

Volume-3, No. 2

October 2017 – March 2018

ISSN: 2455-7846

IUT Journal of Advance Research and Development



Published by

ICFAI University Tripura

Kamalghat, Mohanpur, Agartala -799210, Tripura (W)

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Toll Free No. 18003453673

Website: www.iutripura.edu.in

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Contents

S. No.	Paper Title	Page No.
1	<i>Unacceptable Environmental Change and Degradation: A Diagnosis</i> - Dr. Malabika Talukdar	06-17
2	<i>The Effects of Music Therapy on Children with Disabilities in an Inclusive Setup</i> - Dr. Madhavi Sharma	18-23
3	<i>Corporate Crime – Criminal Law Must be Reinforced</i> - Nabarun Bhattacharjee	24-35
4	<i>Comparing Montessori Teaching and Traditional Special Educational Teaching Methods to Lay a Potential for Inclusive Setup to Teach Differently-able Children.</i> - Silali Banerjee Chakraborty	36-41
5	<i>Education and Economical Empowerment of Tribal Women</i> - Arpita Das & C. Arundhati Bai	42-46
6	<i>Technical Innovations in the Poetry of Keki N. Daruwalla</i> - Md. Ataur Rahaman	47-58

Preface

We feel proud to bring fourth issue of the online IUT Journal of Research and Development. I believe, economic growth should translate into the happiness and progress of all. Along with it, there should be development of art and culture, literature and education, science and technology. We have to see how to harness the many resources of the nation for achieving common good and for inclusive growth.” Keeping in tune with this noble idea, the fourth issue of IUT- JARD has addressed several contemporary issues covering diversified field including environment, corporate crime, health, education, empowerment of tribal women, technology and innovation.

This issue needs an integrative and a holistic approach to the solution. Finally, Information contains in this Journals has been published by the IUT obtains by its authors from various sources believed to be reliable and correct to the best of their knowledge, and Publisher is not responsible for any kind of plagiarism and opinion related issues.

Dr. A. K. Bose
(Chief Editor)

1**Unacceptable Environmental Change and Degradation: A
Diagnosis****Dr. Malabika Talukdar**

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Introduction

Climate change has moved to the centre stage of public concern in a remarkable way and in a very short space of time. Scientists have expressed serious concerns about global warming for a quarter of a century or more. Environmental groups have struggled for much of that period to get governments and citizens to take the issue seriously. Yet within the past few years, climate change has assumed a very large presence in discussion and debate, and not just in this or that country but across the world.¹

Evidence presented by the Inter-governmental Panel on Climate Change (IPCC) shows that the human impact on the planet over the past two centuries led to environmental degradation and atmospheric alteration that results in climatic changes and loss of biodiversity with irreversible trends. Natural and social scientists agree that humanity is entering a new epoch named the Anthropocene, in which human impact has become so

¹ The politics of climate change National responses to the challenge of global warming by Anthony Giddens, available on http://www.policy-network.net/uploadedFiles/Publications/Publications/The_politics_of_climate_change_Anthony_Giddens.pdf, last visited on dated 21.09.2015 at about 5.50 P.M

significant that it results in “unacceptable environmental and social change”. This contribution examines the state of international climate change politics in 2012. Following a review of the rationale for action and the landmark decisions that shaped international climate politics over the past two decades, especially the 2010 and 2011 climate negotiations, the focus will be on the underlying factors that hinder effective climate governance and emerging opportunities if the national and local level is taken into account.²

The core argument is that although international climate governance with its incremental steps and focus on economic costs, negative consequences and sacrifice is ill-equipped to address the climate crisis, a positive framing of the opportunities from combining climate mitigation and economic prosperity can increase countries’ ambition: progressive national and local action including carbon-neutral cities, regions and countries; the integration of climate considerations into all policy areas such as energy, transport, agriculture and industry; policies reflecting the social costs of carbon emissions and investment in low carbon technologies can facilitate the transition to a sustainable economic development path that addresses climate change effectively. This can bring the global community on a more positive path that may also allow for a more ambitious global climate agreement in the next decade.³

