



## Social Work Education in Karnataka: An observational Study with Students' Response

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### Abstract

Social Work Education at master's level is being offered in state universities and colleges affiliated to these universities in Karnataka. The number of schools of Social Work in Karnataka has increased manifold in recent times. The present study has been undertaken primarily to observe the academic conditions of schools of Social Work offering MSW course, and the response of students to academic issues pertaining to the course and their involvement in academics as students. As many as 49 Schools of Social Work spread over Karnataka have been covered under the study. Personal visits were made to all schools of Social Work. In addition to obtaining details from faculty members and school authorities, a questionnaire was administered on 1033 final (second) year MSW students. The results of the responses of students indicate that: for many students MSW is a job-oriented course. HRM is the most preferred area of specialization/field of study. Both English and Kannada are the preferred media of instruction. A majority write their examinations, including field work reports, in Kannada. By and large, students have positive perception to Social Work academic programme. But the infrastructural facilities in the conduct of MSW course are far from satisfactory. This situation is more frequently found in schools of Social Work affiliated to state universities. The importance of offering high quality education in schools of Social Work is emphasized in this paper.

**Keywords:** Social Work Education, Students, Field Work Practicum, Research Project

### INTRODUCTION

Social Work is an academic subject comprising classroom teaching and field work practice. Learning in the classroom, and learning by doing in the field are the twin essential ingredients of Social Work Education. Both the learning opportunities are equally important to convert a student of Social Work into an effective service professional. While classroom learning provides theoretical

knowledge pertaining to the methods and techniques of working with people and also the knowledge of the field in which social work practice is carried out, field work practice enhances knowledge base by getting students exposed to actual conditions that require application of theory to practical situations. As explained by Paul Chowdhry (1992), social work is a practice-profession with a definite body of knowledge that is being widely explained and tested over times



and is capable of growth and development to suit to changing conditions.

The importance of social work profession and the standards to follow both in academic and practice arenas of social work are explained by Blok and Hartman (2016). They contend that social work has definite professional principles and standards. The unique features of social work are: a) It is a global profession and found everywhere in the world; b) A social worker has professional identity of his/her own; c) Social work shares an international body of knowledge; d) Social workers, in their practice, are bound by professional ethics, and e) Social workers are educated according to a definite set of prescribed standards.

Social Work Education at post-graduate level (MSW) is being offered in 15 state universities in Karnataka. In Karnataka alone, the number of schools offering two-year MSW programme has exceeded 100. This excludes MSW programme offered by autonomous colleges, deemed-to-be universities, and the Central University of Karnataka. The number of students who obtain master's degree in Social Work, is over 3000 every year. Such a phenomenal growth in the number of schools of Social Work, especially in the recent past, is a cause of concern with regard to future prospects of young professionals who obtain their master's degrees. The present study is focused on what the students say about some of the issues concerning their course and future career prospects, along with what has been observed by the researcher (1) either personally or through other sources with regard to ground realities of Social Work Education, especially at the PG level.

**Social Work Education:** People are the central focus of Social Work

Education and practice. As far as academics are concerned, Social Work Education in India was offered as a generic programme in the initial years after its inception (1936-1946); specializations emerged in the post-independence period. Every specialization, introduced thereafter, had a background on the basis of its requirement during that time. The specializations include personnel management and industrial relations, medical and psychiatric social work, family and child welfare, criminology and correctional administration, and urban and rural community development (Jaswal and Pandya, 2015). Social work is currently under challenge, both as an academic programme and as a field of practice. Generally, social workers practice in a localized context but draw on policies and practices developed across the globe. The time has come for social workers to willingly come out of traditional theories and models of practices that make them feel comfortable with the prescribed ways of working. They should start paying attention to developing new ways of viewing concepts, theories, values, terms and beliefs. Effective practice of social work involves the requirement of new levels of understanding and new models of practice (Faruque and Ahmmed, 2013).

The interrelationship between theory and practice in Social Work Education has been well highlighted by many social work professionals. Papouli (2014) mentions that a combination of both theoretical knowledge and practical learning are required to become professional social workers. Such an understanding and awareness will take place in the classroom and through field work experience. Field work exposure can transform students from being receivers



into producers of knowledge, values and skills. This positive change, thus expected, is a gradual process in the making and will not happen overnight.

In a major study on Social Work Education in India, Desai (1994) has studied students, educators in Social Work and educational process practised in 31 schools of Social Work which existed at the time of data collection in

1975-76, with the goal of understanding the status of Social Work Education in India. Some of the findings elicited on administration of a questionnaire on Social Work students are presented in a tabular form (Table 1). The data refer to the nature and type of jobs expected by MSW students at beginning and the highest positions.

Table 1: Nature and Type of Jobs Expected

Beginning Position	Highest Position
48% - Field level job	13% - Field level job
30% - Administrative position	55% - Administrative position
10% - Research position	20% - Research position
9% - Teaching position	10% - Teaching position
Remaining - other positions	Remaining - other positions

The data reveal that 55% of students consider preparing for administrative positions and serving as administrative personnel as the highest position of service. Teaching is the least preferred option.

The other observations are:

- a. As many as 75% prefer English as the medium of instruction
- b. Three-fourth of students are satisfied with the course
- c. A good number (63%) of students want research project to be made as a compulsory component.
- d. Students, in general, are satisfied with field work practicum.
- e. A good number prefer urban location as their Job preference.

The results indicate the need for improvement of curriculum and teaching, as only less number of high performers is contented with the course.

In a study to know as to why students want master's degree in

Social Work, Bozek et. al. (2017) administered an online questionnaire on 116 students of MSW course. As many as 76 have obtained bachelor's degree in Social Work, and three obtained bachelor's degree in Social Work and Social Sciences. Others have degrees in Applied Psychology, Remedial Education, Nursing, Sociology, Psychology, and Communication Science. The results (N: 109) indicate that students have higher instrumental motivation score than expressive motivation scores. The vivid explanation is that students are instrumentally motivated as they choose a course (MSW) to improve their career prospects in social work. Persons with master's degree have good chances of being gainfully employed in the labour market. Expressively motivated students have a desire to work with people and to serve them. They deliberately opted for the course and are inspired by the mission of helping people. They like the academic programme because of its content. An expressively motivated



student has concern for the wellbeing of people and to help people who have limited opportunities to grow.

In her study, Jyothi (2014) has studied the status of Social Work Education in Karnataka. On the basis of the observations made, she has suggested that the quality of Social Work Education needs to be enhanced. Bringing changes in Social Work curriculum and teaching methodology should be priority issues of Social Work Educators. This refers to the primary concern of every Social Work Educator to prepare young students for effective professional career. Referring to this, Slozanska (2010) states the importance of reviewing periodically course curriculum, teaching methodology and standards of practice. This would ensure that the quality of Social Work Education provided to students is of high quality. Such revision must be in tune with the requirements of stakeholders, and more so in the case of the students and the profession itself.

## RESEARCH METHODOLOGY

The ultimate goal of Social Work Education is to transform a lay person in Social Work into a competent and socially acceptable human service professional. The process of education must be such that a student is moulded through vibrant and need-based courses, field work and research project. The academic programme must be focused on enabling the students to acquire competencies and to become fully fledged professionals. Social Work Education at master's level comprises of three domains – courses, field work practicum, and research – to prepare youngsters as service personnel with knowledge, skills and values, and to work towards achieving a

high standard. The uniqueness of social work is that there were times in university education when social work course stood in a towering position with the distinction of claiming itself as a discipline of service to people. In view of the quality of being special in its focus of training, Social Work, as a practice-related discipline requires specific infrastructure for training students (UGC Report of the Second Review Committee, 1978).

The present study is aimed at understanding the condition of Social Work Education in the present times and to know about MSW students' participation in/perceptions of academic aspects of Social Work Education. The study is limited to schools of Social Work affiliated to/part of state universities in Karnataka and the subjects of the study are final (second) year MSW students only. A pre-tested questionnaire was prepared (including Kannada version tested on local conditions) and administered on 1033 final (second) year MSW students of 49 schools of Social Work within the administrative purview of state universities. Personal visits were made by the first author (1) to all the schools of Social Work. These visits provided more direct and valuable information on academic aspects and the views of faculty members and students.

A well scripted process was adopted in carrying out the study. Permission of schools of Social Work was obtained before the researcher's (1) visit, and mutually convenient dates were fixed to meet faculty members and students. The visits were arranged in such a way that routine academic work of schools and concurrent field work programme of students were not affected.



Table 2 Personal Profile of Students		
Factor	No. of Students N: 1033	%
Gender		
Male	523	50.63
Female	510	49.37
Age (in completed years)		
21 – 23	828	80.15
24 – 26	152	14.71
27 – 29	36	3.49
30 and above	17	1.65
Range: 21 - 32 years, Mean: 22.8 years		
Religion		
Hindu	955	92.45
Muslim	44	4.26
Christian	25	2.42
Others	9	0.87
Marital Status		
Single	976	94.48
Married	57	5.52
Caste		
Scheduled Caste	289	27.98
Scheduled Tribe	106	10.26
Other Backward Classes	444	42.98
General	194	18.78
Domicile		
Rural	817	79.09
Urban	216	20.91

Further, faculty members and students were well informed about the visit of the first author. The services of faculty members of the schools visited



were obtained in the process of data collection.

The students were informed about the purpose of the study and their consent was sought to become subjects of the study. Confidentiality of data provided by students was assured. Seating arrangement in the classroom was done in such a way that prevented discussion/consultation while filling in the questionnaire. The questionnaires were distributed in the classroom after necessary guidelines and by assuring confidentiality. All final (second) year MSW students, present on the day of visit of the researcher (1), formed the subjects for the study. The data were collected during the academic year 2018-19. The personal profile of 1033 final (second) year MSW students is detailed in Table 1.

### Section I: Personal Profile of Students

The personal profile of 1033 final (second) year MSW students includes details regarding gender, age, religion, marital status, caste and domicile.

**Gender:** From the total of 1033 students, male and female represent 50.63% and 49.37% respectively.

**Age and Marital Status:** As many as 828 (80.15%) students' age is between 21 and 23 years. There are 17 students aged 30 years and above, and some of them are of foreign origin. The mean age of students is 22.8 years, and their age range between 21 and 32 years. As many as 976 (94.48%) are single, and a few (5.52%) are married.

**Religion and Caste:** As many as 955 (92.45%) students belong to Hindu religion, and a few belong to Christianity and Islam. Of the total 1033 students, a good number (42.98%) are OBCs (Other

Backward Classes). Candidates from SC and ST background constitute 27.98% and 10.26% respectively. One hundred and ninety four (18.78%) candidates are from general category.

**Domicile:** As many as 817 (79.09%) students hail from rural areas, and about 20% are of urban origin.

## RESULTS AND DISCUSSION

The results are presented under two sections. Section I refers to observations, and Section II covers empirical data on students.

### Section I: Observations

The following are the vital observations in terms of achievements/positive moves of Social Work course as an academic subject as well as practice component:

- 1) There is well-knitted student and alumni associations in the State to exchange professional issues/opportunities for professional enhancement and help schools in academic activities, including placement for field work of students. Further, they support schools in curriculum review. Some seniors serve as adjunct faculty members.
- 2) Avenues for social work practice in different fields/areas of human welfare have improved.
- 3) An increased identity and support for bachelor's programme in Social Work by the State Government has been observed, especially in the form of



appointing faculty members for BSW programme in Government first grade colleges.

- 4) BSW/MSW academic qualifications are the requirements for certain positions viz., supervisors, CDPO, ACDPO in the Department of Women and Child Development, Government of Karnataka, functionaries of correctional institutions viz., probation officers and superintendents of correctional institutions, counsellors in family counselling centres, short-stay homes, de-addiction centres and AIDS prevention projects, **and** welfare officers/HR personnel in industries.
- 5) Opportunities for students to go for higher education, including two-year M.Phil. programme in Psychiatric Social Work, and Ph.D in relevant disciplines are evident, especially in recent years.
- 6) Frequent conduct of academic programmes in the form of seminars/conferences/ workshops at the state and national level involving students, faculty and practitioners has been noticed in most schools.

Some of the observations made on the basis of personal visit of researcher (1) to schools of Social Work include:

- 1) Many schools are being established without making any

kind of assessment. It has been observed in some places that three-four schools function concurrently in a radius of five kilometres. In addition to this, the number of field work agencies is inadequate to cater to the needs of schools of Social Work.

- 2) Many schools are not adequately supported by required number of faculty members in proportion to the intake of students.
- 3) Many qualified persons (with NET/SLET) are without jobs and some are working on temporary basis as faculty members. A number of doctorate degree holders with promising academic track record find difficulty in getting placement with decent pay package.
- 4) Mushrooming of schools of Social Work which offer PG course in Social Work with less concern for starting BSW programme has been observed. It has been further observed that running PG programme in Social Work appears to be easier than offering UG programme in the field.
- 5) Generally, it has been observed that schools of Social Work functioning under the administrative control of state universities are equipped with needed infrastructure, including library facilities. Most of the other schools are ill-equipped in terms of infrastructure. Few





schools function in rented buildings with limited infrastructure.

- 6) The demand for the course is gradually on the decline, especially in those schools run by private managements.
- 7) The qualification prescribed for admission to MSW course is not uniform in all universities. A candidate who is eligible to get admitted to MSW course in one university is not eligible in another university.
- 8) The use of Kannada in the field in the conduct of field work practicum by students and faculty members is praiseworthy. This positive trend would certainly make the presence of schools of Social Work a necessity in the community.

- 9) There are several students who say emphatically that it is the quality of education that matters the most rather than merely getting a degree. The students prefer those schools which offer quality education and follow standards in terms of effective manpower, and good infrastructure. Other criteria include enhanced reputation of school in the society, pro-actively promoting innovations and creativity, and promising past records of students' professional achievements.

**Section II:** This part broadly covers students' views on/and participation in academic activities. Further, students' self perceptions and self-assessment have also been presented in an abridged form. The data obtained from students are presented in a tabular form followed by vivid descriptions and explanations.

**Table 2: Question/Statement/Issue:** Indicate the reason (s) for choosing Social Work course.

Reason*	No. of Students N: 1033	%
To have higher status in society	721	69.80
To explore the field out of passion	587	56.82
To get better job opportunities	938	90.80
Did not get opportunity to pursue other courses	180	17.42

\*Some indicated more than one reason

From the point of view of a majority of students (90.80%), Social Work Education provides job opportunities. Most of the students prefer a paid position of regular employment either in service sector or in other sectors that match their interests and abilities. There are many students who also believe that Social Work Education provides higher status in society, and for some others, it caters to their enthusiasm for learning and doing social good. There are a few (17.42%) who say very clearly that





Social Work is not their choice/priority and they are pursuing the course out of inevitability, and not out of passion. The predominant reason for selection of Social Work course is more due to extrinsic factors such as job placement. This is natural for young people to think of their future in terms of job placement. It has been well emphasized that the moral core of Social Work, which includes values and mission of Social Work, is the heart of Social Work Practice. There is no Social Work in the absence of moral core, and in fact, it is the moral core of the profession that distinguishes Social Work from other professions. To have a bright future, Social Work must take pride in its moral core (Bisman, 2004).

**Table 3: Question/Statement/Issue:** Are you satisfied with your choice of course in social work?

Response	No. of Students N: 1033	%
Fully satisfied	537	51.98
Satisfied to a great extent with some reservations	368	35.62
Satisfied to some extent with a great deal of reservations	99	9.58
Not at all satisfied	29	2.82

The students are satisfied to a great extent with the course chosen for their studies. It is also a fact that many young people prefer MSW course, as the opportunities for job placement are better. Very few (29/1033 or 2.82%) have expressed dissatisfaction with the choice of the course. Probably, their expectations are different from reality in terms of course content, teaching methodology, and practical exposure.

Of 1033, 489 (47.34%) chose Labour Welfare/Personnel Management/Industrial Relations/HRD as their areas of interest. The opportunities for job placement are much better for these streams of specialization/area of focus compared to other areas. The placement ranges from that of baseline functionary to reasonably attractive designations with good pay

package. The next preferred areas are: Community Development (117/1033 or 17.13%) and Medical and Psychiatric Social Work (166/1033 or 16.07%). The emerging area of social work is that of Family and Child Welfare. A few (129/1033 or 12.49%) preferred this area of interest. All other areas are not much preferred by the students. The preference of students for the specialization/area of concentration of HRM is purely on the basis of placement opportunities it brings, in addition to an attractive pay packages. It is apt to mention here that social work is known as both a service activity and as an academic programme. As a service activity, social work was originated in charity organizations in Europe and the US in the late 19th Century. The training of volunteer workers by charity organizations led to



founding of the first schools of Social Work (Hoiberg and Levy, 2011).

**Table 4: Question/Statement/Issue:** What is your area of interest / choice in MSW programme?

Response	No. of Students N: 1033	%
Labour Welfare/Personnel Management/Industrial Relations/HRD	489	47.34
Family and Child Welfare	129	12.49
Medical and Psychiatric SocialWork	166	16.07
Correctional Administration	10	0.97
Urban Community Development/ Rural Community Development / TribalWelfare	177	17.13
Social Work with Aged	14	1.36
Social Work with Persons with Disability	18	1.74
Others (include Youth and Development, Women and Development, Gerontological Social Work, Counselling)	30	2.90

**Table 5: Question/Statement/Issue:** Which language will you be most comfortable with as medium of instruction at this stage?

Response	No. of Students N: 1033	%
English	394	38.14
English–Kannada (greater part in Kannada)	639	61.86

A good number of students are comfortable with mostly Kannada (as a greater part of the class). It is understandable because the medium of instruction at PG level is only English. But the trend of teaching greater part in Kannada is more frequently found in the schools of Social Work studied.



**Table 6: Question/Statement/Issue:** Students' Participation in and Perception of Social Work Programme

Response	No. of Students N: 1033	%
I am proud of addressing myself as a student of Social Work	1020	98.74
I attend theory classes regularly and on time	916	88.67
Classes are held as per the time table and by following timings	853	82.58
I found uniqueness in learning through theory and doing through practice	962	93.13
Theory classes are informative and interactive too	933	90.32
I am an active participant in the class and I participate well in academic debates. Further, I do not consider myself a passive learner	899	87.03
I prefer writing notes of each subject on my own by referring to appropriate literature and by being attentive in classes	834	80.74
I do not depend on ready-made notes prepared by somebody	628	60.79
I go to library very frequently for reference work	708	68.54
I consider myself a disciplined student both in and outside class	953	92.26
Disciplinary provisions of the school are pro-active and development oriented	921	89.16
In my considered opinion, theory classes are the base for field work	956	92.55
I get appropriate guidance from faculty members on all academic issues, including research project / dissertation	960	92.93
I consider that project report/dissertation, as a component of curriculum is important for students to develop scientific temperament and to be familiar with scientific method	999	96.71
I write field work record / assignments / internal tests in Kannada	677	65.54
I take initiative and participate actively in co-curricular activities	915	88.58
I write university examinations in local language (Kannada)	779	75.41



With regard to academic activities of schools and participation in and perception of students, the following observations are made:

**a. Perceptions Regarding Theory**

**Classes:** Theory classes are held as per the time table (as stated by 853/1033 or 82.58% students). Classes are both informative and interactive in nature (as mentioned by 933/1033 or 90.32% students); theory classes are the base for field work (according to 956/1033 or 92.55% students), the uniqueness of learning theory through practice has been understood (as mentioned by 962/1033 or 93.13% students).

**b. Participation of Students:**

Trainees are proud of identifying themselves as students of Social Work (according to 1020/1033 or 98.74% students). They attend classes regularly and on time (as mentioned by 916/1033 or 88.67% students); they participate well in all academic programmes (according to 899/1033 or 87.03% students); they consider themselves as disciplined students in and out of classes (according to 953/1033 or 92.26% students); and they participate well in co-curricular activities (stated by 915/1033 or 88.58% students).

**c. Involvement in Academics:**

Students prefer to prepare notes for every subject by attending the classes and referring to appropriate literature (according to 834/1033 or 80.74% students). They go to library very frequently for reference work (according to 708/1033 or 68.54% students). They do not depend on ready-

made notes prepared by others (according to 628/1033 or 60.79% students). The disciplinary provisions of the school are proactive and development-oriented (according to 921/1033 or 89.16% students). They receive appropriate guidance from faculty members for academic programmes, including research projects (as mentioned by 960/1033 or 92.93% students); they consider research projects as important to develop scientific temperament and to be familiar with scientific method (as mentioned by 999/1033 or 96.71% students). A good number of students (677/1033 or 65.54%) write field work records/assignments/internal tests in local language (Kannada) and a majority (779/1033 or 75.41%) write university examinations also in local language.

Mushrooming of schools of Social Work offering MSW course, insufficient number of faculty members to run the course, over-reliance on guest faculty members, and preference of English/Kannada as media of instruction are the major observations. However, by and large, students are contented with the academic programme, and HRM is their area of interest but use of Kannada in examinations and field work is also evident.

**CONCLUSION**

Social Work Education at post-graduate level has a definite mission and well defined focus. It is one of the few courses where students learn the competencies needed to serve as social workers by learning in the classroom and



by practising in the field. Such a blend of theory and practice is the uniqueness of Social Work Education that attracts young people to opt for it as a career. This study is to find out the version of students on Social Work Education and their involvement in academic programmes as learners. The study is limited to 49 schools of Social Work spread over Karnataka and the number of subjects for the study is 1033 students of final (second) year MSW course. The researcher (1) has personally met all the students and administered the questionnaire while complying with the ethical issues of research.

The salient findings of empirical effort indicate the following:

- Students joined the course as it provides gainful employment (90.8%)
- Students have expressed satisfaction with the choice of the course (51.98%)
- HRM is the most preferred thrust area of social work practice (47.34%)
- Preference of English and Kannada as media of instruction (61.86%)
- Students' perception regarding theory classes, participation/involvement in educational activities, including undertaking empirical work, has been rated as good. A good number of students write their field work reports, internal and semester-end examination in Kannada.

The initiatives proposed by Prof. Anil D Sahasrabudhe, Chairman, All India Council for Technical Education, New Delhi, in his convocation address of Seventh Annual Convocation,

Vijayanagara Sri Krishnadevaraya University, Ballari on 14/05/2019 are well applicable to Social Work Education at master's level. The initiatives suggested by him would ensure the provision of high quality education to all. Some of the key initiatives are grouped under five points and each one carries high weightage in terms of its value and relevance to different streams of knowledge, and more appropriately, to MSW course.

- a. Partnership:** Partnership with industries for internship of students, hiring adjunct faculty from industry, involvement in curriculum development.
- b. Research and Innovation:** Undertake research that has social relevance, and interdisciplinary in orientation. Institutions must be places for generation, assimilation, dissemination and application of knowledge.
- c. National and International Networks:** Collaboration with institutions of repute for academic exchange and for undertaking collaborative research.
- d. Enhanced Involvement of Alumni:** Establish alumni associations and have frequent dialogue with them for enhanced quality of curriculum and improved avenues for training and placement of students.



- e. **Provision of Best Facilities for Students:** Provide pro-active environment with flexibility in timings and with student-centred facilities.

Social Work Education at PG level needs to be further strengthened keeping in view the best professional prospects of students. A debate is required regarding whether uniform curriculum at state level can be evolved and arrive at, and ways and means of improving further quality of Social Work Education. Baikady et. al. (2014) have stressed the importance of the uniformity of Social Work curriculum and also developing a field work manual for students of Social Work. Further, it is to be made explicit that the focus of teaching and learning of Social Work Education is more on inter-personal relations. To make Social Work Education more effective and fruitful, higher level of involvement of teachers and students is required (Young and Delves, 2009).

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Terms used:

- 1) Schools of Social Work: Department  
of Social Work of College/University,  
Independent School of Social Work  
(aided or unaided by the State  
government)
- 2) Students: Final (second) year MSW  
students
- 3) Profession: A career that needs a  
formal qualification (D.K Illustrated  
Oxford Dictionary, 2011)
- 4) Research Project: Also referred to as  
Dissertation/Project Work
- 5) Labour Welfare/ Personnel  
Management/ Industrial Relations/  
HRD: Also referred to as HRM

Note:

- a. The data presented in this paper are  
part of larger empirical work on “A  
Study of Current Status of Social  
Work Education in Karnataka”,  
undertaken by Dr. TBBSV.  
Ramanaiah (first author of this  
paper) and as a fulfilment of  
Emeritus Fellowship in Social Work,  
awarded by the University Grants  
Commission.
- b. The authors declare that there is no  
conflict of interest in undertaking  
this work.





## Social Inclusion in Schools: Role of Learning Methods

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### Abstract

Social exclusion and inclusion are two terms that are making inroads in policy discourse, especially in developing nations including India. They are not part of a binary, although inclusion should be understood in the context of exclusion. In the Indian context according to Thorat and Newman (2010), exclusion revolves around societal institutions that exclude on the basis of group identities such as caste, ethnicity, religion and gender. The study is based on documentation of the practices of schools that profess to be socially inclusive. The rationale for such a study hinges on the need to identify and study the efforts of schools and teachers that manage to practice and promote social inclusion. The present study aims to provide some insights into institutional perspectives, motivations and underlying social inclusion in schools by enhancing the role of learning methods.

**Key words:** Social Inclusion, School Education, Learning Methods and Teaching Practices.

### 1. INTRODUCTION:

Inclusive growth refers both to the pace and pattern of growth, which are considered interlinked and therefore it need to be addressed together. In India the discourse of inclusion in elementary education is largely in the realm of education of children with disability and special educational needs. A significant emphasis in policy and programmes in India has been given on hitherto educationally deprived groups such as Dalits (scheduled castes), Adivasis (scheduled tribes), religious minorities and girls who comprise the majority of children who are out of school (Nambissan 2006). As indicated by Gross Enrolment Ratio statistics, many parts of the country have achieved near universal enrolment (Govinda and Bandyopadhyay, 2008). While the majority of Dalit (SC) children are now being included in schools at the point of entry, the terms of their inclusion in relation to institutional structures and processes are discriminatory. At the same time it needs

to be recognised that institutional interventions in primary/elementary education also provide opportunities for enabling education among disadvantaged groups and must be expanded and strengthened. Nambissan argues that she does not view inclusion as merely in relation to quantitative indices of school entry, attendance and completion rates that are presently used to assess social parity or equality of education opportunity as understood in policy documents. She refers to Kabeer (2000) to stress that inclusion is viewed in education as a far more complex process that positions social groups differently in relation to valued resources: knowledge, skills cultural attributes, future opportunities and life chances, sense of dignity, self worth, and social respect. Referring to the concepts of 'adverse incorporation' or 'problematic inclusion' as against 'privileged inclusion' Nambissan draws attention to the importance of interrogating the process of institutional inclusion of hitherto excluded groups from the perspective of



equity — that is, against the criteria of social justice and fairness.

Social exclusion and inclusion are two terms that are making inroads in policy documents of various developing nations including India. Social inclusion and exclusion are not part of a binary, although inclusion should be understood in the context of exclusion. While social exclusion is a reality that exists in societies and in schools, social inclusion is a value that is aspired for. In Indian context according to Thorat and Newman (2010) exclusion revolves around societal institutions that excludes on the basis of group identities such as caste, ethnicity, religion and gender. This study is about social inclusion in schools, it recognises that the concepts of 'social inclusion and exclusion' are not well defined and, especially in educational contexts, scholars have employed them in different ways; some have limited the conceptual boundaries to encompass only certain disabilities, while the others have included various other categories of children who are marginalised and disadvantaged due to structures of caste, patriarchy, ethnic, religious, and class hierarchies. The rationale for such a study hinges on the need to identify and share the efforts of schools and teachers that manage to practice and promote inclusion and equity.

