

ISSN NO. 0972-9445



Emerging Trends in Development Research

Vol. 23

No. 1 & 2

2016

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Glocalization: Conceptual and Methodological Issues

Virendra P. Singh

Abstract

The concept of glocalization was popularized in academic circles by Roland Robertson, reinforced by Keith Hampton and Banny William, and Zygmunt Bauman. For sometimes, the concept was confined to explain the economic dimension of the globalization but gradually it has been extended to cultural dimensions of the globalization. It is not only useful in explaining the process of globalization in local cultures but also enabled the social scientists to re-examine the very conceptual framework of globalization theory. Today, the concept of glocalization has been applied to different academic fields like mass media (including social media), educational leadership, cultural studies, and political analysis and so on. The present paper is aimed to analyze the conceptual and methodological issues emerged as a result of discourse on the phenomenon of glocalization in a critical fashion. It is argued that the current form of globalization is best described as glocalization. Moreover, the theoretical strands of glocalization posed a number of methodological challenges for social scientists which are yet to be addressed.

The present paper is aimed to analyze the conceptual and methodological issues emerged as a result of discourse on the phenomenon of glocalization in a critical fashion. The paper is divided in to two parts. First part delas with the concept of glocalization and its relationship with the theories of cultural globalization, while in the second part some methodological issues related to the study of cultural globalization and glocalization are raised.

The Concept of Glocalization

The notion of glocalization has its roots in Japanese business practices called '*dochauka*', (means global localization), originally referred to 'adopting farming techniques to local conditions', In academic circles, the term was coined in the Harvard Business Review, in 1980, by sociologist Roland Robertson. He wrote that glocalization meant "the simultaneity – the co-presence — of both universalizing and particularizing tendencies" (Robertson 1980). For sometimes, the concept was confined to explain the economic dimension of the globalization but gradually it has been extended

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to other dimensions of the globalization. It has generated a debate among the social scientists not only about its relevance in explaining the process of globalization in local cultures but also enabled the social scientists to reexamine the very conceptual framework of globalization theory. Today, the concept of glocalization has been applied to different academic fields like mass media (including social media), educational leadership, cultural studies, and political analysis and so on.

There are three different theories of cultural globalization: 1. Differentialism: Focuses on barriers that prevent flows which make the cultural alike and Nation States remain stubbornly different; 2. Convergence: Barriers are much weaker and global flows stronger and nation states are growing increasingly alike. In its extreme form local cultures can be overwhelmed by more powerful cultures. (global culture through cultural homogenization); 3. Hybridization: Involve more combination of various political forms drawn from many different parts of the world; *In hybridization perspective, external flows interact with internal flows in order to produce 'a unique cultural hybrid' that combines elements of the two. Barriers to external cultural flows exist in hybridization perspective, and while they are strong enough to prevent those flows from overwhelming local culture, they are not strong enough to block all external flows entirely. That which does succeed in gaining entry mixes with local local culture to produce unique cultural hybrids.*

Globalization and culture: Three Paradigms

Globalization or the trend of growing worldwide interconnectedness has been accompanied by several clashing notions of cultural difference. Three paradigms have emerged to explain the relationship between globalization and culture: 1. Clash of civilizations (Samuel Huntington)- With the end of Cold War, international politics moves out of its western phase and its centerpiece becomes interaction between West and non-western civilizations and among non-western civilizations; 2. McDonaldisation is a version of the recent idea of worldwide homogenization of societies through the impact of multinational corporations. It is a process whereby the principles of the fast-food restaurant are coming to dominate more and more sectors of American society as well as rest of the world. The process through which this is taking place is 'rationalization' in Weber's sense, that is through formal rationality laid down in rules and regulations. McDonald's formula is successful because it is efficient (rapid service), calculable (fast and inexpensive), predictable (no surprise) and controls labour and customers (Westernization-modernization-Americanization)

But the studies suggest that it is not universal but it compromises with local cultures and does not represent to cultural homogenization but should be understood along the lines of global localization or glocalization or looking in both directions. Firms may be multinational but all business is local. 3. Hybridization - mixing elements of two cultures But it is only in superficial elements not the in the core elements (values and beliefs) of the different societies (conservative view). Midway position is – that new technologies are profound in themselves while each historically framed culture develops its own takes on the new spaces of commonality.

Conceptual Issues

The following theoretical issues require a focussed research for the understanding of glocalization:

1. Glocalization is a simulation of Hybridization
2. Glocalization is an essential process of a wider process i.e. globalization;
3. Glocalization is not just a cultural phenomenon but also a structural phenomenon and profoundly articulates with structural categories like caste, class, power structure, gender and occupational structure of different societies.
4. As globalization is related to transnational flow of commodities, people and activities, it has great impact on social and cultural life of the people moved to places having different cultures and articulate with local culture and structure.

There is a need to redefine concepts and theories in the light of changes taking place as a result of globalization and glocalization and to develop new concepts for understanding the emerging reality. Earlier theories and perspectives have become redundant in explaining the globalizing world. The conceptualizations like network society, risk society, information society, consumer society and so on present a partial view of the society emerging as a result of globalization and require further examination to decide the type of society coming out in recent past and to distinguish it with the modern society and postmodern society.

Methodological Issues

On methodological side, very first challenge is to develop appropriate methods and techniques of sociological research. As globalization and glocalization are planetary level processes, the existing techniques of social research are not much useful in conducting empirical research on globalization and glocalization. There is a need to adopt multi-disciplinary approach to understand globalization and glocalization. Cross-national and cross-cultural studies of transnational flows of people, commodities and activities and their impact on their behaviour and on local structure and culture has to be studied both at the micro as well as macro level. The techniques to map global and local networks of the individual and institutions pose a great methodological challenge and an appropriate methodology has yet to be developed.

To conclude, it can be said that the notion of glocalization is an important process along with the globalization process. Glocalization is a simulation of hybridization. In contrast to prevailing assumption that hybridization is an organic process the hybridization which represents the glocalization, in fact, is an inorganic way of change and evolution affecting various aspects of today's social life. The current form of globalization is best described as glocalization. However, we have to develop appropriate theoretical and conceptual and methodological tools for understanding the profound changes which are taking place both in the developing and developing societies.

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Pattern of Mass Media Exposure and New Communication Technology among the Youth of AWGP

Shreepal Chauhan

The present paper is aimed to analyze the Mass Media Exposure and New Communication Technology among the Youth of AWGP. The study was conducted on a purposive sample of 100 youth associated with training of the Akhil Vishva Gayatri Pariwar (AWGP), Shantikunj, Haridwar in 2012 through a highly structured interview schedule. The paper is divided into three sections. First section deals with the concept of New Communication Technology and Mass Media. In the second section social background of the respondents is analyzed. Patterns of Mass Media Exposure and New Communication Technology are discussed in the last section.

1.1 New Communication Technologies

The emergence of the New Communication Technologies – examples include the Internet, computers, interactive multimedia systems and digital telecommunications – has dramatically altered theoretical and practical assumptions about the role of communication technologies in development. Today, the role of the ICTs in developed and developing societies has become the subject of academic focus and research, regional and international seminars and conferences. As the new millennium approaches and as we contend with the expended uses of the information superhighway, the interface between communication and development calls for serious reconsideration. While advocates are hopeful that the new technologies would provide urgent solutions to present and future problems, pessimists disagree, pointing to the dangers and pitfalls of the new communication technologies, such as: (1) the marketing of pornographic products on the Internet; (2) the damage to children in terms of creating a virtual world divorced from nature; (3) the perpetration of organised crimes; (3) the likelihood that they may widen the existing gap between the 'information rich' and the 'information poor', and; (4) further cultural impoverishment by continuing the one-way communication between North and South. More centrally is that ICTs create an information based economy and not a communicative society (Inayatullah and Leggett, 1999).

Among the new communication Technologies internet and mobile phones have tremendous capacity to penetrate the remote corners of the society and thereby creating at least two new social strata of *Information Rich* and *Information Poor* in all major types of social formations: the

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tribal, the rural and the urban. The most important characteristic of Internet is that it has blurred the notion of time and space, in the sense that the communication through Internet can take place in a fraction of a second connecting two or more people at the same time from any corner of the world, which has important implications for social processes both for the developed and developing societies (Singh, V.P. 2006).

1.2 Meaning and Definition of the term 'Communication'

Communication deeply rooted in human behaviours and societies. It is difficult to think of social or behavioural events from which communication is absent. Indeed, communication applies to shared behaviours and properties of any collection of things, whether they are or not. Communication is the art of transmitting information, ideas and attitudes from one person to another. The word 'communication' comes from a Latin verb 'communicare', which means to make common to share, to impart and to transmit. Through communication, people share each other's perceptions, control one another's behavior and organize themselves into groups. *The Oxford English Dictionary* defines communication as the transmission and reception of symbolic stimuli or message and commands. According to Schramm (1964), communication is the discriminatory response of an organism to stimulus. Communication occurs when some environmental disturbance impinges on the organism and the organism does something about it. Charles Morris (1946) has defines communication as follows: the term, communication, when widely used covers any instance of the establishment of common age, i.e. the making common of some property of a number of things. Lundberg (1939) defines communication in terms of the use of sign and symbols. He has used communication to designate interaction by means of signs and symbols. The symbols may be gestural, pectoral, and verbal or any other which would serve as stimulus to behavior. Rogers and Shoemaker (1973) defines communication as the process by which messages are transferred from a source to the receiver. They describe the communication process in terms of this S-M-C-R model- A source (S) sends a message (M) via certain channel (C) to the receiving individual (R). Harold Laswel (1948) proposed five questions to indicate what he left to be important variables in communication: Who? Says what? In Which Channel? To Whom? And With What Effect? Who is the generator of the message; 'Says What' is the messages which is separated; 'In which channel' indicates the media used for the messages to be imparted; 'To Whom' is the attributor of meaning (receiver); and 'With What Effect' refers to the impact of the communication process.

1.3 What is 'Communication Technology'?

Globalization and technological change processes that have accelerated in tandem over the past years have created a new global economy "Powered by technology, fueled by information and driven by knowledge." The emergence of this new global economy has serious implications for the nature and purposes of society and their institutions. Communication Technology is comprised of two words like "Communication & Technology." The first word 'Communication' is an integral part of human existence. It is communication that decides the vary identity of human beings Modern society is turning into an information society and communication is the exchange of information. It is the process and transferring information from a sender to a receiver with the use of a medium in which the communication information is a understood by both senders and receiver. The second word 'Technology' is the practical form of scientific knowledge or the science of application of knowledge to practical. 'Communication Technology' implies the knowledge, skills and understanding needed to exchange information verbally or non-verbally. It is processing of information in terms of accessing information, decoding information and sending it via a medium and changer to the receivers. Medium or channel can be written or oral or gesture form of information through speech, action or

any electronic machine. In short, communication technology is the activity of designing and constructing and managing communication systems.

1.4 Communication System

In the late sixties, some important developments have taken place in systems of communication. The advent of satellite communication marks every bit as a dramatic break with the past. The first satellite communication was launched only just over 30 years ago. Now there are more than 200 such satellites above the earth, each carrying a vast range of information. For the first time ever, instantaneous communication is possible from one side of the world to other. Other types of electronic communication, more and more integrated with the satellite transmission, have also accelerated over the past years (Giddens 1999). Pye (1963) formulated three models of communication system which are traditional communication, transitional communication and modern communication system. He made a clear cut distinction a theoretical level and discussed at a length the problems of transformation of traditional societies to a modern one. The first, **Traditional Communication**, he argues that the traditional communication was not organized as a distinct system sharply differentiated from other social processes. Traditional systems lacked professional communicators and those who participated in the process did so on the basis of their social or political position in the community. Information usually flowed along the lines of the social hierarchy or according to the particularistic patterns of social relations in each community. Thus the process in traditional societies was not independent of either the ordering of social relationship or the content of the communication. The second, **Transitional Communication**, in transitional societies only in an erratic form does the urban-based communications process penetrate into the separate village-based systems. There are no systematic patterns of linkages in even a single country, and idiosyncratic considerations are often decisive in determining in any community the individual who plays the role of transmitting and interpreting the communications of the mass media to the participants of the local system. Differences in the particular social and economic status of these transmitters from community to community can have decisive consequences on how the difference sub-system are related to the mass media system. The third and the last, **Modern Communication**, involves two stages, the first is that of highly organized explicitly structured mass media, and the second is that of the informal opinion leaders who communicate on a face-to-face basis, much as communicators did in traditional system. Both as an industry and as a profession the modern field of communications is self-consciously guided by a distinctive and universalistic set of standards. (Pye, Lucian W. 1963:24-29)

1.5 Mass Media Communication

The term 'mass communication' came into use in the late 1930s, but its essential features were already well known and have not really changed since, even if the media themselves have in some ways become less massive. Early mass media were quite diverse in their scale and condition of operation. For instance, popular film could be seen in village tents as well as metropolitan pictures palaces. The newspaper press ranged from popular city dailies to small local weeklies (Mc quail, 2010).

Mass media communication is considered as an important vehicle of modernity as it is an integral part of the modern communication system (Pye, 1963). It is generally assumed by a number of social scientists that mass media play an important role in the process of transformation of society from traditional society to modern society (Parsons 1951, 1964, Moore 1963, Smelser 1959, 1963, Hoselitz 1960, 1964, Eisenstadt 1966, 1970, Lerner 1958). This is the reason that growth of mass media has been an essential component of development planning in India. However,

this view has been questioned by a number of scholars (Frank 1967, Amin 1974, Wallerstein, 1984) who have not only been skeptical but also critical to this kind of assumption of modernization theorists.

1.6 Globalization of Mass Media

New Media has evolved as an interconnected network of audio, video and electronic communication that will blur the distinction between interpersonal and Mass communication (VOICU, 2013). New media refers to on-demand access to content anytime, anywhere, on any digital device, as well as interactive user feedback, and creative participation. Another aspect of new media is the real-time generation of new and unregulated content. Mc Quail (2010) notes that the expression 'new media' has been in use since the 1960s and has had to encompass an expanding and diversifying set of applied communication technologies. He further define new media as "a disparate set of communication technologies that share certain features, apart from being new, made possible by digitalization and being widely available for personal use as communication devices (Mc quail, 2010).

Most technologies described as "new media" are digital, often having characteristics of being manipulated, networkable, dense, compressible, and interactive. Some examples may be the Internet, websites, computer multimedia, video games, CD-ROMS, and DVDs. New media does not include television programs (only analog broadcast), feature films, magazines, books, or paper-based publications – unless they contain technologies that enable digital interactivity. Wikipedia, an online encyclopedia, is an example, combining Internet accessible digital text, images and video with web-links, creative participation of contributors, interactive feedback of users and formation of a participant community of editors and donors for the benefit of non-community readers (Wikipedia).