When we look at the concept of climate change from national perspectives, it can be noticed that India occupies an intriguing dual position in global climate politics—a poor and developing economy with low levels of historical and per capita emissions, and a large and rapidly growing economy with rising emissions. Indian climate politics has substantially been shaped around the first perspective, and increasingly, under international pressure, is being forced to grapple with the second. This review of Indian climate politics examines the initial crystallization of Indian climate positions and its roots in national climate politics, and then examines the modest ways in which climate politics have been revisited in domestic debates since about 2007.⁴

² International Climate Change Politics: Challenges and Opportunities, KATHARINA RIETIG, Available on <http://www.e-ir.info/2012/08/01/international-climate-change-politics-challenges-and-opportunities/> last visited on dated 20.09.2015 at about 9 P.M

³ Ibid.

⁴ The politics of climate change in India: narratives of equity and co-benefits by NAVROZ K. DUBASH, Available on <http://wires.wiley.com/WileyCDA/WiresArticle/wisId-WCC210.html>, last visited on dated 21.09.2015 at about 7.20 P.M

The Problem of Climate Change⁵

In the earth's atmosphere there is a natural concentration of the so-called greenhouse gases (GHGs) of which the most important are carbon dioxide (CO₂), nitrous oxide (N₂O,) and methane (CH₄), working as a 'greenhouse' surrounding the earth. By preventing the heat produced from solar radiation to disappear directly back into space the natural greenhouse effect makes the earth inhabitable by increasing the average temperature on earth by approximately 30°C. As early as in 1896 the Swedish chemist Svante Arrhenius claimed that the increasing amounts of CO₂ in the atmosphere, resulting from combustion of fossil fuels, could enhance the natural greenhouse effect, and thereby cause a rise in the global temperature.

More than ninety years later, in 1988 the climate problem became a major issue on the international political agenda. In October that year politicians and scientists from 48 countries met for the 'Toronto Conference on the Changing Atmosphere' in Canada to discuss actions on climate change. The Toronto conference was the first international meeting on climate change and it led to the establishment of the Intergovernmental Panel on Climate Change (IPCC). The IPCC was established by the World Meteorological Organization (WMO) and United Nations Environment Programme (UNEP) in 1988 and was given the task of assessing 'scientific, technical and socio-economic information relevant to understanding the scientific basis of risk of human induced climate change, its potential impacts and options for adaptation and mitigation'. IPCC does not carry out research activities or monitoring on its own, but bases its assessments on technical and scientific work of climate scientists worldwide. In 1990 IPCC published its First Assessment Report which concluded that there is a broad international scientific consensus that human actions are influencing the climate. The Second Assessment Report was issued in November 1994, and served as a scientific basis for the negotiations that lead to the Kyoto Protocol. IPCC's third report was published in 2001 and has served as the scientific basis for climate change negotiations in recent years. According to the third assessment report atmospheric concentration of key anthropogenic GHGs reached their highest recorded level in the 1990s, primarily due to combustion of fossil fuels, agriculture and land-use changes.

⁵ China in the International Politics of Climate Change A Foreign Policy Analysis, available on <http://www.fni.no/doc&pdf/FNI-R1205.pdf>, last visited on dated 23.09.2015 at about 9 P.M

IPCC estimates furthermore show that the earth's average surface temperature is likely to increase somewhere between 1.4 and 5.8° during this century. Although it is natural that the climate trends vary across time periods, the projected rate of warming is without precedent during the last 10,000 years. The question is not any longer if the climate is changing as a consequence of human activities, but rather how it changes, how much it will change and how fast. Despite the scientific consensus about the fact that we are experiencing a global warming due to anthropogenic emissions of GHGs, there are still a lot of uncertainties pertaining to global warming and climate change due to the complexity of the climate system.