In India the discourse of inclusion in elementary education is largely in the realm of education of children with disability and special educational needs. In India the use of term 'inclusion' in various policies targeting poverty has now found way in educational reports such as the Status of Education in India National Report prepared by the National

University of Education Planning and Administration which focuses on inclusion in education encompassing issues concerning education of children from Scheduled Caste, Scheduled Tribe, Muslim community, girls and children with disability. The students not only internalise the cultural message of the school through the official discourse in schools but also through the symbols and the 'not so significant' practices of daily classroom life. The situation can be challenged and in long term transformed by bringing in new language, qualitatively different relations and new set of values.

## **2. INCLUSION AND EXCLUSION IN ELEMENTARY EDUCATION IN INDIA:**

A significant emphasis in policy and programmes in India has been on hitherto educationally deprived groups such as Dalits, Adivasis and minorities who comprise the majority of children who are out of school. According to data available at the national level, the country has achieved near universal enrolment in many parts of the country, as indicated by Gross Enrolment Ratio statistics (Govinda and Bandyopadhyay, 2008). A progress in enrolment is observed, however even in 2009-10 about 28.86% of children drop out at the primary level itself. About 75% of ST children drop out of schools by the time they reach grade ten, The drop-out rate is highest for ST girls at all the three level of education that is primary, elementary and secondary. The likelihood of exclusion is compounded if the children live in rural areas and are female. Tribal girls in rural areas are in the most disadvantaged position, as only 51% of them are enrolled in schools, whereas around 80% of all girls in urban areas are enrolled (Sedwal and Kamat, 2008).



According to Velaskar (1990) the mass entry of children from hitherto excluded communities represents a structural change in itself; it is not one that has been able to overthrow the deep-rooted structures of inequality. While majority of Dalit children are now being included in schools at the point of entry, the terms of their inclusion in relation to institutional structures and processes are discriminatory (Nambissan 2006). At the same time it needs to be recognised that institutional interventions in primary/elementary education also provide opportunities for enabling education among disadvantaged groups and must be expanded and strengthened.

Nambissan argues that she does not view inclusion as merely in relation to quantitative indices of school entry, attendance and completion rates that are begin presently used to assess social parity, or equality of education opportunity as understood in policy documents. She refers to Kabeer (2000) to stress that inclusion is viewed in education as a far more complex process that positions social groups differently in relation to valued resources: knowledge, skills cultural attributes, future opportunities and life chances, sense of dignity, self worth, and social respect. Referring to the concepts of 'adverse incorporation' or 'problematic inclusion' as against 'privileged inclusion' Nambissan draws attention to the importance of interrogating the process of institutional inclusion of hitherto excluded groups from the perspective of equity—that is, against the criteria of social justice and fairness.

### **3. ROLE OF LEARNING METHODS IN INCLUSION OF SCHOOLS:** Elementary

education in India has witnessed a steady growth over the years in enrolment of children from all sections of society, particularly from weaker and disadvantaged sections such as girls, SCs, STs, and linguistic, ethnic and religious minorities. Owing to the increased inflow of children from weaker and disadvantaged sections, classrooms and schools are becoming increasingly diverse. As a result, schools now have to address new issues and challenges and reorient their teaching-learning practices and processes to make classrooms and schools responsive to, and inclusive of, the learning needs and interests of diverse learners. The report 'Inclusive Classroom, Social Inclusion/Exclusion and Diversity: Perspectives, Policies and Practices' has sought to explore, identify and discuss key issues and challenges, and suggest inputs that need to be addressed by policymakers and practitioners to promote inclusive classrooms, ensure meaningful and successful school participation, and enhance the learning achievements of Children from diverse backgrounds. This study based on report has identified the following key areas that need to be focused on by policymakers and practitioners.

#### **3.1. Recognising the Increasing Diversity of Classrooms:**

There is first a need to recognise the changing social composition of learners in the classroom resulting from an inflow of children from diverse backgrounds in terms of caste, class, gender, ethnicity, language and religion. This increased diversity presents new issues and challenges in curriculum design, teaching-learning practices and processes, learning materials, and teacher education that meet the different



learning needs of these children. These issues and challenges cannot be addressed unless they are first recognised by policymakers and practitioners.

### **3.2. Developing the Profiles of Diverse Learners:**

Without a clear understanding of the various socio-economic and cultural characteristics of diverse learners, it is difficult to evolve strategies and develop plans at classroom, school and system levels to teach children from diverse backgrounds. It is therefore necessary that relevant data and information on diverse learners is collected, examined and analysed in order to inform and shape policies and practices to make classrooms and schools inclusive and responsive to the learning needs of children from diverse backgrounds.

Child profiles can be an important and effective tool to promote inclusive classrooms. Child profiles can be created through school-community mapping by conducting a household survey in the villages of the schools' catchments area to determine how many members each household contains, their ages, and their levels of education. These maps can be created by schools by enlisting the help of community members and elders, VEC members, village Panchayat representatives or even dedicated youth volunteers. This step will actually help to build stronger links between the school and the communities it serves.

The map can be shared with parents and community members and leaders to identify, discuss and analyse the various factors, especially school-based practices and processes that appear to cause exclusion of children from diverse backgrounds. Based on the

analysis of the exclusionary practices and processes, a descriptive profile of each child can be created. This profile will help to identify, link, and analyse the factors that could affect children's learning. The child profiles can also be used to identify the differential learning needs and interests of children from diverse backgrounds.

### **3.3. Understanding of School-based Practices and Processes:**

A contextualised understanding of teacher beliefs and behaviour as well as the teaching-learning practices and processes, and their impact on the educational experiences and outcomes of children from diverse backgrounds is a crucial prerequisite to develop inclusive classrooms that are responsive to the diverse learning needs and interests of these children. Without this, it will be difficult to assess the professional development needs of teachers, and evolve appropriate training curricula, practices and processes to prepare them to teach diverse classrooms. Therefore, there is a critical need for school-based ethnographic research which can better inform policy and practice.

### **3.4. Developing Inclusive Teaching-Learning Practices and Processes:**

Classrooms are diverse in terms of the types of children and the ways in which they learn. Children learn in different ways because of experience, environment and socio-economic and cultural backgrounds. Consequently, there is a need to use a variety of teaching methods and activities to meet the different learning needs of such children. We need to know the different ways that children learn, to help us



develop teaching-learning practices and processes that are more meaningful for the children, and help them, especially those who have been historically excluded from learning, to learn better. Students from all ethnic, cultural, linguistic and socio-economic backgrounds come to school with already-constructed knowledge, including their home languages and cultural values, acquired in their home and community environments. Such knowledge and skills should serve as the framework to construct new knowledge and understandings.

For classrooms to be fully inclusive, the learning materials and curriculum need to be made inclusive and responsive to the diverse cultures and socio-economic backgrounds of children. This would make it relevant for all children in terms of what is taught (content), how it is taught (method), how the children learn best (process), and how it relates to the life experiences of the children and the environment in which they live and learn. Instructional quality in a diverse classroom can be improved by using multi-cultural and multi-ethnic examples, scenarios and vignettes to illustrate academic concepts, ideas and skills. This is a powerful strategy to incorporate diversity into the heart of teaching, because examples are fundamental to, and consume much of the actual time, devoted to teaching in all subjects and school settings. Relevant examples can link school knowledge to the lived experiences of diverse students, and improve academic achievement. Teachers would also greatly benefit, if training programmes include their participation in activities that expose them to practical situations of addressing diversity, especially classroom practice

and placements in schools that are already recognised for their use of innovative practices to address diversity.

### **3.5. Regular Evaluation and Feedback on Impact of Teaching-Learning Practices:**

Teaching diverse classrooms requires a tremendous amount of flexibility to respond to the different learning needs and interests of students, and teachers need to constantly update their practices. However, without continuous and proper evaluation, teachers and school administrators cannot receive feedback from which to learn, and thus will lack the indicators of what works well, what does not, and why. While there may be several instances of good practices used by teachers in some schools, the lack of formal documentation, record and evaluation means that potentially good practices are lost. Therefore, there is a need to develop an institutional mechanism for continuous documentation, evaluation, sharing and feedback on the impact of teaching-learning practices on student learning, and its linkage with the teacher support and training system.

### **3.6. Diversity Issues in Teacher Education and Training Programmes:**

Though the social context of the classroom has been changing, teachers appear to have little understanding of issues of diversity, and are ill-prepared to teach increasingly diverse student populations. There is, therefore, a need for systematic efforts to make teaching for diversity an integral component of the curriculum for pre-service as well as in-service teacher training.

Teaching children from diverse backgrounds requires a tremendous amount of flexibility in teaching practices



and processes as well as in curriculum design and learning materials to respond to their diverse learning needs and interests. It also crucially involves reflecting on and examining teachers' own personal and professional beliefs about diversity, based on caste, class, gender, ethnicity, language and religion, and analysing how they influence their behaviour and relationship with children from diverse backgrounds. However, the attitudinal awareness and skills to teach diverse classrooms cannot be simply developed and absorbed through a one-off course during initial teacher training or in-service training. Instead, continuous reflection and re-examination of beliefs and practices needs to be inbuilt in a system of teacher support and development throughout their careers.

Teaching and learning takes place in particular contexts. It is therefore important that pre-service and in-service training are oriented towards developing among teachers an understanding of the importance of contextual specificity and an ability to critically reflect on their own specific classroom contexts and practices. This will equip teachers with the abilities to apply general principles of teaching for diversity in ways that work for their specific classroom situations.

### **3.7. Promoting Diversity in the Elementary Teaching Workforce:**

Maintaining diversity in the teacher workforce is considered crucial to create inclusive schools. A teaching force that more closely mirrors the student population can benefit both students and teachers. Diverse teachers can serve as powerful role models for diverse students, potentially motivating them to strive further in their achievements. Diverse

teachers also bring to the classroom their unique experiences and perspectives, which can help them to better relate to their diverse students. Diverse teachers may also be more inclined to view student diversity in the classroom as a resource. However, studies in this regard suggest that while there has been an increasing flow of diverse learners in the classroom, the social composition of teachers has not kept pace with it. The recruitment policy for elementary teachers, therefore, needs to be focused towards promoting an increased intake of teachers from historically excluded groups such as women, SC/STs, religious, ethnic and linguistic minorities, etc.

### **3.8. Developing an Organic School-Community Relationship:**

There is growing evidence that involving parents and the community in school affairs can be an effective strategy to address diversity in the classroom. However, the current official mechanisms and structures (VECs, PTAs, etc.) prescribed to ensure community involvement do not seem to be working towards achieving the desired outcomes, particularly with regard to the participation of marginalised and excluded communities. They feel helpless to assert their voices and participate in the functioning of the schools in the local power structure, and, VECs become a platform for the powerful sections of the local society to promote their vested interests.

It needs to be recognised that in the changing context of increasing inflow of children from diverse backgrounds, it is important for schools to understand and articulate parent and community involvement in terms of diverse socio-economic, cultural and political contexts.





The schools need to evolve programmatic activities in order to ensure the active involvement of the different communities in the local society. Through programmatic activities, communities can become active partners in developing a school-based plan to improve teaching-learning practices and processes. School-based plans to address the challenges of diversity in the classroom can provide many such opportunities for the active involvement of communities and parents.

The challenges of inclusive classrooms and diversity discussed by the Report may appear formidable, especially because mainstream policy and practice in the elementary education sector have yet to adequately recognise and focus attention on them. However, the Report indicates that during recent decades these issues and concerns have already started receiving attention from a section of policymakers and practitioners. Several innovative experiments of school reforms have been taken up by civil society organisations as well as in the government sector in different parts of the country. These experiments have attempted at curriculum design, development of teaching-learning methods and materials, and teacher development from child-centred, inclusive perspectives, and have shown encouraging results in terms of the learning achievement of children from diverse backgrounds. The positive and critical lessons and insights from these initiatives need to be documented, shared and widely disseminated. Building on these lessons and insights, a perspective and concrete strategy can be developed to address the challenges of inclusive classrooms and diversity.

Based on the issues and challenges identified and discussed, the Report presents a set of

recommendations, and suggests building a nation-wide network of civil society organizations (CSO) and forming a **National Forum on Inclusive Classrooms** as a major strategic initiative to develop and promote the agenda of inclusive classrooms and diversity. These recommendations are closely interrelated and complement each other, and, therefore, indicate the need for a multi-pronged approach to address these challenges. It may not be easy to initiate the processes of change that are proposed by the Report. However, it is also important not to overestimate the challenges. Many components in the recommendations can be initiated by building on the processes that already exist, and revitalising them in innovative ways. However, we need to finally emphasize that we would not succeed in initiating these processes of change unless there is decentralised planning. It would need a broad framework to plan upwards, beginning with schools; to identify focus areas and developing context specific intervention plans; and subsequently to consolidate these at the cluster and block levels. This could form a decentralised planning strategy at the district level. Only genuinely decentralised planning with school-based action plans at its core could make the agenda of inclusive classrooms feasible and achievable.

#### 4. CONCLUSION:

Globally the experiences suggest that even when the excluded do have access, they can be excluded from good quality learning. The observation of the study points out that there are spaces within the school that provides opportunities for equitable inclusion. The





study focused on classroom processes, day to day experiences of students and teachers and does not analyse reproduction of discrimination and oppression from a macro perspective. The approach of study wherein school is considered as a unit, classroom and school practices are studied; that creates a scope to even put our fingers at the possibilities of inclusive practices that teachers, students and schools experience and go through. The study concludes that 'despite the fact that larger socio-political environment is becoming more stratified and divisive, there are islands of hope across this vast and diverse country. It also presses the need to study inclusion and exclusion in schools and work at all levels to bring about lasting change on ground. The study also identified the development startles of the last several years makes new social groups believe that the gains of social economic and Political development has not been shared equally for these excluded groups. Therefore those who have been excluded from Social, economic and political developments are now seeking solution to their groups' specific problems. The study also suggests that there should be frequent updating of learning methods to attract children and the Government should take measure in promoting more inclusiveness of school education.

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## Social Change and the Women: A Case Study of the South-Eastern Punjab of Colonial India

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### Abstract

The subject of social change in modern India is a vast and complex and an adequate understanding of it will require the collaboration, for many years, a number of scholars in such sundry fields as economic, socio-cultural history, law, politics, education, religion, demography and sociology. It will have to take account of regional, linguistic differences. My aim, however, is much more limited, only related to region and women of south-eastern Punjab. In this paper, I shall try to assess the social change as a whole and the position of women in late nineteenth century and early twentieth century. Was there any change during this period and lastly, which of the factors responsible for any change and the factors responsible for not much change? Hypothetically, I assume that no concrete steps have been taken in terms of their social status and empowerment from both government and patriarchal system. This assumption would also be tested in the present paper.

**Keywords:** Choudhar, Panchayat, Havelis, Kachcha, Pucca, Ghoongat.

I  
There has been no much literature on women studies on the region under reference. Nevertheless some books are found, which related to colonial times and of contemporary times as well. In addition to, some short studies, in forms of thesis, dissertation, and articles, can be referred in a way of review of literature. In this way, I would love to prefer some famous British administrators who devoted a lot of energy by describing the position and status of the women of the area under reference. M.L.Darling, in his books namely, 'The Punjab Peasant and Prosperity and Debt' (1925), 'Wisdom and Waste in the Punjab Villages' (1934), 'Rusticus Loquitor' (1935) referred about the position of women, their status in society, their education, *pardah* system and some change in colonial period. Another

famous administrator, F.L.Brayne, described the similar aspects, however, main emphasis has been given to education of women but not so much description about the women of South-Eastern Punjab. The secondary sources like K.C. Yadav's 'Modern Haryana', Chattar Singh's 'Social and Economic Change in Haryana' do not provide so much detail about the topic under reference. Short studies like, 'Customs in a Peasant Economy: Women in Colonial Haryana' by Prem Chowdhry provides some information about the women of this area but not so much discussion about the change in early twentieth century. In Daljit's dissertation, 'Social Life and Social Change in the Colonial Punjab', there is a some discussion about the women of the Punjab but some



references were found only as far as concern to the South-East Punjab.

## II

The South-East part of the Punjab province<sup>1</sup> had poor resources than most other parts of Punjab. The region was located away from the perennial rivers of Punjab and the river *Jamuna*'s course was along the eastern boundary of the State. The non-perennial river *Ghaggar*, which passed through the Northern parts of this area, caused considerable yearly damage to agricultural. Small rivulets, mostly dry except during the monsoon, caused more damage. Rainfall was low and erratic and in the peak period, July to September, there were often early local and widespread floods. The soil was sandy and light in texture. Irrigation through wells was extremely limited. In most parts, there was a paucity of sub-soil water; the level of which water was considered to be roughly about 25 feet.<sup>2</sup> In many case water was brackish. The main aim of discussion is that the economic condition also affected the social

change. In South-Eastern region, the control of women's behaviour through certain customs has been central to the affirmation of the solidarity of the dominant Jat peasant group. Such customs and traditions emerged from the growth and demands of a patriarchy and interacting with.<sup>3</sup>

Before discussing the social change in whole of the region under reference, we take a look on the definition of social change. It has many interpretations. It may be defined, as the process in which there is discernible alteration in the structure and functioning of a particular social system. It asserts that there is some difference through time in social behaviour, social structure and social values.<sup>4</sup> Social change, therefore, would mean observable differences in any social phenomena over only period of time.<sup>5</sup> James defines social change as a term used to describe variations in, or modifications of any aspect of

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<sup>1</sup>This is called Haryana in modern times, which was separated on 1<sup>st</sup> Nov. 1966 from Punjab. Karnal District Hand book, 1961, p. 18.

<sup>2</sup>*India Office Records: P/7841/1908*, p.22 also see *Report of the Deputy Commissioner of Rohtak District*, 22 Sep. 1906 cited in Prem Chowdhry (1986) "Advantages of Backwardness: Colonial Policy and Agriculture in Haryana", *IESHR*, New Delhi, Vol. XXXIII, No. 3, New Delhi: Sage, pp. 263-88. M.N. Srinivas (2003) *Social Change in Modern India*, New Delhi: Orient Longman, p.1. (Reprint, Originally published in 1966).

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<sup>3</sup> Prem Chowdhry (1989) " Customs in a Peasant Economy: Women in Colonial Haryana", in Kumkum Sangari and Sudesh Vaid(ed.), *Recasting Women*, New Delhi: Kali for Women, pp.142.

<sup>4</sup>For more details on social change, see, P.S. Cohen (1969), *Modern Social Theory*, London,; M.N. Srinivas (1966), *Social Change in Modern India*, Bombay, B. Kuppaswami (1960), *Some Aspects of Social Change*, New York, and S.C. Dube, *Social Change in India*, Bombay.

<sup>5</sup>*Encyclopaedia of Social Change*, (ed.) by Laxmi Devi, New Delhi: Annel Publication, 1996, pp. 1-2 and see also, *Encyclopaedic Dictionary of Sociology*, New Delhi: Penguin Books, 1984, pp. 193-94.



social process, social patterns, social interaction or social organization. Merrill and Eldredge state that 'social change means that large number of persons are engaging in activities that differ from those which they or their immediate fore-fathers engaged in some time before', Davis says that social change meant only such alterations as occur in social organization, that is, structure and functions.<sup>6</sup>

### III

Hard work was a general feature of women of South-Eastern parts of the Punjab province. The women devoted her energy at home and in the field as well. A woman did all a man do except plough, sow, and thresh. However, since the war,<sup>7</sup> it was noticed women were gradually given less work. Some work of manure was given to the sweepers, and the *Panchayat* forbade the cutting of the thorn bushes for fuel and for hedges, to women. That was a matter of 'izzat' (choudhar); it was not well that a woman should go out into the 'Jangle' alone.<sup>8</sup> Hard work was a characteristic of the women in whole rural Punjab, yet relatively speaking, due to harsh geo-economic conditions of South-East Punjab, the women worked harder than

elsewhere in the Punjab province. The women of the South-Eastern districts such as Hissar, Rohtak and Gurgaon took a greater share of agriculture work than the women of the central districts. They were believed to work even better than their husbands in some areas.<sup>9</sup> The standard of living of the women was different in the regions. The women in canal colonies and the Central Punjab lived better lives than in Southern Punjab, where they continued to work harder than the men folk.<sup>10</sup> In a subsistence level economy, women were considered as an economic asset. Recognizing, W.E. Purser and H.C. Fanshawe commented in their Report in 1880:

Enquiry from people themselves, in almost every village of the district has shown that as long as a family has its proper complement of workers, male and female, it is well to do .....where there is no women in the family, the house is certainly to fall into difficulties. Another graphic description of women's work showed: the women's work as hard as the men if not harder. The heavy tasks of bringing in wood and fuel and water fall on them; they have to cook the food, and carry it daily to the fields; they have to watch the crops; to them the peeling of the sugarcane and picking of the cotton belongs; and when there is nothing to do, they must always fill up the time with the spinning wheel.<sup>11</sup> Malcolm Darling

<sup>6</sup>For details, Mahender Singh(2015), *Agrarian Society in Transition: A Case Study of Colonial South-Eastern Punjab*, Writer's Choice, New Dehi,. Chapter 6 and also see, Mahender Singh, *Agriculture and Agrarian Life in the South-East Punjab, 1858-1947*, Unpublished Ph.D Thesis, P.U., Chandigarh, 2007.

<sup>7</sup>After the First World War.

<sup>8</sup> Malcolm Darling (1934), *Wisdom and Waste in the Punjab Villages*, Delhi: OUP, pp.144.

<sup>9</sup>*Census of India, Punjab and Delhi, 1931, Vol. VII, Part 1, Report, 1932, p.27.*

<sup>10</sup>*Census of India, 1931, Vol. XVII; Punjab, Part 1, and II, Lahore, 1933, 217.*

<sup>11</sup>W.E. Purser and H.C. Franswe, *Report on the Revised Land Revenue Settlement: Rohtak District, 1873-1879* (1880), Lahore: W.Ball Printer, p.65; *DG Rohtak District, 1910*, p.10; Quoted in Prem



remarked by the women of Hissar there was no *purdah* and the veil (*Ghunghat*) is used only when an elder or man of importance was present.<sup>12</sup>

The colonial state was also concerned to the empowerment and transformation of the women of south-eastern Punjab. For example, the Hartog Report said, "In every scheme of extension should be given to girls' educations, and let us now hope that the unique and costly experiment of trying to uplift and civilize a nation without educating the women is at last to be abandoned."<sup>13</sup> The colonial administrators also considered women as the hand that rocks the cradle, and also stated, "A very big effort is being made to improve every aspect and outlook of village life and to give every villager, from the cradle to the grave, a better chance. Practically the whole of our efforts, however, are directed to one half only of the population of each village, as very little that we do at present have more important half of the population! It has been estimated in a European country of small holders such as the Punjab in India—that seventy percent of village life depends on the women. The man is busy with his farm, but upon the woman depends whatever value is got out of the crops and money he

brings home for the family.<sup>14</sup> Upon the housewife's knowledge, thrift and skill depends the feeding clothing, health, comfort and happiness of the home and greatest of all upon her capacity for bringing up and training her children depends the whole future of the state and yet we continue to neglect her."<sup>15</sup> The heartbreaking disappointments that the British administrator experienced in village work were all due to this fundamental error of thinking that the interest and attention of the women was unnecessary for the organizing of a social and economic revolution for the 'uplift' movement was nothing less! In village life, the women were as much concerned as the men, if not more so.<sup>16</sup>

In these conditions, there were many possible sources of opposition to higher education for girls. There was a rather general complaint that the higher education then given to girls spoiled them for the drudgery of home life, and they refused to help in the house when they returned from school and college.<sup>17</sup> If any lucky girl, who got a higher education, instead of being pioneers of women's welfare work and spreading the demand for girls' education, has to prove that the educated girls could be a better wife and home maker. It was also alleged that they were backed up in this by

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Chowdhry (2004), *The Veiled Women*, New Delhi: OUP, pp.57-58. (Reprinted, originally published in 1994).

<sup>12</sup> Malcolm Darling, *Wisdom and Waste*, p.131.

<sup>13</sup> See for detail, *The Hartog Report*.

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<sup>14</sup> F.L. Brayne (1937), *Better Villages*, New Delhi: OUP, p. 120.

<sup>15</sup> Even the parents often neglect their girl babies.

<sup>16</sup> F.L. Brayne, *Better Villages*, p. 121.

<sup>17</sup> *Ibid.*, pp. 124-25.



their mothers who did not encourage them to escape the drudgery which fell to their own lot.<sup>18</sup>

There was yet another possible source of opposition to higher education for girls. It was feared that it will mean more competition still for the few available jobs for the men. In addition to the British administrators stated that the education of village girls is a great problem. No country in the world can afford two schools in each village, to say nothing of the difficulties of inspection and staff, and yet the villagers are loath to send the little girls to school with their brothers. Village parents would send their girls quickly enough to a mixed school if the teachers were female and female teachers were a few. And there was no custom yet for women to teach boys in an open school.<sup>19</sup>

Now, we will take a look on women's work, which they had to perform at home. We can quote the important conversation between the famous administrator Malcolm Darling and the retired Captain of Army of Rohtak district, when he said cautiously; 'it is well known that your women work harder than any other women in the Punjab, perhaps

harder than any the world' 'Yes, they work very hard, said Captain. Those who do not live in Rohtak say you work your women like slaves, and that they have no time to look after their children.' 'No, not like slaves,' said the captain deprecatingly, but it is true there is no one to look after the children except the old men, and all they do is to pat and pet them they cry'. He further "Does a woman do all a man does? 'Yes a woman does all a man does except plough sow and thresh for these there is no custom and she becomes very strong. Those who have much care taken of them cannot reach the standard of our women.<sup>20</sup> When Malcolm Darling asked the Captain, when his wife got up? 'She rises at four and grinds for one or two hours. When we are all at home, she does ten seers a day, which takes about two hours, and if she has no grinding to do, she says: 'I have had no exercise to-day: I cannot digest." After the grinding she heats the water for the bath, milks the buffaloes, cleans that house the sweepers do they byre and prepares the morning meal. And at different times during the day she spins, draws the water from the well and brings it in on her head, one pot set upon another'. If women's Husband is away, she employs a servant to do it for her'. When does she go to bed? 'At ten. Six hours' sleep is enough for her.<sup>21</sup>

To start with marriage, general, but not universal custom prescribed that girls should be married in childhood, and that marriage shall be consummated

<sup>18</sup> *Ibid.*

<sup>19</sup> *Ibid.*, pp. 125-28. In spite of Government's repeated worry about the education, we find no better position and it is a matter for deep regret that not 2 per cent of the females of the Punjab province (5 years and over) were literate. Even in 1933 the number of girls at school was hardly more than 2 per cent of the female population as against 8 percent for boys. See for detail, Census Report of Punjab, 1931.

<sup>20</sup> *Ibid.*, pp. 72-73.