With digitalization all the media become translatable into each other—computer bits migrate merrily.... A movie, phone call, letter, or magazine article may be sent digitally via phone line, coaxial cable, fiber optic cable, microwave, satellite, the broadcast air, or a physical storage medium such as tape or disk. If that's not revolution enough, with digitalization the content becomes totally plastic—any message, sound, or image may be edited from anything into anything else" (Brand, 1987). Akin to the energy generated by nuclear fusion, the communication power which can be generated by media fusion will be formidable. The ability to digitally mix all media on a common palette provides one with the ability to present and simultaneously illustrate any idea or concept with multiple windows of audio & visual, text & graphics. Multimedia offers one the unique opportunity to combine a unified field of media with an open field of experience. As defined in *Multimedia: Gateway to the Next Millennium*: "Multimedia is the next step in the social and technological evolution of publishing and sets the stage for even more profound means and experiences of communications. Multimedia is, in the simplest terms, the digital processing of binary-coded electronic signals....of voice or data, text or images, music or video" (Rosan, 1994). Herein, it would appear that, at present, multimedia is evolving toward revolutionary status.

The mass media communication can be broadly classified into three categories namely, the broadcast media, the print media and the audio-visual media (Singh, 1995), and new media & social media.

(a) The Broadcast Media (Radio)

The broadcast media include mainly radio. Radio is an electronic auto-medium for broadcasting programme to the audience. This medium is cosmopolite in approach and is suitable

for communication to millions of people widely dispersed and situated in far-flung areas availability of low cost receiving sets operated with electricity or battery helped radio to penetrate deep into the rural life. Radio is suitable for creating general awareness amongst the people, build up desirable change in attitude and reinforce learning. The medium is extremely convenient for communication in times of crises and urgent situation. People with no education or very little education and those who are not in a position to attend extension programme personally, can take full advantage of this medium and build up adequate knowledge and skill. It reaches a large number of people at a very low cost. The programmes may be listened while one is engaged in farming or household work (Kumar, 1998).

(b) The Print Media

The print media include printed matter such as newspapers, magazines, pamphlets and posters etc. which are circulated among the masses for the purpose of disseminating information. The print media has been relatively a major resource of leisure in today's modern societies. It can be broadly classified into two categories namely; newspaper and magazine. The first, newspaper is one of the important media of mass communication in modern society. The reading of newspaper has now become a part of life as it disseminates information among the masses. One of its principle functions is to process description of events into printed form. The second, magazine is a leisure time activity. The advantage of this medium is that one can read a magazine not only in the house but also outside. It not only provides information about important events but also provides entertainment. Some magazines cover the general topics while the others are devoted to specific subjects like sports, films, science and so on (Singh, 1995).

(c) The Audio-Visual Media

Television and cinema are main audio-visual media. The audio-visual media provide pictures with words and sounds effects. These media are cosmopolite in approach and can be used to create instant mass awareness. It can deal with topical problems and provide solution. They contribute information and speeds up the process of adoption.

(i) Television

Television is strong in providing the stimulus, exposing the audience to a whole of ideas and experiences. In comparison to motion picture, television can create more impact due to its flexibility, less time taken to record and telecast programmes and wider coverage. Compare to radio, television has, however, less impact in rural India, mainly because of low availability of this medium and due to high cost receiving sets. Coverage of more area by increasing the transmission facility of television does not necessarily indicate the availability of this medium to the rural audience (Singh, 2002).

(ii) Cinema

The cinema is very attractive medium for Indian masses. The main reason for its popularity is that it does not require any initial money to invest in comparison o other audio-visual media like television. Indian masses are not in a position to invest a huge amount of money on these items. Naturally, cinema going is relatively cheaper (Singh, 2002).

2. Social Background of the Respondents

Social background of a person is closely related to his value orientation, role perception and role performance. It involves an analysis of his age-group, sex, language, caste, marital status,

education and place. In the present paper an attempt is made to analyse the social background of the youth under study in terms of their age-group, sex, language, caste, marital status, education and place.

2.1 Age group

The subject can be classified into three age groups (i) 15-20 years, (ii) 21- 30 years and (iii) 31-35 years. Most of the respondents (47%) belong to the age group of 21-30 years of age. While 42% of the respondents belong to the age group of 15-20 years of age. Those who belong to the age group of 31-35 years of age constitute 11% of the respondents.

On the basis of their age the subject can be classified into three age groups (i) 15-20 years, (ii) 21-30 years and (iii) 31-35 years. The data suggests that about half of the respondents were youth (21-30) and about two-fifth (42%) of the respondents were below 20 years.

2.2 Sex

Most of the respondents (67%) are male and the remaining 33% of the respondents are female. Sexwise distribution of the respondents indicates that the AWGP has very high representation of male youth with 67% while the representation of women is low in the AWGP.

2.3 Language

Most of the respondents (85%) have their mother tongue Hindi. While 9% of the respondents have their mother tongue Gujarati. Those who have their mother tongue Oriya constitute 5% of the respondents. Only 1% of the respondents have their mother tongue Marathi. The representation of Hindi language youth was highest with 85% of the respondents.

2.4 Caste

More than half of the respondents (56%) belong to General category. While 36% of the respondents belong to Other Backward Classes category. Those who belong to Scheduled Caste constitute 5% of the respondents. Only 3% of the respondents belong to Scheduled Tribes. It suggests that the mission has followers in all sections of Hindu Society. On the basis of the caste the data suggests that highest representations among the respondents is of general caste (56%) while a little less than two-fifth of the respondents (36%) were of OBC.

2.5 Marital Status

Most of the respondents (85%) are unmarried while 15% of the respondents are married. As the study was of youth most of the respondents were unmarried with 85% in AWGP.

2.6 Education

The data reveal that more than one-third of the respondents (38%) attained education upto graduate (12+3) level. While 32% of the respondents attained education upto Intermediate (11-12) level. Those who attained education up to Post Graduate level constitute 16% of the respondents. Only 7% of the respondents attained education up to High School (6-10) level. Remaining 7% of the respondents attained Professional/Technical qualification. On the basis of the education the data suggests that majority of the respondents are highly educated while rest of them are educated up to secondary level.

2.7 Place of Origin

A little more than one-fourth of the respondents (28%) belong to Uttar Pradesh, Uttarakhand (15%) and Madhya Pradesh (15%). While 9% of the respondents belong to Gujarat followed by Jharkhand (8%), Bihar (7%) and Chhattisgarh (7%). Those who belong to Orissa state constitute 6% of the respondents. Only 2% of the respondents belong to Rajasthan followed by Maharashtra (1%), Himachal Pradesh (1%) and Nepal (1%). In order to know their place of origin data suggests that there were twelve states representation in the study. UP is the highest state with a little more than two-fifth (28%) of the respondents. It suggests that most of the respondents were from Hindi speaking states.

After analyzed the social background of the respondents It was found that On the basis of their age the subject can be classified into three age groups (i) 15-20 years, (ii) 21- 30 years and (iii) 31-35 years. The data suggests that about half of the respondents were youth (21-30) and about two-fifth (47%) of the respondents were below 20 years. Sexwise distribution of the respondents indicates that the AWGP has very high representation of male youth with 67% while the representation of women is low in the AWGP. The representation of Hindi language youth was highest with 85% of the respondents. On the basis of the caste the data suggests that highest representations among the respondents is of general caste (56%) while a little less than two-fifth of the respondents (36%) were of OBC. As the study was of youth most of the respondents were unmarried with 85% in AWGP. In order to know their place of origin data suggests that there were twelve states representation in the study. UP is the highest state with a little more than two-fifth (28%) of the respondents.

3. Patterns of Using Mass Media

Mass Media is playing a crucial role in today's human society. It has become a powerful instrument of social change and influencing the daily life of the people. The mass media can be classified into three categories, namely the broadcast media, the print media and the audiovisual media. (Singh, 1995). The broadcast media include mainly radio. Therefore, questions related to frequency of radio listening in a week, type of programmes listen on radio, were asked. Print media include mainly newspapers and magazines. Therefore, questions related to their habits of reading newspapers, total time spend on reading newspapers in a day, types of newspaper read, and habits of reading magazines were asked. Audiovisual media include two media, namely Television and Cinema. Therefore, questions related to watching T.V., total time spend on T.V. watching in a day, place of watching television , programmes watched on television, subscriptions of Cable T.V. connections, types of Channels watched on Cable T.V., monthly frequency of cinema going, types of films preferred and language of film preferred by them were asked.

3.1 Newspaper

Most of the respondents (88 percent) subscribe newspaper. A little more than half (51%) of the respondents read Dainik Jagran followed by Amar Ujala (25%) and Hindustan (25%). A little less than one-fourth of the respondents (23%) read Pragya Abhiyan and Dainik Bhashkar followed by Times of India (19%). The data reveal that a little less than three-fourth of the respondents (73%) read newspaper for less than one hour. While a little more than one-seventh of the respondents (15%) spend 1-2 hours on newspaper. Remaining 12% of the respondents don't read newspaper.

Most of the respondents (57%) are interested in reading sports, headlines (53%), spiritual articles (50%), editorial, politics and current affairs (41%) each, international issues (40), foreign news (38%), entertainment and first page news (37%) each, stories (36%), cinema (30%), zodiac sign (29%), defense related matters (27%) and employment (23%). While advertisements (18%),

business (17%), reader's column (17%) and matrimonial (2%) are read by relatively a less number of the respondents.

3.2 Magazines

Most of the respondents (75 percent) subscribe magazine and only (25 percent) of the respondents do not subscribe magazine. Most of the respondents (34%) read India Today. Most of the respondents (24%) read Pratiyogita Darpan. Many types of magazines are read by the respondents. The most popular magazine among the respondents is Akhand Jyoti (72%). Yug Nirman Yojana (50%) is the second most popular magazine among the respondents. India Today (34%), Pratiyogita Darpan (24%), Balhans and Champak (15% each). Most of the respondents (38%) spent their time in reading magazines for less than one hour. While a little less than one-fifth of the respondents (18%) spend 1-2 hours on magazines. Most of the respondents (49%) are interested in reading Spiritual parts of a magazine while Health (38%), Literature (37%), Environment (35%) and Art & Culture (31%) are read by a good number of the respondents. Other parts of magazines such as Politics (25%) and Economy (17%) are read relatively a less number of the respondents. Only 5% of the respondents read other parts of a magazine.

3.3 Television

Most of the respondents (67%) have Television set and the remaining (33%) don't have Television but even they also watch television. Most of the respondents (50%) watch T. V. 1-2 hours in a day. While 9% of the respondents watch T. V. 3-4 hours daily. Those who watch T. V. more than 4 hours in a day constitute 5% of the respondents. Remaining 36% of the respondents have no response. Most of the respondents (44%) watch T. V. Daily/regularly. While 13% of the respondents watch T. V. Rarely/occasionally. Those who watch T. V. only 5-6 days in a week constitute 7% of the respondents. Only 4% of the respondents watch T. V. 3-4 days and 1-2 days in a week. Those who do not watch T. V. are only 2% of the respondents. Remaining 26% of the respondents have no response. Most of the respondents (45%) watch TV with their family while remaining (55%) of the respondents don't watch TV with their family.

3.4 Cable connection/DTH (Direct to Home) services

Most of the respondents (52%) have Cable Connection and the remaining (48%) don't have Cable Connection. A little less than one-third of the respondents (30%) have DTH connection and the remaining (70%) don't have DTH connection. The data reveal that one-tenth of the respondents (10%) have DTH Connection of Tata Sky followed by Air Tel (10%) and Dish TV (10%). While 5% of the respondents have other types of DTH Connection. Only 2% of the respondents have DTH Connection of Reliance. While 30% of the respondents have Local Dish/Cable Connection. Remaining 33% of the respondents don't have Cable Connection. The data reveal that most of the respondents (60%) watch T. V. at home. While 10% of the respondents watch T. V. at neighbor/relatives/friends home. Those who watch T. V. at shop+home constitute 4% of the respondents. Only 1% of the respondents watch TV at shop. Remaining 25% of the respondents don't watch TV.

Most of the respondents (70%) are interested to watch News followed by Religious/Spiritual programmes (54%), Feature Film (49%), Sports (44%) and Music (42%). While Serials (33%), Mythological Programme (31%), Educational programme (30%), Debates on current affairs (29%), Children's Programme (27%) and Dance Programme (25%) are watched by relatively a less number of the respondents. Other Programmes such as Drama, Documentary, Business/Marketing, Fashion and Interior designing are watched by only a few.

Most of the respondents (61%) are interested to watch Comedy films. While Romantic (30%), Action (28%) and Art (24%) are watch by relatively a less number of the respondents. Other types of films such as Commercial, Adults and other are watch by only a few.

Most of the respondents (73%) are preferred to watch Hindi films. Most of the respondents (24%) are interested to watch CID followed by Indian Ideal (20%) and Crime Patrol Dastak (20%). Most of the respondents (33%) are interested to watch Devon Ke Dev Mahadev. While Savdhaan India (10%), Dil Se Di Dua Saubhagyawati Bhav (9%) and Amrit Manthan (4%) are watched by relatively a less number of the respondents. Other Programmes such as Alaxmi Hamari Super Bahu, Best of Laugh India Laugh, Main Laxmi Tere Aangan Ki and Hamne Li Hai Shapath are watched by only a few.

3.5 Television Channels

Star Plus is most popular channel among the respondents (45 percent) followed by Aastha and Aaj Tak with 44 percent and 43 percent viewership respectively. Sony and D. D. National-1 are at IV rank with 40 percent viewership while Sanskar TV and Life OK are at V rank with 36 percent viewership followed by Discovery and Zee TV with 35 percent viewership each. 9XM and SUB TV are at seventh and eighth rank with 32 percent and 31 percent viewership respectively. Colors is at ninth place with 28 percent viewership followed by Zee Cinema and Star Sports with 27 percent viewership each. Cartoon Network, Max and Star Gold are at eleventh rank with 26 percent viewership each. Sahara One is at twelfth rank with 25 percent viewership followed by Star Cricket, Ten Sports and Pragya with 24 percent viewership each. MTV is at fourteenth rank with 21 percent viewership followed by NDTV India and Zee News with 20 percent viewership each. ESPN has 19% viewership. Filmi (18%), UTV Action (17%), Animal Planet (17%), Pogo (16%), ABP News (16%) and IBN7 (15%) are the channels having low viewership among the respondents. UTV Movies, Neo Sports, India TV, Sony Mix, and Star Movies have 14% viewership each. HBO and Mahua TV have 11% viewership each. All others channels - Movies OK (10%), Ten Cricket (10%), Fox Travellor (10), Zoom (9%), Channel V (9%), History TV (9%), Bindass (9%), Disney Channel (8%), ETV Gujrati (8%), BBC World (7%), UTV Stars (7%), E24 (7%), Sadhna TV (7%), Shraddha TV (7%), Hungama (6%), TV9 Gujrati (6%), NDTV 24x7 (6%) and VHI (6%) also have low viewership among the respondents.