In addition to scientific uncertainty, the scope and time-frame of the climate problem has made it particularly difficult to address. Moreover the gases causing climate change are closely connected to vital parts of the economy in almost every country such as agriculture, industry and energy production. All these factors are contributing to making the climate problem a particularly 'malign' problem and a formidable challenge for international cooperation.

The Climate Change Regime: Formation and Major Developments⁶

Based on the findings presented in IPCC's First Assessment Report, an Intergovernmental Negotiating Committee (INC) was established by the 45th session of the UN General Assembly in 1990. The mandate of the INC was to prepare an effective framework convention on climate change. The formal negotiation process started in 1991, when the INC held its first session. During the five INC sessions held in 1991 and 1992, participants from over 150 states discussed different aspects of how to face the climate change problem. The process culminated in the UN Framework Convention for Climate Change (FCCC or 'the Convention'), which was adopted on 9 May 1992. The Convention was opened for signature at the UN Conference on Environment and Development (UNCED) in June 1992 in Rio de Janeiro. In order to prevent dangerous consequences of anthropogenic interference with the climate system, which is the ultimate objective of the Convention, it calls for a stabilization of GHG- emissions on a 1990-level within year 2000. The Parties to the Convention were divided into different groups or Annexes according to their responsibility for and capability to reduce emissions. Annex II countries included the industrialized countries that were members of OECD in 1992. The countries listed as Annex I included countries with

⁶ Ibid.

economies in transition in addition to Annex II countries. The rest of the countries, mainly developing countries were grouped as non-Annex I countries.

The FCCC entered into force in 1994 after receiving the necessary number of ratifications. The first Conference of the Parties (COP-1) to the Climate Convention in Berlin 1995 agreed on the need for a more specified protocol to follow up the Convention, and gave a mandate to the Ad Hoc Group of the Berlin Mandate (AGBM) to prepare a protocol. The AGBM met eight times between August 1995 and December 1997, and its work subsequently resulted in the well-known Kyoto Protocol adopted at the third Conference of the Parties (COP-3), named after the Japanese city hosting the meeting. The Kyoto Protocol required Annex I Parties to make legally binding commitments to reduce their emissions of six different GHGs by 5% below 1990 levels during the period 2008-2012. The Kyoto Protocol required ratification by 55 countries, including Annex I Parties responsible for at least 55% of total carbon dioxide emissions by Annex I Parties in 1990 to enter into force.

At the succeeding Conference of the Parties, COP-4 in Buenos Aires, Argentina, the Parties adopted a set of decisions known as the Buenos Aires Plan of Action (BAPA). Under the BAPA the parties declared their determination to strengthen the implementation of the Convention and prepare the Protocol's entry into force. At COP-6 in The Hague the negotiations were on the verge of breakdown. However at COP-7 in Marrakech the parties finally managed to complete an agreement on the operational details for the emission reduction commitments under the Kyoto Protocol by adopting the Marrakech Accords to the Bonn Agreements.

After the US rejection of the Kyoto Protocol in 2001, among other things based on the lack of 'meaningful participation' from developing countries there has been a lot of uncertainties about the future and the viability of the Protocol, something that has dominated the negotiations in the later years. Finally, in November 2004 the Kyoto Protocol was ratified by Russia and thereby ready to enter into force 90 days later. Commitments for the next commitment period after Kyoto, starting in 2013, will be the next central question now that the Kyoto Protocol finally has become effective.

The Science of Climate Change⁷

⁷ Science and the International Politics of Climate Change by Idean Salehyan and Cullen S. Hendrix, available on http://blogs.shu.edu/diplomacy/files/2012/05/003_Salehyan_Layout-1a.pdf, last visited on dated 23.09.2015 at about 3 P.M

Current political debates over an international response to climate change are rooted in forecasts of the future impacts on the physical environment, but more importantly, on the human impacts of these changes. The consensus regarding physical impacts is broad and well-grounded in peer reviewed science. Forecasts about the human impact of climate change, however, are less certain. This uncertainty has become politicized as those on the left and the right of the issue selectively use evidence to make their case.