<sup>21</sup> *Ibid.*





when nature makes this possible or not long after. For centuries Brahmins have declared that if a girl were not married before puberty, 'The most terrible punishment would fall upon all concerned,'<sup>22</sup> and so deeply ingrained was that idea that in 1928, Malcolm Darling was informed that in the eyes of most an unmarried daughter of 16 indicated some defect in the brain of the parents or their financial position.<sup>23</sup> The result of this attitude was the existence in India to-day of about 12000000 wives and 300000 widows under the age of 15<sup>24</sup> on any first four, in one high school, I met a Hindu boy of 13 who was living with a wife only 12 year old, and a Sikh boy of 16 who had already lost both wife and child, and in another, I found that out of 198 out of 198 boys in the four upper classes 66 were married and 26 had started living with their wives. On any last tour the first woman interviewed, a Hindu jatni, was married at the age of 4 and her husband was only 9, on age at which she had recently married her eldest daughter. The second woman, also a Hindu Jatni, was married so young that she could not remember coming to her husband's home. A Muslim woman met later on the

boarders of Punjab said the same. The two woman interviewed in a Muslim village fared a little better one, a Muslim was married at 11, and so was her daughter, the other Sikh jatni, was married at 12.... So this kind of situation of women existed during the colonial role.

#### IV

The South-Eastern region underwent some degree of social change over time. The term social change has many interpretations. It may be defined, as the process in which there is discernible alteration in the structure and functioning of a particular social system. It asserts that there is some difference through time in social behaviour, social structure and social-cultural values. Social change, therefore, would mean observable differences in any social phenomena over only period of time.<sup>25</sup> James defines 'social change as a term used to describe variations in, or modifications of, any aspect of social processes, social patterns, social interaction or social organization. Merrill and Eldredge state that 'social change means that large numbers of persons are engaging in activities that differ from those which they or their immediate forefathers engaged in some time before.' Davis says that social change meant only such alterations as occur in social organization, that is, structure and functions of society.

<sup>22</sup> Farida Hanswirth, *Purdah* (1932), p. 53 Quoted by Malcolm Darling, *Wisdom and Waste in the Punjab Villages*.

<sup>23</sup> Malcolm Darling (1934), *Rusticus Loquitor*, London: Oxford, , p.40, (cited hereafter, Rusticus Loquitor).

<sup>24</sup> K.C. Yadav (2002), *The Little Republics, Social Economic Life and Change in Haryana Villages*, Gurgaon: Hope India Publication, p. 100.

<sup>25</sup> *Encyclopaedia of Social Change*, Vol. edited by Laxmi Devi, New Delhi: Annel Publication, 1996, pp.1-2; and see also, *Encyclopaedic Dictionary of Sociology*, Vol. IV, edited by B.B. Sharma, New Delhi: Annal, 1992, pp.874-76; and *The Penguin Dictionary of Sociology*, New Delhi: Penguin Books, 1984, pp.193-94.





As a result of these various factors a cumulative process of change started to become visible by the 1930s and 1940s. This change was physical, as seen in the construction of houses and material goods, and also ideological in thinking, attitudes and customs. Villages now expanded in size and land use pattern within them altered. Many instances were noticed when zamindars encroached the *shamlat* land. The manure plants were no longer in the middle of the village but on the *shamlat* (common land) just outside it. As there was not enough common land their manure across the *nullah* (there was a broad ditch poyarids away).<sup>26</sup> Previously most of the houses in the villages were constructed with mud,<sup>27</sup> but by the mid twentieth century being those was replaced by 'pucca' houses made of small bricks.

Malcolm Darling also remarked that near Ladwa, we noticed in a Jat village a pucca house, which was evidently new.<sup>28</sup> The landlords and banyas lived in larger home. Banyas lived in 'Havelis'. The homes of the menial castes were still of mud but some peoples of those castes had also the 'puccas' houses.<sup>29</sup> The one thing, which we have to remember about the pucca houses that these houses were, which were different from the bricks, we used in the present day.<sup>30</sup> The pucca and even kachcha houses had pucca paving and drains.<sup>31</sup> The things which were the

indication of improvement in the homes as air, cleanliness, tidiness in the home; chimneys for the home smoke; tasteful pictures and simple and homemade decoration; flowers in the courtyard; clean, well kept, orderly; healthy, happy children (but not loaded with trinkets); regular well cooked meals and an orderly home regime.<sup>32</sup> The walls of the houses were well plastered-the re plastering having been done every year after the spring harvest- by most people except to the Rajputs. The houses were very clean except where the cattle lived.<sup>33</sup> Furniture also changed within the houses. The previously used, charpais (bedsteads), 'morahs', 'peerahs (small stool) and tats were replaced by chairs, tables, benches, stools initially by the retired Army Officers and government employees and later by other people. Cooking vessels and other utensils were replaced with crockery and glass vessels. These new western items may not have been common but familiar to rural society.

There was some change in the dress of the mid twentieth century. The most significant change was from homespun to machine-made cloth.<sup>34</sup> Men wore a homespun cotton sheet (chaddar), and dhoti, (white sheet) but wore mill made shirt below; and all had mill-made

<sup>26</sup> M. L. Darling, *Rusticus Loquitor*, p.69.

<sup>27</sup> *Ibid.*, 4.

<sup>28</sup> M. L Darling, *Rusticus Loquitor*.

<sup>29</sup> *Interviewed with Jahangir*, Village, Jani, District Karnal, Age, 71 on 25.1.2005.

<sup>30</sup> *Interviewed with Kishan Chand*, Village Khalila, District Panipat, age 76, on 7.8.2004.

<sup>31</sup> F. L. Brayne, *Better Villages*, pp.16, 33.

<sup>32</sup> F. L. Brayne, *Better Villages*, pp. 21-22.

<sup>33</sup> M. L. Darling, *Rusticus Loquitor*, 99-101.

<sup>34</sup> As long ago as 1887 the Settlements Officer wrote that the mass of the agricultural population ----do no spend much on food, but the expenditure on clothing has risen greatly. Because the people have largely given up their coarse homespun for inferior English Cloths'. *Assessment Report of Jagadhri Tahsil of Ambala District, 1887*, p. 40: the Jagadhri Tahsil merged with that of Naraingarh.



puggarees. In addition to, they began to use socks, mufflers, caps, pants and hats. The women's dress was not away from the wind of change. The woman wore very little homespun (khaddar), preferring the more delicate machine made tissues; but they still spun the yarn for other household uses and wove for their own household use.<sup>35</sup> British manufactured goods like high heel sandal, toys, shoes, cup plate were demanded.

The changes in food was also noticed in 1930s and 40s. Not much wheat was eaten daily but the guests were served this superior cereal.<sup>36</sup> In summer the staple crops were barley and gram, and in winter bajra<sup>37</sup> and jawar.<sup>38</sup> It was significant to notice that peoples ate missi roti (mixture of barley and millet).<sup>39</sup> There seems to be some improvement in rising of the standard of living that in 1933 one of the Zaildars had started growing carrots for home consumption. In addition to potatoes, tomatoes, lady finger, brinjal also started to be cultivated. *Chatni* (sauce) and *achar* (pickles) were also used in a great deal. Two further changes may be noted: Tea was introduced as new item in the local menu, and was drunk by Hindus and Sikhs, while serving during the war. *Huqqa* was replaced by *biri* and cigarette (smoking items).<sup>40</sup>

Life style was also changed due to education and now replacing particularly the service in the administration and army. A degree of varieties in general behaviour and discipline became noticed by the mid twentieth century. The people seemed to be 'civilized' as 'tu' was replaced by 'aap' and 'ji' began to use in general behaviour. The English words found their way in local wording as plate, table, school, college, good morning, good man, car, bus, jeep, trolley, tractor, commission, minister, tobacco, snuff, petition, promotion, officer, rank, selection and member.<sup>41</sup>

In order to measure the rigidity-flexibility dimensions of the caste system prevailing in the rural society, it can be said that, in a majority of rural South-East Punjab the social distance between high and low castes had to some extent been narrowed in 1940s, but untouchability still prevailed in the society. Where the Arya Samaj had been at work, it was going out with the new generation, and men were becoming more slightly more broadminded on this subject.<sup>42</sup> The traditional pattern was however, common. 'We must not enter the Zamindar's house: we wait outside and call; if not one comes, we come back when someone is there. If the Jat happened to touch the chamar then Jat washed his clothes and bathe. This was not only Karnal but also in Rohtak.'<sup>43</sup>

<sup>35</sup> M. L. Darling, *Rusticus Loquitor*, pp.70-71.

<sup>36</sup> Interviewed with Jahangir, Village Jani, Karnal, on 25.1.2005.

<sup>37</sup> Spiked Millet (*Holcus spicatus*).

<sup>38</sup> Great Millet (*Holcus Sorghum*).

<sup>39</sup> Interviewed with Deshraj, Village Khalila, District Panipat, Age, 80, on 7.8.2005.

<sup>40</sup> M. L. Darling, *Rusticus Loquitor*, p.136.

<sup>41</sup> K. C. Yadav, *Haryana: Itihas Evam Culture*, pp.329-30.

<sup>42</sup> Similar views are taken from Dharamvir Arya, Arya Samaji and ex Senator, whom continuously discussion by me on the role and relevance of Arya Samajh at Chandigarh.

<sup>43</sup> M. L. Darling, *Rusticus Loquitor*, pp.62, 94-95.



The menial's position was not too bad and was rapidly improving.<sup>44</sup> The tanner, the carpenter, and the blacksmith had all greatly improved their position: the sweeper too could earn more, but he was an extravagant fellow and spent all he got. The barber and the carpenter might now be found amongst the money-lenders. The dhobi or washer man was doing as well as anyone, for far more washing was done-probably twice as much as before.<sup>45</sup>

The landlord's condition was more of less improved from the nineteenth century, but the enquiries (1930) suggested that in the last ten year there had been no marked change for the better. There were the land lords who were both good and bad. The reason for this was that the ordinary word for 'good' in Hindi-achcha-had no moral significance, but only material, the condition of a village moneylenders was also decreasing. 'These are not days,' he grumbled. The old days were better.<sup>46</sup> Especially was it so with the Rajputs, the Sainis were honourable me (sharif)-this was a complement of their surroundings-and paid back something. 'It is very difficult now days to get anything back from the Zamindars'.<sup>47</sup> As a result of the

overall factors of the colonial milieu a cumulative process of change started to become visible by the 1930s and 1940s. These changes were both physical as well as ideological. Physical change was as seen in the construction of houses and material goods available such as kitchen equipment and furniture. The kucha houses began to be replaced by pucaa houses in some places. The new western items like cups, plates, tables, chairs, high heeled sandals may not have been common but were now familiar to rural society. The most significant change was from home spun to machine made cloth. British manufactured goods were in demand.

Several changes in attitudes, thinking and customs became visible in food, dress and social behaviour. New food items started to be used for example, vegetable and tea. There was some change in apparel for men with the adoption of trousers, hats, shirts and a hosiery items like gloves, socks and mufflers. In the social sphere, English words found their way in every day parlance. Mobility and social space, especially for girls, increased to some extent. The traditional lower groups also became mobile and track to new occupations. The distinction of caste saw, however, a minimal degree of change. Social customs also reflected subtle changes with the passage of time and the impact of colonial rule.

## V

In spite of these rigid and customary situation prevailed in the patriarchal society, we find some kind of social change in the first half of the twentieth century. Now the women began to wear the homespun (Khaddar).<sup>48</sup> Also professing the more

<sup>44</sup> F. L. Brayne, *Batter Villages*, 1937, 26.

<sup>45</sup> M. L. Darling, *Rusticus Loquitor*, pp. 65.

<sup>46</sup> There was a popular saying about the village money-lenders in this respect. 'Tuta Baniya jab janiye jab Kahe purani bat. (You may know a Banya has come to a grief when he talks of old times.) *Final Report of the Revision of Settlement of the Sirsa District, in the Punjab, 1879-83*, Calcutta: Calcutta Central Press, 1884, XXII.

<sup>47</sup> M. L. Darling, *Rusticus Loquitor*, pp. 65-95.

<sup>48</sup> This was very famous in women and men as well, and Gandhiji's idea was



delicate machine made tissues; but they still spun the yarn for other house uses and wove for their own house hold use. British manufactured goods like high heel sandal, toys, shoes, cup plate were demanded as the proverb says 'when a woman demands'.<sup>49</sup> "Onchi Edhi Boot Vilayati Paharan Khatir Lyade" (Give me high heel sandal from England).

The women were beginning to talk about demerits of the purdah system. It was not quite so strict with Hindus, who allowed their women folk to visit each other. When asked, why Hindus kept pardah they replied that it was due to their ancestor (buzurgon bi baat). The Muhammad women had rigidity about purdah because they believed it was bound with Koran.<sup>50</sup>

Few families had given up spinning, but most were working their wheels harder than before. In more prosperous times the clothes requires for the bride and mother in law and obtained from the Bazaar, but many now cannot afford to get anything in this way. Cotton, too, was cheaper than it had been for years, and women were taking

so prominent. This was a famous saying in 1930s and 40s that 'Jisne kata na sut, uska Marega put (Spin the khaddar otherwise you son will die). Interviewed with Janki Devi, Age 85, H.No. 929, Sec. 10, Panchkula on 10<sup>th</sup> Jan. 2007.

<sup>49</sup> M.L. Darling, *Rusticus Loquitor*, pp. 70-71.

<sup>50</sup> For details see, Mahender Singh, *Agriculture and Agrarian life in the South-East Punjab, 1858-1947*, unpublished Ph.D Thesis, PU., Chandigarh, 2007, pp. 248-49.

advantage of this and of their holiday from filed work to spin yard for their daughter's trousseaus'.<sup>51</sup>

Now, the mentality of men, somehow, changed also as far as concern to the burden of women's work. The men began to try to change this, and observed 'yet' if in a house there are only man and wife, she must help him in everything, or the work will not be done'. Out of doors, all that the wife of a Sikh Jat does was to take her husband his morning meal in the fields, pick the cotton bring in and chop up the fodder, and the make the dung-cakes. The latter were less used than before and need not, he thought, be used at all for the milk could be kept warm with a wood fire. The mobility and sphere of women somewhat enlarged. It was due to education system because the girls had to step out from their village for education to nearby villages. They were learning a lot from education through which society could change and it impacted the women to a marginal degree.

*Pardah* was followed consistently but one change we can see that the people began to talk about the demerits of this system. When one Rajput admitted that it was so difficult for women in *pardah* to be healthy. As one of the Rajputs said: We are five brothers and five workers in the fields; but if were no *purdah*, we should be ten workers and there would be someone to bring us our *roti*. Now we have to return to our houses to eat, and we must even

<sup>51</sup> Malcolm Darling, *Wisdom and Waste in the Punjab Villages*, P. 170.



carry on our heads the wood for the fire.<sup>52</sup>

The women in the two villages (Thanesar Tahsils) did not work in the fields beyond picking the cotton and taking the men their rote. They did not even draw water if there was a water carrier to do it for them, nor do they chop the fodder, but they made dung cakes and sweep out their houses. This was in strange contrast to the Jat women of Rohtak, who worked harder than any other women in the Punjab. It was probably due to the fact that this tahsil (Thanesar) marched with Ambala and was under the influence of the *pardah nashin* Rajputs<sup>53</sup>, just as the Karnal Tahsil is affected by its proximity to Rohtak. A zaildar of the Karnal tahsil told me to-day that in his circle the women did more field work than sound here, and this was because marriage had brought amongst the women from the direction of Rohtak who had a higher standard of work.<sup>54</sup>

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<sup>52</sup> Malcolm Darling, Rusticus Loquitor, PP. 64-65.

<sup>53</sup> To make matters worse, the *Rajputs* regarded his *izzat* (honour) forbade him to take any help from his wife. In Indian village life, *pardah* was the hallmark of the 'lady', and in *pardah*, therefore, the Rajput's wife remained. She could do nothing outside the house, and very little within. She could not even draw water from the well and being a 'lady', must have help her in all domestic tasks. This was example of feudal mind set in the concern caste. For detail, see, Malcolm Darling (1928), *Punjab Peasant in Prosperity and Debt*, Delhi: OUP,

<sup>54</sup> *Ibid.*, p.98.

In addition to, some kind of change can be seen in education which could be main factors for social change. As far as concern to the education of women in this sub-region, the scenario was very much depressive in the late nineteenth century, however, some kind of improvement can be seen in the early twentieth century. This could be possible when the British Government and their administrators began to take interest in this social evil. The British administrator, like F.L. Brayne, an enlightened deputy commissioner of Gurgaon, once said, "If a boy is educated, only one person is educated; but if a girl is educated, a whole family is educated".<sup>55</sup> Consequently, there were only 465 female students in 1860, which increased to almost double to 968 in 1900,<sup>56</sup> and Ambala, Gurgaon district enjoyed a better position.<sup>57</sup> In 1951, the situation was more improved and the strength of girls students reached up to 50 thousand, but not so satisfactory.<sup>58</sup>

The main factors of social change in the modern times can be identified as western education, growth of modern

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<sup>55</sup> F.L. Brayne (1927), *Village Upliftment in India*, Allahbad, p.3.

<sup>56</sup> As compare to, the School decreased from 33 to 29 during this time.

<sup>57</sup> The figures have been taken from the Administration Reports, Education Reports and Census Reports of Punjab for the concerned years.

<sup>58</sup> Excluding primary students; see for detail, K.C. Yadav (2002), *Modern Haryana*, New Delhi: Manohar, p.258.



technology, industrialization, urbanisation and rise of political consciousness. In the South-East Punjab, three factors are seen to be more operative education, socio-religious activity, and print medium, which were responsible for social change. The colonial milieu which introduced a new administration and economic framework also contributed to this change.

#### **VI. Conclusion**

To conclude, the social change of the women during colonial period saw a slight change. As far as concern to the change as a whole, we find some changes in men's behaviour, life style, education. So far as concern to the social changes of women, it could be in a better position if some factors would not have been existed namely; patriarchal notions, drudgery homework, no encouragement from the parents side, competition in the men's job, early marriage, *purdah* system, lacking in implementation of government policy (relating to education), separate schools for girls, lacking of women teachers, were among the factors, by which the social change could not be in a good shape.





## Development of Shredder for Making FYM in to Available form of Manure

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### ABSTRACT

Present study was carried out to study the physical properties of FYM and its disintegration due to the developed shredder operation. The physical properties found in FYM like moisture content, bulk density, angle of repose and coefficient of friction and sieve analysis of FYM at different depth of manure pit were 61 % db, 20 % wb, 0.650 g cm<sup>-3</sup>, 71.03° and 34° respectively. The initial bulk density form before the operation 0.650 kg/m<sup>3</sup> and clod size is major at 70 % at 50 mm screen opening after shredder operation the bulk density decreases 0.250 kg cm<sup>-3</sup> and 40 % of FYM retained less than 10 mm sieves at the shredder speed is 255 RPM. The developed shredder was successful in reducing 70 % aggregation size from >50 mm to < 10 mm which is desirable form of FYM application.

### Introduction

In India precision farming includes precise nutrient management. Organic food generation in country twice to 3.8 million tonnes in 2010-2011 (Anonymous, 2011). The organic area in India is 2.5 million hectares (Bhattacharya and Chakraborty, 2005). The organic farming is gaining the improve in which chemicals, synthetic fertilizer, and growth regulators (Anon, 1980). The various concepts to ensure soil health like revaluation, manuring, application of compost mulching etc. organic farming significant job to improving the physical properties, expanding soil aggregation, water holding capacity, hydraulic conductivity etc. (Singh and Thomas, 2010). As agriculture is facing the issues of loss of fertility, soil degradation and soil health, the consumption of FYM as organic materials is the best mode to recover it. It increments improves ment of soils

physical properties like soil structure, bulk density, infiltration, porosity and water hold capacity and natural activity. It also provides a source for immediate supply of nutrients and slow releases of nutrients as well. It also lower the pH of soil and reduces the water and wind erosion.

In India production and accessibility of FYM is about 2850.503 lakh tonnes which be extra as compare to other manure production (NCOF, 2012). The FYM consists almost all the essential nutrients required for soil, help them maintain C: N proportion in the soil, increases the fertility and soil's physical and biological characteristics. Nutrient contents of FYM are 0.5% of Nitrogen, 0.2% of Phosphorus, 0.5% of Potash and Moderate Micronutrients (Reddy Y.T 2010). The charengae faced during spreading of manure differs from that of other fertilizer not only with respect to the rate to be applied per hectare, but also in respect non-uniform in size and





major portion of large lumps. In general aspiration for any field getting manure should be how many tons of manure should be applied to a known area and to apply the manure as uniformly as possible. It is the eco-friendly bio-fertilizer for the highly polluted modern era. Today's farmer needs machinery which can spread the manure effectively with least cost with consumes low power. Hence this paper aims in studying the effect of shredding in disintegrating lumps in to amiable size

### MATERIAL AND METHODS

The FYM is heterogeneous mixture and its moisture content varies at different depths stored in manure pits. For measuring the physical

characteristics, three depths of manure pits viz., 0-20, 20-40, 40-60 cm collected and were used. The detailed procedure for the measurement of physical properties of dry FYM was described

### Moisture Content

FYM samples of each 10 g were taken in a known weight of container and placed in the hot air oven at 105°C and dried for 24 hours this procedure replicated three times. Dried samples along with containers were weighed and noted down. Moisture contents of samples on wet basis were measured by using the formula.

% Moisture content (wet basis):

$$= \frac{(\text{weight of undried sample}) - (\text{weight of dried sample})}{\text{Weight of undried sample}}$$

**Dry matter content:** The dry matter content (solid matter content) of the manure represents the proportion on a mass basis of the dissolved and suspended materials in the manure. Manure gradually becomes non-Newtonian with increasing total solids content (Lague et al., 2005).

It is expressed using the formula as:

Dry matter (%) = 100 - Moisture content of manure (%)

### Bulk Density

$$\text{Bulk density (kg m}^{-3}\text{)} = \frac{\text{Weight of the sample in cylinder (Kg)}}{\text{Volume of the container (m}^3\text{)}}$$

The bulk density of the manure is expected to have an effect on the spreading distance, clod size distribution and application rate. The bulk density was found out by measuring the volume of given weight of the sample. It was calculated by mass of manure (kg) by volume of cylinder (m<sup>3</sup>). The bulk density of the FYM was determined by using the standard procedure. A core sampler of 9 cm diameter and 12 cm height was taken and driven vertically into the pit by gently hammering the wooden plate placed over it.



**Fig. 1 Apparatus for measuring moisture content and bulk density**

### **Coefficient of Friction**

Coefficient of static friction is measured by using inclined plane method. Coefficient of static friction of FYM is measured for plywood, galvanized iron and tarpaulin sheet. The coefficient of static friction was calculated as the tangent of angle of inclination ( $\alpha$ ) and is given by the following equation."

$$\mu = \tan (\alpha)$$



**Fig. 2 Apparatus for measuring Coefficient of static friction**

### Determination of Particle Size Distribution

Unlike soil sample sieve analyser, a modified soil sieves shaker and a screen set were used to determine the larger particle aggregates size distribution of FYM samples. Collected sample of FYM was weighed and pass through a different set of sieves. Aperture size of sieves was range 50, 40, 30 20 mm and less than 10 mm. The samples were placed on the top screen and shaken for 90 seconds as shown in Fig.1 FYM retained on each screen was weighed on a laboratory scale. The weight of the FYM retained on the each sieve was observed and tabulated. The same procedure was repeated for all the treatments by operating at desired levels.



Fig. 3 Apparatus for measuring the sieve analysis

### Development of shredder for FYM aggregates

The main challenge of application of FYM in the field is spreading from the heap and pulverizing FYM lumps in to small pieces and shredding. These lump size vary from 10 mm, 400 mm is applied as it is (in lump form) this nutrient exchange in to the soil will take even one season. To get benefit out of the FYM applied it is dire essential to make in to the smaller particles and spread in the field (Manishasahu, 2020 and Khaffaf. A. 2008). Hence the shredder unit is

designed to pulverize or make in to smaller particle/slices before application.

### Spreader Unit

Shredding is the process of mechanically breaking down the congregated bulk amount of FYM in to a much smaller particle size. The mechanical aeration allows for better volatilization by reducing the particle size and thus exposing more surface area to the atmosphere. The mechanical shredding unit was designed and consists of beating roller, beating element and

deflector. The beating roller consists of 22 mild steel flanges at four rows with equal spacing around roller apart from four rows, two rows consists of 6 flanges remaining rows with 5 flanges at equal spacing. The beating roller diameter 150 mm with 1800 mm length. Provision was made to fix 22 numbers of elements with 4 inch length on the flange by using bolts and nuts. The entire assembly was mounted on the above the main frame using thrust bearings at height of 300 mm the shredder from the main frame. The shroud fixed with a metal sheet 1800 mm  $\times$  470 mm around the

shredding area power transmission for the shredder unit was connected through gearbox output shaft through belt pulley and optimized. The speed of shredder roller was varied for the better performance of unit.

#### Beating element:

The flexible MS chain was used as beating elements. This chain consists of each link 25 mm length diameter 5mm the length of the chain (2,4 and 6 links) were selected for study and optimized through experiments conducted to final the effects of beating element length on the parameters of the FYM.

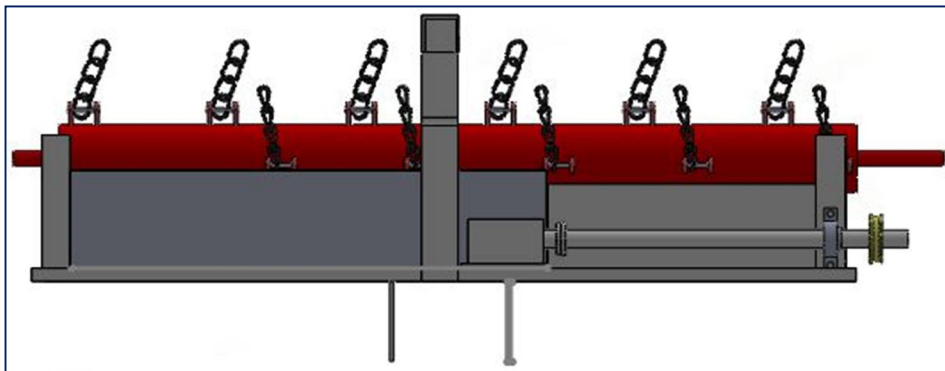


Fig. 4 Beating roller and beating mounted on the main frame CAD view



Fig. 5 Beating roller mounted on the main frame

**Fig. 6 Housing**

The power for the shredder unit was transmitted from the tractor PTO. The drive from the PTO ( $540 \pm 10$  RPM) was transmitted through the gear box to V belt pulley. The speed was further decreases from output shaft of gear box.

## RESULTS AND DISCUSSION

### Physical and Engineering Properties of FYM

The various physical properties of the FYM were measured and the average values are tabulated.

**Table 1. Physical and engineering properties of FYM**

S. No	Physical properties of FYM	
1	Moisture content (%)	40
2	Dry Moisture content (%)	60
3	Initial Bulk density (g cm <sup>-3</sup> )	0.610
4	Angle of repose (degrees)	48.5
5	Coefficient of friction	0.87

### Particle size distribution of FYM

The sieve analysis of the FYM aggregates was measured as discussed in previous section and the average values are obtained. More than 70 % of the material retained over 50 screen opening. That clearly indicates that the FYM aggregates need to be pulverized before application for better ionization and nutrient enhancement.

The developed shredding machine was experimented with selected variables like beating roller speed, (25 mm) beating element length (3 levels). The data was analysed and values were depicted and tabulated.





### Effect of Machine and Operational Parameters on Bulk Density shredder speed at 180 RPM

The mean bulk density obtained for the different treatment combinations at 100 mm discharge gate opening and 2, 4 and 6 (chain links) beating elements are used. It was observed that the bulk density decreased number of chain links. The lowest bulk density of  $0.512 \text{ g cm}^{-3}$  was obtained at 100 mm discharge gate opening and 4 no of chain links.