3.6 Cinema

Majority of the respondents have the habits of cinema going (58%) and remaining a little more than two-fifth (42%) of the respondents don't have the habits of cinema going. Most of the respondents (42%) watch films on VCD/DVD and the remaining (58%) don't watch films on VCD/DVD. Most of the respondents (16%) watch films once in last one week. While 6% of the respondents watch films four times. Those who watch films three times in last one week constitute 5% of the respondents. Only 4% of the respondents watch films twice last one week. Remaining 69% of the respondents have no response. Most of the respondents (17%) watch Cinema more than four times in last three months. While 13% of the respondents watch Cinema twice. Those who watch Cinema once in last three months constitute 7% of the respondents. Only 4% of the respondents watch Cinema three times while 4% of the respondents also watch Cinema four times in last three months. Remaining 55% of the respondents have no response.

3.7 Radio

Most of the respondents that is little less than one-third (32%) have Radio Set while remaining (68%) of the respondents don't have Radio Set. About one-fifth of the respondents (17%) listen

Radio regularly and the remaining (83%) don't listen Radio regularly. A little less than one-fourth of the respondents (24%) listen Radio regularly on their Mobile Phone and the remaining (76%) don't listen Radio on their Mobile Phone. Most of the respondents (18%) spend less than one hour in a day on Radio. While 6% of the respondents spend 1-2 hours in a day. Those who spend more than 4 hours on Radio constitute 2% of the respondents. Remaining 74% of the respondents have no response. Most of the respondents (26%) listen News on Radio. While 20% of the respondents listen Filmi Songs, Bhajans (18%), Lokgeet (13%) and Educational Programmes (11%) on Radio. Those who listen Sports News on Radio constitute 10% of the respondents followed by Plays (10). Only 8% of the respondents listen Classical Music on Radio while 1% of the respondents listen other programmes on Radio.

4. Pattern of using New Communication Technologies

4.1 Mobile Phone

Most of the respondents (91%) have Mobile Phone while remaining (9%) of the respondents don't have Mobile Phone. Most of the respondents (41%) spend one hour in a day on Mobile Phone. While 17% of the respondents spend 1-2 hours in a day. Those who spend 2-4 hours in a day on Mobile Phone constitute 16% of the respondents. Only 6% of the respondents spend more than 4 hours in a day on Mobile Phone. Remaining 20% of the respondents have no response. Most of the respondents (16%) send 1-5 SMS in a day. While 13% of the respondents send more than 20 SMS in a day. Those who send 11-20 SMS in a day constitute 10% of the respondents. Only 6% of the respondents send 6-10 SMS in a day. Remaining 55% of the respondents have no response.

4.2 Internet

Most of the respondents (61%) use Internet and the remaining (39%) don't use Internet. Most of the respondents (52%) have Internet and the remaining (48%) don't use Internet. A little more than one-third (36%) use Internet at Mobile Phone. About one-fourth of the respondents (24%) spent one hour in a day. 40 percent of the respondents are interested to search E-mail on Internet and Academic (34%). While News (23%), Download MP3 music (19%), Entertainment (18%), Religious/Spiritual (17%), Information (16%), Download free software (16%) and Chatting (15%) are searched by relatively a less number of the respondents. Other Programmes such as Watching Video Clips, E-commerce, Video Conferencing, Inviting and Other are searched on Internet by only a few.

4.3 E-mail Account

Most of the respondents (55%) have E-mail account on Internet while remaining (45%) don't have E-mail account on Internet. Most of the respondents (50%) have made their E-mail account on Gmail. While 8% of the respondents have made their E-mail account on Yahoo. Those who have made their E-mail account on Reddifmail constitute 2% of the respondents. Only 2% of the respondents have made their E-mail account on Hotmail. 40 percent of the respondents are interested to search E-mail on Internet and Academic (34%). While News (23%), Download MP3 music (19%), Entertainment (18%), Religious/Spiritual (17%), Information (16%), Download free software (16%) and Chatting (15%) are searched by relatively a less number of the respondents. The data reveal that about one-third of the respondents (29%) know about Skype while remaining (71%) don't know about Skype.

4.4 Social Group/Blogs

Most of the respondents (43%) have made account on Social Networking Websites while remaining (57%) have not made account on Social Networking Websites. Most of the respondents (49%) have made their account on Facebook. While 6% of the respondents have made their account on Twitter on Social Networking Websites. Those who have made their account on YouTube constitute 4% of the respondents. Only 1% of the respondents have made their account on LinkedIn on Social Networking Websites.

5. Research Methodology

The study was focused mainly on Shanti Kunj Haridwar, headquarter of All World Gayatri Pariwar (AWGP). The main thrust of the study was to analyse the social background of those persons who participate in the Prashikshan shivirs (training camps) of the AWGP at Shanti Kunj Haridwar. Although, initially it was proposed to study two Centers for Gayatri Consciousness one from UK and one from the USA, but this could not be materialized due to lack of response from these centres despite of many efforts by the present investigator. Therefore, major focus of the study remains on the activities of AWGP from India. The study activities of Abroad Cell and Multimedia Centre of All World Gayatri Parivar at Shanti Kunj Haridwar were understood in terms of the adoption of new communication technologies, such as internet, e-mails, sms, etc. used to disseminate the spiritual messages to the *parijans* (followers of Gayatri pariwar are called *parijan*) in India and abroad. The study also covered Gayatri Tapobhumi at Mathura, main centre of publication of literature and distribution of the books, magazines of the Gayatri Pariwar. The study was focused on a purposive sample of one hundred parijans associated with All World Gayatri Pariwar in India. From India, These youth were selected at Shantikunj Haridwar at the time of their visit in training camp in December 2012 organized by Shantikunj Haridwar. A highly structured interview schedule, having questions related to their social background, media habits, patterns of using new communication technologies and religious practices was administered on the study sample. Apart from this study of the contents of Ashwamedh Yagna performed at Madurai in 2005-2006 were also analysed from two VCDs prepared by Multimedia centre of AWGP. A video clip of Ashwamedh Yagna of Brisbane was also downloaded from awgp website in order to understand its activities abroad. A brief study of one of the TV channels, Pragma TV, established in 2007 derives from the teachings of renowned social reformer Pt. Shriram Sharma Acharya who says "Hum Badlenge, Yug Badlega". Awgp website also provided a lot of material for analysis in the course of the present study.

6. Conclusion

The exploration of the present study reveal that It was found that most of the persons associated with this type of training are youth come from upper and middle order castes background. In order to know their place of origin data suggests that there were twelve states representation in the study. UP is the highest state with a little more than two-fifth (28%) of the respondents. There were 67% Male and 33% Female among the respondents. As far as the educational level of the respondents is concerned 38% of the respondents have completed their graduation while 32% have passed intermediate. They represent to 12 states of the country belong to General category and between the age group of 21-30 years. Most of the respondents (85%) use Hindi as their mother tongue. Mass Media exposure of the respondents was high as 88% of the respondents read Newspaper, 75% read Magazines, 67% of the respondents watch television while 58% of the respondents watch cinema. Majority of the respondents have the habits of cinema going (58%) and remaining a little more than two-fifth (42%) of the respondents don't have the habits of cinema going. Most of the respondents that is little less than one-third (32%) have Radio Set while remaining

(68%) of the respondents don't have Radio Set. About one-fifth of the respondents (17%) listen Radio regularly. Most of the respondents (91%) have Mobile Phone while remaining (9%) of the respondents don't have Mobile Phone. Most of the respondents (61%) use Internet and the remaining (39%) don't use Internet. Most of the respondents (43%) have made account on Social Networking Websites while remaining (57%) have not made account on Social Networking Websites.

7. Findings of the study

The major findings of the study can be summarised as follows: 1. They are mainly youth having certain degree of education at least graduate and higher secondary level of education; 2. Sexwise distribution of the respondents indicates that the AWGP has very high representation of male youth with 67% while the representation of women is low in the AWGP; 3. The representation of Hindi language youth was highest with 85% of the respondents; 4. As the study was of youth most of the respondents were unmarried with 85% in AWGP; 5. There were twelve states representation in the study. UP is the highest state with a little more than two-fifth (28%) of the respondents; 6. Mass media exposure suggests that they have exposure to various kinds of channels and programmes. So they have exposure to both types of contents modern as well as spiritual; 7. Caste wise they are from General Category; 8. They are having mobile phones with internet connectivity. However among them very few have access internet through computer and laptop; 9. They are using Audio-CDs and VCDs of the programmes and the messages of Gayatri Pariwar regularly; 10. They subscribe magazines like India Today, Pratiyogita Darpan etc. as well as spiritual magazines Akhand Jyoti and Yug Nirman Yojana; 11. A subsequent number of youth listen Radio on Mobile phone particularly F.M. channels; 12. Very few uses traditional Radio programmes at home; 13. More than half of youth used to go to Cinema and watch all types of films; 14. They are using new media and social networking websites like Facebook, Twitter, and YouTube etc.; 15. They are also using e-mail and SMS services of internet. So, we can say that the Youth of All World Gayatri Pariwar have high exposure of mass media due to use TV, Newspaper and Mobile phones which require further social investigation.

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Trends in the Treatment and Social Reintegration of the Prisoners in India

Nitish Kumar Soni

Abstract

Offenders released from correctional institutions are confronted by social, economic and personal challenges that tend to become obstacles to a crime free lifestyle. Some of these challenges are as a result of the consequences of incarceration and the difficulty of transiting back into the community. It is along this background that this study investigated the effectiveness of After-Care service in the rehabilitation. Most offenders face significant social adaptation issues, which can include family and community stigmatization and ostracism, and the ensuing negative impact on their ability to find jobs or housing, return to formal education or build or re-build individual and social capital. Unless they receive help to face these issues, they frequently become caught up in a cycle of failed social integration, reoffending, reconviction and social rejection. Unless communities understand and accept the importance of ensuring the successful treatment and aftercare of offenders, they will remain unwilling or unable to facilitate that process or to play an active role in the rehabilitation of offenders.

Keywords: Correction, Social Reintegration, Aftercare, Social Rejection, Public-Safety Rehabilitation, Reformation, Social Defence, Social Adaptation

With changed in the philosophy of punishment a convicted criminal is treated as a patient rather than an object of revenge. The treatment objectives seek reformation of the criminal and strive for developing in him the necessary potential for successful rehabilitation after his reentry into the society. Hence the rehabilitation of an ex-prisoner rests not only on the sincerest efforts of the ex-prisoner but also on the attitude of the society towards the ex-prisoner.

Certain amount of stigma is inherently linked with committing of crime and serving a term in prison. This stigma is gives rise to manifestation of social distance by the society towards ex-prisoners. Thus after undergoing the punishment of conviction for a few years, a released prisoner has to suffer a life-long punishment of a social disapproval and segregation. The wide chasm of social distance faced by the ex-prisoner lowers his morale and the solid hopes of smooth rehabilitation lamentably. Hence the study of social distance exhibited towards prisoner is an important aspect for investigation.

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Though the most fundamental and extensive work on social distance has been done by Bogardus (1929, 1959), who is well known for his social distance scale, numerous other studies on social distance have been done in varied settings and between various groups. Social distance has been investigated in various countries between ethnic groups, minority groups, religious groups, nations, student groups and occupational groups, but up to this date the social distance towards ex-prisoners has not been studied.

The social distance towards an ex-prisoner is expected to depend on the characteristics of the ex-prisoners as well as of the persons exhibiting it. The stigma ascribed for committing different types of crimes may be different. Therefore different social distance may be registered towards ex-prisoners who have committed different types of crime. With the rise in the educational level a person is expected to know more about the ideals about rehabilitating the ex-prisoners and to appreciate them more. Therefore greater educated people are expected to show lesser social distance towards ex-prisoners (Shukla, 1981).

Treatment through Probation and Parole

Closer examination of the goals of the probation service indicates some lack of clarity, and even a possible contradiction. In offering a service to the Courts (who may be said to be acting as representatives of the general public), the primary concern of an officer carrying out pre-sentence investigations and advising the court must surely be that of ensuring public safety-rehabilitation of the offender at that stage must surely become a secondary goal. However, once the offender is on probation, his rehabilitation becomes the primary goal. This rehabilitative function is equally the primary goal in the case of those offenders requiring aftercare. But the parole officers the "social defence" aspect of the work should come very much to the force, since granting of the parole must imply that men can be returned to prison if it is thought they are a threat to society. One of the dangers of any parole service is that only those men who are considered "safe" will be released: if so we may jeopardize a man's chances of rehabilitation simply on the basis of fear that he will offend again, fear perhaps based on an offence committed many years ago. If we agree that society is at least partly responsible for the causation of crime, there are ethical grounds for some risks being taken in releasing men early-but such risks can only be taken so long as the parole officer is willing to act as an effective agent of public safety. Without an adequate system of recall and proper facilities for the supervision of all parolees, it is difficult to see how parole can work efficiently in the joint interests of offender and public – both as a form of rehabilitative treatment and as a means of social defence. In an article entitled "Major Dilemmas of Social Worker in Probation and Parole" Ohlin, Piven and Pappenfort suggest that probation and parole have been assigned a number of not entirely compatible functions. They point out that officers have to contend with persistent suspicion directed at them and their charges by the police and other groups in the community, with the result that probation agencies often come to be as much concerned about shielding the organization from charges of softness as they are about protecting their clients. Two fundamental questions arise for the probation and aftercare service, namely to what extent does the present system of selection and training recognize these two distinct but overlapping goals and are the theories underlying present practice suitable for meeting what may seem to be conflicting or at best contradictory, goals? The service need to clarify its views on these matters in the immediate future (Morris, 1966).