Physical Impacts⁸

The current consensus position on the physical impacts of climate change is embodied in the IPCC 4th Assessment Report, issued in 2007. IPCC assessment reports are based on peer reviewed scholarly research and subject to peer review themselves before submission for review and comment by member governments. The IPCC, by its very nature, is a broadly representative intergovernmental organization. It was established in 1988 by the World Meteorological Organization (WMO) and the United Nations Environmental Programme (UNEP), both specialized agencies of the United Nations, and as such, all UN member countries are eligible for membership and participation in the drafting of the reports. The IPCC Summaries for Policymakers—non-technical reports of key findings— represent the consensus position of scientists and government officials representing over 130 countries, and are only adopted after line-by-line discussion in plenary session. The report states unequivocally that human activity specifically the emission of greenhouse gases (CO₂, methane, and nitrous oxide) resulting from fossil fuel use, agriculture, and land use change— is a major contributor to global climate change.

The forecasts of future effects of climate change on global temperature, sea level rise, changing rainfall patterns, and extreme weather events are stark. The 18 general circulation models complex computer programs that simulate the Earth’s atmosphere—that inform the IPCC predict an increase in air temperature of between 1.8 and 4.0°C from the 1980–1999 average by 2099, resulting from at least a doubling of atmospheric CO₂ through the 21st century. Increasing global temperatures will affect patterns of rainfall and extreme weather events such as drought, flooding, and tropical cyclones.

Human Impacts⁹

⁸ Id.

⁹ Ibid.

While there is broad scientific consensus on the future physical impacts of climate change, the human impacts are more difficult to anticipate. There are several reasons why our understanding of the human impact of climate change lags behind our understanding of the physical impact. First, forecasting human impacts requires scientists to move out of comparatively deterministic hard sciences like physics, chemistry, and biology, and into the murkier waters of the social sciences: sociology, economics, political science, and anthropology. We have yet to develop models that accurately predict future economic growth or where wars are likely to occur, for example. People are complicated, and as a result, the interactions between them are more highly variable, historically contingent, and context-specific than their counterparts in the physical world. Second, humans are notoriously bad at anticipating the technological solutions we devise to overcome the problems posed by our physical environment. Third, because climate change mitigation and adaptation will be costly and create winners and losers, projecting the human impacts of climate change is a highly politicized enterprise. Environmental advocates and proponents of the status quo have incentives to overstate and understate, respectively, the case for human impacts of climate change in order to press political agendas and defend their economic interests.

Despite these limitations, there is some important work being done on the future impacts of climate change on human communities. These effects include, but are not limited to: changes in regional agricultural productivity, water and food insecurity, migration, and the potential for violent conflict. Changing levels and patterns of rainfall and decreased snowpack and runoff, will affect patterns of agricultural productivity worldwide, with countries in higher latitudes generally seeing an increase in water and agricultural productivity, while countries in middle latitudes experience a general decrease. Rising sea levels, reduced agricultural productivity, and water stress are likely to result in large-scale human migration, though the IPCC makes no specific predictions about the number and destination (internal or international) of climate induced migrants. Other researchers have been more willing to make pointed predictions. Projected sea level rise will have direct impacts on countries located in coastal and river flood plains, such as Bangladesh. Finally, there is concern that climate change, operating indirectly through dwindling resources and migration, will lead to armed conflict. Climate change may become a contributing factor to conflicts in the future, particularly those concerning resource scarcity, for example, scarcity of water.

The earlier discussion has served to highlight three important points. First, the scientific evidence of human-induced climate change is clear and presents the international community with potentially dire consequences of inaction. Second, there is a considerable gulf between our understanding of the physical and human impacts of climate change, and this gulf introduces uncertainty into policy discussions about the problems that present and future generations will face. Finally, and perhaps most importantly, many of the most threatening aspects of climate change—sea level rise, loss of water resources, increasing incidence of drought, and an increase in extreme weather events and natural disasters—are projected to dramatically impact the less developed countries of Africa and Central and South Asia. That is, the direst consequences are projected for those countries with the fewest resources available to invest in mitigation and adaptation. Climate change threatens most those countries that have contributed least to the buildup of atmospheric CO₂ since the Industrial Revolution.

