399 of them were killed during 2008 and 2009 in Kashmir. In contrary to the ongoing environment of threat, government of Kashmir said that Pandits are asked to return to their homeland. As per the government data, 808 families with 3445 persons are still living in the valley. According to them, 219 members of the community were killed in Jammu and Kashmir from 1989 to 2004. Pandits are still in exile in hope of the changing of situation in Valley but in vain. In 2008, UPA government announced 1168 crores package for their return and total of 1800 youths are returned to the valley up to 2016 as result. Those who are remained in Valley face a lot of problems including Identity crisis to the community. Many young parents are unwilling to raise their children in a predominantly Muslim Kashmir, where all children "have to learn Arabic and the Koran"<sup>5</sup>.

Pandits made up about 6% of the overall population in 1947, primarily in the Kashmiri districts of Baramulla and Anantnag. This number dropped to 5% in 1950 because of the state government's unequal land policy. An estimate places the number of Pandits in the Valley at 160000 and 170000, but since the insurgency began in 1989, their numbers drastically decreased, reaching only 2700–3400 in 2011. More than 60,000 people, including some Sikh and Muslim families, are registered as migrants from Kashmir with the Indian government.<sup>6</sup>

Among different organisations for Kashmiri Pandits, All India Kashmiri Samaaj or AKS, All India Kashmiri Pandit Conference and Panun Kashmir and Kashmir Samiti, a serious demand of separate homeland for Kashmiri Pandits is raised from time to time in Southern Kashmir. Two union territories are required in Kashmir; Panun Kashmir is the name of the one designated for Kashmiri Pandits. In a separate delegation, the community met with Mr. N.N. Vohra, the state governor, and discussed some of the demands made by the Pandits residing in camps. These demands included government jobs, a relaxation of the age limit if there was no family member working for the government, access to electricity and sewage in the camps, and the allocation of township apartments for their rehabilitation. In response, the governor requested that they provide specific examples of the encroachment of immovable assets and lands belonging to temples and shrines in the Kashmir valley. The governor believes that an early settlement to the matter is necessary.

## **THE TIMELINE OF MIGRATION**

Sheikh Abdullah's government called 300 locations "Islamic," gave communal lectures in mosques, and called Kashmiri Hindus "mukhbirs" during the 1980s. With the backing of Indira Gandhi, Ghulam

Mohammad Shah ousted Farooq Abdullah as chief minister on July 2, 1984, in a "political coup". Shah constructed a mosque for "Namaz" in an old Hindu temple in Jammu in 1986, which sparked theft and crimes against Pandits. Governor Jagmohan overthrew his administration, ushering in Governor's rule. In an attempt to discredit competitor Farooq Abdullah, Indian Home Minister Mufti Mohammad Sayeed installed Jagmohan as governor of Jammu and Kashmir. This move resulted in Abdullah's resignation in 1990 and Jagmohan's request to dissolve the state parliament.

Following the murders of judge Neelkanth Ganjoo in November and lawyer Tika Lal Taploo by the JKLF in 1989, Kashmiri Hindus moved to India, mainly to Jammu. During the migration, Kashmiri Pandit women were abducted, raped, and killed; in 1990, the KPSS recorded 357 Hindu deaths. After the migration, Kashmir's militant activity increased, and the number of Hindu civilian fatalities rose. In response, a political organization representing Hindus called Panun Kashmir was formed. 2009 saw the Legislative Assembly declare September 14, 2007, to be Martyrs Day in observance of the terror campaigns and ethnic cleansing against non-Muslim minorities in Jammu and Kashmir. Over 1300 government workers were forced to evacuate during the turmoil in Kashmir in 2016. Over 700 suspected murder cases were petitioned to be reopened by Roots of Kashmir. (<https://www.bing.com/search?q=kashmiri+pandits+massacre+1989>)

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Hindus occasionally move from Kashmir. The historical despotism that ruled at the time caused their departure. Even yet, there was a significant exodus of Kashmiri Pandits throughout the Aurangzeb era and other periods of Islamic control prior to independence. The Aryan Saraswat

Brahmans of Kashmir were offered three options: exile, conversion, or execution, according to W.R. Lawrence. "Many were killed, many converted, and many fled. It is said that this virtuous monarch, Sikandar, burned seven mounds of sacred threads belonging to the Brahmans who were killed."