**Table 2. Mean bulk densities at shredder speed at 180 RPM**

Shredder speed	No. of chain links	R1	R2	R3
180RPM	2 chain links	0.521	0.530	0.536
	4 chain links	0.515	0.512	0.517
	6 chain links	0.516	0.528	0.532

### 4.4.2.2 Effect of Beating rollers and Operational Parameters on Bulk Density shredder speed at 255 RPM

The mean bulk density obtained for the different treatment fixed discharge opening and 2, 4 and 6 (chain links) beating elements are used. It was observed that the bulk density decreased number of chain links and increased shredder speed. The lowest bulk density of  $0.503 \text{ g cm}^{-3}$  was obtained at 100 mm discharge gate opening and 4 no of chain links.

**Table 3. Mean bulk densities at shredder speed at 255 RPM**

Shredder speed	No. of chain links	R <sub>1</sub>	R <sub>2</sub>	R <sub>3</sub>
255 RPM	2 chain links	0.614	0.600	0.549
	4 chain links	0.511	<b>0.503</b>	0.508
	6 chain links	0.568	0.611	0.623

### Optimization of Beating rollers Speed for Minimum Bulk Density

Based on the experimental results, the treatment combinations of fixed discharge opening and 4 no of chain links yielded minimum bulk density presented in Table 4.

**Table 4. Best combination beating roller speed and beating element length for minimum bulk density**

Shredder speed	No of chain links	R1	R2	R3
180 RPM	4 chain links	0.515	0.512	0.517
255 RPM	4 chain links	0.511	0.503	0.508





### Effect of beating rollers and operational parameters on clod size distribution

The influence of the beating rollers and its operational parameters viz., beating roller speed two levels (180 and 255 RPM) and three levels of beating element length (2 links, 4 links and 6 links) through 100 mm manure discharge gate opening were observed. Percentage of different sizes of clods aggregate was analysed and tabulated for different combinations and trends are depicted through graphs.

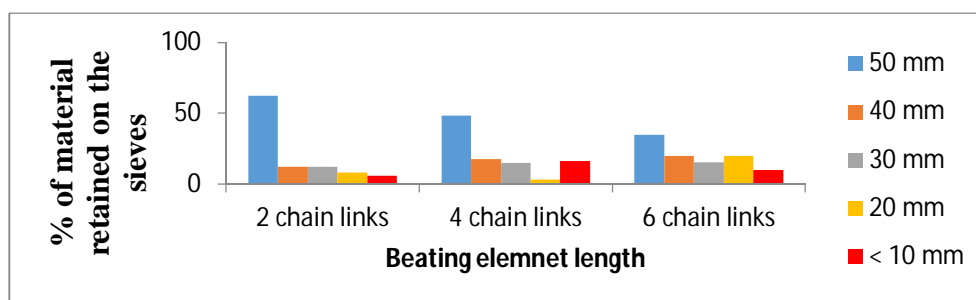
### Effect of Beating rollers and Operational Parameters on Clod Size Distribution beating roller speed at 180 RPM

The percentage of different clod sizes obtained for different treatment

combinations at 75 mm, 100 mm and 150 mm manure discharge gate opening and 2, 4 and 6 beating element length are shown in Table 5 and Fig 8. It was observed that the increase in shredder RPM and number of chain links increased the percentage of minimum clod size distribution ranging from less than 10 mm. It was observed that the highest percentage of 16% of minimum clod size distribution in the range of less than 10 mm was obtained at 100 mm discharge gate opening and 4 link element. Smaller manure particles have more surface area resulting in easy availability of nutrients to the micro organisms (Sherman, 1999 and Rynk, 1992). This is mainly due to the throwing action of the chain links.

**Table 5 Clod size distribution at beating roller speed 180 RPM**

% of FYM Retained on the Sieves shredder speed at 180 RPM			
Screen opening size	2 chain links	4 chain links	6 chain links
50 mm	62.66	48.4	34.66
40 mm	12.16	17.4	20
30 mm	12	14.93	15.33
20 mm	8	3.13	20
< 10 mm	5.66	16	10



**Fig. 8 Clod size distribution at beating roller speed 180 RPM**



### Effect of Beating Rollers Speed of 255 RPM on Clod Size Distribution

The percentage of different clod sizes obtained for different treatment combinations at fixed discharge gate opening and 2, 4 and 6 beating element length are shown in Table 6 and Fig 9. It was observed that the increase shredder RPM and number of chain links, increased the percentage of minimum

clod size distribution ranging from less than 10 mm. It was observed that highest percentage of 57.66 % of minimum clod size distribution in the range of less than 10 mm was obtained 4 link element. Smaller manure particles have more surface area resulting in easily availability of nutrients to the micro organisms (Sherman, 1999 and Rynk, 1992). This is mainly due to throwing action of the chain links.

**Table 6** Clod size distribution at beating roller 255 RPM

% of FYM Retained on the Sieves shredder speed at 255 RPM			
	10 cm opening		
	2 chain links	4 chain links	6 chain links
50 mm	47.66	13.2	8.06
40 mm	13.33	11.73	10.2
30 mm	12.66	18.66	10
20 mm	10	12.13	14.06
< 10 mm	16.33	57.66	43.93

### Optimized Beating Rollers Speed and Beating Element Length Percentage of 0 to 10 mm Clod Size Distribution.

**Table. 7** Best combination for minimum percentage of clod size distribution

Beating roller speed	No of chain links		
	2 chain links	4 chain links	6 chain links
180 RPM	5.66	16	10
255 RPM	16.33	57.66	43.93

From the above table it is evident that the among selected speeds 180 RPM and 255 RPM the maximum percentage of small particles found in 255 RPM. This may be due to the high impact force developed due to peripheral velocity (2 m/sec). it also observed from the data that among the lengths of beating elements 4 links lengths created more

percentage of smaller pieces, where as the 2 links length than 6 link lengths larger lumps are retained.

### CONCLUSIONS

The physical and engineering properties of FYM used for the experiment were measured the moisture



content is 40 %, dry moisture content is 60 %, initial bulk density is  $0.610 \text{ g cm}^{-3}$ , angle of repose is 48.5 degrees, coefficient of friction is 0.87 and sieve analysis is more than 70 % of the material retained over 50 screen opening.

Bulk density decreased with increase in shredder rpm and number of chain links. The lowest bulk density of  $0.503 \text{ g cm}^{-3}$  was obtained at beating roller speed 255 rpm and 4 no of chain links at fixed discharge gate opening. Percentage of minimum clod size distribution increased with increase in beating roller speed at four number of chain links. The highest percentage of 57.66 % minimum clod size distribution ranging From less than 10 mm was obtained at 255 rpm beating roller speed and 4 number of chain links. The clod size distribution obtained at 255 rpm beating roller speed was higher when compared to the clod size distribution obtained at 180 rpm shredder.

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## A comprehensive study on Tax on Royalty Mining

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**Abstract:** The Government provides license to various companies including public sector undertakings for exploration of natural resources like oil, hydrocarbons, iron ore, manganese, etc. For having assigned the right to use the natural resources, the licensee companies are required to pay consideration in the form of annual license fee, lease charge, royalty, etc to the Government. The activity of assignment of rights to use natural resources is treated as supply of service and the licensee is required to pay taxation on the amount of consideration paid in the form of royalty or any other form under reverse charge mechanism.

### Introduction:

The "Tax assessment from Royalty" has regularly been an antagonistic issue including successive adaption under the immediate tax collection system as well as the aberrant tax collection system. Under the GST system, all the key Indirect assessment enactments are subsumed, aside from few expenses, for example, obligation on Electricity, Royalty on the extraction of minerals from mines, and so on the problems with relation to GST for the mining business has consistently been the contesting legitimate moment that comes the ideal opportunity for imposing of the assessment. This disarray accompanies the disrupted GST rates for the infra works, subcontracted works with numerous conditions joined to it.

At the point when we talk about the mining business, the holder of mining lease profits the administrations of the public authority for which the previous need to pay royalty w.r.t. any mineral eliminated or devoured by him or by his representative, chief, worker, contract-based worker or sub-tenant from the rented territory after beginning of mining

exercises, at the rate for the time being indicated in regard of that mineral. Holder of mining lease is obligated to offer royalty in appreciation of mining lease under "Licensing services" for the option to utilize minerals including its investigation and assessment. It is in the idea of periodical payments to be made by the tenant under his pledges regarding the different advantages conceded by the lesser. It is gathered by the State Government from the business substances and is payable dependent on quantum of mineral eliminated/devoured.

As of late, there has been a further erupt on this front with the mines service taking a gander at the mining business' proposition to order royaltys from mines as information cost under the Goods and Services Tax. There is a solid solicitation from the business if this royalty can be incorporated as a type of info cost. Whenever sovereignties are considered as information cost, at that point substances would have the option to guarantee the advantage of info tax break under the backhanded assessment system. Likely the bit of leeway is that these enterprises will get input tax break on it likewise, justification of royalty under one



gathering can make the bookkeeping methodology simpler. In this article, an endeavour is made to comprehend the idea of royalty, to give a knowledge on the lawful structure identified with royalty under mining law, to distinguish the GST suggestions on mining royalty, dependability related therewith and to concoct end and proposal.

For the most part, royalty is the entirety payable for the option to utilize another person's property/resource with the end goal of gain. Throughout the timeframe, elusive property chiefly, royalty has accepted colossal criticalness. Quickly expanding worldwide exchanges in a mechanical progressed climate has made the income and the citizen both careful about the connected assessment surge and throughout the timeframe, has extended the extent of tax collection from "Royalty". Its multi-dimensional character has prompted clashes of feeling between the income and the citizen prompting various suits.

A royalty is a payment that a licensee makes to a licensor in return for the utilization of their authorized resource. Royalty charges are typically concurred as a level of deals created by the authorized resource. In certain conditions, they are set as a fixed cost. Royalties are charged on a continuous premise. The sum that the licensee should pay is plot in royalty arrangement. This understanding likewise indicates how the licensee may utilize the authorized resource, where they can utilize it, and for how long.

The requirement for mindfulness with respect to burden suggestions on pay got from the utilization of theoretical property has fundamentally expanded

after some time. With the advancement of innovation and the quickly developing volume of business exchanges between worldwide undertakings, the duty specialists have gotten more careful about the exchanges identifying with theoretical resources, which conceivably may fall under the expense net. The elusive property especially royalty has accepted gigantic significance throughout the timeframe. Royalty payments cannot attract a service tax liability, nor does it remain the part of VAT any longer. Generally, royalty is paid for the use of technology or know-how. Hence, service tax cannot be attracted. Also that under the GST regime, all the key Indirect tax legislations are subsumed, except for few taxes such as duty on Electricity, Royalty on the extraction of minerals from mines, etc. hence there shall be no scope of Royalty charges in any previously enacted indirect tax (Service Tax or VAT) but in GST.

### Types of Royalties

The use of royalties is common in situations where an inventor or original owner chooses to sell his product to a third party, in exchange for royalties from the future revenues the product may generate. For example, computer manufacturers pay Microsoft Corporation royalties for the right to use its Windows operating system in the computers they manufacture.

However there exists other type of royalties as well that may include in it, royalty for construction work, royalty payment for non-renewable resource royalties, patent royalties, trademark royalties, franchises, copyrighted materials, book publishing royalties, music royalties, and art royalties. Well-



known fashion designers can charge royalties for the use of their names and designs, by other companies.

Thus following are the types of Royalty

**Construction Royalty:** The construction industry is full of fresh inventions and intellectual property. It is an industry of constant improvement and innovation. New products, materials, systems and technologies are always being developed to help builders work faster, more efficiently and with greater accuracy, while ensuring the buildings they work on are safer, stronger and of a higher quality. This royalty becomes payable on new technology, product, system, material or design, perhaps incorporating intellectual property assets like patents, know-how and trademarks. For eg. A designer licenses their trademarked designs for a stone cladding and curtain wall system so that other organizations can benefit from the system, in exchange for royalty payments.

**Copyright:** Copyright provides a legal right to the author (of his book/s), the photographer (on his photographs), or any such kind of intellectual works. Copyright royalty is payable by the publisher (lessee) of a book to the author (lessor) of that book or to the photographer, based on the sale made by the publisher.

**Patent Royalty:** Patent royalty is paid by the lessee to lessor on the basis of output or production of the respective goods.

**Mining Royalty:** Lessee of a mine or quarry pays royalty to lessor of the mine or quarry, which is generally based on the output basis.

However the scope of this project is limited to the Mining Royalty under

Indirect taxes and the authors shall discuss about the implications of such mining royalty under GST regime.

### **Mining Royalty**

Mining Royalty is paid by the holder of mining lease in common parlance is sometimes termed as seigniorage charges (royalty). Besides paying royalty the holder of mining lease have to pay royalty to the DMF (District Mineral Foundation)<sup>59</sup> and NMET (National Mineral Exploration Trust)<sup>60</sup>. The royalty paid holder of mining lease in respect of mining lease is classifiable under sub heading 997337; 'Licensing services for the right to use minerals including its exploration and evaluation' are covered under entry no. 17 of Notification No. 11/2017 (Rate), dated 28.06.2017, attracting GST at the same rate as applicable for the supply of like goods involving transfer of title in goods, under reverse charge basis.

The Government provides license to various companies including public sector undertakings for exploration of natural resources like oil, hydrocarbons, iron ore, manganese, etc. For having assigned the right to use the natural resources, the licensee companies are required to pay consideration in the form of annual license fee, lease charge, royalty, etc to the Government. The activity of assignment of rights to use natural resources is treated as supply of service and the licensee is required to pay taxation on the amount of consideration paid in the form of royalty or any other form under reverse charge mechanism.

<sup>59</sup> Section 9B, MMDR Act, 1957.

<sup>60</sup> Section 9C, MMDR Act, 1957.





The term 'Royalty' is not defined in MMDR Act, However, the meaning of the word royalty has been considered in some judicial decisions. Many of these judicial decisions have been summed up in the judgment delivered by the Supreme Court in the case of the *India Cement Ltd., etc. v. State of Tamil Nadu*.<sup>61</sup> The case was primarily on the legality of the cess on royalty. However, the meaning and concept of royalty has also been discussed in the judgment in an incidental manner. Although royalty has not been explicitly defined, the Supreme Court held that royalty is separate and distinct from land revenue and that it is not related to land as a unit. On the other hand, royalty is payable on the proportion of the minerals extracted and it has relationship to mining as also to the mineral won from the mine under a contract by which royalty is payable on the quantity of the mineral extracted.

They also cited the recent decision by Haryana Authority for Advance Ruling in the case of *M/s. Pioneer partners*,<sup>62</sup> wherein it was held that Royalty paid towards mining rights of stone boulders is taxable at 5% under reverse charge as under *"the services for the right to use minerals including its exploration and evaluation, as per sr. No. 257 of the annexure appended to Notification no. 11/2017- CT (Rate), dated 28.06.2017 is included in group 99733 under heading 9973. Hence, it attracts the same rate of tax as on supply of like goods involving transfer of title in goods as per Notification no. 1/2017, – CT (Rate), dated 28.06.2017 under the CGST Act, 2017 and the corresponding State Tax*

*notification under HGST Act, 2017 Schedule-I the stone boulders extracted by the applicant attract 5% GST (2.5% CGST+2.5% HGST) as covered under HSN 2516 (At sr. No. 124 of the notification)."*

## 2.GST on Royalty for Mining Lease

Transfer of right to use goods would attract GST at the rate, as applicable on the supply of the underlying goods. Exploration, mining or drilling services: While the rate of GST on services of exploration, mining and drilling of petroleum crude or natural gas or both has been kept at 12%, support services to mining, electricity, gas and water distribution other than above would continue to attract GST of 18% Hence, GST on mining royalty to be paid to Government. Thus, royalty is slated to be consideration for services being undertaken by government in the nature of licensing contractors to explore the fields. Hence, mining project holder would be required to pay GST under reverse charge mechanism on royalty paid to government.<sup>63</sup>

The mining rights so granted are covered under the sub-heading 997337. It specifies 'Licensing services for the right to use minerals including its exploration and evaluation'. This is covered under entry no. 17 of Notification No. 11/2017 – Central Tax (Rate) dated June 28, 2017 ("Notification No. 11/2017"). These services are not covered in any of the specifically mentioned descriptions of entry no 17, and thereby it qualifies being categorized in the residual clause/serial number of entry no 17, wherein it has

<sup>61</sup> AIR 1990 SC 85.

<sup>62</sup> Order No. HAR/HAAR/R/2018-19/03 dated 29th June 2018.

<sup>63</sup> In re NMDC Limited, [2019] 105 taxmann.com 266 (AAR – CHHATTISGARH).



been specified that the rate applicable for such service should be of the same rate as applicable for the supply of like goods involving transfer of title in goods. Royalty paid in respect of mining lease provided by govt. is classified under Group 99733,<sup>64</sup>

Thus it is maintained that the royalty paid by the mining lease holder in respect of mining lease is classifiable under sub-heading 997337, 'Licensing services for the right to use minerals including its exploration and evaluation' which covered under entry no. 17 of Notification No. 11/2017, attracting GST at the same

Group 99733	Heading	Licensing services for the right to use intellectual property and similar products
	997337	Licensing services for the right to use minerals including its exploration and evaluation
	997338	Licensing services for right to use other natural resources including telecommunication spectrum

Further support services to mining are classified under Group 99862,<sup>65</sup>

rate as applicable for the supply of like goods involving transfer of title in goods,

Group 99862	Heading	Support services to mining
	998621	Support services to oil and gas extraction
	998622	Support services to other mining n.e.c.

For this reason the activities of the mining lease holder come under the definition of a "business" under Section 2(17) of the GST Act. Thus, the lease holder is liable to pay Royalty under S. 9 of the as well as duty under Sections 9B and 9C of the MMDR Act which mandates that the miner shall contribute 30 % of royalty to DMF and 2 % of royalty to NMET. This contribution to both the trust is on account of their mining operations being carried out. In case of failure to contribute to the above trusts, the business/rights of iron ore extraction would legally get hampered.

under reverse charge basis.

### 3.GST implications on Royalty paid to government for mining

GST implications on *seigniorage charges* (royalty) paid to the government for mining activity has always been confusing for the mining industry with its never-ending changes in GST rates for the infra works, subcontracted works with many conditions attached to it. Before discussing about the GST on Royalty paid by the mining lease holder on mining industry, let's get clear about the seigniorage charges. These charges are kind of royalties.

As per Mines and Minerals (Development and Regulation) Act, 1957, the

<sup>64</sup> Notification No. 11/2017 – Central Tax (Rate) dated June 28, 2017.

<sup>65</sup> Notification No. 11/2017 – Central Tax (Rate) dated June 28, 2017.



government may permit the contractors to carry on quarrying operations on payment of seigniorage charges – i.e., the contractors will be given the right to use the minerals including its extraction and exploration upon payment of certain charges to the government in the name of seigniorage charges. It is a kind of royalty that is paid to the government for removal or consumption of the minerals and is payable based on the quantum of minerals removed or consumed.

As per **Sec. 7** of CGST Act, 2017, 'Supply' includes all forms of supply of goods or services or both such as sale, transfer, barter, exchange, license, rental, lease or disposal made or agreed to be made for a consideration by a person in the course or furtherance of business. As per the above definition of supply, seigniorage charges will be treated as supply as it is the right given in return of consideration in the form of charges collected.

The applicant in the case *In re M/s N.M.D.C. Ltd (GST AAR Karnataka)*,<sup>66</sup> has raised the issue that Royalty is not supply and not liable to tax under GST Act, it was stated that

(a) The Lease is for mining of minerals and the main product of the mining is the mineral ore. The extraction of mineral ore being the main activity and product and the royalty is paid on the activity of extraction and usage of the mineral ore so extracted, this does not amount to an additional benefit out of the main transaction being something else and hence the royalty would not amount to *profit a prendre*. The judgements relied by the applicant have no application to

the transactions of the applicant as the main activity is extraction of mineral ore for which royalty is paid.

(b) Section 9(1) of Mines and Mineral (Development and Regulation) Act, 1957 (MMDR Act) is read with Section 9 (2) makes it very clear that the royalty is payable in respect of any mineral removed or consumed by the applicant from the leased area. Therefore the royalty is only payable for the service obtained if mineral is removed from the land and hence this is not *profit a prendre*.

(c) The meaning and concept of royalty has been discussed in the judgement of *India Cement Ltd etc. v. State of Tamil Nadu*<sup>67</sup> in an incidental manner. Although royalty has not been defined explicitly, the Supreme Court held that royalty is separate and distinct from land revenue and that it is not related to land as a unit. On the other hand, royalty is payable on a proportion of the minerals extracted and it has relationship to mining as also to the mineral won from the mine under a contract by which royalty is payable on the quantity of the mineral extracted. Hence, royalty amounts to the consideration payable by the applicant for the activity undertaken by him and is a supply.

Further, as per the sectoral FAQs issued by CBIC in case of government services, the activity of assignment of any right for exploration of natural resources will be treated as a supply of services. As per entry No. 17 of Notification No.

<sup>66</sup> *In re M/s N.M.D.C. Ltd (GST AAR Karnataka)*.

<sup>67</sup> (AIR 1990 SC 85).



11/2017<sup>68</sup>, the rate of GST applicable on the seigniorage charges, for the transfer of the right to use any goods for any purpose, is same as applicable for the supply of like goods involving a transfer of title in goods shall be charged. For example, if the royalty/seigniorage charges are paid for extraction of sand, then the GST rate applicable on the sand shall be considered for discharging GST on the royalty amount/seigniorage charges.

As per Entry No. 5 of Notification No. 13/2017,<sup>69</sup> on services supplied by the central government, state government, union territory or local authority to a business entity, GST shall be paid by the business entity as a service recipient. However, there are certain exemptions available for the services supplied by the government.

The service of allowing the extraction of minerals, provided by the government to a business entity for which certain amount is paid as royalty to the state government, will be treated as a taxable supply and GST needs to be paid on the same under reverse charge mechanism by the business entity as a service recipient at the rate applicable on the minerals extracted.

The aforesaid view is also strengthened by the Advance Ruling pronouncements in case of –

*In re Pioneer Partners (GST AAR Haryana)*<sup>70</sup> and *In re NMDC Limited (GST AAR Chhattisgarh)*,<sup>71</sup>

The royalty paid in respect of Mining Lease is a part of the consideration payable for the Licensing services for right to use minerals including exploration and evaluation falling under the Head 9973 which is taxable at the rate applicable on supply of like goods involving transfer of title in goods upto 31.12.2018 and taxable at 9% CGST and 9% SGST from 01.01.2019 onwards under the residual entries of Serial No.17 of the Notification No.11/2017- Central Tax dated 28.06.2017<sup>72</sup>. The statutory contribution made to District Mineral Foundation (DMF) and National Mineral Exploration Trust (NMET) as per MMDR Act, 1957 are also part of the consideration payable for the Licensing services for right to use minerals including exploration and evaluation. Hence, taxable under GST.

#### 4.Applicable GST Rates, Procedures, and Concepts

The various activities of mining which is chargeable to service tax under the current regime would attract tax at the rate of 15% whereas the supply of these services under GST would be taxed at the rate of around 18% which is higher than the current tax rate. There would be additional cash form of 3%, with seamless credit available all across the net tax cost

<sup>68</sup> Entry No. 17 of Notification No. 11/2017-Central Tax (rate) dated 28th June 2017.

<sup>69</sup> Entry No. 5 of Notification No. 13/2017 – Central Tax (Rate) dated 28th June 2017.

<sup>70</sup> Order No. HAR/HAAR/R/2018-19/03 dated 29th June 2018.

<sup>71</sup> Order No. STC/AAR/09/2018 dated 22nd Feb 2019.

<sup>72</sup> In re M/s N.M.D.C. Ltd (GST AAR Karnataka).



forming part of the final product should decrease.

In case of process amounts to manufacture, the rates are as follows:

CGST: 1%

SGST/UTGST: 1%

In any other case, the rate will be as follows:

- a) CGST: (½) %
- b) SGST/UTGST: (1/2) %

GST is payable separately under CGST and SGST/UTGST by generating a single challan through the common portal under a single return.

#### **Under Composition Scheme**

As per Sec. 10(1) of the CGST Act, 2017, a registered person whose aggregate turnover did not exceed Rs.75 lakhs in the preceding FY, is eligible for paying GST under the composition scheme.

#### **Input Tax Credit (ITC)**

Under composition scheme, the buyer cannot avail the benefits of ITC because they cannot issue a tax invoice and collect taxes on their supplies.

#### **Reverse Charge**

GST on reverse charge mechanism is payable under section 9(4) of the CGST Act, 2017 only in case of purchases from unregistered suppliers. As the mine owner under composition scheme is registered, the recipients need not pay GST on reverse charge mechanism. A registered person under GST, receiving taxable goods (or services) from a

supplier who is not registered under GST, would be liable to pay GST under reverse charge mechanism.

**Return filing** The registered person has to file only one return on a quarterly basis in Form GSTR-4.

#### **Royalty**

Royalty paid on mineral is not subsumed under GST; it will be an additional cost for the business entity.

#### **Exemption limit for Tiny & Micro Segment in mining**

a) Basic exemption limit is Rs. 20 lakhs and Rs.10 lakhs in the case of special category States. However, a person engaged in making taxable supply and having aggregate annual turnover more than Rs.20 lakhs in any State other than the special category States is liable to obtain the registration under GST.

b) The return has to be filed on monthly basis by regular taxable persons and;

c) The quarterly basis for the taxable person registered under the composition scheme.

#### **Advance Received**

The supplier has to issue a "receipt voucher" for every advance received as per section 31(3) (d) of the CGST Act.

An advance the invoice is issued in the same tax period, the advance need not be shown separately in Form GSTR-1 but the specified details of invoice itself can be directly uploaded to the system. Details of all advances against which the invoices have not been issued until the end of the tax period shall have to be



reported on a consolidated basis in Table 11 of Form GSTR-1. As and when the invoices against these advances are issued, they have to be declared in Form GSTR-1 and the adjustment of the tax paid on advances against the tax payable on the invoices uploaded in Form GSTR-1 shall have to be done in Table 11 of Form GSTR-1.

Refund voucher has to be made for the full value of advance, including the amount of GST in case of no supplies.

As per present provisions, the GST charged on the purchase of earth moving machinery including tippers, dumpers used for transportation of goods by a mining company will be allowed as input credit.<sup>5</sup> Constitutionality of GST on royalties for mining leases

Payment of royalties to the relevant governments is a common feature across the entire spectrum of mining leases in India (and across the world), irrespective of the type of mineral. Since the expansion of the concept of taxable service under the erstwhile service tax regime (vide introduction of a negative list-based regime in 2012 and legislative amendments in 2016) and now under the goods and services tax (GST), there has been a constant tussle between tax authorities and mining lease holders as to whether the grant of mining lease by a government is a taxable service, thereby attracting service tax or GST. Since 2012 there have been changes in the taxation of royalty either in the scope or in the tax rates. There have been important judicial developments also in this area.

The reason why this issue continues to bother the Mining industry is that the statutory liability for payment of tax on

such government services, if at all, will fall on the recipient of such services (ie., the company receiving the mining lease) under what is known in Indian indirect tax law as a reverse charge mechanism. And most importantly, given the large amounts that are typically payable as royalty/dead rent, the service tax/GST exposure can be very high.

However, there are strong constitutional and legal arguments against the levy of GST.