A brief history of climate change discourses in India¹⁰

Climate change emerged as an issue for Indian policy-makers in the late 1980s, a decade which included the formation of the IPCC in 1988, at a time when the Indian government was beginning to transition to a market oriented economy to accelerate growth and reduce poverty. Several scholars argue that the initial Indian government positions on climate change were largely efforts to protect its domestic development and sovereignty in an increasingly unipolar world. In an ironic turn, the Indian government adopted principles articulated by Anil Agarwal and Sunita Narain—two long-standing critics of Indian government environmental policies—in their globally influential report, *Global Warming in an Unequal World*. This report was written as a response to a directive by the then Indian Environment Minister to state governments to reduce agricultural and cattle-based emissions, based on a World Resources Institute report that had blamed India as one of the world’s largest emitters, primarily because of methane emissions from agriculture and cattle stock. Agarwal and Narain reframed the climate change issue as “environmental colonialism” making a distinction between “luxury” and “survival” emissions, and arguing that climate change has

¹⁰ Shifting discourses of climate change in India Jagadish Thaker & Anthony Leiserowitz, available on [http://environment.yale.edu/climatecommunication/files/Thaker_and_Leiserowitz_\(2014\)_Shifting_discourses_of_climate_change_in_India.pdf](http://environment.yale.edu/climatecommunication/files/Thaker_and_Leiserowitz_(2014)_Shifting_discourses_of_climate_change_in_India.pdf), last visited on dated 24.09.2015 at about 11 P.M

been primarily caused by the “historic” emissions of greenhouse gases by developed countries, not contemporary annual emissions. A framework to solve the problem, they argued, therefore needed to begin by allocating equal access to the atmosphere for all individuals in the world, the per-capita allocation principle.

The Indian government drew heavily upon this report and in fact successfully inserted the terms “historical emissions” and “common but differentiated responsibilities” (CBDR) into the preamble of the UN Framework Convention on Climate Change. Moreover, there was a fear that global environmental concerns would now be used to limit and control developing countries’ economic growth, through global financial institutions such as the World Bank and International Monetary Fund (IMF), controlled by the rich North. Others argued that climate change would divert the “attention of policy-makers, scientists and NGOs, often the first rate ones, from more pressing issues” especially, as the Director General of the Indian Meteorological Department suggested at the time, “in the absence of hard evidence”.

Yet at the same time, India took a number of domestic measures and played an important role in international meetings on global environmental problems, including the formation of the UN Framework Convention on Climate Change (UNFCCC). Similarly, India played a major role at COP 1 in Berlin in 1995, submitting a proposal for a 20 % emission reduction by industrialized countries in the year 2000 compared to 1990 levels, a watered-down version of which ultimately became the 1997 Kyoto Protocol— to this date the only binding emissions reductions treaty. India was initially skeptical of market-based mechanisms such as the Clean Development Mechanism, but due to increased lobbying by Indian business for access to international markets, it quickly established the national CDM project approval authority in December 2003 and is currently the second largest CDM host country in the world.

On the domestic front, although not addressing climate change directly, the Indian government passed domestic legislation for energy conservation and increased use of renewable energy, for example by setting up the Indian Renewable Energy Development Authority (IREDA), legislation of 2003 Electricity Act, and finally the “coal cess”- a form of carbon tax at the rate of Rs 50 per ton on domestic and imported coal-to fund renewable energy sources.

New Directions in Indian Climate Policy¹¹

Consistent with the emergence of a co-benefits frame as the defining construct for Indian policy on climate change, the Government of India has embarked on a series of plan and policy development processes driven by this approach. This process defies easy summary, because it is of recent vintage, is work in progress, and relatively little analysis is available. Moreover, the full assemblage of policy efforts is sprawling and includes international pledges, national plans and policy formulations and state-level plans, all of which do not cohere neatly.