Following the state of Jammu & Kashmir's independence and entry into India, Kashmiri Pandits were reportedly given poisoned dozes covered in sugar and sent back to the primitive times of Afghanistan. The regime of Seikh Abdullah mistreated Pandits. Hindu temples have frequently been looted, vandalised, and robbed. Little girls in the valley were frequently coerced into marriage with young Muslims. Consequently, from 1947 to 1986, over four lac Pandits were relocated from the Valley. The unrest of 1989–1990 appeared to be the outcome of Pakistan taking revenge for their loss in 1971 and the creation of Bangladesh. Some of the catchphrases that were commonly used in Kashmir during that time were *Zalimo*, *O Kafiro*, and *Kashmir harmara chod do* (O! Merciless, O! Allah-ho-Akbar kahna hoga, Kashmir mein agar rehna hai (Kafirs depart from our Kashmir). (Anyone wanting to live in Kashmir will have to convert to Islam).

Other catchphrases included *People's League ka kya paigam*, *Fateh*, *Azadi aur Islam*, and *Musalmano jago, Kafiro bhago* (O! Muslims, Arise, O! Kafirs, scoot), as well as *Kashmir banega Pakistan* (Kashmir shall become Pakistan). *Islam, Freedom, and Victory*) were sufficient to demonstrate their goals in public. These were the slogans that launched this last attack. Terrorists, from Pakistan, Sudan, Turkey, and Saudi Arabia spearheaded the attack and infiltrated the Valley. Muslims were inspired to break the yoke of slavery by communal and menacing chants.

These threats pushed Muslims to force Pandits to leave Kashmir once and for all.<sup>7</sup>

They were offered three options: become Muslims, get out of there, or die. The phrases "death to India, death to Pandits" were aired over the mosque's speakers. For the first time since their freedom, Pandits felt trapped in their own houses, surrounded by raging mobs, and left to their fate in this setting. Numerous Pandits from Kashmir called various officials in Jammu, Srinagar, and Delhi, but none intervened to help them. Pandits from Kashmir start to leave. Hundreds of defenceless Pandits were murdered, raped, and tortured over the course of the following few months. Approximately 350000 Pandits had left the valley by the end of the year.

Many Hindus from Kashmir still live as refugees while they fight to return to the valley. Once things improved, the community that had been exiled had intended to return. They haven't since the valley's circumstances are still precarious. And they worry about a threat to their life. After the departure, most of them lost their properties, and many are unable to return. Thousands of Pandits continue to suffer in makeshift 8 by 8 refugee settlements. The Kashmiri Pandit community has been unable to go back to their ancestral home for more than 20 years.

The separatists have encouraged the Pandits to return to Kashmir, and the Indian government has tried to assist them in their rehabilitation. The drama "Kash Kashmir" has brought attention to the plight of Kashmiri Pandits and the Indian government's indifference to these issues. Political will has been absent from such assertions or initiatives. Some view Article 370 as a barrier to the relocation of Kashmiri Pandits because it

prohibits people who reside outside of Jammu and Kashmir from freely relocating there and obtaining citizenship.