### Royalty as tax

It is a settled position of law that royalty paid under a mining lease is in the nature of tax and thus GST/service tax cannot be imposed on royalty since a tax cannot be in the nature of a payment for services rendered by the government.

### Judicial orders in this regard

On the issue of applicability of service tax on royalty after 1 April 2016, a batch of petitions were filed before Rajasthan High Court in the case of *Udaipur Chambers of Commerce and Industry v Union of India (2018)*,<sup>73</sup> where the court held royalties paid on assignment of right to use natural resources were a consideration and found no illegality on levy of service tax on royalties. However, the judgment of Rajasthan High Court has been challenged before the Supreme Court, which stayed the payment of service tax on royalties.

It is also worth noting the case, *Goa Mining Association and Anr v Union of India and Ors (2017)*,<sup>74</sup> where Bombay

<sup>73</sup> Special Leave to Appeal(C)No.37326/2017 (SC).

<sup>74</sup> WRIT PETITION (CIVIL) No. 435 OF 2012 (SC).





High Court at Goa stayed the imposition of service tax on royalties under section 9 of the Mines and Minerals (Regulation and Development) Act, 1957. A similar stay has come from Madras High Court too.

The power to levy tax on mineral rights vests solely with the state governments under entry 50 of list II (state list) under the Indian Constitution. It is noteworthy that entry 50, list II has not undergone any change because of GST i.e. legislative field to tax mineral rights still vests with the states.

Further, the power to tax mineral rights specifically flows from entry 50 list II. In such a situation, power to tax under entry 50 list II being more specific, resort cannot be had to entry 97 of list I and/or article 246A to levy service tax/GST on royalties paid for grant of right to mine vide mining leases.

The differences in the concept of fees for services and fees for license has been constitutionally recognized. Therefore, royalty payments ipso facto do not become fees for services as they are in the nature of license fees.

#### **Favourable clarification for alcohol sector vis a vis Mining Royalty**

The GST Council in its 27th meeting on 04 May 2018, approved that no GST was leviable on license fees and application fees apropos alcoholic liquor for human consumption and that the same would also apply mutatis mutandis (once the necessary changes are made) to the demands raised by service tax authorities in the pre-GST era. The same logic should apply regarding royalty payments too.

On the basis of the above discussion, assessee can clearly choose to litigate the levy GST/service tax on royalties for grant of mining rights under mining leases and other comparable arrangements.

While taxability of mineral rights under GST may be a revenue neutral exercise for many in the mining industry (since their output is liable to GST and hence the input GST on royalties may be available as credit) but not for players in the oil and gas sector. The oil and gas sector also operates in a similar constitutional and legislative setup as other minerals, except that the output of this sector is outside the purview of GST and thus the GST paid on royalties becomes a cost for them.

#### **Suggestions**

The country's mining sector, distressed by a multitude of levies like royalty and contributions to the District Mineral Foundation (DMF) and National Mineral Exploration Trust (NMET), has advocated a uniform Goods & Services Tax (GST) to overcome the multiplicity of taxes. Royalty rates on minerals in the country are the highest among resource-rich nations and a cocktail of levies makes India top the list of nations with steep effective taxation rate (ETR) on mining. The cumulative effect of royalty, DMF and NMET amounts to 19.8 per cent of the IBM (Indian Bureau of Mines) sales price, blunting the competitive edge of mining. Miners also feel this is a case of double taxation since royalty is calculated on the average iron ore sales price published by IBM. In the case of iron ore, the royalty rate is 15 per cent of the average sale price published by IBM. The rate is the highest in the



world, eminently surpassing Australia (6.5-7.5 per cent), Brazil (two per cent), South Africa (0.5-7 per cent) and China (0.5-4 per cent). Besides, the miners are lumbered with DMF charged at 30 per cent of the royalty for older mines and 10 per cent for mines granted through auctions, NMET at two per cent of royalty and a GST of five per cent.

Recently, Federation of Indian Chambers of Commerce & Industry (FICCI) in a submission to the 15th Finance Commission, has asked for bringing mining levies at par with other mineral-rich economies like South Africa, Australia and Kazakhstan.

Mining is the most taxed activity in India compared to anywhere in the world. The ETR on mines granted before the new Mines and Minerals- Development & Regulation (MMDR) Act, 2015 is 64 per cent while for mines won through auctions, it stands at 60 per cent. On a comparative note, the ETR for Mongolia at 31.3 per cent is half of India's. Other mineral-rich nations also boast of attractive ETR rates- Canada (34 per cent), Chile (37.6 per cent), Indonesia (38.1 per cent), Australia (39.7 per cent) and South Africa (39.7 per cent).

Countries competing for mineral sector investments usually offer ETRs in the range of 40-50 per cent. But a previous report by PricewaterhouseCoopers (PwC) established that India has the highest government cost of investing in a mining opera.

## Conclusion

India is slowly moving from technology importing nation to technology exporting nation. There arises urgent need to align

definitions, scope and interpretations of royalty to this shift with views and positions accepted internationally. Also, the government has a role to play so to clarify position & bring greater certainty on issues such as:

- a) Source rule regarding accrual of mining royalty whether it should be allowed to substitute input cost,
- b) Meaning to be ascribed to Mining Royalty and tax treatment transactions incidental therewith,
- c) Methodology to tackle evolving transactions so to avoid double taxations via. payments made to DMF and NMET

Since there is no universal rule for deciding the breakup of tax pie w.r.t. Mining Royalty under Indirect Taxes (GST) it becomes difficult to decide a fair allocation of taxing rights amongst these tax payers. Historically, it can be argued that the taxing rights of the government w.r.t. mining royalty were scattered, there was no universal rule for its leviability neither did it emerge from economic principles but from the enactment of Goods and Service Tax that took place in 2017. It took into account the considerations that arose from the limitations while taxing mining royalty to build a concrete yet unsettled mechanism to verify, determine and collect mining royalty from the mining lease holder.



## Availability and Use Pattern of Electronic Information Resources in Selected Engineering College Libraries Affiliated by JNTUH and Accredited By NAAC and NBA in Medchal District, Telangana State: A Study

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### Abstract

*The present study was conducted among the selected engineering colleges affiliated by JNTUH, Accredited by NAAC and NBA located in Medical district in Telangana state. The main aim of the study is to find out the availability and usage of e-resources and problem faced by the librarians and provides the better suggestions to strengthening the use of e-resources and services effectively. The major findings of the study are, 76.49% of engineering colleges were located in rural areas in medchal district of Telangana State, 100% of libraries procure e-journals and CD-ROMs, 94.12% of libraries are having e-books and e-journals, 76.47% of the users were accessing e-resources daily, 23.53% of libraries are using KOHA library management software for house-keeping operations, and Majority (29.41%) of engineering colleges are facing problems "lack of budgetary crunches and lack of ICT skilled library staff).*

**Key words:** NAAC and NBA Accredited Engineering College Libraries, Users, Electronic Resources, Digital Library software.

### Introduction

In this present digital world, computers are playing a pivotal role at the global level in every field of knowledge, especially, in library and information centers, to disseminate the needy right information, right time to the right user. Now, the libraries are converted from conventional to digital libraries. Today, most of the college libraries are providing library resources in electronic form for higher education and research. This electronic information, mostly the College libraries are used for their information

needs. Information will communicate widely without geographical boundaries, in terms of saves the time and money. E-resources are providing access to current information as these are often updated frequently. Through their search techniques e-resources provide extensive links to explore additional resources or related content. Electronic resources are now used more than print resources. Most of the library users are have considerable experience with the Internet and make use of it for much of their academic work..



The present study is an attempt to availability and usage of e-resources in the selected engineering college libraries, affiliated by JNTUH accredited by NAAC and NBA, to find out the availability, usage of e-resources and problems faced by the librarians and provides a very valuable suggestions to strengthening the e-resources and services effectively in the selected engineering college libraries of the current study.

### Review of Related Literature

Anjaiah, M & Lalitha, R. (2020) focused on the use pattern of e-resources by the faculty members, and found that, majority faculty are using e-resources for writing of articles, books, and, also in teaching and research. Based on the findings of study suggested that, KITS college library needs to acquire more e-databases in computer sciences and civil subjects, as per the demand received from the faculty and also, suggested that need [to provide](#) LAN facility and personal computer nodes to use more e-resources at their free time, to deliver a qualitative dialogues to the professional students.

Kumar and Chandrashekhra (2019) study reveals that, 100 percent of faculty members are aware of N-List followed by 66.67% of faculty members are use N-List occasionally, 83.33% of the faculty members are access N-List at the library and the study also found that 50% of the faculty members are using N-List with low speed of internet . Joseph and Humyoon Kabir (2017) have surveyed the use of e-resources by the PG students of English and Malayalam language students of Kerala University. The study found that JSTOR is the most frequently used resources by English students.

Arun Kumar M. & Anjaiah, M. (2018) in their article discussed about the use of electronic resources by the faculty members, research scholars and professional students at Osmania university, Hyderabad. Out of 200 questionnaires 165 (82.50%) filled questionnaires were received, in this 35 (70.00%) were faculty members, 42 (84.00%) were research scholars and 88 (88.00%) were post-graduates (M.Tech.) students. It shows that the post-graduates (M.Tech.) students were higher. A large majority 90.90% of users expressed that they are using eresource and preparing their project reports 39.40% users are using e-resources. A Majority of the users 78.18% preferred e-journals.

Mythili Rajyalaxmi, M.N. and Anjaiah, M. (2017) in their study entitled, "Access, Use and Level of satisfaction of Availability of Electronic Resources By the Students of Kuppam Engineering College, Kuppam, Chittoor District, Andhra Pradesh-A Case Study found that a majority, 84.8% of the respondents were utilizing the e-resources for their project purpose and writing the assignments, 64.9% of the student respondents were also using entertainment purpose, 69.55% were using to apply the online employment.

### Objectives of the Present Study

1. To examine the availability of e-resources in Select Engineering College Libraries Affiliated by JNTUH accredited by NAAC and NBA in Medchal District, Telangana State.
2. To find out the frequency of accessing e-resources by the select sample of the college libraries, Affiliated by



- JNTUH accredited by NAAC and NBA in Medchal District, Telangana.
- To know the awareness about the e-resources among the library staff members.
  - To know the annual library budgetary provisions in the selected engineering college libraries of the present study.
  - To find out the problems faced by the librarians to maintain the e-resources in the library.
  - To suggest proper suggestions to improve e-resources in the library for the benefit of the users.

#### . Research Methodology

For the present study, a questionnaire was used as a primary research tool, to collect the required data from the selected engineering college librarians of Medchal district of Telangana State. These colleges were selected on the basis of NAAC and NBA accreditation. The questionnaires were distributed to all the twenty (20) college librarians, and received seventeen (17) with a response rate of 80.00 percentage.

**5. The Scope and limitations of the Study:** The study is limited to Medchal District of Telangana State. There are forty (40) engineering colleges were established and all they are affiliated to JNTUH, Hyderabad.

- Among them, twenty (20) Engineering Colleges, affiliated to JNTUH, Hyderabad, were accredited by NAAC and NBA in Medchal District of Telangana State.
- So, All the NAAC and NBA Engineering Colleges, (20) affiliated to JNTUH, Hyderabad are considered for the present study.

#### 6. Data Analysis and Interpretation

The data gathered from the NAAC and NBA Accredited Engineering Colleges of Medchal District, of Telangana State by the researcher, analyzed and clearly presented in the following tables and pie-charts to elicit of the present study. The following table no.1 shows with regard to the selected engineering colleges of the present study in detail.

Table-1 A List of Selected Engineering Colleges in Medchal District of Telangana State

Name of the College	Year of Established	Status of the College	NAAC/NB A Grade	College Code
VNR Vignana Jyothi Institute of Engineering and Technology	1995	Autonomous	A++	VNRVJET
Aurora Technological Research Institute	1995	Private	A	ATRI
Sreenidhi Institute of Science and Technology	1997	Autonomous	A	SNIST
Gokaraju Rangaraju Institute of Engineering and Technology	1997	Autonomous	A	GRIET
Nalla Malla Reddy Engineering College	2001	Private	A	NMREC
Holy Mary Institute of Technology and Science	2001	Private	A	HITS
Malla Reddy Engineering College (Autonomous)	2002	Autonomous	A	MREC
St Martin's Engineering College	2002	Autonomous	A+	SMEC
Anurag Group of Institutions	2002	Autonomous	A	AGI
Vignana Bharathi Institute Of Technology	2004	Autonomous	A	VBIT
CMR Institute of Technology	2005	Private	A	CMRIT
Geethanjali College of Engineering and Technology	2005	Autonomous	A	GCET
ACE Engineering College	2007	Autonomous	A	ACE
Siddhartha Institute of Technology & Science	2007	Private	B	SITS
Mallareddy engineering college for women	2008	Private	A	MRECW
Kommuri Prathap Reddy Institute of Technology	2008	Private	B+	KPRIT
Nalla Narasimha Reddy Education Society's Group of Institutions	2009	Private	B++	NNRESGI

Source: Primary data

**Table.2:** Gender wise Distribution of Respondents

Gender	Respondents of Librarians	Percentage
Male	14	82.35
Female	3	17.65
<b>Total</b>	<b>17</b>	<b>100</b>

Source: Primary data

Table.2 shows that 82.35% of Librarians are male and 17.65% of Librarian are female. The highest percentage librarians are male.

**Table.3: Location of the Engineering Colleges**

Location of the Institute	No. of Institutions	Percentage
Rural	13	76.48
Urban	2	11.76
Semi Urban	2	11.76

Source: Primary data

Table.3 shows that 76.49% of institutions are located in rural area, 11.76% of institutes are located in semi urban area and urban area. The highest percentage of institutes are located in rural area.

**Table.4: Location of the Library**

Location of the Library	No. of Institutions	Percentage
Locate in Separate Building	4	23.53
Locate in admin Building	13	76.47
<b>Total</b>	<b>17</b>	<b>100.0</b>

Source: Primary data

Table.4 shows that 23.53% of institutions are having separate library building, and 76.47% of institutes are not having separate library building. The highest percentage of institutes are maintaining libraries in admin block only.

**Table-5: Distribution of the NAAC/NBA Accredited Engineering Colleges (N=17)**

No. of Colleges	NAAC GRADE	Percentage
12	A	70.60
1	A +	5.88
1	A + +	5.88
1	B	5.88
1	B +	5.88
1	B + +	5.88

Table No. 5 shows that the NAAC accreditation status of the institutes. Out of twenty, a seventeen select engineering colleges, 70.60% of institutes are having NAAC





accreditation with `A` Grade, 5.88% of institutions are having NAAC `A+,A++, B, B+,B++` Grades. The Highest percentage of institutes (12) declared the NAAC Accreditation with `A` Grade.

Table- 6 shows with reared to NBA accredited courses offering in the selected institutions. The GRIET, CMRIT, MRECW institutions (3) were having 100% NBA accreditation courses and; remaining three colleges (3) are not having NBA accreditation.

**Table-6 College-wise Vs Offering the Academic Accredited Courses**

Name of the College	Total No. of Courses Offered	Total No. of Accredited Courses	Percentage
VNRVJIET	9	7	77.77
SNIST	8	6	75
GRIET	6	6	100
NMREC	5	4	80
MREC	8	6	75
SMEC	6	5	83.33
VBIT	6	5	83.33
CMRIT	4	4	100
GCET	5	4	80
ACE	6	5	83.83
MRECW	4	4	100
NNRESGI	5	3	60
KPRIT	5	2	40
HMITs	5	0	0
ATRI	5	0	0
SITS	5	0	0
AGI	8	5	62.5

**Table-7  
Availability of electronic resources in College Libraries**

Type of the E-Resource	Total No. of Engineering Colleges	Percentage
E-Books	16	94.12
E-Journals	17	100
CD-ROMs	17	100
Institutional repository	9	52.94
NPTEL Videos	14	82.35

*Source: Primary Data*

The Table no.7 shows that the availability of e-resources in the selected Institutional libraries. All the (100%) libraries are procuring e-journals and CD-ROMs,



94.12% of libraries are having e-books, 82.35% are NPTEL videos, and 52.94% are institutional Repositories (i.e. question papers, video lectures and study material).

Table-8 E-Journals Subscribed By the Select Engineering College Libraries

Name of the E-Journal	Total No. of Institutions	Percentage
IEEE	8	47.06
ASME	5	29.41
ASCE	4	23.53
Springer	3	17.65
ProQuest	1	5.88
ScienceDirect	1	5.88
N-List	7	41.18
McGraw-Hill	1	5.88
Wiley	1	5.88
J-Gate	6	35.29

The Table-8 shows that the libraries are subscribing online journals, 47.08% of libraries are subscribing IEEE Journals, 29.41% are ASME, 23.53% are ASCE, 17.65% are Springer, 5.88% are ProQuest, Science Direct, McGraw-Hill and Wiley Journals were subscribing, 41.18% are have N-List consortium, and

remaining, 35.29% of libraries were the subscribing `J-Gate` Journals. It is found from the study that all most all the select engineering college libraries were procuring and providing the e-resources to fulfill the needs of their respective user community.

Table.9: Frequency of Accessing E-Resources

Frequency	No. of Institutions	Percentage
Daily	13	76.47
Twice a week	3	17.65
Weekly	1	5.88

*Source: Primary Data*

As per the data shown in the above Table-9 , with regard to frequency of access the e-resources from select college libraries of the present study. Out of 17 engineering college libraries, 76.47% of library users were access e-resources daily, 17.65% are twice a week and finally, a less percentage, i.e. 5.88% were access weekly. The study found that the highest percentage of library users was accessing the e-resources daily. It is a good sign.

**Table- 10: Conducting Information Literacy Programs to use of Electronic Resources**

Program	Yes	No
Conducting Information Literacy Program (ILP)	15 (88.24%)	2 (11.76%)

*Source: Primary Data*

The above Table-10 shows that, 88.24% of libraries are conducting Information Literacy Programs on use of e-resources. The highest percentage (88.24) of libraries were conducting such kind of above said programs for the benefit of the users.

**Table-11: Using Library Management Software (LMS)**

Name of the Software	No. of Institutions	Percentage
KOHA	4	23.53
Libsoft	2	11.76
New Genlib	6	35.30
Libsys	1	5.89
EZSchool	2	11.76
Others	2	11.76

*Source: Primary Data*

It is evident that 23.53% of libraries are using KOHA library management software for housekeeping operations, followed by, 11.76% are Libsoft, 35.30% are NewGenlib, 5.89% are Libsys, 11.76% are EZSchool and other software. This study found that the highest percentage of libraries are using **NewGenlib** LMS software for house-keeping operations in the select engineering college libraries of the present study.

**Table-12 Availability of Digital Library Software in college libraries**

Name of the software	No of Institutions	Percentage
Dspace	3	17.65
Self developed	11	64.70
No software using	3	17.65

*Source: Primary Data*

Table-12 shows that, 17.65% of libraries are using **Dspace** digital library software, 64.70% are **Self developed Software** and 17.65% are not using any digital library softwares. It is found from the study that the highest percentage of libraries (64.70) were using their own **Self Developed Software**

**Table-13: Library Consortium Memberships**

Name Of The Consortium	Total No. of Institutions	Percentage
DELNET	15	88.24
NDLI	15	88.24
E-ShodhSindhu	10	58.82

Data presented in Table-13, shows with regard to library consortium membership of select engineering college libraries. Among all the seventeen engineering college libraries, A highest percentage, 88.24% of libraries are having DELNET and National Digital Library of India(NDLI) memberships and remaining, 58.82% of libraries are having E-ShodhSindhu membership. On the whole, all the select college libraries are have the library consortia membership with regard to e-resources, which is very essential in COVID-19 Pandemic situation

**Table-14: Library Staff Attending Work-Shop on E-resources**

Attending Work-Shops	Yes	No
Library staff attending workshops	16 (94%)	1 (6%)

*Source: Primary Data*

The above Table-15 shows that, a highest percentage, i.e. 94% of select engineering college library professionals of the study were attending the work-shops on e-resources; and a negligible, i.e. 6% of library staff is not attending workshops.

On the whole, a highest percentage (94%) of the library professional personnel were attending and enrich a thorough knowledge on e-resources, to easily facilitate them, to the respective library users of the study.

**Table-15 Problems faced in the library for accessing e-resources**

Type of Problems	Total No. of Respondents	Percentage
Lack of availability of e-resources,	5	29.41
Lack of sufficient Budget	4	23.53
Lack of ICT skilled Library Staff	5	29.41
Frequently power failure	2	11.76
Lack of Required Number of Computers	2	11.76
Slow Internet connectivity,	1	5.88
Lack of Cooperation from the Management,	1	5.88

*Source: Primary Data*

It is clear from the Table-15, with regard to the problems faced by the respondents, while accessing e-resources in the college library. 29.41 per cent of the libraries are facing problems such as; lack of availability of e-resources, ICT skilled library staff, 23.53% with in-sufficient budget, 11.76% power failure and lack of



required number of computers in the library, and 5.88% of libraries **slow internet** and lack of co-operation from the management are the main problems facing by the library user community of the present study.

It is pertinent to note that every college of the present study is facing some kind problems while accessing the e-resources by the respondents of the study.

**Table-16 Level of Satisfaction with regard to e-resources**

Type of the E-resource	Total No. of the Respondents (N=17)	Percentages
IEEEExplore Online digital library	17	100.00
ASME	13	76.47
ASCE	15	88.23
Springer	17	100.00
ProQuest	9	52.4
Science Direct	11	64.70
N-List	15	88.23
McGraw-Hill	7	41.17
Wiley	5	29.41
J-Gate	14	82.35

*Source: Primary Data*

It is clear from the above Table no.5.16 with regard to the level of satisfaction of the respondents of the present study. A total of seventeen (17), hundred percentage of the respondents were equally satisfied with the availability of IEEEExplore Online digital library and Springer databases, followed by, 88.23% were equally satisfied with ASCE online database and N-List programmes, 76.47 % with ASME, 82.35% with J-Gate, 64.70% with Science Direct and so on.

This study found that, all most all select engineering college librarians were satisfied with the availability of the e-resources in their respective NAAC and NBA Accredited engineering Colleges of the present study.

### 7. The Major Findings of the Study

Based on the present study results, the major findings were discussed hereunder in detail. They are:

1. Out of 17 engineering colleges, 12 colleges are have the NAAC "A" grade, remaining colleges have the grades, such as; "A++" for one college, "A+" is one college, "B" is one college, "B+" is one College and "B++" is also one colleges.
2. Majority of the colleges are not have a separate library building, Only 4 colleges are having a separate library buildings.
3. Out of 17 colleges, 3 colleges are having 100% NBA accredited courses.
4. One hundred percentage (100%) of colleges have E-Journals; CD-ROMs; 16 colleges are having e-books.
5. A Majority, 47.06% of engineering colleges were subscribing IEEE online journals.
6. The highest, 76.47% of engineering college users are accessing e-resources daily.
7. The highest 88.24% of engineering colleges are conducting Information



Literacy Programs for their users to access e-resources.

8. 35.30 per cent of engineering colleges were using "*NewGenlib*" Library Management Software.

9. Majority (64.70%) of the colleges is using *self developed digital library software*, and; only few are using DSpace digital library software.

10. Majority (88.24%) colleges are having DELNET and NDLI membership.

11. Majority (88%) of colleges are conducting evaluation studies on the use of E-resources.

12. **29.4 per cent** of engineering college librarians was facing the different type of problems such as, "lack of availability of e-resources and ICT skilled library staff.

## 8. Conclusion and Suggestions

Based on the present study findings, the emergence of electronic sources has to provide to the library users, particularly, to improve knowledge and skills with wide opportunities, to satisfy their information needs. The electronic resources are better substitute for print resources. The libraries, in the educational institutions, should be equipped with required electronic resources so as to enable its users to fulfill their information needs. The Awareness Programs, regarding to access of e-resources, shall be conducted by the librarian time-to-time. So the users can easily understand about the e-resources.

The electronic resources are one of the important learning platforms in the world. Users are easily can be access and fulfill their needs by using the electronic resources. So, the managements need to allocate more budget, especially, to acquire more electronic resources and also need to take more library consortia subscriptions, to procure more e-resource

online databases, to provide necessary and also useful current e-resources, to their students as well as teaching faculty including to research scholars, to update their skills and current knowledge, for the Nation Development in a broad sense.

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## Mental Health- Law and Policy in Covid- 19 Pandemic

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### INTRODUCTION-

The Covid 19 pandemic has engrossed the entire world Today there are near about 540 4512, positive cases with 343514 deaths<sup>75</sup> all around the world. In India, there are around 83004 positive cases with 4337 deaths reported till today<sup>76</sup>. In this situation, mental health services are the fundamental responsibility of each and every government. The situation of lockdown, all over the country has invited psychological problems to all age groups in every societal stratum. On the other hand, the mental health service providers have also restricted their services to counter emergency and essential services only in order to protect themselves from the pandemic. The government has established a help-line in order to address the issue<sup>77</sup> though the nos. are working on automated voice. The UGC has also established a grievance cell to curtail down the mental issues of the students.<sup>78</sup> The WHO has also addressed the mental health issues during the

Covid-19 outbreak<sup>79</sup> MIMHANS, a pioneer in the field of mental health treatment in India has issued guidelines for treatment of mentally ill during the pandemic<sup>80</sup> Be it mentioned here, that the Mental Healthcare Act came into existence in 2017, highlighting new provisions taking into consideration the human rights aspect of the mentally ill, but the fact remains that the statutory authorities under the enactment has not yet come into existence with its full colors'. Moreover, the enactment has been notified by only 19 states in India. The Mental Health Policy adopted in 1982, failed to fulfill the challenges, though revived after, it's still striving hard to meet its goals. Taking into consideration the budgetary allocation for mental health and the patient psychologist ratio in India, it seems a tedious task for the government to meet the crucial challenge of Covid-19 pandemic along with the increase in mental health problems among the population, unless proper awareness amongst the public is created, not only regarding the pandemic, but also self-

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help mechanisms to combat the issues related to mental illness.

## RESEARCH METHODOLOGY-

Due to the ongoing lockdown, the researcher's research is solely limited to doctrinal research and secondary data collected from various online resources. Being a faculty member, the researcher collected a small quantum of data from the students of NUSRL, which is used as primary data.

### Mental Health and Covid -19 – Impact upon different sectors of the population-

**1. Migrant Laborers-** This segment of the society is the worst hit by the covid -19 pandemic. According to the 2011 census, there were 454 million migrant laborers in India,<sup>81</sup> which has doubled in the last 10 years. Poor mental health was found significantly higher among single, unskilled, illiterate daily wage labors with higher years of migration and lack of housing and sanitation<sup>82</sup> The National Crime Record Bureau Report, 2018 has found that 22.4% suicides among daily wage laborers.<sup>83</sup> During the lockdown, these migrant laborers along with their families, are starving and jobless, either

stranded in other state territories<sup>84</sup>, far from their home places, or are quarantined by the government in pathetic conditions which rather curing them, exposed them to covid-19<sup>85</sup>. Some were forced to walk down the entire distance between their work place and homes<sup>86</sup>, many of them could not take the mental pressure and were forced to suicide due to financial crunch.<sup>87</sup> A recent survey on the migrant workers depicted that 96% of them did not get ration from the government and 90% did not receive wages during lockdown.<sup>88</sup> However, it is noteworthy to mention here that the government took few initiatives in order to curve the minus. By declaring the covid economic package workers.<sup>89</sup> The Indian judiciary also played a vital role in improving the condition of the migrant workers, by directing the government not to charge any fare in Indian Railways. In order to protect the life of the migrant workers,<sup>90</sup> public interest litigation was filed in the Supreme Court<sup>91</sup>. In this

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Harsh Mander and Anjali Bharadwaj vs. UOI Available at-



instant matter, the Supreme Court directed to establish help line numbers for the migrant workers. It is noteworthy to mention here that survey conducted by the Indian psychiatry Society, within a week of the state of lock down, the number of reported cases of mental illness has seen a hike of 20%. The closure of wine-shops during lockdown has raised acute withdrawal symptoms resulting in mental health issues.<sup>92</sup> Covid-19 has created stigma against the Covid-19 patients, who have been evicted from their homes out of fear they may be affected by the disease.