Arguably the hub of this array of policy-making efforts is the National Action Plan on Climate Change. The NAPCC was built around the establishment of eight national ‘missions’ aimed at integrating mitigation and adaptation aspects of climate change into national policies across a range of sectors. Some of these missions have specific focus and targets, such as a Solar Mission aimed at enabling 20,000 MW of solar power by 2022. Others, such as a National Water Mission, have broader and more diffuse objectives including water conservation, creation of a database, and promotion of basin level integrated water management. Other missions focus on energy efficiency, agriculture, Himalayan ecosystems, sustainable agriculture, sustainable habitat, a ‘green India’ mission focused on the forest sector, and a strategic knowledge mission.

As this list suggests, the scope of the Plan is sprawling, which itself has aroused some criticism. One critique dubs it neither a vision nor a plan. Another note is that there is no commitment to equity, although this position informs India’s international stance. Moreover, other than the co-benefits approach, there is no coherent strategy, either conceptual or in terms of overarching target-setting, that ties together the missions. Some of these lacunae are made up in individual missions, but the performance across missions also varies considerably. More tightly defined missions, such as those on energy efficiency and solar, have come up with their plans first and begun implementation. Other missions, that involve large areas of development policy such as water and agriculture, have taken longer to be approved and implemented.

¹¹ The Politics of Climate Change in India: Narratives of equity and co- benefits by NAVROZ K. DUBASH, available on http://www.cprindia.org/sites/default/files/working_papers/Working%20paper%20NKD.pdf, last visited on dated 25.09.2015 at about 11.20 P.M

Nonetheless, individual missions, notably the solar and energy efficiency mission, are likely to substantially shape the Indian policy and energy landscape. Using an innovative reverse-auction method allowing companies to bid for the minimum subsidy they would accept to provide solar power, the price of solar power has dropped by over half over the course of the three year program. While it is unclear whether this is a sustainable trend, there is little doubt that the mission has re-shaped incentives for renewable energy development in India. Similarly, the energy efficiency mission has introduced targets for energy efficiency improvements across a wide range of industries, accompanied by a scheme for trading energy efficiency certificates as a way of bringing down the cost of those improvements. Both missions have had their share of critics. The solar mission has been criticized for under-playing rural electrification, and for not adequately considering the sustainability of the subsidy. The energy efficiency mission has been criticized for not adequately considering simpler regulatory measures rather than the relatively complex market based energy savings certificate approach. Nonetheless, few would doubt that at least in these two cases, the missions have stimulated both action and debate in a way that would not have occurred in their absence. Similar conclusions cannot be drawn, as of end 2012, about many of the other missions, which are larger, more diffuse, and have yet to move to substantial implementation. Since 2010, the central government has also requested states to develop State Action Plans on Climate Change (SAPCC). The SAPCCs are intended to achieve some coherence across states in design and implementation of climate measures, and have also been created in recognition of state jurisdiction over several areas within the NAPCC, particularly those related to adaptation. Initial indications from these SAPCCs, which are a work in progress suggest that there will be considerable conceptual and implementation challenges to these plans. As in other countries, the plans will have to address the inter linkage between development issues and their climate aspects, a familiar challenge of mainstreaming climate change into development practice. Pragmatically, issues tied to India's federal structure and to practical questions of provision of financing are likely to pose implementation challenges. For example, urban habitats are under the control of states and local authorities, but there is already a far reaching central government scheme intended to steer future urban development. Climate change will have to be integrated as an objective within an already littered institutional landscape.