## **THE REHABILITATION AND OTHER WAYOUT**

The Indian government has rehabilitated Hindus in Kashmir, with separatists inviting them back. As of 2016, 1,800 Kashmiri Hindu youths returned since 2008's Rs. 1,168-crore package. Chief Minister Farooq Abdullah criticized Kashmiri Hindus for refusing to return, stating the time had come for their return. In 2010, the Government of Jammu and Kashmir reported that 808 Hindu families, including 3,445 people, remained in the Valley, despite unsuccessful incentives to return. An employment package was extended to those who did not migrate. Article 370, which prohibits Indian citizens from settling in the state, is considered a roadblock. (<https://www.bing.com/search?q=kashmiri+pandits+massacre+1989>)

“According to reports, the camps for refugees specifically designated for Pandits lack even the most basic amenities. Even high-quality water is not provided, according to Mr. Pandita, a prominent member of one of the organisations representing Kashmiri Pandits. In terms of medical personnel, the government hospital near the area lacks radiologist, x-ray machine, and other specialist facilities; only two doctors are assigned there. Additionally, the fact that the relief department, not the health department, supplies medicines has also been a problem. Thus, only generic medications are available; there are no specific ones, the expert says. BL Razdan bemoans the fact that his kid has become a "vagabond," saying, "I was 25 when the exodus happened. Now I am 52 and still vulnerable. There is only one government school and other schools are

private. We can't afford to send our children to private schools.” (Satish Ganjoo,2017)

On May 17, 2003, prominent Jammu and Kashmir government officials met with Commission Chairperson Dr. Justice A.S. Anand to discuss the relief and support given to Pandits in Kashmir. Before that, on May 16, 2003, he had given the Special Rapporteur of the Commission, Shri Chaman Lal, instructions to visit the camps and assess the living circumstances of the people there. Considering this, Shri Chaman Lal met with top representatives of the Government of Jammu and Kashmir to visit nine of the eleven that the Chairperson later took up. (Satish Ganjoo,2017)

The Chairperson outlined the State Government's duty to furnish migrant families with decent and fair living conditions, considering their fundamental right to a dignified life. The administration should take the appropriate action to protect human dignity, and it should be made sure that a psychologist visits the residents to tend to their psychological needs. He continued, "The Administration must work to dispel the migrants' sense of abandonment and show them that it is concerned for them through actions and behaviour." He was also accompanied by representatives from the State Kashmiri Pandits Conference, Jammu, the Nadi-Marg Massacre Morcha, and the Jammu & Kashmir Sharnarhi Action Committee.

## **CONCLUSION**

A few organisations supporting Kashmiri Pandits, such as Panun-Kashmir, have charged militants with widespread rape, torture, and genocide committed during the migration. Additionally, some academics

have charged that the Indian government and media have utilised Pandits' experiences as a propaganda tool. In addition to upsetting the group's social and cultural ties, the unplanned movement of the community presents further difficulties in the form of job, education, and marriage chances for their children at a new station with appalling conditions. This displacement impact different aspects including destruction of assets, denial of access to assets, dislocation from socio-economic environment and the psychological and material impacts of living in limbo. (Haley Duschinski, 2008)

The menial labour that the community must perform to survive in new cities is humiliating. To alleviate the hardship experienced by Kashmiri Pandits, the state ought to furnish them with all necessities. In addition, more funding ought to be provided. To care for Kashmiri Pandits, the national government must also act decisively and boldly.

Pandits are undoubtedly victims of religious terrorism and fundamentalism in the state, and to address the issue, it is also necessary to provide a safe and secure environment for its residents, even if this necessitates taking harsh measures. The Kashmiri Pandits should be given access to a separate, safe area outside of Kashmir as soon as possible, if it is not feasible to do so within the country.

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# **Renaissance in Early Modern Europe: Dignity of Man and the Discipline of History**