We are aware that the ratio of psychiatrists and mentally ill patients is 9000/1.3billion people, and as such the gap cannot be prevailed over during this period .the need of the hour is to build community based capacity in order to handle local issues after the phase of lock down and building resilience amongst the adolescents and young children.

**2. Students-** This segment of the society is second worst hit by the pandemic. Students of all age groups, have stopped going to school, colleges and universities, and are going through online class on smart phones and laptops which has psychological impact and gives birth to other interrelated problems such as sleeplessness, anxiety, stress and depression.<sup>93</sup> Moreover, at this tender

age, the students are incapable to understand the authenticity of the information displayed on the internet and as such are misled to different conclusions..The kinder-garden and the primary level students are facing the most difficult phase of their lives; they have been forced to stay at homes instead of playgrounds and are also subjected to the new medium of teaching and learning. In the free time, the parents in order to relax themselves of the burden of taking these kids to the playground, are putting the mobile phones in their hands, where they are exposed to various cartoons, learning filthy language and wrong pronunciations, and attracting psychological problems such as aggressiveness, depression, stress, sleeplessness etc.<sup>94</sup> The students, who are undergoing through their courses, are also complaining of mental issues regarding their parental disputes at their homes.<sup>95</sup> They are also facing anxiety regarding the mode of online examinations, to be very soon conducted in our university, which has become sine-quo-non under the present context.

It has to be kept in mind that the teaching learning through E-learning can only complement but not replace the direct teaching process. It is just a time

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[https://www.livelaw.in/pdf\\_upload/pdf\\_upload372084pdf](https://www.livelaw.in/pdf_upload/pdf_upload372084pdf)

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<sup>94</sup> Covid-19 lockdown: Amid e-learning push parents wary as children's screen time increases. Available on- <https://www.hindustantimes.com/india-news/covid-19-lockdown-amid-e-learning-push-parents-wary-as-children-s-screen-time-increases/story-ejsLGZz5EiZCLxjThu2H3M.html>.

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<sup>95</sup> E-mails received from the students of NUSRL on the mail id. Of The Controller of Examinations



gap management. In the present context, the whole teaching-learning pedagogy has undergone a tremendous change, not only for the students, but also for the faculty members at every platform. The educational institutions must upgrade themselves with at least the basic infrastructure, to fit under the current situation. Though the basic infrastructural requirement is not too expensive to afford to, but being stigmatized we are afraid to adopt the new mechanism.<sup>96</sup> The mental issues of the students of all classes require to be addressed at the grass-root level itself, in order to meet out further contingencies.

3. **Women-** The Covid-19 lockdown has affected the mental health of women more profoundly. The socio-economic and cultural aspect prevalent in India has increased the care-giving responsibilities of women, with less freedom, space and economic security. Data from the Organization for Economic Co-operation and Development (OECD) reveals that the Indian women works 6 hours daily for the care-giving without payment compared to Indian men, who spend less than an hour for the same. However, it is pertinent to mention here many women cherish and prefer care giving activities in India. It is also noteworthy to mention here that due to Covid-19 lockdown, many women are working at home and also working from home. The adverse affect of lockdown has been that many

women are isolated at home with abusive spouse and in-laws, thus influencing their mental health. According to the National Crime Record Bureau (NCRB)<sup>97</sup> 89,097 cases related to domestic violence were reported in 2018. The National Commission for Women (NCW) registered 587 distress calls or complaints between 23<sup>rd</sup>. March 2020 and 16<sup>th</sup>. April 2020. Out of these, 239 cases were of domestic violence. The NCW on 10<sup>th</sup>. April 2020 launched an emergency number on whatsapp for women to register emergency complains. Within a week, the commission received 40 messages alleging forms of domestic violence.<sup>98</sup> The increased home-drinking or abstinence from alcohol due to closure of local wine shops have made the situation complex to safeguard the existing complicated relationships between the spouses. The national strategy against Covid-19 suggests that the home is the safest place to stay safe, but ironically, for domestic violence victims, home is the most unsafe place, as they are being forced to be quarantined with their abusers. The National Commission for Women (NCW) 412 cyber crime complaints were received online within March 25<sup>st</sup>. 2020 to 25<sup>th</sup>. April 2020. People have engaged in online dating and as such the cases were mostly related to sextortion.<sup>99</sup> These issues are

<sup>96</sup> COVID-19 Pandemic: Impact and strategies for education sector in India. Available on – <https://governmenteconomytimes.indiatimes.com/news/education/covid-19-pandemic-impact-and-strategies-for-education-sector-in-india/75173099> published on April 16, 2020.

<sup>97</sup> Available on – <https://www.nationalheraldindia.com/national/domestic-violence-tops-crime-against-women-in-2018-ncrb>

<sup>98</sup> Available on – <https://scroll.in/latest/959515/covid-19-lockdown-domestic-violence-cases-reported-to-ncw-nearly-double-in-last-25-days>

<sup>99</sup> Available on – [hindustantimes.com](https://www.hindustantimes.com) dated- 3<sup>rd</sup>. May 2020.



worsening the mental condition of women of all segments, and all age groups in India.<sup>100</sup> The situation is worsening for the pregnant women, who are suffering from mental anxiety and stress related to the scope of them being infected with the disease, or the chance of their babies being infected with covid-19.

## CONCLUSION-

Thus, it can be summarized that, the covid-19- lockdown, has severe impact upon the mental health of each and every segment of the society, though the author in the present work has tried to demonstrate the impact only upon the three segments of the society. It is also noteworthy to mention here that under the present socio-economic condition of India, it is a dream to look for the complete implementation of the Mental Healthcare Act 2017, because the root of this problem is the shortage of funds. In the financial year 2019, the budget allocation for National Mental Health Programme was brought down to 40 crores from the earlier allocation of 50 crores in the year 2018. However, the fact remains that only 5 crores were spent in each of these two years.<sup>101</sup> The Annual Budget of 2020 reveals that the allocation for National Mental Health Policy has not been increased, even though the total health care budget saw an increase of 7%, and the budget allocation for mental health is 0.5% of the total health budget. It is pertinent to mention here that the estimated cost to implement the Mental Healthcare Act 2017 shall be 94, 073

crores, but the present allocations are not even the fraction of the same.<sup>102</sup> The psychiatrists – patient ratio cannot be augmented during the crisis. Hence, self-help mechanisms are to be emphasized, along with development of community based help groups. Proper awareness regarding the mental issues is to be programmed maintaining the norms of social distancing for the covid-19. In illiterate tribal societies, the issue of mental illness may further aggravate the cases of witch-hunting, and as such put supplementary pressure upon the administrative authorities to meet out the menus. The mental hospitals and the psychologists must take the help of tele – counseling. If the social distancing cannot be avoided, the South Asian and Middle East Organization SAMEO guidelines for psychologists can be taken into account, which stipulates that the total time taken by the virus to travel from the covid-positive patient to a person is around 30 minutes, and as such counseling shall be restricted for 20 minutes only.<sup>103</sup>

## RECOMMENDATIONS-

Recommendations to address the mental health of Migrant Laborers-

1. To cater the mental issues of the migrant laborers, the mental health services should reach their community.
2. The help-lines established by the government institutions must be

<sup>100</sup> Available on- timesofindia.com dated- 23<sup>rd</sup>. April 2020

<sup>101</sup> Available on- thehindubusinessline.com Dated-5<sup>th</sup>. February 2020

<sup>102</sup> Cost estimation for the implementation of the Mental Healthcare Act 2017 , Available on- [https://www.ncbi.nih.gov/pmc/articles/PMC6482705/#\\_ffn\\_sectitle](https://www.ncbi.nih.gov/pmc/articles/PMC6482705/#_ffn_sectitle)

<sup>103</sup> Available on- sameo.org.uk Last visited on 7<sup>th</sup>. June 2020



- made effective and workable so that the person in need can access to the needful help.
3. Minimize watching, reading or hearing news related to covid.
  4. Not to take stress regarding movement to home towns, rather stay at the place and wait for appropriate time to move out
  5. Focus on balanced diet, which is available in India at cheap cost in different states, depending upon their agricultural produce.
  5. Proper teaching techniques, on the online platform, should be made mandatory in the teaching practice of each and every small school of Indian villages.
  6. Proper courses must be designed online for the teaching fraternity, which can be accessed by teachers all over India.
  7. Government should provide subsidy or packages for subscription of data by faculty and students of each class.
  8. Loans shall be designed for students to purchase laptops or desktops or smart phones to meet the current contingency in teaching learning process.

Recommendations to address the mental health of Students-

1. The help-lines established by the government institutions must be made effective and workable so that the person in need can access to the needful help.
2. Proper awareness programmes to be enhanced for students of all age groups, to educate and make them aware about different news on the social media, what to be accepted, authenticated and what not to be taken into consideration.
3. Ongoing Online classes in schools, college and university, should allocate at least one class in a week, to motivate them and boost them mentally.
4. The schools, college and university should set up infrastructure for online mental counseling of the students.
9. Minimize watching, reading or hearing news related to covid
10. Daily exercise

**Recommendations for women**

1. The help-lines established by the government institutions must be made effective and workable so that the person in need can access to the needful help
2. Minimize watching, reading or hearing news related to covid-19.
3. Brest-feeding does not transmit Covid-19, even if the mother is affected with covid-19, Directives of the NIMHANS to be followed for such mothers.
4. Engage in different activities depending on the taste such as cooking, gardening, tailoring, beauty-care etc.





## Surrogacy in India and the Legal Response

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### Abstract:

There are mainly three methods of surrogate parenting. The first method is the artificial insemination method which is the traditional method and includes three steps. In the first step, the surrogate mother is artificially inseminated with the biological father's sperm. In the second step, the surrogate mother carries the fetus in her uterus for nine months and gives birth to the child. Lastly, the surrogate mother terminates all parental rights over the child and gives it to the biological or adopting father for his custody or adoption. This procedure is commonly known as traditional surrogacy. This method is normally used in cases where the wife is infertile and the husband is fertile.

**Key words:** surrogate mother, unmarried, divorced, aged

### Introduction

The popularity of surrogacy as a means for begetting a genetically related child has increased tremendously all over the world. However, facilities offered by the countries as well as the legal regulations of surrogacy are not uniform everywhere. In certain countries, the cost of surrogacy arrangements is very high while in some countries the legal regulations are very strict and in others surrogacy practices are even banned. Therefore, the couples and individuals who wish to beget a child through surrogacy often search for countries which offer surrogacy at an affordable cost and with minimum legal complications. In this context, India is considered as the most favorable nation by foreigners to beget a child through surrogacy. This is because the cost of surrogacy arrangement in India is very low when compared to other countries.

The Law Commission of India in its report points out that the Surrogacy costs in India is about \$25,000 to \$30,000 which is around 1/3 of the costs in developed countries like United States of America.

The Centre for Social Research (CSR), New Delhi in its study report given in the year 2012, identifies that the fees for surrogates in India range from \$2,500 to \$7,000 and the total costs for surrogacy arrangements comprise anything between \$10,000 and \$35,000. Therefore, it is a lot less than what intended parents pay in the United States, where rates fluctuate between \$59,000 and \$80,000. Another statistic shows that, a surrogacy arrangement, including IVF, costs about \$11,000 (approximately Rs. 5,00,000) in India, while in the United States of America, surrogacy alone, excluding ART charges, costs \$15,000 (Rs. 6,75,000). Likewise, in United Kingdom, an IVF cycle costs about £7,000 (Rs. 5,00,000 approx.) and surrogacy costs about £10,000 (Rs. 7,00,000 approx.). The cost of gestational surrogacy in Canada is approximately \$29,600 to \$68,500 and the cost of traditional surrogacy is approximately \$19,600 to \$68,500. In Russia, the minimum cost for surrogacy arrangement is about \$35,000.



Thus it can be seen that, the cost of surrogacy arrangements in India is very low when compared to other countries. Further, the regulations that deal with surrogacy are also minima and there are no restrictions with respect to who can be the intended parents. As a result, the unmarried, divorced, aged, gays and lesbians who may be prohibited in their country to use surrogacy can come to India and fulfill their dream of begetting a child. Thus, the strongest incentive for foreigners to travel to India is most likely to be the relatively low costs involved in the process coupled with the limited legal regulations.

In addition to the above-mentioned reasons, there are many other reasons also due to which the foreign couples or individuals come to India for availing the benefits of surrogacy. Some of the key reasons are that India offers the advantages of well qualified and experienced doctors, world class private health care providers, English speaking doctors and staffs to facilitate such process, and more importantly easy access to surrogate women. Moreover, the Indians show a great commitment in handing over the new born to their intended parents immediately after birth and till now no dispute is reported regarding refusal of surrogate to hand over the baby to the intended parents. So also, when compared to foreign women the Indian women have a more methodical lifestyle and most of them do not indulge in drinking, smoking, use of drugs and narcotics. Further, the cost of living in India is economical and the foreign couples or individuals who come to India can also enjoy visiting world famous tourist destinations and then go back with the baby once the surrogacy arrangement is over. Lastly, the success

rates of surrogacy in India are also considered as very high.

Due to all the above said reasons, India has become a favorable destination for foreign couples who look for a cost-effective surrogacy arrangement and a whole branch of medical tourism has flourished on the surrogacy practice.

The places like Anand, Surat, Jamnagar, Bhopal and Indore have become the major centers for surrogacy practices. A large number of couples are travelling to these places not only from India but also from western countries and from other countries like Sri Lanka, Pakistan, Bangladesh, Thailand and Singapore to fulfill their desire for a child. It is estimated that there are more than 600 fertility clinics established in both rural and urban areas spread over in almost all states of India. However, the state of Gujarat is particularly popular, especially among westerners. In fact, India in general and the state of Gujarat in particular is rapidly becoming the center for Child Process Outsourcing (CPO). In India, though surrogacy is gaining popularity and is rapidly developing as an industry; the Government has been very slow in responding to the changing situations. In the absence of a legislative action, the Indian Council for Medical Research has come up with certain ethical guidelines for regulating assisted human reproductive technologies in general and it also includes guidelines for surrogacy practices. In 2000, the ICMR adopted Ethical Guidelines for Biomedical Research on Human Participants, in which they prescribed certain guidelines to deal with ART in general. So also in the same year, Statement of Specific Principles for Assisted Reproductive



Technologies, 2000I was released by ICMR.

Further in 2002, the ICMR submitted a Draft National Guidelines for Accreditation, Supervision & Regulation of ART Clinics, 2002 to the Ministry of Health and Family Welfare. It is pertinent to point out that, this step of ICMR has been interpreted by many authors as a step of legalization of commercial surrogacy in India. However, this Draft was not officially adopted by the Government of India in 2002, nor it was a legislative step and hence it cannot be considered as a step of legalization of surrogacy in India. In fact, this draft was later modified and adopted by the ICMR officially in 2005 after consultation with the National Academy of Medical Sciences, practitioners of ART, and the Ministry of Health and Family Welfare.

#### **ICMR Guidelines, 2005 and Surrogacy:**

The ICMR Guidelines, 2005 was adopted with the main objective to provide ethical guidelines for regulating ART clinics in India. However, these guidelines also contain certain provisions for dealing with surrogacy. The guidelines define surrogacy as an arrangement in which a woman agrees to carry a pregnancy that is genetically unrelated to her and her husband, with the intention to carry it to term and hand over the child to the genetic parents for whom she is acting as a surrogate. It states that, surrogacy by assisted conception should normally be considered only for patients for whom it would be physically or medically impossible/ undesirable to carry a baby to term. ART used for married woman with the consent of the husband does not amount to adultery on part of the wife or the donor. However, ART without the

husband's consent can be a ground for divorce or judicial separation.

The guidelines state certain conditions to be followed by a surrogate mother such as, a surrogate mother should not be over 45 years of age and no woman may act as a Surrogate more than thrice in her lifetime. Before accepting a woman as a possible surrogate for a particular couple's child, the ART clinic must ensure (and put on record) that the woman satisfies all the testable criteria to go through a successful full term pregnancy. A relative, a known person, as well as a person unknown to the couple may act as a surrogate mother for the couple. In case of a relative acting as a surrogate, the relative should belong to the same generation as the woman desiring the surrogate. However, an acolyte donor cannot act as a surrogate mother for the couple to whom the oocyte is being donated. It further mandates that, a surrogate mother must register as a patient and as a surrogate in her own name and provide all the necessary information about the genetic parents such as names, addresses, etc. She must not use/register in the name of the person for whom she is carrying the child, in order to avoid any legal issues, particularly in the untoward event of maternal death. There must be informed consent by the surrogate and it must be witnessed by one who is not associated with the clinic, physically/medically impossible to them to carry a child. However, it is unclear regarding the issue whether a lesbian couple/ single woman can have access to surrogacy.

An important drawback of the guidelines is that, the genetic parents name will be mentioned in the birth certificate of surrogate child. This is in conflict with



the right to anonymity of the donor and may deter the donor to participate in such surrogacy arrangements. Thus, even though the guidelines say that the surrogate child will be the legitimate child of intended parents, the mentioning of genetic parent's name in certificate will create problem for intended parents. This is because their name will not be there in the birth certificate if they have not contributed the genetic. The ICMR record) that the woman satisfies all the testable criteria to go through a successful full term pregnancy. A relative, a known person, as well as a person unknown to the couple may act as a surrogate mother for the couple. In case of a relative acting as a surrogate, the relative should belong to the same generation as the woman desiring the surrogate. However, an acolyte donor cannot act as a surrogate mother for the couple to whom the acolyte is being donated. It further mandates that, a surrogate mother must register as a patient and as a surrogate in her own name and provide all the necessary information about the genetic parents such as names, addresses, etc. She must not use/register in the name of the person for whom she is carrying the child, in order to avoid any legal issues, particularly in the untoward event of maternal death. There must be informed consent by the surrogate and it must be witnessed by one who is not associated with the clinic, physically/medically impossible to them to carry a child. However, it is unclear regarding the issue whether a lesbian couple/ single woman can have access to surrogacy.

An important drawback of the guidelines is that, the genetic parents name will be mentioned in the birth certificate of surrogate child. This is in conflict with

the right to anonymity of the donor and may deter the donor to participate in such surrogacy arrangements. Thus, even though the guidelines say that the surrogate child will be the legitimate child of intended parents, the mentioning of genetic parent's name in certificate will create problem for intended parents. This is because their name will not be there in the birth certificate if they have not contributed the genetic. The ICMR guidelines thus suffer from the above-mentioned defects. Further, these guidelines are on-binding and voluntary in nature and hence some of the authors argue that the ART clinics often do not adhere to these directives and thereby. Guidelines thus suffer from the above-mentioned defects. Further, these guidelines are non-binding and voluntary in nature and hence some of the authors argue that the ART clinics often do not adhere to these directives and thereby.

#### **Objectives of the study:**

1. To highlight the need and importance of artificial human reproductive technologies in general and surrogacy arrangements in particular,
2. To evaluate the effectiveness of existing legal system for the regulation of surrogacy practice in India.
3. To suggest modifications in the existence/existing laws, is required and to propose a model law for the regulation of surrogacy practices in India
4. To identify the legal and human rights, issues relating to the intended parents, surrogate woman and surrogate child in India.
5. To examine the legality of surrogacy contracts and various legal human right



controversies relating to surrogacy contracts.

### **Types of Surrogacy:**

Surrogacy can be classified into different types on the basis of the type of agreement entered into, financial transactions and relationships involved and on the basis of the use of genetic material. One of the basic classifications of surrogacy is based on the nature of the agreement entered into by the parties. Thus, surrogacy can be classified as formal and informal surrogacy. Formal surrogacy arrangements are those in which the nature and terms of the agreement between the surrogate and the commissioning couple are clearly specified, and are generally in writing. These arrangements are otherwise described as contractual surrogacy. This term denotes the potential legal enforceability of such agreements by a court of law. Informal surrogacy arrangements are non-contractual and lack the legal requirements of an enforceable contract, in that they are often vague and uncertain. In practice, they are generally difficult to detect and control.

### **Traditional Surrogacy or Partial Surrogacy:**

Traditional surrogacy is the most widely used method of surrogate pregnancy, as well as the most historically prevalent. Before the era of assisted reproductive technology and IVF, traditional surrogacy was the only form of surrogacy available. However, this method was used in the ancient cultures and communities without the application of technology. The husband of the infertile woman would have access to another woman and

after the birth of the child, the woman would hand over the child to the husband and his wife. The modern science and technology has made it possible for procuring biological child with the help of another woman without sexual intercourse. In this process, the woman is artificially inseminated with the semen of the husband of the genetic couple. Because it is her own egg that is being fertilized, the surrogate mother is genetically related to the fetus that she conceives. Therefore, any resulting child is genetically related to the male partner of the commissioning couple but not the female partner. Thus, it is also known as partial surrogacy or natural surrogacy, as the surrogate mother contributes genetic material to the resulting child and gives birth to it as her own child.

### **Gestational Surrogacy or Total Surrogacy :**

Gestational surrogacy is preferred by couples who desire a biological connection to their child, assuming the husband and/or wife have viable gametes.

Gestational surrogacy, is defined as the treatment in which the gametes of the genetic couple, commissioning couple or intended parents are used to produce embryos by the process of in vitro fertilization (IVF). These embryos are subsequently transferred to a woman who has agreed to act as a host for these embryos. In this case, the surrogate host is therefore genetically unrelated to any child that may be born as a result of this arrangement. Thus, it is also known as total surrogacy or full surrogacy because the foreign genetic material is implanted into a woman who gestates the child for another couple who are the genetic parents.



### Methods of Surrogate Parenting:

There are mainly three methods of surrogate parenting. The first method is the artificial insemination method which is the traditional method and includes three steps. In the first step, the surrogate mother is artificially inseminated with the biological father's sperm. In the second step, the surrogate mother carries the fetus in her uterus for nine months and gives birth to the child. Lastly, the surrogate mother terminates all parental rights over the child and gives it to the biological or adopting father for his custody or adoption. This procedure is commonly known as traditional surrogacy. This method is normally used in cases where the wife is infertile and the husband is fertile.

The second method of surrogate parenting is in-vitro fertilization. It involves the following five steps. Firstly, a fertile couple desiring a child gives an egg and semen to a doctor. Secondly, the doctor fertilizes the egg with the sperm in that semen through in-vitro fertilization. Thirdly, the fertilized egg is implanted in the surrogate mother's uterus. Fourthly, the surrogate mother carries the fetus in her uterus for nine months and gives birth to the child. Lastly, the surrogate mother terminates all parental rights over the child and gives it to the couple who donated the egg and semen. This method is used when the wife has an abnormality in her reproductive organs that prevents her egg from being fertilized by her husband's sperm or when the wife is unable to carry a child to term because she has an abnormality in her uterus. If the wife is able to conceive, but unable to carry the gestating fetus, the embryo transfer methods allow transfer of the naturally fertilized egg

from the biological mother's womb to the surrogate mother's womb. This method is known as gestational surrogacy.

The third method of surrogate parenting is a modification of the in-vitro fertilization method and known as donor surrogacy, which involves five steps. The first four steps are identical to that of in-vitro fertilization method. The fifth step, however, differs. Instead of giving the child to the couple who donated the semen and egg, the surrogate mother gives the child to adoptive parents who are not biologically related to the child. There have been no reported incidents of the use of this method, but the method could be utilized in a situation in which both the husband and wife are infertile but wish to have a child with specific traits.

Although the above-mentioned three methods of surrogate parenting involve different medical techniques, and although the biological relationship of the couple receiving custody of the child may vary depending upon the method used, the legal consequences of contracting to perform each method are surprisingly similar. The methods are treated very much the same because most countries presume that the woman who gives birth to a child is the natural, biological mother of the child. Thus, depending on the infertility problem involved, either Artificial Insemination or VF may be used in a Surrogacy situation.

For surrogacy to be successful, three conditions are to be satisfied. Firstly, the parties to the surrogacy process must be able to arrange for the conception and birth of a child. Secondly, before actually doing so, the parties must reach an agreement defining what their respective





rights and duties will be, both before and after the child's born. Thirdly, the parties must have some means by which they can enforce the rights and duties so as to ensure performance.

### **Surrogacy vs. Other forms of ART**

Procreation as discussed earlier is a fundamental human drive. The image of happy parents holding a healthy baby pervades the human mind and the society. Hence the greatest motivation to use surrogacy is that it will help a couple to have a genetically related child. Thus, a surrogacy arrangement is a boon to childless couples as it gives them the greatest gift of life, i.e. a child. It is pertinent to point out here that the impact of childlessness on married couples is very grave. Surrogacy thus provides inopportunity to such couples to beget a child and gives them satisfaction and happiness. The major benefits of surrogacy when compared to other forms of ART can be classified as follows')

#### **I Genetic Link:**

The most important benefit of surrogacy is that it helps the couple to beget a child genetically related to at least one of the parent. Thus, it helps to fulfill the natural instinct and desire to have a biological child. The urge to procreate, usually involves a desire to transmit one's own genetic heritage to the child and to participate in gestation and parturition. Thus, it offers greater advantage to childless couples as compared to the traditional option of adoption's)

#### **II Prevention of Hereditary Diseases :**

The second major advantage of surrogacy is that by using this method an individual can prevent transmission of hereditary diseases to his biological child. The individual's who have a history of genetic illness or who have given birth to children with genetic diseases can with the help of genetic screening find out whether they might transfer harmful trait to their offspring. In cases where the individuals are likely to transmit the harmful traits to their offspring, they may prevent such transmission by selecting surrogate mother and using genetic material from a male donor or female donor as required.

#### **III) To Overcome Medical Risks:**

Surrogacy is the only option available to couples who are fertile but unable to beget a child due to risk factors involved in pregnancy. It is to be noted that some pregnancies involve high risks due to medical problems of the mother and could pose serious complications of premature births leading to deformities in the child or sometimes, such pregnancies may cause danger either to the life of the mother or child, or both. So also in case of women suffering from AIDS, conceiving a child may be risky and is also dangerous to the future child. In these circumstances surrogacy is the best option available for the couple to beget a child.

#### **IV) To satisfy the desire of Single, Divorced, Lesbians and Gay couples, etc:**

Surrogacy arrangements make possible the creation of non-traditional families. In modern times, even single men and women, gays and lesbians couples may wish to beget and raise a child. The process of procreation involves the union



of both male and female. But in cases of lesbian and gay couples as well as transgender couples, due to inherent biological reasons, they are unable to procreate naturally. So also, single Women/men, a divorced individual or in cases where one of the spouses has expired are also deprived of their right to procreate due to their societal conditions. In these situations, surrogacy can be very useful to help these individuals to satisfy their natural craving for a child.

**V) An option for individuals/couples with modern life style:**

Surrogacy can be used for begetting a child by those couples and individuals who are fertile and able to carry a child, but are unwilling to do so due to various reasons. The reasons can be their life style, career prospects, and profession<sup>87</sup>.