Rehabilitation and Aftercare Services Programme

Having drawn attention to an increased responsibility to the public in relation to parole, let us now consider for a moment the goal of rehabilitation. Most probation officers would presumably be well satisfied if their probationers did not recidivate; but if they are to be concerned with offenders who have been in institutions where their anti social attitudes may have hardened they may need to

be content with a good deal less- a longer time between offences for example, a satisfactory marriage, or better health etc. In other words probation officers must be prepared for a lowering of "success" rates. If rehabilitation may mean something different from return to crime, what criteria have we for the success and will this mean a different kind of involvement with the offender?

While a man is confined, the conscious effort of the every member of the staff should be to accomplish his rehabilitation. The particular responsibility of the social worker should be to plan the prisoner's aftercare on release in direct collaboration with the probation and aftercare officer for the district to which the prisoner will go or return. On release whether to voluntary or compulsory aftercare the probation and aftercare officer should seek to achieve the prisoner's reintegration in society as a useful citizen. The probation and aftercare officer should not be expected to undertake this task unaided. There must be found in each community public spirited fellow-citizens, sympathetic to aftercare, who (with some training) should make suitable auxiliaries to support and assist the probation and aftercare officer in individual cases. Furthermore, there must be encouragement of new capital projects, like hostels for ex-prisoners (and others), which a community can sponsor (Hartwell, *Prison After Care*, 1964).

When does an aftercare begin? Nowadays everyone seems to agree that aftercare begins at sentence. Meanwhile the prison has received the offender and he is "at risk" for aftercare. The process towards his rehabilitation has begun. The idea is not new. As long ago as 1894 the Gladstone committee on Prisons said "that prison discipline and treatment should be more effectively designed to maintain, stimulate or awaken the higher susceptibilities of prisoners, to develop their moral instincts, to train them in orderly and industrious habits and, wherever possible to turn them out of prison better men and women physically and morally than when they came in." The prison rules provide that the purpose of training and treatment of convicted prisoners shall be to establish in them the will to lead a good and useful life on discharge and to fit them to do so. Chiefly, as a result of historical accident, there is a fundamental distinction between the prisoners who are subject to compulsory aftercare and those who are entitled to voluntary aftercare. Voluntary aftercare sprang from a humanitarian concern for the plight of the ex-prisoner, and manifested itself first through the efforts of individuals and later by the organization of prisoners' aid societies based on local prisons. Compulsory aftercare has always been applied to particular categories of offenders. Thus of those discharged from prison prisoners discharged from corrective training and preventive detention and certain young prisoners and those serving life sentences are subject to compulsory aftercare. Compulsory aftercare has the double object of rehabilitation and supervision, supported by the sanction of recall to a penal establishment if the ex-prisoner misbehaves. In 1953 the Maxwell Committee on Discharged Prisoners' Aid Societies recommended the appointment at local prisons of trained and qualified social case-workers to be known as prison welfare officer. There is now a social worker in every prison in England and Wales and at some of the larger establishments there are several. A prisoner serving a long sentence needs the help of a social worker at the outset of his sentence and during this course as much as any other prisoner. His basic needs do not differ according to the kind of sentence he receives nor where it is served. He will want a home, a job and a friend whichever penal institution he leaves. The nature and quality of the aftercare service provided should be fundamentally the same and should be available to all offenders irrespective of their particular type of sentence (Pawar, 1975).

Prisoners who receive general education and vocational training are significantly less likely to return to prison after release and for them there are wide opportunities to find employment than peers who lack such opportunities. The emphasis is given to rehabilitate the prisoners in the society after their release and they could earn for their survival.

Table- 1.1
Uttar Pradesh vis-à-vis All India, number of Prison Inmates trained under different vocational trainings during 2010-12

Year		Head								Total
		Agri	Carp	Can	Tail	Weav	S& Ph	Hand	Oth	
2010	UP	0	0	0	103	0	0	0	618	721
	AI	2061	4390	380	51	6002	463	2059	16526	36995
2011	UP	0	0	0	0	0	0	0	6157	6159
	AI	2538	9833	367	3406	4427	553	797	27396	43317
2012	UP	0	0	0	312	572	164	0	7092	8140
	AI	3095	4208	379	4245	6249	486	399	33167	52228

Source- Prison Statistics, National Crime Record Bureau, Ministry of Home Affairs, Government of India

As shown in table n. 1.1, it represents that the number of prison inmates trained under weaving section are maximum on all India basis as compared to the other sections of vocational training programmes in the year 2010 and 2012 while in the year 2011 the number of prison inmates engaged under carpentry section are maximum. But in case of Uttar Pradesh, the number of prison inmates engaged in vocational training under agriculture, carpentry, canning and handloom section is quite nil in the respective three years. In Uttar Pradesh, the prison inmates have been imparted vocational training under tailoring, weaving and soap and phenyl section. There is a significant increment in the involvement of prison inmates on all India basis in the succeeding three years.

Table-1.2
Uttar Pradesh vis-à-vis All India details of expenses on inmates in Vocational/Educational training during 2010-12

S.N.	Expenses of Vocational/Educational Training in Lakh		
	2010	2011	2012
1. Uttar Pradesh	31	31	34.1
2. All India	2285.5	1190.2	1579.9

Source- Prison Statistics, National Crime Record Bureau, Ministry of Home Affairs, Government of India

As shown in table n. 1.2, it represents that the expenses on vocational/educational training of the prison inmates was maximum in the year 2010 which considerably decreased up to almost half of the previous year in the year 2011. However, this amount increased to a significant level again in the year 2012. While in case of Uttar Pradesh, the expenditure on vocational/educational training was almost stable in the last two years and recorded a slight increment in the amount in the year 2012.

Social Re-integration of the Prisoners

Social integration refers to the process of integrating socially and psychologically into one's social environment. However, in the fields of crime prevention and criminal justice, where it is frequently used, the term refers more specifically to various forms of intervention and programme targeting individuals to prevent them from becoming involved in criminal behaviour or, for those who are already in conflict with the law, to reduce the likelihood that they will reoffend. Social integration interventions are therefore attempts by various components of the justice system, in partnership with social agencies, NGOs, educational institutions, communities and the offenders' family, to support the successful social integration of individuals at risk of offending or reoffending. Programmes can be developed for various groups of individuals at risk of offending or reoffending, including children and youth whose socialization is still "in progress", as well as for individuals from groups who tend to face some particular social integration challenges, such as minority groups, immigrants or individuals suffering from mental illness or a substance abuse problem. Some of these groups may indeed be facing situations of outright social exclusion and may need assistance in dealing with nearly insurmountable social integration obstacles.

The term "social reintegration programmes" is used to refer specifically to interventions designed to help offenders who have been placed in an institution, such as a reform school, a detention centre or a prison, a mental health institution or a residential drug treatment centre. They include rehabilitation, education and pre-release programmes offered in prison, as well as conditional release, post-release and aftercare interventions. The primary objective of social reintegration programmes is to provide offenders with the assistance and supervision they need to learn to lead crime-free lives and to avoid reoffending. Their purpose is to help offenders desist from crime, successfully reintegrate into the community and avoid a relapse into crime.

In general, there are two main categories of social reintegration programme:

(a) programmes and interventions offered in the institutional setting itself, in advance of the offenders' release, to help them resolve issues, address risk factors associated with their criminal behaviour and acquire the necessary skills to lead law-abiding and self-supporting lives, as well as to prepare them for their release and re-entry into society; and (b) community-based programmes, sometimes part of a conditional release scheme, to facilitate the social reintegration of offenders after their release from custody. Many of the programmes that belong to the second category rest on the provision of some form of community supervision as well as various forms of support and assistance to offenders and sometimes also to their family.

In recent years, post-release interventions, including community-based interventions, have been variously referred to as "aftercare", "transitional services" or "social reintegration" or "resettlement" programmes. Some of these post-release interventions do in fact begin while offenders are still incarcerated with the intent of facilitating their post-release adjustment. In many countries, a renewed emphasis is placed on managing the re-entry of offenders into society. Re-entry typically occurs at the end of a custodial sentence or other form of detention, but it can also occur earlier as part of a conditional release programme, sometimes under formal supervision and sometimes without any supervision or assistance at all.

In some countries, these programmes are known as "offender resettlement programmes". The Association of Chief Officers of Probation of the United Kingdom of Great Britain and Northern Ireland has adopted the following definition of "resettlement programme":

"A systematic and evidence-based process by which actions are taken to work with the offender, in custody and on release, so that communities are better protected from harm and reoffending are significantly reduced. It encompasses the totality of work with prisoners, their families and significant others in partnership with statutory and voluntary organizations."

The vast majority of incarcerated individuals are eventually released from prison. The re-entry process is a transition full of emotional significance and practical difficulties for the offenders. It may further pose challenges for the offenders' families and the wider community. Efforts to assist their successful return to the community must therefore consider both the needs of the offenders as well as the risk they present in terms of community safety (Series, 2012). Successful programmes are usually those which have raised public awareness of the issue and worked with local communities to make the reintegration of offenders possible.

Conclusion

There are vast areas which need to be focused for adequate rehabilitation of the prisoners but it can be best improved in the areas of medical and psychiatric services, inmate classification, casework, vocational training, linking of inmates to the community, inmate education, recreational services, and aftercare services.

Upon admission of a criminal into a jail, the points which are taken into consideration are (1) case history of the prisoner; (2) his socioeconomic status; (3) correspondence to help settle any inmate property and family disputes; and (4) recreational and educational programs. These services need to be consistently and effectively provided in the prisons as part of a specified and integrated rehabilitative system. The corresponding government of the state as well as centre should evaluate the importance of rehabilitative services in prisons and set a policy for the scope of such services. Sound health, both mental and physical is required for the skill development of the inmate resulting into his successful rehabilitation after release and this can be best achieved by providing him quality based medical and psychiatric treatment. There should be proper classification of the prisoners and the treatment should be provided keeping in mind need and type of the service required to a particular group. Casework can be a best method to classify the impact of the prison regime on inmates, while vocational training should equip inmates with the skills to compete efficiently as per their skills upon release. Now this follow up can be performed by engaging a number of social workers who give their progress report to the government via concerned prison authority about the successful rehabilitation of the prisoner after his release which is the liability of the state also. We can admire a number of States, who have established open-air farms in their respective states for inmates that permit them to work in the community and maintain community ties with their families. Education perhaps may bring improvement in inmate's attitude as well as knowledge, while other recreational activities like yoga and other moral education are essential to the good morale and positive mental outlook of inmates. Aftercare services that help the inmate to adjust to society upon release should include educating the public about the needs of the ex-offender.

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Globalization and Legal Profession in India

Virendra P. Singh

India has world's second largest legal profession with more than 600,000 lawyers. The predominant service providers are individual lawyers, smaller family based firms (Joshi, S. 2014). The majority of lawyers are in active practice are engaged in litigation work at three levels: mainly at the district or lower courts; at the High courts or at the Supreme Court. However, a very small percentage of lawyers work in law firms as transaction lawyers (Julian, A. Francis 2009). The impact of globalization is mainly on transactional work rather than on litigation work in the courts at various levels. Globalization has mainly affected this section of lawyers, mainly engaged in transactional work. Therefore, the present paper is focused on analyzing the impact of globalization on this emerging elite section of the legal profession of India. But before we analyse the impact of globalization on legal profession in India, it seems necessary to understand the evolution of legal education and profession in India in last 240 years.

Evolution of Legal Education and Profession in India

India has a colonial past and the legal education and profession have passed through different phases of evolution before the forces of globalization have penetrated them in the last decade of 20th Century and brought some structural changes in them. Here this process of evolution is discussed very briefly.

The legal profession in India evolved in British period with enforcement of Regulating Act of 1773 which empowered to enroll advocates and Attorneys-at-law to the Supreme Court. Although the Supreme Court was actually established one year later in Bengal, through a Charter issued in 1774. At that time, Indian lawyers were not allowed to appear in the courts. It could be possible with Bengal Regulation VII of 1793 which created for the first time a regular legal profession in India for the East India Company's courts by allowing the appointment of *vakils** or native pleaders in the courts of civil judicature in three provinces-Bengal, Bihar and Orissa. After the 1857 mutiny, British Crown had taken over the rule of India from the East India Company, three High Courts were established in 1861 at Calcutta, Madras and Bombay. At this time, three bodies of legal practitioners-advocates, attorneys and *vakils* were in existence. Advocates were the barristers of England or Ireland but the *vakils* were Indian practitioners. Legal Practitioners Act, 1879 provided the enrolments

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to only those practitioners who were taken LL.B. (Bachelor of Law) degree from Indian Universities. Bar Council Act, 1926 unified two grades of legal practitioners- the Vakils, and the pleaders, by merging them in a single class of advocates (Sharma, K. L. 1984). Thus, by this time the legal profession started to take a shape.

Formal legal education in India came into existence in 1855 through starting the LL.B. course in the colleges and universities of India with an aim to develop the human resources for the growing need of British administration to help the lower courts and the High Courts in the administration of justice by enrolling themselves as *vakils* for or becoming judicial officers. Although a number of elite families preferred to send their family member to England for higher and legal education. In 1857, legal education was introduced as a subject in three universities in the Presidency towns of Calcutta, Madras and Bombay. In this period, the legal profession acquired a very high prestige in society as most of the leaders participated in National Freedom Movement of India were lawyers of very high prestige studied in England and practiced in India as well as abroad. Thus, in British period, Indian legal education and professions have taken a proper shape and a number of lawyers studied at England became the role model of Indian lawyers (Singh, V. P. 2003a,b). This has helped in westernization of the legal profession in India.

In post-independence period, a number of lawyers became legislators and participated in making of Indian Constitution. A number of reforms were suggested by the Setalvad Commission in 1954 in the system of legal education: It was emphasized that only graduation should be eligible for legal studies; the theory and principle of law should be taught in the law school and the procedural law and the law of practical character should be taught by the Bar Council. The university course should be for two years and the Bar Council training should be one year and All India Bar Council should be empowered to ascertain whether law college maintain the requisite minimum standards and should be empowered and should be refused recognition for the law Law colleges. It was only after the year 1961 that the Bar Council of India was empowered to lay down standards of legal education. In 1967 this body established a uniform three years LL.B. Course with an annual examination system (Singh, V. P. and Roopa Rani 2014).