**Dr. Sharmila Shrivastava\***

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## **Abstract**

The Renaissance of early modern Europe can be seen as a continuation of the Renaissance of the 12th and 13th century high middle-ages, with significant advances in intellectual and artistic realms. The works of Petrarch, regarded as the father of humanism, and Boccaccio coincide with the feudal crisis of Europe. Important intellectual techniques like search for original manuscripts, emphasis on learning original Greek and Latin and their grammar, philology and textual criticism laid the foundations of modern historical research. Periodization of history as ancient, medieval and modern can be associated with humanist perception of antiquity and the middle-ages as distinct phases. History as a discipline was a part of *studia humanitatis*. Guicciardini and Machiavelli wrote on histories of Italy and Florence, with discourses on ancient historians. Revival of classical antiquity can be seen as revival of history of antiquity. Renaissance humanism was strongly associated with the idea of dignity of man. Dignity of man stood for firm belief in the rationality and creativity of humans. Exercise of free will entailed use of human rationality and effort. The achievements of antiquity were recognized as creations of humans and not a gift of providence or divine intervention. Revival of antiquity was in fact celebration of the accomplishments of the men and women of antiquity. Renaissance humanism stood for belief in the potentiality of humans to revive the glorious past of antiquity and shape their destiny.

**Key words** – Renaissance, humanism, revival, history, dignity of man

The Renaissance of early modern Europe, which originated in Italy can be seen as a period in history or as a cultural and intellectual movement for revival of classical antiquity. It was a conscious movement of revival where the participants leapt across several centuries, the entire medieval period, to revive what they regarded were the true foundations of European culture and civilization. In this process the revivalists attempted

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to detach themselves from their immediate past, i.e., the medieval period or the middle-ages, which corresponded with feudalism in Europe. The middle-ages were in fact looked down upon by the contemporaries. The intellectual basis for Renaissance was Humanism. Humanism stood for dignity of man - which was based on strong belief in rationality and creativity of man - and studia humanitatis - the study of humanities or liberal arts. The study of humanities included study of grammar, philosophy, history, and classical literature. Their perusal was seen as essential for the development of an all-rounded personality. Humanists believed in the concept of applied knowledge. During this phase the world view moved from theocentric to anthropomorphic explanations of phenomenon.

The Renaissance in Italy was urban, male dominated and based on the development of the print and new techniques in the realm of arts. Renaissance humanism developed in the city-states and towns of Italy. Universities and guilds were town based and played important roles in origination of humanists and artists. In north of Italy too, urban centres were the seats of the intellectual, literary and artistic works associated with the Renaissance. One of the first things this paper seeks to engage with is the periodization of the Renaissance, and whether it was a significant break from the medieval past. According to Burckhardt the Renaissance was a break from the medieval past, and beginning of modernity in western Europe. He also gave a rigid definition of the Renaissance.<sup>1</sup> This line of thinking is based on our understanding of development of history – the medieval period is followed by the modern period of history.

As stated above, the humanists detached themselves consciously from their immediate past and revived classical antiquity. For this they were dependent mainly on literary sources. Most of the revival was thus by perusal of texts. Revival was also through observation and study of artistic and archaeological remains of the Roman republic and Empire in the Italian peninsula. One can say that this was revival of the past, or classical antiquity or the history of ancient Greece and Rome. This paper attempts to grapple with periodization of Renaissance. It was not a dramatic break from the past as Europe witnessed the Carolingian

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<sup>1</sup> Jonathan Woolfson, ed., *Palgrave Advances in Renaissance Historiography*, London, 2005. According to Burckhardt, Renaissance in Italy was a sharp break from the medieval period. The 'Civilization of the Renaissance in Italy' emphasized the individual and was associated with development of secular trends in literature and arts. It was characterized by revival of antiquity, and the beginning of modernity.

Renaissance of the 8<sup>th</sup> and 9<sup>th</sup> centuries and the Renaissance of the high middle-ages in the 12<sup>th</sup> and 13 centuries. The Renaissance of the high middle-ages saw the revival of the entire corpus of Aristotle. This revival was, however, through Arabic sources. The original works which were in Greek were translated into Arabic by Muslim scholars and then into Latin in these centuries. Classical antiquity was thus never lost during the medieval period. Classical texts were perused without going back to the original texts in original language. Moreover, Aristotle had emphasized human rationality. This means that there was continuity in emphasis on rationality from the medieval to the humanism of early modern period with its emphasis on dignity of man. This would eventually culminate into the central importance given to human rationality by Enlightenment in the 17<sup>th</sup> and 18<sup>th</sup> centuries. This efflorescence of rationality would create a binary between Europe and the Orient in the discourse on Orientalism.