At a macro level, in the build up to Copenhagen, the Government of India also introduced a pledge to reduce the emission intensity of its economy by 20-25% from 2005 levels by 2020. Notably, this pledge follows by more than a year the establishment of the NAPCC. In order to design a process toward meeting that pledge, the Government has also established an ‘Expert Group on Low Carbon Strategies for Inclusive Growth’ under the auspices of its Planning Commission. The group was tasked with providing recommendations for inclusion in India’s 12th five year plan toward low carbon growth that meets the Copenhagen pledge. Notably, the group is also explicitly tasked with considering how growth can be made more inclusive. While the final report is awaited, the group has submitted an interim report that summarizes broad future directions for various emissions sectors under ‘determined’ and ‘aggressive’ scenarios. While this effort clearly needs to build on the NAPCC and the subsequent missions, there is no explicit link between these processes.

While it is preliminary to comment on the effectiveness of all these approaches, it is increasingly apparent that translating low carbon development into action in India will pose a considerable governance challenge. The trend so far has been a largely top-down policy effort, albeit with a progressive decentralization of policy making from the national to the state. There are also, however, separate state initiatives, such as that of the state of Gujarat which established a Department of Climate Change prior to formulation of state action plans and which has launched initiatives on solar power, In addition, the proliferation of policy processes suggests the need for coordination at multiple levels of government.

Concluding Remarks

The primary shift in climate change discourses in India has been from a frame that externalized the climate change problem and solutions towards a “co-benefits” approach, where policies aim to align climate change with domestic priorities of poverty alleviation and economic growth. Consistent with prior studies, we find that traditional national priorities of poverty alleviation and economic growth are key drivers of India’s emerging climate policy narrative. However, new concerns such as international aspirations, increasing scientific consensus regarding the need for even developing countries to transition to a low carbon energy system, and Indians’ vulnerability, particularly poor Indians, are increasingly being used by NGO’s and grassroots organizations to pressure the government to adopt more proactive climate change policies. There is broad-based support for the government’s co-benefits paradigm across a range of NGO’s, and business organizations. However, different

actors and institutions can be differentiated in their criticism about the evolution, form and progress of the co-benefits paradigm.¹² Climate change is a natural phenomenon but sustainable development is a sine qua non for environmental justice; therefore, an ethical approach towards the sustainable development is mandatory to combat the evil effect of the climate change.

2

The Effects of Music Therapy on Children with Disabilities in an Inclusive Setup

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Abstract

Music therapy is considered a related service modality in special education (IDEA, 1997). Music therapy can play an important role in special education because many students with disabilities need special instructional treatment. Music is an ancient method for healing. The purpose of the study is to review literature concerning the effects of music on students with disabilities. Music has become a powerful tool for students and teachers in many inclusive Setups. The effects of music therapy on children with disabilities are numerous. It explained the rationale behind music integration in an inclusive Setup. Music therapy contributions to cognitive, psychosocial and academic development.

¹² Supra Note 10

Keywords : *Inclusive , Music Therapy ,Speech and Language, Orthopaedic and Health Impairments, Cognitive Disabilities, Attention Deficit /Hyperactive Disorders and Learning Disabilities, Emotional and Behavioural Disorders.*

Introduction

Music therapy is considered a related service modality in special education (IDEA, 1997). Music therapy can play an important role in special education because many students with disabilities need special instructional treatment. Music is an ancient method for healing. It neutralizes negative feelings, increases stress tolerance level and harmonizes inner peace. The use of music therapy can help people who are crippled by various cognitive and bio psychosocial problems. It can also help to improve the quality of life for people with disabilities of various kinds.

The IDEA (Individual with Disabilities Act) requires schools to provide related services and equipment for a student with a disability to ensure a “free and appropriate” public education. The reauthorization of IDEA (1997) mandates related services to be included into the Individual Education Program (IEP). In 2001, with passage of the No Child Left Behind Act (NCLB), the MHRD Department of Education under SSA is embracing evidence based research in order to improve the effectiveness of educational intervention and in turn, academic achievement. Regular education and special education teachers are given increased responsibilities for students with disabilities in their Setups. Recent research indicates that music therapy has a positive impact on students’ cognitive development.

Aims

The purpose of the study is to review literature concerning the effects of music on students with disabilities. Music has become a powerful tool for students and teachers in many inclusive Setups. Music can facilitate inclusion of students with disabilities by making previously difficult or impossible tasks feasible.