However there was a significant deterioration in the prestige of legal professionals in comparison to the other professionals, namely, scientist, doctors and engineers. It was because of the high demands of technical personals, doctors, engineers and scientists in first three decades after independence which made the people crazy for science education (Deepthi, S. 2007). While the association of the legal profession with the political class has deteriorated its prestige in society and it was chosen mainly by those having a graduation in art subjects or those who could not get admission in the subjects of science stream or by those who were aspired to join politics for their career. Another factor responsible for this deterioration was the policy of a number of states governments particularly in the Hindi dominated states implemented the policy of imparting legal education in vernacular language while in the remaining states continued with English language as medium of instruction in law courses. Although, this change in these states has opened up the legal profession for those section of society who were excluded from the legal profession because of their social and economic background particularly those of rural and lower caste origin and

helped in improvement of their socio-economic status but at the same time it also deteriorated the quality of legal education in these states.

In 1980s, the Indian government had made an attempt to modernize and improve the legal education as it was highly dissatisfied with the poor quality of Indian law schools especially when compared with India's engineering and medical schools. "To rectify this situation, the government began creating a small numbers of very selective of National Law universities (NLUs) that would do for the legal profession what the Indian Institute of technology was already accomplishing for the engineering profession. These NLUs were expressly design to be centre of excellence, with an aim to train the graduates to be both technically competent and socially conscious and engaged" (Papa and Wilkins 2012:14). The advent of globalization in India proved a boon to these graduates as the overwhelming majority of them chosen their careers either in corporate law business or positions in large companies. Recently, a numbers of university departments and colleges have introduced a Five Years Integrated Degree Course in Law after completion of twelve years of schooling, keeping in view the growing demand of the corporate sector jobs in India. This Five Years Integrated Degree Course in Law is generally self-financing or with a high fee structure and taught invariably in English medium. The course contents have been thoroughly revised and updated to meet the demand of globalizing legal service market on the line of courses by NLUs. However, at the same time, after completion of graduation in any stream, the conventional three-year LL.B. course is also run by the same department/college with a nominal fee structure, in vernacular medium with traditional course contents. Generally, students of rural backgrounds and with vernacular medium take admission in this course. They generally prefer to practice in districts courts where clients from rural areas come abundantly for their case work. These new developments have stratified the legal education in two strata not only in terms of social background of the students but also in making their professional choice there by creating a n elite stratum within the legal profession. It is in the light of above historical background that we can now focus on globalization of legal profession in India.

Globalization of Legal Profession in India

A number of significant changes can be observed in the post-globalization period in the legal service sector. Areas like activities in project financing, intellectual property right protection, environmental protection, competitive law, corporate governance and investment law were almost unknown to Indian lawyers before 1990s. But now they are becoming the part of curriculum in new integrated courses and the conventional courses are also being revised although the pace is very slow in most of the universities. Although, globalization has created the demand for corporate legal services in India, but it has not produced free trade in this sector of economy. Indian market remains closed for foreign law firms and lawyers despite India's general open policy to multinational corporations and foreign companies. But indirect presence of these firms can be seen in form of liaison offices or other informal means. At the same time, Indian corporate law firms have strengthened and expended in an impressive manner during last one decade.

The globalization of legal profession in India involves three important issues - the debate over the liberalization of legal services market; the actual competition between domestic and foreign

law firms notwithstanding formal barriers to entry; and India's evolution as the major centre for legal process outsourcing (LPO) (Papa and Wilkins 2012).

In the early 1990s, Indian government granted liaison licenses to some foreign law firms which enabled them to open their offices in India for liaison work, such as information gathering and dissemination. However, these law firms faced the charges of exceeding the terms of their licenses by engaging themselves in consultancy/legal services through their offices. In 2009, none but Bombay High Court ruled out that the original grant of licenses to these foreign firms had been done in violation to Indian law. The court has specifically pointed out the Advocates Act of 1961 which regulates all legal practice in India and prohibits both litigation and non-litigation work conducted by foreign lawyers even if the foreign lawyer in question has a degree from an Indian law school and confines his or her work to issues relating to their "home country" law. This ruling made the Indian regulatory regime one of the most restrictive in the world for foreign lawyers. This led to an active political debate between the advocates of liberalization in legal services and those who oppose liberalization in legal service sector. The advocates of liberalization argued that opening of market is beneficial for both the firms and the clients. With an increase in the number of transnational deals, everyone will be benefitted; deregulation of legal market will lead to overall professionalization of the industry, increase in efficiency, easy and more and more access to foreign expertise and works; promote the in-country expertise and retention of legal talent. Liberalization will further enable the clients to get a broader selection of law firms to practice in India because Indian law firms may also practice in other jurisdictions including the UK and the US (Papa and Wilkins 2012)). On the other hand, their opponents argued that India's legal profession has a unique harmony based on a well-developed ethos, culture and tradition and a very noble heritage and it should not be treated as a commodity. Their worry is that once foreign lawyers are allowed to practice, they would undermine this ethos and interfere in the workings of the Indian legal system. Apart from these normative concerns, there are other factors also which are behind this opposition. One of these is that Indian law firms continue to face a number of regulatory restrictions like limitations on partnership size, advertising, contingent fees, and partnership with non-advocates. Therefore, they find themselves not very comfortable in competing with foreign law firms and foreign lawyers as the foreign law firms are not subject to some or all of these restrictions. Thus, it is a hard reality that the Indian legal market is closed to foreign firms due to regulatory restrictions but the foreign law firms have already gained a foothold inside India through a wide range of associations and other relationships with Indian firms. Many of them actively work on India-related transactions from their London, Washington, Singapore or Hong Kong offices (Russell 2010). These firms have invariably an "India desk" that employ a good number of lawyers from India's top law schools, and their full-time jobs are to provide services to their Indian clients and perform India-related transactions. At the same time, Indian lawyers have also started to work on the conventional corporate activities in last two decades. There has been tremendous growth in the number of lawyers working on corporate legal activities both within corporate firms and as well as in-house legal departments in India-based corporations. Furthermore, Indian legal firms have also started venturing abroad to capitalize on the inflow and outflow of investment. Another important development in legal profession of India, which can be observed in last one decade, is the emergence of India as a major Legal Process Outsourcing

(LPO) destination. Legal Process Outsourcing refers to “sending of legal work traditionally handled inside a company or firm to an outside contractor for performance” (Papa and Wilkins 2012: 10). LPO could be possible in India because of the disaggregation of legal services into separate component parts and sophisticated information technology. Indian Outsourcing firms charge very low rate (one-tenth to one-third) of what a traditional foreign firm charges per hour. It also saves time because their lawyers can focus on value added to the final product instead of routine works like electronic document management, and review, legal research and other menial tasks and they can also benefit from time zone differences, which makes 24-hour workflow possible. There are a number of reasons for dominant position of India in LPO market. One of the factors responsible for the growth of LPO in legal services is that India has vast pool of educated, English-speaking lawyers and paralegals, and it utilizes a common law system, similar to the one practiced in the US, UK and the Australia (Papa and Wilkins 2012). It suggests that outsourcing of legal services in India will not only contribute significantly in the process of economic development but also new employment opportunities to the young lawyers as it has already happened in case of information technology, pharmaceuticals and software development in past two decades.

Conclusion

The legal profession has evolved during the British colonial in India. In its initial stage, only advocates of foreign origin mainly from England or Ireland were allowed to practice in Indian courts established by East India Company. The *vakils* or attorneys, who were of Indian origin, were, however, not allowed to appear in the courts. In this way the *vakils* or attorneys who constituted a large part of legal profession at that time were having a sub-ordinate position and acted as agent/ translator for their clients and provided the assistance to the English-speaking advocate (Sharma, K. L. 1984). But gradually with the introduction of legal education in Indian universities and colleges in second half of nineteenth century, the lawyers of Indian origin joined as advocates and barristers in Indian legal profession and the sub-ordinate category of *vakils* and attorneys was merged with advocates. Thus, a uniform structure of legal profession emerged in India. It has helped in further growth of the legal profession and in the first half of 20th century many youth of elitist family aspired to get legal education in England and joined the legal profession. In this period, the legal profession attained a high reputation in the society. Again, when some eminent lawyers and barristers launched struggle for India's freedom, the legal education and profession became the launching pad for the freedom struggle. This trend continued over a period of time even in post-independent period. This can be termed as expansion phase of legal profession in India. Three areas of legal practice can be identified in this period-civil, revenue and criminal. In post-independent period, the legal profession was further diversified to new areas like income tax, sales tax, and litigations related to land consolidation etc. This phase is also characterized as phase of diversification of legal profession. The '*parochialisation*' of the legal profession started with implementation of the policy aimed to provide legal education in vernacular languages so that people from all social classes can join the legal profession. As a result the profession became more inclusive with the joining of the people of backward and scheduled castes, women and *ruralites*. However, it also resulted in deterioration of legal education and profession particularly in 1970s and 1980s and it has lost its prestige. In 1980s, the establishment of National Law Universities (NLUs) in different parts of the country was

an attempt to modernize the legal profession and in bringing back its lost prestige. This step became very productive in the post-globalization phase as most of the products of the NLUs were absorbed in highly paid corporate sector and MNCs due to the high quality of education imparted in these institutions. But the legal profession of India is highly restricted in the world as Advocate Act of 1961 restricts the foreign lawyers and firms to provide legal services in India. But despite this restriction the foreign legal firms and lawyers have penetrated the market of legal services in India although indirectly or through informal means. It has generated a debate among the Indian lawyers regarding the opening of legal service market and they are divided into two categories of pro-liberalization and anti-liberalization. Further, the legal education has been stratified into two strata: one of those having high quality of professional education (FYIDL) and those having a simple LL.B. degree after graduation. These two strata differ from each other in terms of their socio-economic background, quality and contents of their professional training and consequently in their prospects in the profession. The growth of LPO in legal services in India has created new opportunities for young Indian lawyers. One of the important characteristic of globalization, its capacity of simultaneously excluding and including the people, activities and places (Castells, M. 2000, Singh, V. P. 2007), is confirmed in case of legal profession of India. It is including a small elitist section of the lawyers and they are getting maximum economic benefits from globalization of the profession while the others who don't fit in its framework are being excluded by the forces of globalization. Thus, on the basis of above discussion, it can be concluded that the forces of globalization have made the legal education and profession in India not only segmented and stratified in terms of income, power and prestige but also simultaneously creating inclusion and exclusion in society.

**The term for a lawyer is 'vakil' which was also used in Muslim India in the sense of an agent or ambassador who represented his principal for varied reasons (See B. B. Misra 1961: 162-63)*

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Singh, V. P. and Roopa Rani T. S. 2014: "Globalization, ICT and Professional Education in India" research paper presented in Session Globalization, ICT and Professional Education in India of ISA-RC 52 on Sociology of Professional Groups, in *World Congress of Sociology, 2014*, Yokohama, Japan.

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9. Write numerals between one and ninety-nine in words, and 100 and above in figures. However, the following are to be in figures only: distance: 3 km; age: 32 years old; percentage: 64 per cent; and years: 1990s.
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Revisiting the legacy of Chaudhary Charan Singh: Lessons for Contemporary Peasant Politics

Vijendra Singh

Chaudhary Charan Singh is frequently identified as the preeminent *kisan* (peasant) leader in the post independent India. Throughout his life, he relentlessly fought for peasant interests and emerged as their principal spokesperson, ideologue and political representative. Besides being the champion of peasant politics, he was an outstanding intellectual (Byres 1988: 139) and produced substantial body of written works in the form of books, articles and pamphlets on economic policies, agriculture, caste and politics. In his writings, he articulated a complex and sophisticated model of economic development, elaborated the need and method of *zamindari* abolition in his home state of Uttar Pradesh (U.P.), peasant proprietorship, increasing agricultural production and labor intensive small scale industries.

Importantly, though the political legacy of Charan Singh is well recognized his written works remain less known and unrecognized. In the backdrop of crisis in rural-agrarian sector and the peasant politics disappearing from Indian politics, the need is to revisit both the intellectual and political legacy of Charan Singh. Being a peasant icon and a rooted intellectual, Charan Singh's writings throws substantial light on the mistakes made in the past. Thus revisiting Charan Singh's legacy is significant for articulating economic policies to overcome the persistent crisis in the agriculture sector on the one hand and to reclaim the space which peasant politics once enjoyed in India on the other.

Brief Life Sketch of Chaudhary Charan Singh

Charan Singh was born on 23rd December 1902 in a tenant peasant family, in village Noorpur (then in Meerut district) of Western Uttar Pradesh. Throughout his life, he chose to emphasize his peasant origin and remained proud of it. Deeply entrenched in rural-peasant life, he developed profound understanding of rural-agrarian life, and nature of exploitation by *zamindars* (land lords), moneylenders and city based government employees. His peasant background introduced him to the simplicity and self-sufficiency of village life, a way of being he pursued for the rest of his life. After his initial education in Meerut, he went to Agra to pursue higher education. He completed his LL.B. in 1927 and started practicing civil law at Ghaziabad city court. As a lawyer dealing with cases of village folk, he came in contact with people and their problems, especially those of the

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peasants. Trained as a lawyer, he articulated his arguments never without evidence. Accordingly, his subsequent writings are full of facts, figures and statistics support in favor of his arguments.

Since his early life, Charan Singh was drawn most towards Mahatma Gandhi and Dayananda Saraswati. Inspired by the Gandhi led national movement, he left his legal practice within a decade and joined the Indian National Congress and went to jail during Salt Satyagraha and Quit India movement. For the first time, he was elected to United Province legislative assembly in the year 1937 from Meerut on the Congress ticket. After independence, he assumed several important ministries, like, agriculture, revenue, finance and others in Uttar Pradesh before becoming the Chief Minister in 1967. After breaking away from Congress, he formed several peasant oriented parties, like, Bharatiya Kranti Dal (BKD), Bhartiya Lok Dal and Lok Dal with strong base in North India. He was the first non-Congress Chief Minister of Uttar Pradesh, who later on became Prime Minister.

Critique of Zamindari System

First, Charan Singh was most vocal critique of *zamindari* system in thought and deeds. He observed that, "The landlords are parasites in the truest sense of the term" (Singh 1947: 15). Advancing powerful and passionate critique of *zamindari* system, he argued that agriculture production was in no way dependent upon the class of landlord which themselves take no part in tilling and production process. It was a class which simply lives upon the labor of others and whose profession was idleness. He held *zamindari* system to be responsible for abject poverty and degradation of peasants, who hire land for cultivation at very high rate of rent. Also under *zamindari*, tenants had no security over land and therefore no incentive to make any improvements on their holdings, proving detrimental for agricultural production.