If we look at conventional periodization of history of Europe, the medieval period ended with the feudal crisis of the 14<sup>th</sup> century which extended till around the third quarter of the 15<sup>th</sup> century. These centuries are also called the later middle-ages. The fourteenth century saw decreasing agricultural productivity, recurring waves of the Black death, popular rebellions, feudal wars, and drastic decline of population with disruptions in trade. The fourteenth century was definitely a century of crisis. The beginning of the Renaissance in Italy is associated with Francesco Petrarch (1304-1374) who is regarded as the father of Humanism. Petrarch's life and works show that we can look at Renaissance in 14<sup>th</sup> century as a continuation of the Renaissance of the high middle-ages with significant differences. There was a continued engagement with classical antiquity in the 12<sup>th</sup>, 13<sup>th</sup> and 14<sup>th</sup> centuries which would continue in the 15<sup>th</sup> and 16<sup>th</sup> centuries. While reviving classical antiquity, the humanists were constantly engaging with their past or history.

Petrarch himself called his own time as being in 'middle' which was full of 'ignominy' compared to the more 'fortunate age' of the past.<sup>2</sup> He was correct in calling the 14<sup>th</sup> century as part of the middle-ages. He defined it culturally as being a period of 'ignominy' as it was devoid of any element of classical antiquity. We can thus say that Petrarch was the first scholar to define distinct phases or periods in history. The age of cultural efflorescence was associated with classical antiquity and of decline with

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<sup>2</sup> Richard Mackenney, *Renaissances: The Cultures of Italy c.1300-c. 1600*, New York, 2005.

the middle-ages. Antiquity and the middle-ages till the times of Petrarch (14<sup>th</sup> century) were objectified with presence and absence of cultural, scientific and political achievements of antiquity. Antiquity was venerated and idealized and middle-ages denigrated by humanists.

Renaissance humanism was associated with the development of important intellectual tools. Humanists emphasized going back to the original sources and texts. This entailed learning original languages and grammar. They questioned the authority of medieval scholarly works. Revival of classical antiquity was based on revival and authentication of original texts of antiquity in pure Greek and Latin. This involved search for original manuscripts from various copies of texts in numerous libraries of churches, monasteries, feudal lords and princes in different parts of western Europe. Petrarch himself was an avid searcher of original texts. He emphasized the study of original language or pure Latin, especially associated with the rhetoric of Cicero, the Roman statesman. Petrarch wrote in pure Latin and Italian.

Philology (the art and science of language) and textual criticism (the technique of restoring original texts) were important methods applied to authenticate original texts. Humanists studied the origin of words and their meanings. They were particular about use of correct grammar and pure Latin and Greek which had not been muddled by vernacular words and terms in the medieval period. Collection and collation of texts were important concerns of the humanists. Humanists developed techniques to determine which of the various existing manuscripts of a Greek or Latin text was most accurate and authentic with least corruption by copyists. In this search and discovery of ancient texts, the fall of Constantinople to Turks in 1453 provided ancient Greek texts which had been lost to western Europe. In the 14<sup>th</sup> and 15<sup>th</sup> centuries scholars like Chrysoloras and Aurispa provided linkages between Greek texts and scholars and Italian scholars. Italian humanists revived the study of Greek language and translated Greek works into Latin. The Platonic Academy established in the city state of Florence under the patronage of Cosimo de Medici in 1462 took the lead in this. The original works of Plato were discovered, studied and translated into Latin by 1469 mainly by the efforts of Marsilio Ficino.<sup>3</sup>

Humanists emphasized deep scholarly study of the classical world which provided them with models for literary writings, artistic works,

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<sup>3</sup> Robin W Winks and Lee Palmer Wandel, *Europe in a Wider World, 1350-1650*, New York, 2003.

architecture, ethics, philosophy, history writing, and political systems. Humanists venerated, idealized and emulated the achievements of classical antiquity. The intellectual tools developed by Italian humanists were adopted by humanists and scholars north of Italy and applied to vernacular and Christian texts. Renaissance humanism in Italy has been characterized as secular compared to Christian humanism of north western Europe. This was due to the fact that Italian humanists dealt with classical texts, many of which were written prior to the birth of Christianity. Humanists wrote both in pure classical languages of Greek, Latin and Hebrew and their respective vernacular languages.