**VI) To avoid problems related to infertility treatments:**

Surrogacy is not a treatment for infertility but it is an arrangement for begetting a child Hence it can avoid the physical and mental sufferings caused to infertile couples due to the prolonged and sometimes unsuccessful infertility treatments.

Thus, the method of surrogacy offers new ways for infertile and other individuals/couples to become parents. It facilitates the pursuit of biological parenthood and in many cases where couples/individuals have opted for surrogacy, it has brought enormous joy into their lives by helping them to beget a child which they never thought that they would have. It might be thought that such a miraculous procedure which creates new life and produces such happiness would be accepted by all

without any objections. But it is not so. The practice of surrogacy is criticized and objected on various legal, ethical and social issues that pose severe challenges to the legal systems. Surrogacy has proved to be a boon for infertile couples. At the same time the increasing use of this technology has also led to various controversies and conflicting legal issues. These conflicts have at times erupted into a fierce debate over the legality of surrogacy. A discussion on this debate is necessary in order to understand the arguments underlying surrogacy. Further, since the controversy surrounding surrogacy, has been brought to limelight by the leading surrogacy cases all over the world as well as arguments made by legal scholars and commentators, such a discussion is important in determining how surrogacy should be dealt with by the legal systems in different countries in future. Most of the criticisms against surrogacy are based on various ethical, moral, religious and legal grounds. Admittedly, the influence of ethics, morality and religious practices cannot be ruled out in a legal discussion, as the ethics and morality have played an important role in shaping the societies attitude towards legal<sup>1</sup>SSues as well as the foundation of most of the legal systems of the world.

The moral, ethical and religious objections to surrogacy are based on the premise that life is a creation of God and human beings should not attempt to play God by interfering in the natural processes. Another serious objection in this regard is the fact that surrogacy procedure involves repeated trials which use either male or female genetic material or the human embryo. The wastage of human embryo is criticized as similar to murder, because according to



some scholar's human life begins at fertilization.

The major legal objection to surrogacy strikes at the very root of the procedure .of surrogacy which is due to the need and requirement of a woman to act as a surrogate. Various scholars have criticized surrogate motherhood, as it presents intolerable risks to women, including physical risks, psychological risks, and symbolic risks such as objectification and co modification. Carl Schneider points out that-some surrogate mothers will become sick or even die. Some commentators assert that the chances that the surrogate will be psychologically harmed by the process are very high, analogizing it to the psychological harms felt by birth mothers giving children up for adoption. Some surrogates do regret their decision to bear a child for another couple, as is evidenced by their decision to try to keep the child.

The supporters of surrogacy argue that that-if the right of individuals to procreate naturally by sexual intercourse is a protected right, then begetting a child with the help of assisted human reproductive technologies including surrogacy should also be protected. These supporters argue that the liberty interests protected by the Constitution do not change definition because of the presence or absence of reproductive technology. The supporters of surrogacy also distinguish surrogacy from baby selling and adoption on the basis that a surrogacy contract is entered before Conception and the contracting father or contracting mother or both are often geneticallyrelated to the child .

Thus, surrogacy is one of the hotly contested technological advancement in present times having a grave impact over the basic human rights. The various contentious and conflicting issues raised by surrogacy pose a daunting challenge to the courts as well as to the legislatures and policy makers. The manner in which these conflicts will be answered would have a profound effect on 'the way in which the society would view the relationship between parent and child. It would ultimately have far-reaching consequences on the reality of the relationship between parents and children of the future and the power of the state to regulate that relationship.



## Difficulties being faced by Indian Judiciary

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### Abstract:

The objective or goal of this Article in the Constitution is to defend the judiciary from any type of dominance or interference of the executive. This Article categorically proclaims that there shall be a separate judicial set-up free from any control of the executive. Judiciary has to be independent not only of the executive pressure but also of any other kind of pressures. Nevertheless, the notion of independence has to be limited within the four corners of the Constitution.

**Key Words:** Judicial Independence, Constitutional, Vacancies of Judges, Judicial Delay,

### Introduction

Having been blessed with a graphically and assiduously written Constitution by a dedicated team of qualified and devoted experts, we take pardonable pride in the fact that we are one country that is governed by clear and expressive laws, and that our destiny and our actions are not controlled by some men with power and wealth. However, this is concept of being governed by uniform and progressive laws is true just in theory; in practice, the law is eventually that a judgment which the judges of the highest court pronounce. The extent of the judicial power of the highest court of India is most overwhelming. The highest court, i.e. the Supreme Court of India, is situated in New Delhi. It has been established for the purpose of final judgments over the verdicts of pronounced by all the High courts. Apart from it, the Supreme Court's judgments prevail over the judgments of all the tribunals. There is one more element of the judgments of the Supreme Court, i.e. the law pronounced by the Supreme

Court, together with its pronouncements on the legitimacy of various enacted law, is compulsory for all other courts and establishments in the country<sup>1</sup>

All establishments, whether they are civil and judicial ones existing in the domain of India shall function for the purpose of rendering assistance to the Supreme Court.<sup>2</sup> There is practically no region of legislative or executive actions that are beyond the highest court's analysis and interpretation. The writ jurisdiction of this court extends to the whole of India. The Indian Supreme Court has been carrying out some significant and breath-taking tasks with substantial merit. Now the matter is what is the kind of functioning that will be followed by this august body during the forthcoming days, which are full of changes and progress:

### Judicial Independence

With regard to the matter of interpreting various laws prevailing in a

<sup>1</sup>Article 141 of the Constitution of India

<sup>2</sup>Article 144 of the Constitution of India



democratic country, the judiciary performs a very significant role. This court adjudicates on various controversial matters also. An autonomous judiciary is the need of the hour for giving verdicts on the matters connected with one citizen and another citizen, and also between a citizen and the State. Maintaining the rule of law in the country is the cardinal task of courts. The Courts are further expected to guarantee that the government functions as per the laws of the land. The judiciary functions between the citizen and the nation as a fortification against management-related excesses. The judiciary also precludes the misuse or abuse of power.<sup>3</sup> The main task assigned to the courts is to safeguard and implement the fundamental rights of the citizens that are guaranteed to the citizens under the Constitution. Article 50<sup>4</sup> earmarks "the conscience of the Constitution"<sup>5</sup>. This article encompasses the social attitude of the constitution.

The objective or goal of this Article in the Constitution is to defend the judiciary from any type of dominance or interference of the executive. This Article categorically proclaims that there shall be a separate judicial set-up free from any control of the executive. Judiciary has to be independent not only of the executive pressure but also of any other kind of pressures.<sup>6</sup> Nevertheless, the notion of independence has to be limited within the four corners of the

Constitution. This concept of independence cannot go beyond the four walls of the constitution.<sup>7</sup> The notion of judicial independence is a very significant notion because this notion highlights, within it, independence from any pressure or prejudice.<sup>8</sup> The constitution of India established an independent judiciary, and this judiciary is absolutely untouchable as felt by Granville Austin.<sup>9</sup>

### Earmarked Standards

Judicial governance entails that various judicial officers or judges who are constitutionally assigned the task of defending the rights of citizens have also to be considered and felt as the persons of righteousness or integrity. Judges are directed for making yearly financial-disclosure statements. This task of the yearly financial-disclosure statement is done not just confidentially to their individual chief justice, but this disclosure has to be to the general public of the country.

In a three-tier and precedent-bound arrangement as exists in our country, cases remain pending for some inordinate time. One of the main reasons for this unwarranted delay is that various lawyers spend excessive time for citing case-law. During the period of the last few years, our law reports are replete with some helpful and many not-so-helpful judgments. The Americans too faced this kind of predicament. However, the glut of judicial verdicts in the United States is at present kept sternly under

<sup>3</sup>S.P. Gupta v. Union of India, AIR 1982 SC 149

<sup>4</sup>The state shall take steps to separate the judiciary from the executive in the public services of the states

<sup>5</sup>Union of India v. Sankalchand Himatlal Sheth, AIR 1977 SC 2328

<sup>6</sup>C. Ravichandran v. Justice A.M. Bhattacharjee, (1995) 5 SCC 4: 7

<sup>7</sup>S.P. Gupta v. Union of India, AIR 1982 SC 149

<sup>8</sup>High Court of Judicature at Bombay (Registrar) v. S.K.R. Patil, AIR 1997 SC 2631

<sup>9</sup>Working a democratic constitution, (2000)



control by a straightforward judicial mechanism recognized as "unpublication of opinions". This term prevalent in the U.S.A. means "Un-publication" that an opinion, (or judgment) because it is confined to the information of a given case is (judicially) designated unfit for publication in the official law reports. Apart from it, when this judgment is uploaded on the website as an "unpublished" opinion, this judgment just cannot be quoted in any court of law.

For the purpose of initiating this organism in India, we need enormous spade work. This is so because thousands of verdicts will have to be scanned for the purpose of pronouncing them as "unpublished." The subsequent task is to examine the process of arriving at the state of judging or writing judgments. We all know that judging it is not effortless. Some of the judges for directing cases towards either a prompt settlement or a prompt resolution. The judge in India, different from the contemporary judges in England and the judges in the US, still function just as the umpire functions in a cricket match; to wit he will not declare you out till either side makes an appeal.

### **Vacancies of Judges and Retirement age**

Another matter is with regard to the predicament of vacancies of judges in the higher judiciary. Vacancies in this segment of our judicial set-up keep piling up. It only needs some basic synchronization between the Ministry of Justice and the Chief Justices: of all the High Courts and of the judges of the Supreme Court. Everyone is aware of the fact that the Judges serving with High Courts retire at the age of 62<sup>10</sup>. We all also know that the judges of the

Supreme Court retire at the age of 65<sup>11</sup>. If we sort out this matter of the age of 62 and 65 between the category of these two courts, we will not have so many unfilled vacancies. This can be done by making the age of retirement uniform, i.e. 65 for the judges of the High Courts in line with the age of 65 of the judges of the Supreme Court.

This retirement age of a judge of the Supreme Court or of a Judge of the High court has to be uniform. This process will obliterate the unpleasant manifestation of lowering the esteem of the High Court judges, when they reach 61. For obvious reason, each judge, because his competence is proven, earnestly looks ahead, waiting to be chosen and moved to the highest court. This elevation gives him three more years on the Bench.

The previous CJI Ranjan Gogoi made a submission to the Prime Minister Mr. Narendra Modi. He suggested to the Prime Minister that the retirement age of the Judges of the High Courts may be raised by three years and be brought at par with that of the judges of the Supreme Court, i.e. 65 years. "This, in turn, would help in improving the vacancy position and consequently reducing pendency of cases. This would also be in consonance with the (repeated) recommendations made by parliamentary standing committees."

The former Chief Justice further made a suggestion, "A judge takes time to evolve and by the time he is in a position to put innovative thoughts based on rich experience to practice, he finds himself nearing retirement. This can be avoided if the age of retirement is raised to an appropriate level so that his vast experience, deeper insight and expertise

<sup>10</sup>Article 217 of the Constitution of India

<sup>11</sup>Article 221 of the Constitution of India





can be utilised for a longer period."<sup>12</sup> One of the most significant causes why we are not able to restrain the ever mounting pendency is that we have an utter and despairing scarcity of the judges in our High Courts. At the current period of time, 399 posts of the judges of the High Courts are lying vacant. This colossal figure showing deficiency of judges constitutes 37 per cent of sanctioned strength of the judges in various High Courts.<sup>13</sup>

### Consequence of the Collegium System

The Collegium system consists of a panel of judges whose head is the CJI (the Chief Justice of India) and some Senior Judges. The Collegium of judges assumed authority for appointing judges based on the contention that this system ensures independence of the Judiciary. However, their conduct with regard to the selection of judges was considerably uneven. It was deficient in proficiency and this system was devoid of entrenched principles. The working of the system is shrouded in secrecy. It was felt by many that the Judiciary without any training in the system of selection and without any code of directions cannot be handed over such vital power at all. The functions of this highest authority also need inspection and testimonials. Respectful and discreet inspection of the way of its functioning including the appointments recommended by the Collegium to various Benches of the High Courts is a Constitutional imperative.<sup>14</sup>

<sup>12</sup>Business line, New Delhi dated June 22, 2019

<sup>13</sup>Ibid

<sup>14</sup> V.R. Krishna Iyer, "Appointing Judges-A vicious circle", The Sunday Indian, 40, Aug 6-12, 2007 ; see also, V.R.

It is indeed urgent and essential, not only to put in place systems of answerability but also to put in place appropriate systems for choice of judges. The background of secretive and uninformed system of appointment and transfers gives rise to authoritarian concerns. As there exists no decisive factor with regard to the matter of selecting judges and there is no impartial assessment of proposed appointees on any principles, the organization will go on to suffer from inefficiencies.

In a case relating to "the Supreme Court Advocates on Records Association v. Union of India,"<sup>15</sup> the Supreme Court by its judgment declared "the Constitution (99<sup>th</sup>) Amendment Act, 2014 and the National Judicial Appointment Commission Act, 2014" as unconstitutional and invalid. The legislation was declared invalid. The decision does not, though, imply that the Parliament or the political administrative machinery at the centre should abandon the reformative schedule perpetually. Parliament and the Executive can otherwise propose the reforms for judiciary. There is indeed some requirement to reconceptualise the commission. This reconceptualising or restructuring can be done by erasing the likelihood for political control which was considered as a threat to judicial independence.

Selection of Judges of the High Courts/Superior Courts by the collegiums system has led to the raising of voices at very higher pitch for amendments in the present selection process. Disagreements in the past with regard to some controversies are there. Some of these

Krishna Iyer, "Needed, transparency and accountability, The Hindu, Feb. 19, 2009  
<sup>15</sup>(2015) AIR SCW 5457



controversies relate to "the Chief Justice Sabharwal. Ghaziabad district Court Provident Fund Scam, the 15 lakhs cash-at-judge door scam of Chandigarh, controversy regarding Justice Soumitra Sen's case of Calcutta, and the elevation of Justice P.D. Dinakarn" are descriptive of the extensive displeasure across a few institutions and professions. The aforesaid four controversies connected with the aforesaid cases and controversies connected with some more cases cast a shadow over the current structure of appointments to the Higher Judiciary.<sup>16</sup> Owing to the knowledge acquired from 1993 onwards, many persons will have doubts about the present mechanism of the appointment of Judges, and aver that this system has not been successful in accomplishing its objective,<sup>17</sup> because this collegium system was established as a substitute of favouritism and arbitrariness in the system in which Judges were selected by the recommendation of the Executive.

A few amendments in the present-day Collegium system have been recommended by the Law Commission of India<sup>18</sup> mainly for this reason relating to incomplete data and information in the appointments. The Law Commission observed that many limitations and drawbacks in the functioning of the collegium system did exist to the detriment of proper functioning of this pattern of appointment. It has been regarded and averred very categorically

by Mr. Justice A. R. Lakshman, who worked as the Chairman of the Law Commission of India, that the Judges who are a part of team of the collegium are not fully familiar with and aware of the names and antecedents of the candidates whom they will appoint in these very renowned judicial positions. Now, when the members of the collegium have the utter dearth of this data and information, it is obvious that the process of appointments will suffer because of the paucity of much needed data.

### Experimental Investigation

Experimental investigation and scrutiny in the Indian legal set-up is a suggestion, and a matter of discussion of this suggestion is quite ripe now. It is absolutely significant that some judicial reforms are so extremely and immensely indispensable that they must be implemented without the relentless and time-consuming backing investigation or research. One pilot project was conducted by the Delhi High court. It lasted from 2017 to 2018 and the work of this project was carried out with the assistance of DAKSH.

The backdrop of the said project was to review the impact of "no backlog on judicial pendency." The further aim of it was to work out superlative timelines for diverse kinds of cases. A comparative study was conducted with eleven judges in whose name there was no backlog, and these judges were compared with 11 judges with the habitual backlog.

This survey discovered the reason of "No backlog". It was that since "no backlog" courts being covered under the "pilot project" had fewer cases listed for hearing per day, these judges could spend more time per hearing. There was no

<sup>16</sup> A Surya Prakash, "Appointments still shrouded in Secrecy," 1, September 2009, express buzz

<sup>17</sup> K.N. Bhat, "Judicial Appointments", The Tribune (Jalandhar), September 24, 2008

<sup>18</sup> Law Commission of India, 214<sup>th</sup> Report, No. 2008



backlog. On an average, pilot sessions judges who were dealing with cases of murder took something like 16 hours to dispose sessions cases over 6.5 months, while pilot fast-track judges (who were dealing with rape cases) took 4.4 hours over three months. Surveys such as the aforesaid survey make available considerable evidence to the makers of policies. In this manner, the policy makers can make policies for implementing schemes for effective solutions.<sup>19</sup> It is a political issue that directly affects the general public in the republic of India, and therefore, the matter of judicial reforms should find a place in the electoral discussions and public speeches. Various prominent political parties in India ought to address the shortcomings prevailing in the legal system. These political parties should take up this matter more expansively with a sense of statesmanship.

The most significant problem is with the judicial courts in the districts of India. In these courts lakhs of litigants come into contract with the justice-delivery system. Without proper and iron-clad solution of the problems of these courts and the litigants of these courts, just a few temporary alterations and ad hoc improvements at the level of the Supreme Court and at the level of High Courts will have no bearing on the structure of our colossal judicial set-up. The common litigant will remain under this time-consuming and tormenting sufferings.

### Conclusions and Suggestions

Plants are very reliable source of our sustenance in this world. Life without plants will be completely

disarrayed and chaotic. Such a life will face devastating consequences. Such is the state of our judicial institutions which are just like very precious plants and if we do not nurse our judicial set-up with care, our this system will wither away. In the situation that is prevalent these days, there is every reason for founding and establishing a Judicial Reforms Commission for the purpose of considering various matters for making our judiciary more efficient and helpful. First of all, and always foremost, the judiciary is a cast-iron establishment, and this establishment ought to preserve its independence, and to do this it must struggle to win the confidence of the community in the existing courts; the courts which are working in the present time.

It is the judges themselves who can safeguard their own inactivity or slow working by means of the smooth and flawless running of the institutions and organisations that the law permits them to govern. They can erase their own slow speed of disposal by projecting themselves as erudite and morally upright judges. Through their uprightness and sagacity, they will feel absolutely independent, and in addition to this independence, they will command the respect of all the right-thinking people. Two things are inseparable, and these two things are Judicial independence and judicial accountability. There is a burning necessity for establishing a statute or decree for the purpose of establishing a National Judicial Council (NJC) as this Council is needed for examining all kinds of charges of incompetence, allegations of

<sup>19</sup> Leah Verghese "Testing judicial reforms", The Hindu, December 12, 2019



misbehaviour<sup>20</sup> or incapacity<sup>21</sup> against Judges at large<sup>22</sup>.

The judges must be men and women full of strident courage with graciousness. Courage coupled with graciousness in the highest court will precipitate down the line. By down the line, we mean that the courage and graciousness will ignite confidence and commitment in the members of the lower judiciary. They know that their thoughtful and upright judicial orders and actions will be defended by their senior judges.

As the system prevail at present, the norm is that judges of the High Courts and the Supreme Courts are for the most part selected from a panel of practising lawyers. Now the moot point is that a lawyer's job is profoundly different from the tasks to be performed by a judge. It is felt that some deviation could be worth taking note of. Constitution anticipates selection for the post of judges in the Supreme Court from

among "distinguished jurists" as well.<sup>23</sup> This arrangement of inducting jurists is still awaiting appropriate enactment.

Improvement is required not just in reducing the number of cases and in the speedy disposal of cases. Improvement is needed in some more matters. The matter worth considering is that 21<sup>st</sup> century needs to establish a specimen or pattern with regard to exemplary self-discipline and temperate attitude to legal matters. Equanimity is also needed about political-cum-legal difficulties that fall in the domain of judiciary.

One more thing is very necessary, and that thing is that the lifestyles of judges should be in many ways transparent. The judges should possess an abiding broadmindedness and temperance about public criticism and they should be very tolerant. Therefore, very high degree of ethics, transparency, erudition, and flawless team-work is the matter in which a judge should be considered worthy and dependable. A judge should earmark and follow the guidelines related to the attributes stated above in these paragraphs, and these guidelines should be observed at the top-level judiciary first of all so that the reliability and glory of judiciary resonates among the citizens of India.

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<sup>20</sup> "Misbehaviour" means wilful or persistent conduct which brings dishonour or disrepute to the judiciary or wilful or persistent failure to perform the duties of a Judge; or wilful abuse of judicial office, corruption, lack of integrity; or committing an offence involving moral turpitude; and includes violation of Code of conduct.

<sup>21</sup> Incapacity means physical or mental incapacity, which is or is likely to be of permanent character.

<sup>22</sup> Judge means a Judge of the Supreme Court or of a High Court and includes the Chief Justice of a High Court and also the Chief Justice of India for purposes of the reference procedure but shall not include the Chief Justice of India for purposes of the complaint procedure.

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<sup>23</sup> Article 124(3)(c) of the Constitution of India



## The Occupational Safety, Health and Working Conditions Code, 2020

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### Analysys

Labor law is critical to any country's economic development, industrial growth and human development and has stayed in focus since the industrial revolution. Especially in democratic countries, the strengthening of protection for the workers on labor issues around employee-employer interaction is of paramount importance. Labour falls under the Concurrent List of the Constitution. Therefore, both Parliament and state legislatures can make laws regulating labour. The central government has stated that there are over 100 state and 40 central laws regulating various aspects of labour such as resolution of industrial disputes, working conditions, social security and wages. The Second National Commission on Labour (NCL) "Occupational Safety, Health and Working Conditions The of the Workers" in June, 2002. It found existing legislation to be complex, with archaic provisions and inconsistent definitions.

To improve ease of compliance and ensure uniformity in labour laws, the NCL recommended the consolidation of central labour laws into broader groups such as (i) industrial relations, (ii) wages, (iii) social security, (iv) safety, and (v) welfare and working. Basing on the

recommendations of the said Commission, In 2019, the Ministry of Labour and Employment introduced four Bills on labour codes to consolidate 29 central laws. These Codes regulate: (i) Wages, (ii) Industrial Relations, (iii) Social Security, and (iv) Occupational Safety, Health and Working Conditions. The government has replaced these Bills with new ones in 2020.

The central government enact a Central Legislation in the form of a Code, namely the code on wages 2019, The industrial relations code 2020, The code on social security 2020. The Occupational Safety, Health and Working Conditions Code, 2019 which incorporates the essential features of the thirteen enactments. (1) The Factories Act, 1948 (2) The Mines Act, 1952; (3) The Dock Workers (Safety, Health and Welfare) Act, 1986; (4) The Building and Other Construction Workers (Regulation of Employment and Conditions of Service) Act, 1996; (5) The Plantations Labour Act, 1951; (6) The Contract Labour (Regulation and Abolition) Act, 1970; (7) The Inter-State Migrant workmen (Regulation of Employment and Conditions of Service) Act, 1979; (8) The Working Journalist and other News Paper Employees (Conditions of Service and Miscellaneous Provision) Act, 1955; (9) The Working Journalist (Fixation of rates of wages) Act, 1958; (10) The Motor Transport



Workers Act, 1961; (11) The Sales Promotion Employees (Conditions of Service) Act, 1976; (12) The Beedi and Cigar Workers (Conditions of Employment) Act, 1966; (13) The Cine Workers and Cinema Theatre Workers Act, 1981.

Major changes occurred in Safety, Health and Working Conditions aspect in the code. it has merged 622 sections into 134 sections in xiii chapters The salient features of the said Code, inter alia, provides for the following, namely:—

- (i) to impart flexibility in adapting dynamic factors and technological changes, in the matters relating to health, safety, welfare and working conditions of workers.
- (ii) to apply the provisions of the proposed Code for all establishments having ten or more workers, other than the establishments relating to mines and docks.
- (iii) to expand— (a) the ambit of the provisions relating to working conditions of cine and theatre workers to include them in the digital audio-visual workers encompassing all forms of electronic media; (b) the scope of journalists to include them in electronic media such as in e-paper establishment or in radio or in other media; (c) the scope of Inter-State migrant workers to include therein the workers recruited or engaged by an employer directly, from one State to another State for employment in his establishment; (d) the definition

of “family” to include therein the dependent grandparents in order to take care of them in old age.

- (iv) to provide the concept of “one registration” for all establishments having ten or more employees.
- (v) to constitute “the National Occupational Safety and Health Advisory Board” to give recommendations to the Central Government on policy matters, relating to occupational safety, health and working conditions of workers.
- (vi) to constitute “the State Occupational Safety and Health Advisory Board” at the State level to advice the State Government on such matters arising out of the administration of the proposed Code.
- (vii) to make a provision for the constitution of “Safety Committee” by the appropriate Government in any establishment or class of establishments.
- (viii) to allow the women employees to work at night, that is, beyond 7 PM and before 6AM subject to the conditions relating to safety, holiday, working hours and their consent.
- (ix) to make a provision of “common license” for factory, contract labour and beedi and cigar establishments and to introduce the concept of a single all India license for five years for engaging the contract labour.





- (x) to enable the courts to give a portion of monetary penalties upto fifty per cent. to the worker who is a victim of accident or to the legal heirs of such victim in the case of his death.
- (xi) to make a provision for adjudging the penalties imposed under the Code.

#### **Conclusion**

The concept of renewable 'work specific license' has also been introduced which, means that the contractors can obtain license for a specific work order also The Code mainly covers the Factories Act, Contract Labor Act, Inter-state Migrant Workers Act and such other 10 other labor laws and will come into effect from

a date as notified by the Central Government. The Central Government through this Code has also tried to addressed the issue involving 'unorganized workers' and their welfare and has proposed for establishment of Social Security Fund, which will be created from the amount of fine/penalty as received from compounding of offences or through any source as may be prescribed by the appropriate Government. The fund so collected shall be expended for the welfare of workers in such manner as may be prescribed including transferring the amount of Fund to any other Fund established under any other law for welfare of unorganized workers.



## A Study on Agro-Based Industries in Karnataka

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### Abstract

Agriculture is the largest and traditional sector of economic activities in India, where agriculture contribution is an essential requirement for economic development as it provides food and raw materials, but besides generating employment and income for large proportion of population. Economic expansion of any country depends on development of agriculture and industry as well. Agro-based industry refers to an industry that adds value to agricultural raw materials through processing in order to produce marketable and usable products that bring forth profits and additional income to the producer. Agro industries produce consumer goods like sugar, tea-coffee, leather, silk milk, jute and cotton products etc,. Agro-based industries play a vital role in economic development. They can contribute towards equitable distribution of income, and promote decentralized development within the economy.

**Key Words:** Production, Consumer, Industries, Agriculture, Occupation, Development etc.

### Introduction

Agriculture is the largest and traditional sector of economic activities in India, where agriculture contribution is an essential requirement for economic development as it provides food and raw materials, but besides generating employment and income for large proportion of population. Share of agriculture in gross domestic product (GDP) has declined in recent years, but Indian agriculture is still the largest economic sector and playing a significant role in overall socio-economic development of a country. Agriculture sector dominates the economy as more than half of its workforce depends on this traditional occupation particularly in rural area for employment and livelihood (Vijay RBhosale2016). Economic development of any country like India depends on development of both

agriculture and industry together. In order to ensure balanced development, agriculture and industrial development must go hand in hand, because both are integral components of development process, as agriculture provides raw material to industry and industrial sector provides inputs to agriculture. Many industries depend on agricultural sector for raw materials. Among these agro-based industries, obtain their raw materials and other basic inputs from agriculture. These two sectors are the major contributors to economic development by creating employment opportunities and increase income generation, growth of these sectors is very important for achieving country economic development.