When assumed the office of Agriculture and Revenue Minister, Charan Singh played the pivotal role in framing, passage and execution of landmark *U.P. Zamindari and Land Reforms Bill* (1952). He considered it to be the principle achievement of his life. After that, he took other initiatives to serve the interest of peasant and rural population, like successful implementation of the *UP Consolidation of Holdings Act of 1953*. Providing relief to peasants, he exempted land revenue for farmers owning land up to three and half acres and exempted fertilizer from sales tax.

As a member of the Union Cabinet (1977-79), he exempted unmanufactured tobacco from excise duty and reduced excise duty on all chemical fertilizers up to 50 per cent. He also established the National Bank for Agriculture and Rural Development with a view to providing loans for agriculture and rural development schemes.

Critique of Joint and Cooperative Farming

Second, Charan Singh was an ardent critique of Nehru's proposal of joint and cooperative farming. Attending Congress's annual session in Nagpur in 1959, he gave an hour long speech against the resolution bringing in cooperative farming. Though his speech was appreciated by newspapers and privately by Congress leaders and rank-and-file, it was decried by many in Congress' national leadership. Offering powerful critique of joint farming, he wrote full length book- *Joint Farming X-Rayed: the Problem and its Solution* in the same year.

He criticized joint farming on several grounds. One, he contended that peasant was too independent and attached to his land that pooling of individual land holdings could ever be successful in India. Two, pooling of land holdings deprives peasant the freedom and dissuades him for any kind of individual initiative to increase production. Three, its success demanded mechanization of agriculture, for which capital was not then present in India. Four, it would invite authoritarian control of bureaucrats and few middle man over simple and innocent villagers, and would lead to the concentration of power in the hands of few.

Opposing Nehru's proposal, he argued for peasant proprietorship, that is, ownership of the land by the man who actually tills it. Peasant proprietorship for him was in tune with the idea of rural democracy and decentralization of economic resources. Ownership of land would also increase production as it gives a peasant incentive to work hard and produce more for their own benefits. Outlining psychological effects of peasant proprietorship, he wrote, "The Reason is that it generates forces which stimulate the free development of the peasant's personality. The thought that land has become his and his children's in perpetuity, lightens and cheers his labor and expands his horizon. The feeling that he is his own master, subject to no outside control, and has free exclusive and untrammelled use of his land drives him to greater and greater effort" (Singh 1959: v).

Gandhian Economic Philosophy

Third, inspired by Gandhi's economic philosophy, Charan Singh opposed Nehru's model of development with the emphasis on capital intensive industrialization. As an alternative, he argued for prioritizing agriculture and small-scale and cottage industries, in a primarily agrarian underdeveloped and poverty stricken country, like India. He explained that to ensure food security agricultural production should be prioritized through efficient utilization of available agricultural land. Moreover, purchasing power of the people could only be increased with development of agricultural sector and its cascading demand effect on the rest of the economy. It was only with increased purchasing power of rural demand for industrial goods and services could ever be maintained. Primacy to agriculture was also essential for the growth of industrial sector as it was the agriculture sector which supplies raw material to industry and for the manufacture of consumer goods.

Along with agriculture, Charan Singh underlined the necessity of small scale-labor intensive industries in villages to generate employment and to absorb surplus labor. However, Charan Singh did not deny big industries per se but believed that it could come in the course of time after sufficient growth in rural- agricultural sector or at most can only accompany increased agricultural production.

Critique against Caste System

Fourth, Charan Singh in his writings advanced an acerbic critique of the caste system (Singh 1981:535-548). He considered caste to be biggest enemy of Indian society. He argued that caste system was hierarchical in nature, based on the principle of purity and pollution, and prescribed to the principle of birth over the worth. For him such a system led to fragmentation of Indian society, dividing population in number of castes and sub-castes, preventing fellow feeling beyond the members of their own caste. People remain loyal and concerned to their caste groups than to larger society. Occupation decided by birth, according to him was inimical to free opportunity, open competition and individual mobility associated with dynamic economy. It violated the dignity of labor by labeling manual labor to be inferior. It was also responsible for political slavery and for India repeatedly falling prey in the hands of foreign invaders as it prevented political unity and united resistance at the time of foreign invasions.

To get rid of the evil of caste system, Charan Singh emphasized most on inter-caste marriages. He argued that in modern time the caste is perpetuated and sustained most through practice of endogamy. It becomes most important in the life of an individual at the time of marriage. Thus inter-caste marriage was the most effective solution. Such was his hatred towards caste system that he even did not hesitate to propose inter-caste marriages through constitutional provisions and rules. He wrote a letter to Jawaharlal Nehru on 26th May 1954 proposing inter-caste marriages mandatory for candidates seeking government jobs as gazetted officers. Inspired by Dayananda Saraswati, he also rejected ritualistic practices, religious superstition, idol worship, idea of purity and pollution which he considered to be associated with caste system.

Opposition to the then dominant party

Last but not the least, Charan Singh played significant role in opposing the then dominant party- Congress. He played crucial role in the formation of first non-Congress government first in Uttar Pradesh and then at the Centre. After holding several important ministries in Congress government since independence, Charan Singh parted away from the Congress party in 1967. In the same year, he formed first non-Congress government of Samyukta Vidhayak Dal (SVD) in U.P. SVD was a joint organization of all opposition parties in U.P. which unanimously elected Charan Singh as their leader.

After leaving Congress, Charan Singh formed new agrarian party, the Bhartiya Kisan Dal (BKD) in the year 1968. Formation of BKD marked the beginning of organized peasant politics in post-independent India and assertion of distinctive peasant interest in electoral politics in India. The core base of BKD was consisted of the middle status caste and middle size peasantry in north India (Brass 2011: 5-6). The political and economic aim of the new party was to secure the interest of the peasantry in India by drawing more investment from the state in the agriculture sector and by encouraging small scale industries in rural India for the purpose of providing employment to those without land. BKD in electoral politics opposed the then Congress' model of development with the focus on large scale and heavy industry and urban base India which neglected the rural and agricultural sector. In its first ever election in 1969, newly formed BKD was successful in marking its imprint on north Indian politics. It secured 98 seats and 21.22% of popular votes in U.P. assembly elections and emerged as the second largest party in the state after the Congress.

From the mid-1970's, Charan Singh shifted his focus from the state to the national politics at the Centre. In national politics, he made sustained efforts to unite the opposition party against the then dominant Congress party and to carve out a distinctive agenda which gave priority to the agrarian interest. For the same, he formed Bhartiya Lok Dal (BLD) in 1974. It was formed with the merger of BKD, factions of Swatantra Party, Samyukta Socialist Party, Uttkal Congress, Rashtriya Loktantrik Dal, Kisan Mazdoor Party and Punjab Khetibari Zamindari Union.

In 1975, when authoritarian 'emergency' regime was imposed, Charan Singh along with other opposition leaders was put behind jail by Indira Gandhi regime for the purpose of crushing all opposition to her government. During and after emergency, Charan Singh played instrumental role in bring the opposition leaders together and putting a united front against the Congress. Along with other opposition leaders, he relentlessly worked for the formation and success of Janata Party. He provided massive political base of his party among the peasantry of northern India to newly formed Janata Party, which defeated the Congress in the general elections of 1977. Importantly, it was under the symbol of his erstwhile party BKD, the historic 1977 general Lok Sabha election was fought and won by the Janata Party. As one of the chief architects of the Janata Party experiment, he elaborated alternative economic philosophy of the new party and of the government on Gandhian lines, underlining agrarian issues, small scale and cottage industries.

He became Prime Minister in 1979 for the brief period. After the disintegration of Janata Party, he revived his old party, with the name Lok Dal. In the succeeding general elections, though Charan Singh was elected to parliament, he never held government office again. However, he left a permanent imprint on Indian politics as many of leaders (Mulayam Singh Yadav, Sharad Yadav, Nitish Kumar, Ram Vilas Paswan and other) from Lok Dal became significant leaders of north Indian politics. Charan Singh led a simple life and wrote several books, including *Abolition of Zamindari*, *Joint Farming X-rayed*, *India's Economic Policy: The Gandhian Blueprint*, *Economic Nightmare of India: Its Causes and Cure and others*.

At present when agricultural sector and farmers politics in the country is in crisis, the need to revisit the intellectual and political legacy of Charan Singh becomes all too important. In last two

decades, all the governments at the Centre are responsible for favoring the multinational corporations and for neglecting the agriculture sector in a way or other. Subsidy to agriculture sector has been substantially reduced, underdeveloped agriculture sector is linked to the uncertainties of the world market, minimum support price for crops is not sufficiently and regularly revised, farm land is acquired for setting up multinational companies and small scale industries in rural sector is repeatedly neglected.

These policies together in last two decades had detrimental impact on rural-agrarian sector, leading to deep crisis. The agriculture in India is increasingly becoming unprofitable and farmers are migrating from rural to urban areas. The widespread crisis in the agriculture sector can be comprehended by just looking at increasing farmers' suicide in the country. Since 1990's, farmers suicide has emerged as a widespread phenomenon and 2,56,916 farmers have committed suicide between 1995 and 2010 (Sainath 2011). Moreover, period between from 1997 to 2003 is being acknowledged as the worst for agriculture since the green revolution (Himanshu 2017)

Importantly, pervasive crisis in agriculture sector is integrally linked to the crisis in peasant politics in last two decades. Despite crisis in rural-agrarian sector, there is lack of sustained widespread peasant movement and assertion of peasantry in and outside electoral politics. As a result political class across political parties is increasingly becoming indifferent and insensitive towards issues of rural-agrarian sector. This is not to say that in the last two decades India did not witness any kind of peasant politics but there is huge difference between the way peasant politics and issues was central to national politics, particularly during 1960's, 1970's and 1980's and the way peasant politics has failed to make any significant impact in last two decades. Though in the last two decades India has witnessed several agitations by farmers, like protest in Greater Noida in 2011 on the issue of increased compensation to acquire agricultural land, movement in Maharashtra in 2017, movement in Madhya Pradesh for increased minimum support price on crops in 2017 and others but by and large these movements either remained confined to specific region or were too short lived. Moreover, though every major political party has a farmers' wing but the issue of agriculture and peasant is rarely addressed by these wings independent of their overall commitment towards their own party.

One of the reasons for the increased marginalization of peasant politics is the absence of peasant leadership and eclipse of peasant movement in the country. Since last two decades India did not produce any significant peasant leader who championed the cause of peasantry and agriculture, persistently engaged with the issues of agriculture, mobilized the peasantry across region and distinctly engaged with peasant issues. Moreover, peasants have repeatedly failed to pressurize the successive governments at the state and national level in last two decades to address their issues and to draw required financial support. In such scenario four lessons can be learnt by revisiting the intellectual and political legacy of Charan Singh.

First, the need is to articulate afresh an alternative model of development by keeping in mind the changed context of post-reform era, as Charan Singh articulated a model by keeping in mind the realities of Indian society of 1950's, 1960's and 1970's. Since 1960's and 70's many things have changed. Traditional landlords have disappeared, agriculture land is getting fragmented, there is no shortage of production and after the implementation of economic reform it is the corporate which is taking away the lands of farmers. In such a changed scenario, the necessity is to advance a new model of development in accordance to changed realities; the plan which remains committed to the interest of rural-agrarian sector.

Second, the need is to address the issues of rural-agrarian sector distinctly and independently of broader ideology and agenda of existing political parties. For that peasantry need to be mobilized y outside the fold of kind of political parties present in India. The necessity is to

form new political party committed to the cause of peasantry. Charan Singh in 1960's and 1970's did that by forming political parties, like BKD and BLD primarily dedicated to issues of peasantry.

Third, the need is to mobilize the peasantry in the electoral politics for the purpose of pressurizing the successive governments at the Centre. Charan Singh as the peasant icon was successful in mobilizing the peasantry in the electoral politics and in pressurizing the governments to address the issues of agricultural class. He was able to assert the cause of agricultural class in post independent Indian politics because he was successful in electoral politics. Last but not the least as Charan Singh throughout his life fought against the then dominant party (Congress party), the need of the hour is to fight against the present dominant party –Bhartiya Janata Party (Palshikar 2017) which not only dominate the Centre but also the majority of the states in the country. As Congress, the present dominant party is also indifferent to the cause of peasantry and is implementing the corporate agenda at the expense of interest of rural-agrarian sector.

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Forced Marriage in India: Legal Recourse and Other Remedies

Parvathy Poornima

There has been considerable recognition of the issue of forced marriage in contemporary societies and several countries opted for significant legislative measures to combat forced marriages. In Britain and many other European countries forced marriage is perceived as a problem among South Asian Diaspora. Forced marriage is identified as a form of human rights violation as the requirement for free and informed consent of both the parties to marriage is realized at international and national levels. As article 16 of the Universal Declaration of Human Rights states, "marriage shall be entered into only with the free and full consent of the intending spouses"¹. UN Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages underlines that "no marriage shall be legally entered into without the full and free consent of both parties, such consent to be expressed by them in person after due publicity and in the presence of the authority competent to solemnize the marriage and of witnesses, as prescribed by law"².

According to the definitions of UN Women's End Violence Against Women, forced marriage includes at a minimum, the absence of free and full consent of one or both parties. International definitions also recognize child marriages as forced marriages. "As a child under the age of 18 is not capable of giving her valid consent to enter into marriage, child marriages are considered to be forced marriages"³.

Forced marriage is irrefutably a gender issue as majority of the affected party constitute women and girls. UNICEF data indicates that about 15 million girls are married every year before they reach 18 and one in four girls alive today globally was married by age 18, and one in 12 was married by age 15, some as young as eight or nine⁴. Hence ending child, early and forced marriage is critical to attain gender equality and women's empowerment. Convention for Elimination of all forms of Discrimination against Women (CEDAW) condemns forced marriage by declaring that "State parties shall ensure on a basis of equality men and women...the same right freely to choose a spouse to enter into marriage only with their free and full consent (CEDAW Article 16(1), (b))

There is also growing awareness about the difference between arranged and forced marriages. "In forced marriages, one or more parties lose their right to choose their partner. In arranged marriages, the parents and families play a leading role in arranging the marriage, but the ultimate decision on whether to marry lies with the individuals getting married"⁵. Individual right to choose is the central focus of global concern over arranged and forced marriages.

This paper explores the issue of forced marriage in Indian context and analyzes viable legal and other remedies to protect people falling prey to forced marriages in India. The paper uses available

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secondary data produced by international and national bodies and civil society organizations to comprehend the issue of forced marriage.

Forced Marriage in India

Forced marriage is increasingly identified as human rights violation and violence against women in India. Scholars underline that several cases of forced marriages are reported by media and the cases where interventions are possible are resolved mostly through NGOs and women's groups. Forced marriage involves violation of fundamental human rights enshrined in Indian constitution including right to life and dignity. It also entails the violation of the freedom of movement and liberty and the right to equality (Hossain and Welchman 2005).