Lorenzo Valla (1407-57) used philology and textual criticism to prove that 'Donation of Constantine' was not a 4<sup>th</sup> century document but a medieval forgery written in the 8<sup>th</sup> century. The papacy claimed vast temporal and territorial powers based on the document. Valla noted that the Donation contained anachronistic terms like fief and satrap which could not be placed in the 4<sup>th</sup> century. This revelation was a massive blow to the prestige and authority of the church. This was a scholarly exercise by Valla, who was not an atheist or anti-church. He wrote a standard text on Latin philology titled 'The Elegances of the Latin Language'. Valla also pointed out inaccuracies in the Vulgate. Valla believed in predestination, whereas humanism was associated with the idea of free will. In Netherlands Desiderius Erasmus pointed out discrepancies in the Vulgate and the original Greek New Testament. Erasmus came up with his version of the bible in Greek and Latin in 1516 which he dedicated to Pope Leo X. This was an enormous blow to the prestige of the church. In 1522 Martin Luther translated Erasmus's version of the New Testament into German and made it available to common educated men and women.<sup>4</sup> People could now read and interpret the bible on their own. This went well with Luther's belief in Justification by Faith. Empowering the educated laity with the bible was in turn related to humanist emphasis on man or individual.

The discovery of moveable type print by Gutenberg in the middle of the 15<sup>th</sup> century made the Renaissance more widespread and permanent.<sup>5</sup> This was a revolutionary change over hand written copies of books and texts. More copies could be produced more easily and quickly, and distributed

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<sup>4</sup> Luther translated the Old Testament into German in 1534.

<sup>5</sup> Jonathan Woolfson, ed., *Palgrave Advances in Renaissance Historiography*, London, 2004. These are the views of Elizabeth Eisenstein who talked about Print Renaissance. The printing machine also facilitated publication of biographies and autobiographies which can be related to increasing importance given to the individual.

in a larger market. The first book to be printed was the Latin bible in Mainz in 1450. Initially Latin books were published but these had a small market. Print led to standardization of the written language with development of Renaissance, Reformation and the absolutist states in western Europe. This in turn led to emergence of linguistic nationalism in Europe.<sup>6</sup> For example, in Italy, the Tuscan language used by Dante would become the standard Italian written language. Linguistic nationalism was based on forging of linguistic identity over a larger geographical region amongst people speaking different dialects. A good example of emerging national consciousness and identity is seen in the beautiful description of England in William Shakespeare's play Richard II.<sup>7</sup> The same play has references to divine rights of kings - an important tool of legitimization of feudal and new monarchies in western Europe.<sup>8</sup>

The intellectual tools developed by Renaissance humanists to revive classical antiquity had important ramifications for the discipline of history. The periodization of history into ancient, medieval and modern periods can be traced back to humanists' perception of antiquity, the middle-ages which were devoid of traces of antiquity, and the revival of antiquity in present times. Antiquity and the middle-ages were identified and objectified. *Studia humanitatis* was associated with the study of grammar, philosophy, literature including classical texts, and history in the universities. Revival of classical antiquity was in fact study of *history* of antiquity. Revival of classical antiquity was due to the achievements of antiquity and all these were human creations and not due to providence or divine hand. This meant that history unfolded due to human action and not divine will. The aim of study of antiquity and classical texts was to

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<sup>6</sup> Benedict Anderson, *Imagined Communities*, New York, 2006.