Economic expansion of any country depends on development of agriculture and industry as well. For instance, in



India agriculture and allied sectors contributed nearly 22 per cent of GDP during the period 2001-2011, and more than 70 percent of the population depends on agriculture for their livelihood. Economic history of many nations indicates economic development is result of growth in all sectors as they are inter-dependent in promoting development of agriculture holds key to growth of economy, as a whole by identifying the relation between agricultural and non-agricultural sectors (Surya Prakash 1996). It may be observed from traditional pattern of economic development adopted a positive approach to create employment opportunities in non-farm sector in rural areas, thereby diverting surplus labour from agriculture to agro industries, which were labor-intensive, which indicates inter-relationship between agriculture and industries, i.e. agro-based industries.

Generally, agro-based industry refers to an industry that adds value to agricultural raw materials through processing in order to produce marketable and usable products that bring forth profits and additional income to the producer. Agro industries produce consumer goods like sugar, tea-coffee, leather, silk milk, jute and cotton products etc.,

The term of agro industry, refers to those industries using raw materials from agriculture to produce processed goods on commercial scale. Agro-based industries are classified into two categories namely food processing industries and non-food processing industries. Food processing is the transformation of cooked ingredients, by physical or chemical means into food, or of food into other forms. Food processing combines raw food ingredients

to produce marketable food products that prepared and served by the consumer. The agro-based non-food processing sector can be sub divided into heterogeneous segments like textile, wood, paper, and leather based products (Desai, B M and N V Namboodri 1992).

Agro-based industries play a vital role in economic development. They can contribute towards equitable distribution of income, and promote decentralized development within the economy. They generate employment opportunities on a large scale and contribute significantly to the process of self-sustained economic growth. Agro-based industries have importance in mechanization of agriculture. Inputs supplied by these industries act as a pre-condition for rapid, sustained a growth, and function as motivating agent to bring about take off stage in agriculture and ultimately in the economy as whole (Gandhi V P and Mani G 1994). Further Agro-based industries use domestic raw materials and technical skills; they reduce pressure on foreign exchange requirements. Agro-based industries assure a ready market for the farm products and stabilize farmer's income. Agro-based industries, by leading to mutual development of agriculture and industry, clear the way for rural development. Excessive dependence on agriculture for employment forms a vicious circle and leads to unemployment, low productivity, low income and consequently low saving and low investment. Agro-based industries create opportunities to absorb surplus labour in agriculture and thereby help to break vicious circle of rural poverty. By increasing agricultural income, they make farmers go for innovation and adopt modern techniques



of production to raise farm productivity (Venkaiah V 1987).

### **Meaning and Definition of Agro based Industries**

Agro-industries, which are dependent on their raw materials from agriculture, horticulture and sericulture, etc., which create supplementary sources of employment in addition to agriculture and allied activities. Conceptually agro-industries depend not only on the out-put of agriculture and allied activities, but also supply inputs like agriculture equipment, fertilizers and pesticides etc.,

The agro-industries also include various production units engaged in processing agricultural produce such as wheat milling, rice mills, oil crushing, cotton ginning, sugar and tobacco manufacturing, canning and preservation of fruits and vegetables and so on. It can be say, that the agro-industries have both forward and backward linkages (Reddy Kumari 2014).

UNIDO (United Nations Industrial Development Organization) defined, agro-industry as those industries which use raw materials from agriculture as main material from which manufactured goods are produced on a commercial scale. The term agriculture also includes animal husbandry, poultry, textiles, fisheries and forestry. It further defined agro related industries as those which produce inputs to agriculture or even material used for protection of agricultural products.

The term agro-industries as referred to in the national context applies to those industries which are contributing for the development of agriculture including agricultural produce these are further

clarified as input based industries, such as fertilizers and pesticides, and output based industries, such as rice milling, paper products and leather products.

The National Council of Applied Economic Research has defined agro-based industries as those, which either use agricultural raw materials or make things that farmers need for their agricultural needs. Agro-industrial integration defined as an organic link between agriculture and industries that use agricultural raw materials on one hand, and on other industries that manufacture agricultural inputs.

### **Nature and Scope of Agro based Industries in India**

The definition coined by, United Nations Industrial Development Organization (UNIDO) restricts scope of agro based industries in as much as it includes only those industries which utilize the raw material of agriculture specifically defined as agro-based industries. But fisheries, forestry, animal husbandry, sericulture, poultry that do not specifically come under its purview. Besides which is included as agro allied industry does not properly come in the concept as this industry little lies the raw materials mainly from forestry and its end use extends into agro allied industry. Thus a more possible and clear conception needs to be projected to clearly demarcate various areas based on utilization and functional criteria. This also leads us to some other industries such as fertilizer making where agricultural work has mainly utilized for use as an input agriculture, sericulture, which does not directly utilize agricultural production but are mainly concerned with rearing of honeybees, silk worms respectively and the cold storage,



which only has the purpose of protection and conservation of produce.

In brief, the agro-based industries simply following: i) These must foster the spirit of interdependence between agriculture and industry. ii) Such industries must use the raw materials provided by agriculture, and their output must have a market among the rural population. iii) Surplus rural workers must have absorbed by these industries. iv) Improved technology can be adopted in order to increase productivity. v) Such industries should as far as possible, use the indigenous technical knowledge and conserve the foreign exchange by avoiding the import of sophisticated machinery (Nakkiran S 1972).

### **Classification of Agro based Industries in India**

Conceptually, agro-based industries are the industries dependent not only on the output of agriculture and allied activities but also on the inputs in agriculture like agricultural machinery and implements, fertilizers, pesticides. Etc. However, according to the criteria set forth by the Planning Commission (1969). The agro-based industries defined as follows,

- i. Which encourage greater input into agriculture.
- ii. Which lead to better processing and conversion of agricultural commodities.
- iii. Which ensure high returns on processed goods, and
- iv. Which increase agricultural production.

Generally, agro-based industries classified into four types as under.

#### **1. Agro-Produce Processing Units**

Those industrial units, which simply process the agricultural produce, come under this category. They do not manufacture new products. They merely process the agricultural produce as raw material, so that it can be preserved and transported at cheaper costs, e.g. rice mills, Dal mills and groundnut mills etc.

#### **2. Agro-Produce Manufacturing Units**

These manufacture the entirely new products based on agricultural product as the main raw material. The finished goods will be entirely different when compared to their original raw material e.g. sugar, textile mills, solvent extraction units, straw board units etc.

#### **3. Agro-inputs Manufacturing Units**

These units produce goods either for mechanization of agriculture or for increasing productivity. Mainly: fertilizers, pesticides, insecticides and the industries manufacturing agricultural implements, pump sets, etc.

#### **4. Agro-Service Centres**

Agro-Service Centres are workshops and service centres, which are engaged in repairing and servicing of pump-sets, diesel engines and all types of farm equipment.

Agro industries classified based on raw material or final product in India are presented in Table No 1.


**Table No 1. Category wise Agro based Industries in India**

Sl. No.	Category (Based on Raw Material)	Finished Products
1	Cereals Based Industry	a) Wheat Flour b) Biscuit Manufacturing c) Confectionary and Bakery Items d) Rice (puffed and flaked) e) Rice Bran and Rice Bran Oil f) Corn flakes g) Canned Baby Corn h) Starch Material
2	Pulses Based Industry	a) Gram Flour b) Papad c) Whole or Split Dal
3	Oilseed Based Industry	a) Edible Oil b) Animal Feed c) Processed Seed (Sesame)
4	Fruits & Vegetables Based Industry	a) Frozen fruits & Vegetables b) Chips & Wafers (Ready to Eat snacks) c) French Fries (Ready to Eat snacks) d) Dehydrated Vegetables e) Ketchups, Purees & Concentrates f) Juices g) Pickles
5	Spices Based Industry	a) Pastes & Powders b) Oleoresins c) Aromatic Extractions
6	Dairy Based Industry	a) Skimmed Milk Powder, Ghee ,etc.
7	Floriculture Based Industry	a) Fresh & Dried Flowers
8	Fisheries Industry	a) Fish Processing b) Fish meal c) Fish / Prawn Pickle
9	Livestock & Poultry	a) Processed Poultry Products b) Meat Gravy Concentrates c) Mutton & Lamb Processing
10	Medicinal Herbs Based Industry	a) Medicinal Products
11	Cotton & Jute Based	b) Fibres processing





	Industry	
12	Sugarcane Based Industry	a) Jahangir b) Confectionary & Bakery Products
13	Plantation Crops based Industry	a) Tea Powder b) Coffee Powder
14	Others	a) Honey b) Mushrooms

Source: Ministry of statistics and programme implementation, GOI (2011).

### Conclusion

Agro-based industries play a vital role in economic development. They can contribute towards equitable distribution of income, and promote decentralized development within the economy. They generate employment opportunities on a large scale and contribute significantly to the process of self-sustained economic growth. Agro-based industries have importance in mechanization of agriculture. Inputs supplied by these industries act as a pre-condition for rapid, sustained a growth, and function as motivating agent to bring about take off stage in agriculture and ultimately in the economy as whole.

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## Nursing Studies about Percutaneous Endoscopic Gastrostomy in Turkey

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### **Abstract**

PEG is one of the most common methods used today due to its advantages such as not requiring surgical operation, being able to be opened with a slight sedation at the bedside of intensive care patients and low cost. Nurses, who have an important place in the nutritional support team, are responsible for providing written and oral training and maintaining care in line with the learning needs, wishes and abilities of patients and caregivers. Therefore, this study was carried out to examine the work done by nurses, who have an important place in the care of patients with PEG, in the field of PEG. The universe of the study in question Turkish Citation Index and engine 'Nursing' and 'Percutaneous Endoscopic Gastrostomy' are you build all issues involving in December 2020. The sample of the research was determined by criterion sampling, which is one of the purposeful sampling methods. This research is a systematic study and the research has been patterned in the scanning model, and the data have been collected by the document analysis technique. In order to examine the studies reached, a "Review Form" was developed by the researchers for the purpose of the study. The data obtained in the research were coded according to the document analysis coding method. It has been determined that there were 7 studies meeting the research criteria. The studies were conducted between 2016 and 2020. Four of the seven studies were nursing masters or doctoral dissertations. One of the four dissertations was a doctoral thesis and aimed to assess and compare the effects of three different care methods (hydrogel, soap and water, normal saline) on peristomal skin integrity of the children with PEG tube. The studies discussed in this systematic study are generally focused on problem determination and it has been observed that the number of solution-oriented studies is low. There are no experimental studies among the studies conducted in the adult group, and it is recommended to conduct experimental studies aimed at solving the problems of adult patients, caregivers and family members.

**Key words:** Percutaneous Endoscopic Gastrostomy, Nursing, Systematic Study

### **Introduction**

In order to preserve the integrity of the gastrointestinal mucosa, maintain mucosal barrier function, intestinal

immune response and normal flora, patients who cannot be fed orally, despite normal gastrointestinal system functions, should be fed using the enteral route as

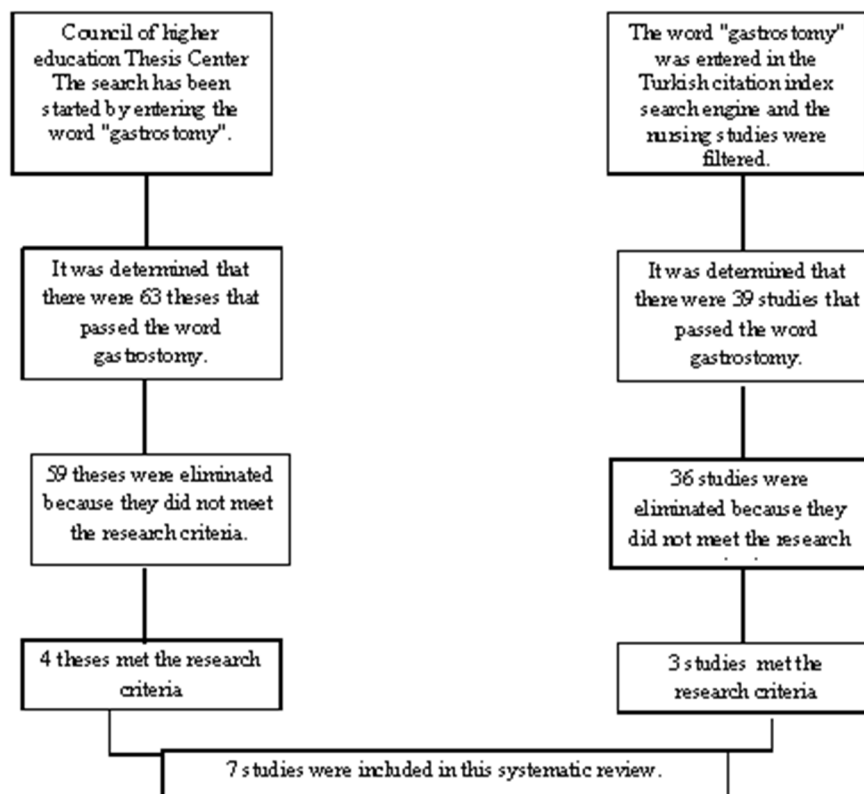


much as possible [1]. ESPEN (European Society of Clinical Nutrition and Metabolism) recommends percutaneous endoscopic gastrostomy (PEG) for patients who require nutrition in the clinic for more than 2 to 3 weeks [2]. PEG is the procedure of inserting a tube directly into the stomach through the abdominal wall in patients whose oral intake is not sufficient but whose GIS functions are normal. Today, PEG is frequently applied to patients who are hospitalized in palliative wards and intensive care units, who cannot be fed orally and who will need to be fed by tube for at least 4 weeks. Before the PEG tube is placed, the diagnosis, prognosis, expected feeding time as well as the wishes of the patients and their relatives and their effects on the quality of life are among the issues that should be considered [3]. PEG tube is among the indications of swallowing disorders, upper GIS neoplasms, polytrauma, long-term mechanical ventilation and perioperative period in oropharyngeal surgery due to neurological reasons [4]. PEG is one of the most common methods used today due to its advantages such as not requiring surgical operation, being able to be opened with a slight sedation at the bedside of intensive care patients and low cost [4,5]. Procedure-related mortality rate is less than 1% in the literature. Experienced endoscopists with different techniques used in PEG tube placement achieved a 99% success rate with low mortality and complication prevalence. PEG insertion complications are classified as minor and major. Major complications have been reported with a rate of 1-4% and minor complications with a rate of 8-30%. Complications are

rare if PEG tube care is done carefully [4,5]. Nurses, dieticians, pharmacists and doctors work in the nutritional support team/unit in hospitals. The nutritional support team/unit closely monitors the patient and family from the moment the decision is made to place the PEG tube and ensures that this process continues in a healthy way. Nurses, who have an important place in the nutritional support team, are responsible for providing written and oral training and maintaining care in line with the learning needs, wishes and abilities of patients and caregivers. In this context, the trainings and follow-up on PEG provide the reduction of problems after discharge, the easy solution of the problems encountered, the increase of patient and caregiver satisfaction, the improvement of the life quality of the patients and the decrease of the cost [6-9]. Therefore, this study was carried out to examine the work done by nurses, who have an important place in the care of patients with PEG, in the field of PEG.

#### **Materials and Method**

The universe of the study in question Turkish Citation Index and engine 'Nursing' and 'Percutaneous Endoscopic Gastrostomy' are you build all issues involving. The screening was conducted in December 2020. The sample of the research was determined by criterion sampling, which is one of the purposeful sampling methods. The inclusion criterias for this systematic study are; It is determined as studies conducted with adult patients or caregivers that can be accessed between the dates specified in the search engine and include keywords (Figure 1).



**Figure 1.** Screening and selection process

This research is a systematic study and the research has been patterned in the scanning model, and the data have been collected by the document analysis technique. In the research, 7 studies classified according to the Research, Author (s), Year, Aim, Research Type, Population and Sampling, Data Collection Tools, Performed Statistics, Results and Conclusion categories were reached. In order to examine the studies reached, a "Review Form" was developed by the researchers for the purpose of the study. The data obtained in the research were coded according to the document analysis coding method. A draft of the coding list was reviewed with an academic expert in the field, and after testing a few

associations with a pilot study, the draft was finalized with minor corrections and used in our study.

This study was conducted in accordance with the principles of the World Medical Association Declaration of Helsinki "Ethical Principles for Medical Research Involving Human Subjects".

### Results

It has been determined that there were 7 studies meeting the research criteria. The studies were conducted between 2016 and 2020. Four studies were in 2016, two in 2018 and one in 2020. Four of the seven studies were nursing master's or doctoral dissertations. One of the four dissertations was a doctoral thesis and aimed to assess and compare the effects of three different care methods (hydrogel,



soap and water, normal saline) on peristomal skin integrity of the children with PEG tube. Master's thesis studies were conducted to determine the effect of based on Orem's Self Care Theory educating on satisfaction of gastrostomy feeding, quality of life, caregiver burden, state-trait anxiety and complication rates regarding parents of children with gastrostomy, to reveal caregivers' experiences about caring for patients with percutaneous endoscopic gastrostomy, and to evaluate the knowledge and practice of the caregivers about enteral nutrition who care for patients fed through a percutaneous endoscopic gastrostomy tube. Other studies were carried out to determine the behavior associated with care of parents of children with feeding gastrostomy tube at home, to examine problems at home experienced families whose children with PEG, and to determine the care burden of parents who had child with gastrostomy and affecting factors. In six

of the studies, quantitative research method was used, and qualitative research design was used in one study. Two of the studies were done in experimental design. Others are made in a descriptive pattern. In the studies, sampling 21-126 patients and / or caregivers were included. Most of the studies have been done with the child with gastrostomy and the caregiver or family. In the studies, data were mostly analyzed with descriptive statistical and nonparametric tests. According to the study findings, the patient had the lowest rate of complications that could affect peristomal skin integrity in the stoma area, in the group treated with hydrogel. After the education given to families, it was found that the care burden and anxiety decreased and the quality of life generally increased. In the studies, it was found that caregivers or mothers had a lack of knowledge and misapplications about childcare with PEG (Table 1).





Table 1. Some features of the nursing studies about percutaneous endoscopic gastrostomy.

Research	Author(s), Year	Aim	Research Type	Population and Sampling	Data Collection Tools	Performed Statistics	Results	Conclusion
The Effect of Three Different Care Methods on Peristomal Skin Integrity of the Children with Percutaneous Endoscopic Gastrostomy Tube.*	Pars, H., Çavuşoğlu, H., 2016	To assess and compare the effects of three different care methods (hydrogel, soap and water, normal saline) on peristomal skin integrity of the children with PEG tube.	Randomized-controlled trial	60 patients with PEG tube in Ankara at three university hospital.	Patient Information Form Patient Inspection Form Peristomal Skin Integrity Observation Form	Cochran's Q Chi Square	The complications that might affect peristomal skin integrity in the stoma area (rash, leakage, bleeding, hyper granulation tissue) were found at highest rates in the soap and water group and at lowest rates in the hydrogel group.	Glycerin-based hydrogel is recommended for use in the stoma care process with a view to enhancing the peristomal skin integrity
Evaluation of Educational Efficiency Based on Orem's Self-Care Theory Given to Parents of Children with Gastrostomy.*	Suluhan D, Yıldız, D., 2016	To determinete of the effect of based on Orem's Self Care Theory educating on satisfaction of gastrostomy feeding, quality of life, caregiver burden, state-trait anxiety and complication rates regarding parents of children with gastrostomy	Quasi-experimental and methodologic al	78 mothers whom have children with gastrostomy were included in the study.	Child and Parent Data Form, Complication Checklist, Satisfaction of Gastrostomy Feeding Scale, Caregiver Burden Scale, State-Trait Anxiety Scale, Quality of Life Scale	One-way ANOVA Kruskall-Wallis Mann-Whitney U	-All primary caregiver parents are mothers. -Mean score of Caregiver Burden Scale was lower after education ( $p < 0.001$ ). -Mean score of Satisfaction of Gastrostomy Feeding Scale is $18.48 \pm 3.36$ at the end of first month after the training and $24.61 \pm 2.94$ at the end of third months after the education ( $p < 0.001$ ). - Mean score of State-	It was concluded that post-education care burden and anxiety decreased and the quality of life generally increased.



# and Practice Check List

Trait Scale was lower after the education ( $p < 0.001$ ).  
- Quality of Life Scale was increased after the education except physical functioning and pain sub-dimensions.

Care related behaviors of Parents of Children Fed with Gastrostomy Tube at Home.	Pars, H., 2016	To determine the behavior associated with care of parents of children with feeding gastrostomy tube at home.	Descriptive study	30 mothers of children with gastrostomy tubes	Data including questions about care of the family to assess their behavior was assessed by a questionnaire designed by the researcher	Descriptive statistics	-The half of children (40%) depending on the neurological diseases such as epilepsy, cerebral palsy, why is fed from the gastrostomy. -60% of the sample group is fed by gastrostomy syringe method. Four mothers fed the child with gastrostomy tube in the supine position and 70% of mothers apply the medication with food and give more than one drug at the same time. None of the mothers were found to make the gastric residual volume control. 67% of mothers clean stoma with baticon, 40% of mothers use	-Mothers care and give food and drug administration with gastrostomy tube, they have incorrect and incomplete applications
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Problems Experienced by Family of Child with Percutaneous Endoscopic Gastrostomy	Esenay Işık, F. et al., 2016	To examine problems at home experienced families whose children with PEG	Descriptive and cross sectional study	20 primary caregivers (family) of children with PEG	*Interviews with a questionnaire prepared by the researchers	Descriptive statistics	the cream regularly without doctor recommend. Primery caregivers of all children with PEG in the clinic were their mothers. 80% of mothers stated that they have problems with home care, 70% of them had economical problems and 60% of them had housework problems. Most stated problems about home care were about medical dressing (80%), formula (40%) and supply of PEG materials (20%)	It was concluded that caregivers had a lack of knowledge about childcare with PEG.
Care Problems of Parents Who Have Children with Gastrostomy at Home	Semerci R; Kostak Akgün, M; Güray Ö., 2018	To determine the care burden of parents who had child with gastrostomy and affecting factors.	Descriptive and cross sectional study	34 parents in pediatric surgery unit	**'Survey Form' **'Burden Interview	Mann Whitney U test	Most of the mothers (82.4%) experienced problems related to gastrostomy care and mothers who experienced problems had more care burden (p=0.033). Mothers who experienced problem related leaking at tube site and who do not know what to do if a problem takes place	The care burden of the mothers were medium and high level. Care Burden of mothers was affected type of problems that mothers experienced at home





Caregivers' Experiences about Caring for Patients with Percutaneous Endoscopic Gastrostomy.*	Sezer R.E.; Şenol Çelik, S., Köken Özdemir, Z., 2018	To reveal caregivers' experiences about caring for patients with percutaneous endoscopic gastrostomy.	Qualitative research	21 caregivers	Descriptive characteristics information form for patients and caregivers, nutrition, drug administration and stoma care observation form, and a semi-structured interview form	Strauss and Corbin to content analysis	about gastrostomy had more care burden (p<0.05). -Percutaneous endoscopic gastrostomy management, social-emotional change of caregiver, expectation and ten themes and thirty one sub-themes. -Caregivers did not wash their hands before their practices, not give proper position before and after feeding their patients, not wash the tube with water before drug administration and used different cleaning products in stoma care	Caregivers did not wash their hands before their practices, not give proper position before and after feeding their patients, not wash the tube with water before drug administration and used different cleaning products in stoma care.
Evaluation of knowledge levels and practices about the enteral nutritional practices of individuals caring for patients fed through percutaneous endoscopic gastrostomy tube.*	Kahveci G., Akın S., 2020	To evaluate the knowledge and practice of the caregivers about enteral nutrition who care for patients fed through a percutaneous endoscopic gastrostomy tube.	Descriptive-observational	126 individuals caring for patients fed with a percutaneous endoscopic gastrostomy tube.	Data collected through survey and observation forms	Mann-Whitney U Kruskal-Wallis test Pearson's correlation	-The knowledge and practice scores were $18.90 \pm 3.13$ and $13.41 \pm 1.45$ respectively. -Knowledge scores of primary school graduate caregivers were lower than those with secondary and higher education (p < 0.01).	-The knowledge and practice scores of the caregivers about percutaneous endoscopic gastrostomy tube feeding were above the medium.

\*Studies of nursing thesis



## Discussion

This study was carried out to examine the work done by nurses, who have an important place in the care of patients with PEG and found that there were 7 studies.

One of the thesis found that glycerin-based hydrogel for use in the stoma care process with a view to enhancing the peristomal skin integrity. Because decreasing complications can prevent prolonged hospital stays and costly interventions caused by peristomal skin problems as well as increase the quality of nursing care, the studies aimed to evaluate materials applied to the peristomal area to maintain skin integrity in patients with a stoma [17]. However, studies comparing the protective abilities of these materials/methods to prevent peristomal skin problems in patients with a PEG are limited [18,19]. This studies provides nurses clinical outcomes which products they can use in clinics about maintaining peristomal skin integrity after operation. Master's thesis studies were conducted to investigate gastrostomy feeding, quality of life, caregiver burden, state-trait anxiety and complication rates of gastrostomy, caregivers' experiences and enteral nutrition. There are various studies about quality of life of patients with PEG and caregiver of them in the literature [20-22]. In many countries, family has always been and still is the primary provider of long-term care [23]. Therefore, care of patients with PEG has become a crucial issue. However, it is difficult for the families to bear the burden of care. Moreover, those who take on the caregiver role within the family usually need guidance, support and specific skills to be able to provide complex care services [24]. In the case of long-term care, the maintenance burden

with the increase, the quality of life of the patient and caregiver is also adversely affected [21]. In this research, it was found that, the care burden of the mothers were medium and high level and they have incorrect and incomplete applications. These results have also emerged in the studies mentioned in this research.

Other studies were carried out to determine the behavior associated with care of parents of children with feeding gastrostomy tube at home, to examine problems at home experienced families whose children with PEG, and to determine the care burden of parents who had child with gastrostomy and affecting factors. PEG use prevalence in children is quite a lot. An average of 11,000 children under the age of 8 in America each year gastrostomy tube is inserted [25]. In a study in the literature, families of children fed with gastrostomy tube are not get enough information at the time of discharge and therefore correct care at home. They stated that they had problems in following their path and disease management [16]. In this research, it was concluded that caregivers had a lack of knowledge about childcare with PEG as found in the literature.

## Conclusion

Percutaneous endoscopic gastrostomy tube is a safe, practical, effective method for long-term enteral nutrition and is often preferred. The effective use of the PEG tube for a long time is possible with the effective training of the well-informed and experienced healthcare personnel to the patient and / or their family, and the follow-up of these patients after discharge. With the decision to attach the PEG tube to the patient, regular follow-up of the patient and education with his family and / or to increase the adaptation



of the family to the PEG tube, and to reduce the care burden of their relatives during the care process together with preventing complications.

The studies discussed in this systematic study are generally focused on problem determination and it has been observed that the number of solution-oriented studies is low. There are no experimental studies among the studies conducted in the adult group, and it is recommended to conduct experimental studies aimed at solving the problems of adult patients, caregivers and family members.

#### **Statement of ethical approval**

The present research work does not contain any studies performed on animals/humans subjects by any of the authors.

#### **Disclosure of conflict of interest**

The authors declare that there is no conflict of interest.

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