Conceptually early Marriage and forced Marriage are yet to find definitions in Indian jurisprudence or child rights jurisprudence in India⁶. Forced marriage is not specific criminal or civil offence under Indian law hence it is highly unlikely to find accurate data on instances of forced marriages. Child marriages are considered to be forced marriages by international definitions and child marriages are widespread in India. Girls not Brides⁷ reports that India has the highest number of child brides in the world and is estimated that 47% of girls in India are married before their 18th birthday. Child marriages registered under Prohibition of Child Marriages Act (PCMA) in India in 2014 is 280 (169 in the year 2012 and 222 in the year 2013) NCRB 2014. Studies also point out variation of rates of child marriage among states. States such as Bihar (69%) and Rajasthan (65%) have high rates of forced child marriage. Newspapers report that India has about 24 million child brides which form 60% of the 60 million world's child marriages. ICRW studies point out that states like Kerala has lower rate so child marriages (ICRW 2010)⁸. UNICEF studies identify that the median age (16.8 years) at marriage for females in India is well below the legal age of marriage whereas that of the males is 22.6 years, higher than the legal age. (UNICEF 2012)

Forced and child marriage is rooted in unequal gender status and power relations that can result in the perpetual subjugation of girls and women⁹. It has been argued by many that child marriage in India has been practiced for centuries, with children married off before attaining physical and mental maturity. Irrespective of its roots, child marriage involves severe violation of human rights, which has physical, psychological and economic impact on women and girls. Gender biased views on women's role in family and society and patriarchal control over women are among the structural causes of child and forced marriages. Regardless of the fact that half of the world's child brides are in India, government of India did not co-sponsor **the UN Human Rights Council Resolution on Early, Child and Forced Marriage**¹⁰¹⁰ **The resolution recognizes** child, early and forced marriage as a human rights violation that 'prevents individuals from living their lives free from all forms of violence' and negatively impacts the 'right to education, and the highest attainable standard of health, including sexual and reproductive health'.

It is to specify a) a minimum age for marriage (b) prohibit legal acceptance of any marriage without the full and free consent of both parties (c) register all marriages (Refer, <http://www.wunrn.com/2014/08/india-not-co-sponsor-to-un-resolution-against-child-marriage-though-some-12-of-worlds-child-brides-are-in-india/>) and **adopted in 2014. India's refusal to sign the resolution on the grounds of** lack of clarity on the definition of early marriage invited world-wide criticism. Child Marriage Restraint Act (CMRA) was amended in 1978 to raise the minimum age of marriage to 18 years for girls and 21 years for boys and this position remains the same in Prohibition of Child Marriages Act (PCMA), 2006, that replaced the CMRA. However the implementation of the law remains a challenge due to the existence the customary practices and religious personal laws of different communities in India.

Identifying the gravity of the issue of forced marriages in India it is required to recognize the causes and impact of the issue along with existing remedies to tackle the issue.

Understanding Forced Marriage: Causes Consequences and Remedies

Significant NGO studies identify economic and cultural reasons behind instances of forced marriages.

Economic causes include poverty, lack of education and career opportunities.

Cultural reasons include force of custom and tradition and cultural codes of shame and honour

In Indian context, lack of resources and resultant lack of education and job opportunities push poor families to marry away their daughters at early age. Burden of paying dowry is the key social factor that underpins gender bias and discrimination in India and paves way to early and forced marriages. Not only dowry but lack of alternatives for their daughters also makes parents of poor households resort to early and forced marriages. Due to existing gendered norms and economic constraints education and career of girl children is considered to be a burden and consequently early and forced marriage is widespread (ICRW 2007).

Reinforcing patriarchal traditional values through control of women's sexuality is often manifested in instances of forced marriages (UNFPA 2012)¹¹ Refusal of women to adhere to the norms of culture is often cured by coercion and violence by gender biased societies. Notion of honour is central to Indian values. In the process of retaining honour, women's human rights are compromised constantly. The codes of shame and honour are differently attributed to male and female sexes and are largely gender-linked. The ownership and control of female body and sexuality by family and community, legitimized by patriarchal structures, defends gendered notions of shame and honour.¹² Parents will be more concerned about regulating the behaviours of their daughters than sons and refusal of women to adhere to the norms of culture is often dealt with coercion and violence. The supremacy of honour over human rights becomes a crucial feminist concern. Modern human rights discourse endorses a critical acclamation to the notion of honour, particularly in its relationship with gender identities. Political instability including insecurity in the face of war and conflict is another significant reason identified by ICRW study behind occurrence of early and forced marriages.

In Britain and in other European countries the vital cause behind forced marriage is intergenerational conflicts among immigrant South Asian communities. Conflicts generally occur when the second generation refuses to adhere to traditional values that they find restrictive. Scholars identify the role of cultural codes; shame and honour in underpinning oppressive gender relationships among cultural groups¹³.

Impact of forced marriages on women and girls can be enlisted as follows

Indisputably forced marriage is human rights violation that denies girls their right to life and dignity, right to health, education and equality. It also denies girls life free from exploitation, gender discrimination and violence. It also undermines the agency and autonomy of girls and young women by denying them any decision making power.

Women victims of forced marriage often face physical, psychological, economic and sexual violence.

Refusal to submit to traditional patriarchal values by women often leads to coercion exercised in the name of honour and instances of forced marriages at times end up in honour killings.

Forced marriage is also associated with several health risks.

Early marriages increase the risk of early and frequent pregnancies, high maternal mortality and child mortality rates, exposure to sexual violence and poor sexual and reproductive health.

Child brides are deprived of education, employment and other economic opportunities. Some studies draw correlation between child marriage and education in terms of cause and consequences. Lack of education enhances the risk of child marriage whereas child marriage forced children to drop out of school (UNICEF 2012)¹⁴.

Addressing Forced Marriage

As discussed earlier, fear of honour is one of the significant reasons behind instances of forced marriages happening in India apart from economic reasons. Cultural codes of shame and honour reinforced by patriarchal norms invariably leads to instances of early and forced marriages. India is a multicultural society that gives equal recognition to cultural minorities in public sphere. Diverse communities in India have different religious personal laws and these laws have generated debates regarding gender equality in the context of constitutional provisions for rights and equalities. The history of religious personal laws in India has shown that they have been selectively used as a tool for governance and often to the disadvantage of women (Parashar 2008). Rights related to marriage are ruled by personal laws with respect to specific communities and the linkage between religious laws and forced marriage becomes significant.

While reconciling the conflicts between cherishing cultural diversity and ensuring women's equality in the context of forced marriage debates in the UK, Anne Phillips and Moira Dustin present three broad approaches that have appeared in the practices of contemporary states; regulation, dialogue and exit (Phillips A, and Dustin, M. 2004). The approaches broadly include regulation through legislations, dialogic encounter between majority and minority communities to arrive at widely acceptable norms of conduct and the right of individuals to exit from their groups if they are dissatisfied. This section of the paper examines the possibilities and risks involved in three approaches mentioned above to combat forced marriages. As regulation through legislative measures is considered to be the most viable option to combat human rights violations, it is necessary to understand available legal options in India to fight forced marriages.

Legal Recourse

Indian constitution guarantees range of fundamental rights for obtaining redress for victims of forced marriages. As forced marriage is grave violation of right to life and personal liberty, Right to life (Article 21) has been interpreted by courts for a person to lead a meaningful life with dignity. Article 14 guarantees right to equality and equal protection of law and Article 15 prohibiting discrimination against any person on the grounds of religion, race, caste, sex or place of birth etc. These rights are supplemented by freedoms guaranteed under Article 19 of including freedom of movement, speech and expression, association, and to reside in any part of the territory of India. Forced marriages violate these fundamental human rights. Writ petitions under Article 32 and 226 prove to be useful in cases of such violations. The writ of *habeas corpus* has proved to be an effective remedy in relation to forced custody illegal confinement (including choice marriages) and other related matters (Hossain and Welchman 2005).

Civil laws applicable for various communities that are relevant in the context of forced marriage include Prohibition of Child Marriage Act (PCMA) 2006, the Majority Act 1875, Family Courts Act (FCA) 1984 and the Family Courts Rules as laid down in various states and Protection of Women from Domestic Violence Act (PWDVA), 2005 (Hossain and Welchman 2005)¹⁵. Prohibition of Child Marriage Act (PCMA) 2006 includes provisions for the prohibition of solemnisation of child marriages. Under this Act 'child marriage' means a marriage to which either of the contracting parties is a child and 'child' means a person who, if a male, has not completed twenty-one years of age, and if a female, has not completed eighteen years of age¹⁶. Child Marriage Prohibition officers (CMPOs) have been appointed to deal with the case of child marriages under the Act. As per the Majority Act 1875, every person domiciled in India shall attain the age of majority on his completing the age of eighteen years and not before¹⁷. The Act also specifies the capacity of any person to act in the following matters (namely), marriage, dower, divorce and adoption¹⁸.

Family Courts Act (FCA) 1984 is meant for the establishment of Family Courts with a view to promote conciliation in, and secure speedy settlement of, disputes relating to marriage and family affairs and for connected matters¹⁹. Protection of Women from Domestic Violence Act (PWDVA) is

a civil law aimed at providing relief to women affected by domestic violence. Activists in Rajasthan and other states have used this law to prevent forced marriages as the comprehensive definition of domestic violence under this law also includes forcing a woman to marry against her will²⁰. Sections 366 (kidnapping/abduction of a woman to compel her marriage or for illicit intercourse), 496 (marriage ceremony with fraudulent intention), 370 (human trafficking for purposes of sexual exploitation, slavery and servitude) etc of the Indian Penal Code (IPC) also contains certain provisions that can be brought to use to book a case of child marriage or forced marriage.

Rights relating to marriage (dissolution of marriage, guardianship and custody of children etc) are governed by various religious personal laws depending on various religious communities including Hindus, Muslims, Christians, Sikhs, Jewish and Parsi. They include the Hindu Marriage Act 1956 (HMA) laws applicable to Muslims (Muslim Personal Law (Shariat Application) Act, 1937, the Dissolution of Muslim Marriages Act, 1939 and Muslim Women (Protection of Rights on Divorce) Act, 1986), laws applicable to Christians (Indian Christian Marriage Act, 1872 (CMA), Divorce Act 1869 (as amended 2001) and Special Marriage Act, 1956 (SMA) (for civil marriages, particularly between persons belonging to different religions) (Hossain and Welchman 2005)

Legal feminists point out that the marked feature of most religious personal laws is that women have fewer rights than men as the goal of gender equality is often subordinated to other political considerations in India. Hence they argue for a common family law to recognize the constitutional principles of gender equality. The pertinent problem here is reconciling with demand for gender-sensitive laws and respect for cultural identity of minority communities. Whether law should be gender neutral or gender specific is a pertinent feminist concern since the emergence of idea of difference that deconstructed homogeneity during second wave feminism in European countries. However the developments of western feminism did not have exact parallels for women in India as the political and social context for women in India was very different from the world of European women (Parashar 2008) Considering the case of gender inequality in India, Susan Muller Okin's critique of multicultural values becomes significant (Okin 1999). As Okin observes, most cultures are suffused with practices and ideologies concerning gender. Group rights are antifeminist as the disparities in power between the sexes, gives male members authority to determine and articulate the group's beliefs, practices, and interests. The discrimination against and control of the freedom of females is practiced, to a greater or lesser extent, by all cultures, but especially by religious ones. While cultural rights of minority groups are recognized in the public sphere, ignoring intra community inequalities, special group rights and privileges granted to cultural minorities as per the multicultural principles could be offensive to cultures suffering gender biased practices and ideologies. On the other hand several feminist scholars underline fundamental logical flaws of posing multiculturalism and feminism as oppositional. As Leti Volpp points out it is due to the assumption that non-Western women are located within cultural contexts that require their subordination, achieved by a discursive strategy that constructs gender subordination as integral to their culture (Volpp 2001).

PWDVA is cited as arena of feminist interventions with Indian state for gender specific laws. The effort of women's groups in India to seek legal redress for the issue of domestic violence led to enactment of PWDVA. Religious personal laws fail to ensure women legal equality in personal sphere and the issue of domestic violence was unrecognized. The law identifies domestic violence as a human rights violation and makes a strong case for redress. Though the law recognizes right of women to get out of violent marriages, it is not capable of eliminating the social, economic and cultural constraints of women getting out or exiting families. Similarly laws alone have limited role in combating social issue of forced marriage unless they are accompanied by crucial social awareness and empowerment measures. The regulation approach presumes that particular principles of behaviour are right, discarding the possibility that universal principles of rectitude may be parochial

and limited to a particular history. Hence it finds no reason to consider the power relations involved in making all cultural groups abide by the similar norms of conduct. Communitarians argue that imposing norms of behaviour is rather considered in practical and ethical terms and consequently interventions against what are considered to be unacceptable practice of a minority group can reinforce cultural stereotype. For feminists regulation underpins the debates on law as a site of struggle for gender justice.

Dialogue and Exit Options

Phillips and Dustin underlines that the dialogue approach stands for dialogic encounter between majority and minority communities to agree upon commonly acceptable norms of conduct, as it agrees that values are formed within particular cultural contexts. But the danger of representing communities as homogenous still remains. 'Whose voice in the community' becomes crucial as powerful members take control over decision making usually.

Curbing forced marriage requires a change in social norms through influential persons in the community such as religious leaders and teachers as they play strong roles in governing community lives. There are many projects being implemented by civil society groups including Plan International, Child line etc around the issue. The major strategy is working with girls and community members through the health, education and livelihood programmes. Most of them directly or indirectly also engage with governance. Dismantling gender hierarchies within communities is crucial to engage with the issue of forced marriages. Active women participation in dialogical encounters makes decision making inclusive and participatory.

The exit approach is almost non-interventionist. Instead of regulating or criminalizing cultural practices, the approach emphasizes on individuals right to exit from the communities. Psychological costs of exit including ostracism by family, prolonged estrangement, identity crisis etc restricts the choice of exit. Phillips and Dustin warn that exit solution is inadequate mainly because of its disregard towards the pressures on women to remain in forced or unwanted marriages. In Indian context exit from communities leave women, especially women belonging to underprivileged sections of the society with no socio economic opportunities destitute. The fundamental assumption behind exit option say women are independent is routed in western concept of liberal individualism and is incompatible with ground realities of community life in India.