<sup>7</sup> Richard II, Folger Shakespeare Library, [www.folger.edu](http://www.folger.edu), 2.1.35. John Gaunt - 'This royal throne of kings, this scepter'd isle, / This earth of majesty, this seat of Mars, / This other Eden, demi-paradise, / This fortress built by Nature for herself / Against infection and hand of war / This happy breed of men, this little world, / This precious stone set in the silver sea, / Which serves it in the office of a wall, ..... This blessed plot, this earth, this realm, this England, / This nurse, this teeming womb of royal kings, / Feared by their breed and famous by their birth, / Renowned for their deeds as far from home / For Christian service and true chivalry / .... This land of such dear souls, this dear, dear land, / Dear for her reputation through the world. / ... England, bound in with the triumphant sea. / Whose rocky shore beats back the envious siege / ... That England that was wont to conquer others / ...'

<sup>8</sup> *Ibid.*, Richard II - 'Not all the water in the rough rude sea / Can wash the balm off from an anointed king. / The breath of worldly men cannot depose / The deputy elected by the Lord.' 3, 2, 55-58.; Immanuel Wallerstein, *The Modern World System, Vol. I*, New York, 1974.

familiarize oneself with ‘virtu’ practiced by the ancients and to acquire wisdom. Leonardo Bruni, Niccolo Machiavelli and Francesco Guicciardini wrote on history of Florence and Italy. Humanist emphasis on going back to original text, learning the original language and grammar, and use of textual criticism and philology to determine the authenticity of texts and restore the original texts from various copies – all became tools and methods of historical research.

Leonardo Bruni (1370-1440), a civic humanist, wrote ‘Twelve Books of Histories of the Florentine People’ - a history of Florence which was based on sources and lauded Florentine republicanism. Bruni translated into Latin the works of Aristotle, Plato, Thucydides (a known Greek historian), and Plutarch (a biographer, philosopher and historian). Bruni was influenced by Thucydides’ methodology in constructing history. In his ‘Panegyric on the City of Florence’ Bruni used rhetoric to describe the struggle between Florence and Milan philosophically as struggle between liberty and tyranny. He emphasized the efforts of the Florentines in resisting Milan which protected Italy from falling under the rule of tyranny. This, in Bruni’s view, changed the history of Italy.<sup>9</sup> History thus unfolded from human action or inaction and not destiny or hand of God. Francesco Guicciardini, a Florentine statesman and historian (1483-1540), wrote ‘Storia d’Italia’ or ‘History of Italy’ which dealt with developments in Italy from 1492 to 1534. Guicciardini looked at human action and cause and effect which impacted unfolding of history. Machiavelli wrote ‘History of Florence’ and ‘Discourses on the Ten Books of Livy’, a known Roman historian. Italian humanists were influenced by historians of classical antiquity. They engaged in writing of history where human character and actions and secular cause and effect played important part in unfolding of history of a city state or Italy.

Humanism was related to the powerful idea of dignity of man. This was expostulated by Pico della Mirandola, a young neo-Platonist in his treatise ‘Oration on the Dignity of Man’ in 1486. This is an ode to the concept of free will which characterized human beings. According to the Oration, ‘He therefore took man as a creature of indeterminate nature and, assigning him a place in the middle of the world ... as though the maker and moulder of thyself, thou mayest fashion thyself whatever shape thou shalt prefer ... O supreme generosity of God the father, O highest and

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<sup>9</sup> Richard Mackenney, *Renaissances: The Cultures of Italy, 1300-1600*. Thucydides depended on evidence and sources to write history. He looked at cause and effect in history rather than history being subject to fate and divine intervention.

most marvelous felicity of man! To him it is granted to have whatever he chooses, to be whatever he wills.' According to the 'Oration', man had the ability to choose his path and decide his destiny. This exercise of free will reinforced the power of human rationality and effort. The same idea was expressed by another humanist Leon Battista Alberti who stated that 'men are themselves in source of their own fortune and misfortune'.

Dignity of man was thus related to human rationality, ability and creativity. Above all it was an endorsement of human effort which determined the destiny of men and their times. The humanists venerated and idealized classical antiquity. That is the achievements of classical antiquity in various spheres which formed the foundation of European civilization. These achievements were the creations of men and women of antiquity – not due to providence or divine intervention. Classical antiquity could be revived again by conscious human effort. One could become like the ancients by practicing the conscious and heroic acts of ancient Romans which Machiavelli called 'virtu'. Baldesar Castiglione advocated that the Renaissance man was created by learning, acquiring skills and above all by conscious human effort. This belief then went into the development of individualism which was becoming more prominent in the early modern period.<sup>10</sup> Emphasis on the individual and individual efforts did not mean that family and community were not important. Alberti wrote a treatise 'On the Family'. City-states, towns, universities and guilds were all reflections of communities and cooperation and competition in the early modern period.

Dignity of man and emphasis on individual efforts and achievements were reflected in writings of biographies and autobiographies. Petrarch wrote 'Lives of Illustrious Men' which consisted of biographies of well-known Romans. His Latin epic poem 'Africa' lauded the feats of the Roman general Scipio Africanus. Giorgio Vasari wrote biographies of Renaissance artists 'Lives of the Most Prominent Painters, Sculptors and Architects' in the middle of the 16<sup>th</sup> century. The 'Lives' dealt with Giotto, Masaccio, Brunelleschi, Donatello, Leonardo da Vinci, Michelangelo and other artists. The Platonic Academy lauded the works and philosophy of Plato. Machiavelli wrote discourses on Livy, a Roman historian. These reconstructions in turn eulogized the intellectual feats of the ancients. Shakespeare wrote 'Julius Caesar', 'Hamlet', 'Othello' and Merchant of Venice - plays largely set in Italy with focus on people with different

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<sup>10</sup> The importance given to rhetoric by Petrarch also glorified the individual – the writer and the speaker.

dispositions. In the portrayal of Shylock in 'Merchant of Venice' Shakespeare displayed the contemporary antipathy against the Jews.

Emphasis on the human and individualism was reflected in art. Portraits, busts, individual statues, the human body and the nude, the equestrian, facial expressions, the signing of paintings by artists and independent sculpture were important artistic developments.<sup>11</sup> Realism and naturalism were reflected in literature and art and the secular genre was becoming more important in these fields. Emphasis on human rationality which was reflected in free will and the idea of dignity of man went along with idealization of classical antiquity. Veneration and revival of classical antiquity did not lead to any revival of the 'pagan' religions of ancient Greece or Rome. There was portrayal of Greek and Roman gods and goddesses and myths especially in the realm of art. Humanists and artists followed Christianity though they applied their intellectual tools to religious texts.

Cultural developments of Renaissance humanism were male dominated. Peter Burke mentions just three women from his list of 600 creative elite. We come across very few women writers or artists. Marguerite of Navarre was an important exception. Women were reflected in art. Burke pointed out that around half of religious paintings from the catalogue he used portrayed Virgin Mary. Portraits of women saints, Greek and Roman goddesses, scenes from antiquity and the Bible along with women from different walks of life are noticeable. We should not forget that the Renaissance period witnessed the reigns of three strong queens who have left their marks on history - Isabella of Castile, Elizabeth I of England and Catherine de Medici of France. They were patrons of humanists and artists.

Renaissance and Reformation were closely connected. One basic difference was that Renaissance believed in free will and Reformation in predestination or bondage of the will. However, Martin Luther empowered the individual with his doctrines of justification by faith and priesthood of all believers. He advocated a more personalized religion which challenged the intermediacy of the church. Luther's translation of Erasmus's Latin bible into German put the bible in the hands of common people - men and women - who could read and write in vernacular.

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<sup>11</sup> Peter Burke, *The Italian Renaissance, Culture and Society in Italy*, Princeton, 1999. Development of oil painting, portrait, the human nude, linear perspective, chiaroscuro, landscape and still life were important achievements of Renaissance artists.

People could read and interpret the bible which was again dependent on human rationality and contemplation.

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