Considering forced marriage as a gender issue, one understands that right to choice of woman is violated during instances of forced marriage. How far women are capable of exercising right to choose regarding marriage and other matters in countries like India where right to life itself is denied as heinous forms of gender injustice is manifested in practices like selective abortions. Therefore liberating prospects of choice argument becomes problematic in Indian context. In countries where legislations are enacted to prevent forced marriages, woman's right to choose when, if, and whom she will marry must be protected and enforced at law. Choice became a feminist issue with the onset of second wave feminism during 1960s that promulgated the ideas related to abortion and reproductive rights. For choice feminists²¹, the sole criteria for evaluating woman's freedom are her capacity to make choices. As far as marriages in India are concerned, there is no dispute regarding its nature as a community affair, rather than a matter of individual choice which makes choice argument a serious feminist concern.

Dilemma of Consent and Coercion

While considering legal and other remedies to tackle with the issue of forced marriage, one understands the centrality of arguments for consent. Crucial debates related to forced marriage centres around consent and coercion. Fundamental distinction between arranged marriages and forced marriages is made by international bodies on the basis of consent and coercion. European

countries that provide civil and criminal legal options to combat forced marriage also makes distinction between forced and arranged marriages at last to prove their anti racist stance.

Studies conducted on the issue of forced marriage in UK suggest that among South Asian immigrant families, marriage is more a family and community affair rather than an individual affair. The notion of consent is ambiguous cross culturally and criminal law may fail to recognize it many times. Defiance with family matters is not considered legitimate either by children or by parents and in this context. Moreover force that is exerted can take forms like physical, emotional and psychological but if it is social pressure exerted over along period of time, and doesn't take the one-off act of extreme violence, then the criminal law fails to find out what the harmful act is in particular cases. While considering this observation seriously, the perpetrators of forced marriage, the parents may not believe that they induce violence by forcing their daughters to marry men chosen by them. Disagreement with parental decisions may be illegitimate for daughters too.

Consent is central to significant religious personal laws pertaining to marriages in India. Under Hindu Marriage Act, to contract a valid marriage the parties must have capacity to marry, they must be Hindus (or Buddhists, Jains and Sikhs, who are also governed by Hindu personal law) and the minimum age of marriage is 21 years for men and 18 years for women. A marriage entered into without valid consent (free and voluntary consent) may be voidable under the HMA, if it can be proved that the consent of either party was obtained by fraud or force. Under Muslim law, any Muslim male or female of sound mind, who has reached puberty, may enter into a contract of marriage. Two adult parties to a marriage must consent, or the marriage will be invalid and If the bride is a minor, and is represented by her guardian, the latter's consent is enough. Christian law allows for solemnization of marriages either in church or before a Marriage Registrar. Consent is essential, as the parties to the marriage have to make a written declaration of consent before the marriage can be solemnized and registered.

However implementation of laws guiding minimum age of consent for marriage is challenging in Indian context. Only the Hindu Marriage Act, 1955 changed with time to bring the age criteria in consonance with the Child Marriage Restraint Act (CMRA), 1929 that prohibited marriage of girls below the age of 15 years and boys below the age of 18. The Prohibition of Child Marriage Act, 2006, does not consider consent in case of minors and treats child marriage as a punishable offence. Nevertheless, it creates confusion by declaring marriages including marriage of minors solemnized by use of force, trafficking etc void and some others voidable at the option of the parties to the marriage until they are nullified by the court. The dilemma is law does not consider the fact that all the child marriages have taken place through exerting coercion, fraud, trafficking or without seeking the consent of the child.

The international and European distinctions between arranged and forced marriages on the basis of consent and coercion may not have exact parallels for women in India as majority of the marriages happen in India are arranged marriages and there is considerable social recognition for the concept of arranged marriage. Thus understanding the compliance of international definition of forced marriage based on free will and consent based on individualism in India and other South Asian countries where communitarian values dominate becomes problematic.

Policies and Empowerment Measures

Analyzing the causes impact and remedies of forced marriage, one recognizes the unfeasibility of proposing for a specific legislation on forced marriages in India similar to that of several European countries. For European countries forced marriage is a civil offense related to marriage migration whereas forced marriage is still an unrecognized human rights and gender

issue in India. Moreover legal empowerment in the absence of multi agency strategies to generate awareness proves to be half baked. For instance PWDVA had limited prospects to deal with the socio cultural and economic aspects of women opting to exit from families and communities. As perpetrators of child and forced marriages are parents and immediate relatives Criminalization of forced marriage essentially means criminalization of parents and it makes the potential victims rethink about reporting the authorities or calling the helpline provided by women's organizations. Hence generating strategies for empowerment and awareness generation measures is essential to deal with early and forced marriages in India.

Studies conducted by various voluntary agencies indicate the need of strengthening national coordination among government bodies, civil society organizations, and international bodies and on the development of multidisciplinary action plans to tackle the issue

Government of India has adopted several policy measures to curb the issue at various junctures. National Population Policy, 2000 (aiming 100 per cent registration of births, deaths, marriage and pregnancy by 2010) National Policy for Empowerment of Women, 2001 (for intervention and special programmes should impact on delaying the age of marriage so that by 2010 child marriage is eliminated) National Plan of Action for Children, 2005 (aiming at 100% registration of births, deaths, marriages and pregnancies by 2010 eliminate child marriages by 2010 , stop sale of children and all forms of child trafficking, including for marriage etc) However instances of child marriages reported shows an increasing trend.

Ministry of Women and Child Development adopted National Policy for Children, 2013, objective to strengthen the overall child protection framework including rescue and rehabilitation of married children, MCWD has also proposed National Strategy on Child Marriage 2013 National Plan of Action on Prevention of Child Marriage 2013 to curb child marriages. UNICEF recommendations highlight critical need to ensure the empowerment of women and girls through education and access to resources as the best preventive measures against forced marriage and child marriage and for the full realization of the human rights of women and girls²²²² Suggested measures include direct financial support to families to encourage girls to continue their education, and efforts to increase the enrolment and retention rate of girls in school such as lower cut-off re-entry points, scholarships for girls, vocational training, livelihood skills and life skills education. Many of these measures have adopted by countries and women 's organizations worldwide. International bodies also promote the use of technology by using text messages and mobile telephones to stimulate national debate on child marriage along with engaging girls and boys to become agents of change in their communities. Preventing and eliminating child, early and forced marriage Report of the Office of the United Nations High Commissioner for Human Rights, 2014. Programmes like The Rajiv Gandhi Scheme for Empowerment of Adolescent Girls (nutrition provision), Dhanalakshmi (conditional cash transfer scheme) Purna Shakti Kendras (convergence of programmes and schemes for the purpose of empowering women) *Bal Vivah Virodh Abhiyan* (Campaign against Child Marriage by NCW) etc also are meant for overall empowerment of girl children. However, inadequacy of laws and poor implementation of policy measures makes elimination of early and child marriages nearly impossible.

Conclusion

Despite the existence of legal recourse, policy measures and civil society interventions, forced marriage continues to remain an unrecognized socio cultural issue in Indian context. The need of immediate interventions and strategies required to prevent the issue can be enlisted as follows.

There is urgent need of research initiatives to understand the prevalence and extent of the issue of forced marriages in India to unsilence the issue.

Legal and socio economic empowerment must go hand in hand. There is urgent need of fresh strategies and implementation of existing ones to ensure awareness generation measures and rescue and rehabilitation measures for survivors of child and forced marriages.

There is need for meaningful dialogical encounter with active women participation to deal with cultural identity and gender justice. Awareness generation through sensitization programmes through multi agency strategies is required to deal with feminist concerns of cultural recognition.

There is need of debate on conflicting laws. For instance efficacy of the Prohibition of Child Marriage Act, 2006 cannot be ensured when child marriages continue to be legally valid unless either of the parties to the marriage wishes to nullify it. On the other hand criminalization of child marriages eventually leads of prosecution of family and subsequent social costs.

There is need to re-evaluate cultural costs of exit option from a gender perspective. As there is no socio cultural acceptance for child and adolescent brides who walk out of their marriages and wish to live normal lives, linking them with the education system and providing them with resources remains the fundamental challenge.

While considering the impact of forced marriages on women and girls, it is required to understand the homogeneity among Indian women belonging to different class and caste identities. Tackling hindrances related to accessibility of legal aid and other options for women belonging to underprivileged sections of the society are crucial to deal with the issue.

Need of coordinated approaches to promote male and community engagement in awareness generation measures to understand the socio-cultural aspects of forced marriage.

Need of dialogues with community leaders and mediators to device and implement sensitization strategies.

Ensuring proper funding for civil society organizational and voluntary bodies working for the rescue and rehabilitation of survivors of forced marriages

- Promotion of women's socio-economic and cultural empowerment by addressing gender discriminatory norms and practices and ensuring women's access to resources.
- Ensuring a policy strategy to check the viability of legislative protection in line with existing international legal and human rights framework

Notes:

¹ http://www.claiminghumanrights.org/udhr_article_16.html#at17

² Opened for signature and ratification by General Assembly resolution 1763 A (XVII) of 7 November 1962 Entry into force: 9 December 1964, <http://www.ohchr.org/EN/ProfessionalInterest/Pages/MinimumAgeForMarriage.aspx>

³ UN Convention on Consent to Marriage, Minimum Age for Marriage and Registration of Marriages

⁴ UNICEF, Ending Child, early and forced marriage: Progress and Prospects, 2014

⁵ http://www.un.org/womenwatch/daw/egm/vaw_legislation_2009/Expert%20Paper%20EGMGPLHP%20_Cheryl%20Thomas%20revised_.pdf

⁶ Child Marriage in India: Achievements, Gaps and Challenges

Response to Questions for OHCHR Report on Preventing Child, Early and Forced Marriages for Twenty-sixth Session of the Human Rights Council, HAQ: Centre for Child Rights

⁷ Girls Not Brides is a global partnership of more than 500 organisations committed to ending child marriage and enabling girls to fulfil their potential

⁸ ICRW, 2010, The Causes, Consequences and Solutions to Forced Child Marriage in the Developing World

⁹ <http://www.ohchr.org/EN/NewsEvents/Pages/Childandforcedmarriagemanifestationofgenderdiscrimination.aspx#sthash.jDZT6Dz5.dpuf>

¹⁰ **The resolution recognizes** child, early and forced marriage as a human rights violation that 'prevents individuals from living their lives free from all forms of violence' and negatively impacts the 'right to education, and the highest attainable standard of health, including sexual and reproductive health'. It is

to specify a) a minimum age for marriage (b) prohibit legal acceptance of any marriage without the full and free consent of both parties (c) register all marriages

Refer, <http://www.wunrn.com/2014/08/india-not-co-sponsor-to-un-resolution-against-child-marriage-though-some-12-of-worlds-child-brides-are-in-india/> and Child Marriage in India: Achievements, Gaps and Challenges by Haq Centre for Child Rights

¹¹ UNFPA 2012, Marrying too Young End Child Marriage

¹² Aylin Akpınar suggests that the control of women's sexuality through honour/shame complex takes different forms in different societies (Akpınar 2003). Women's sexuality is controlled collectively; parents and in-laws, to protect honour in Middle Eastern, Mediterranean, Latin American, Southwest Asian, various Indian and Chinese cultures whereas the control responsibility is individualistic in Western nations, mainly due to nuclear family households and the ideology of individualism.

¹³ Honour comprised both an individual's sense of self worth and this person's reputation in the surrounding society. Shame by contrast, arose from the failure to act according to social values and it entailed public disgrace (Stewart 2013). Stewart traces the introduction of gender-linked concepts of honour and shame in the works of Social anthropologists of Mediterranean societies in 1960s. He believes that similar features can be found in many societies including Middle East; from Morocco to India.

¹⁴ UNICEF 2012, Child Marriage in India

¹⁵ Prohibition of Child Marriage Act (PCMA), 2006 came into force in October 2007 repealing the Child Marriage Restraint Act 1929 (CMRA). Regarding Family Courts Rules as laid down in various states, states have their own rules regarding the application of family law including Kerala Family Court Rules 1989, Hindu Marriage Act (Calcutta High Court) Rules 1957, Bombay High Court Hindu Marriage and Divorce Rules 1955 etc. Regarding PWDVA, the Domestic Incident Report, framed under Sections 9(b) and 37(2)c) of the Act, refers to 'forcing you to get married against your will, preventing you from marrying a person of choice and forcing you to marry a person of his/their own choice'.

¹⁶ <http://ncw.nic.in/acts/pcma2006.pdf>

¹⁷ <http://indiankanoon.org/doc/1124939/>

¹⁸ <http://admis.hp.nic.in/himpol/Citizen/LawLib/C141.HTM>

¹⁹ http://ncw.nic.in/acts/The_Family_Courts_Act_1984.pdf

²⁰ http://www.un.org/womenwatch/daw/egm/vaw_legislation_2009/Expert%20Paper%20EGMGPLHP%20_Asmita%20Basu_.pdf

²¹ Three important features of choice feminism identified by Michael L. Ferguson include; a) it understands freedom as the capacity to make individual choices, and oppression as the inability to choose b) since the only criterion for evaluating women's freedom is individual choice, we should abstain from judging the content of the choices women make c) this view of freedom is undergirded by a particular historical narrative: it is the women's movement in the past that has made it possible for women to make free choices in the present (Ferguson 2010).

²² Suggested measures include direct financial support to families to encourage girls to continue their education, and efforts to increase the enrolment and retention rate of girls in school such as lower cut-off re-entry points, scholarships for girls, vocational training, livelihood skills and life skills education. Many of these measures have adopted by countries and women's organizations worldwide. International bodies also promote the use of technology by using text messages and mobile telephones to stimulate national debate on child marriage along with engaging girls and boys to become agents of change in their communities. Preventing and eliminating child, early and forced marriage Report of the Office of the United Nations High Commissioner for Human Rights, 2014

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Form 'B'

Editor's Name, Nationality and Address	Virendra P. Singh Indian C-28, Phase I, Pallavpuram, Meerut-250110
Publisher's Name, Nationality and Address	Virendra P. Singh Indian C-28, Phase I, Pallavpuram, Meerut-250110
Periodicity	Half yearly
Place of Publication and Address	C-28, Phase I, Pallavpuram, Meerut-250110
Owner's Name, Nationality and Address	Virendra P. Singh Indian C-28, Phase I, Pallavpuram, Meerut-250110
Laser typeset by	ETDR Computers, C-28, Phase I, Pallavpuram, Meerut-250110
Available at	www.grefiplus.org

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