During the past decade, there has been a steady growth in the research base on the impact of music to children with disabilities. A vast majority of the research has mainly focused on music and medicine usefulness of music to treat students with emotional and behavioral disorders (Houchens, 1983; Shennum, 1987; Gfeller, 1989, & King, 1994). Very few studies provided a comprehensive view of some disability categories such as autism

(Staum, n.d.; & Stambough, 1996), mental retardation (MR) or cognitive delays, attention deficit disorders (ADHD), learning disabilities (LD) and physical and other health impairments (POHI). The current review builds on previous efforts to examine research on the effects of music therapy to children with disabilities.

The Objectives of this study is to highlight literature concerning the effects of music therapy on children with disabilities. The paper is organized in the following sections:

- (1) To study background of music and children with disabilities,
- (2) To study main contributions to cognitive, bio psychosocial development of children with disabilities,
- (4) To study implications for learning.
- (5) To study implications for using music to accommodate children with disabilities in an inclusive Setup.

Methodology used is review and study based descriptive analysis.

Effective integration and Contribution

Students with disabilities arrive daily in music classes from kindergarten through high school. Effective integration of music in the content areas creates a learning environment that makes all children want to learn. Music integration provide children with concrete, hands-on experiences that are essential to developing each child's ability to reason, think, solve problems, analyze, evaluate, and to enhancing creativity .

Several studies have investigated the effects of music therapy on children with cognitive disabilities. suggested the use of music to assist students with autism disorder in the areas of social and language development. Autistic children have eliminated their monotonic speech by singing songs composed to match the rhythm, stress, flow and inflection of the sentence followed by a gradual fading of the musical cues. The author also argues that music can be used as a tool to encourage human development in cognitive, learning, perceptual, motor, social and emotional development. In a related study, Stambough (1996) conducted an action research at a music camp to 50 campers ages from 9-45, each suffers varies degree of a genetic condition called Williams Syndrome, which leads to cognitive impairment. She found that several strategies and techniques, combined with a great deal of patience, helped to accommodate the special needs of the students.

Others researchers suggested steps for facilitating the integration of students with emotional or behavioral disorders into the regular music Setup. Results gathered from King & Schwabenlender (1994) reported various supportive strategies for promoting emotional well-being in children from a diverse background. Allow children to be expressive provides them with a sense of empowerment (Dixon & Chalmers, 1990).

Implications

Special education teachers have used music to alter mood and assess emotional problems. Music allows the individual to invent emotions. Music is viewed as an integral part of all children's lives. Children enjoy listening to music, singing, and humming. Music may effectively enhance the ability to cope with stress. The author suggested that music be found in both music classes and regular education Setups. She found that integrating literature with musical content helped to bring books alive and that musical Setups encouraged children to relate and participate in the activities .

However, very few studies provided a comprehensive view of some disability categories such as autism (Staum, n.d.; & Stambough, 1996), mental retardation (MR) or cognitive delays, attention deficit disorders (ADHD), learning disabilities (LD) and physical and other health impairments (POHI). Below is a list of practical, relevant, and evidence based strategies teachers can use to help students with varies disabilities through music.

Speech and Language Impairments: Music is more than a leisure activity. It is more than verbal counseling. It is a sophisticated cognitive, linguistic, social and psychological treatment. Music provides a form of compensation for those with language impairments as well as a means of facilitating language development.

1. Find a piece of music enjoyable to the student.
2. Encourage student to participate in the musical activities.
3. Have student verbally identify an instrument by name before he or she can play it.
4. Learn words and articulate particular phonemes through singing songs.
5. Create non-judgmental and nonverbal activities to help make student feels comfortable.
6. Create activities where any vocal sound is accepted as a creative part of the improvised music.
7. Incorporated vocal sounds that are spontaneously emitted and that are elicited from the music making.

Orthopedics and Health Impairments: Music affects heart beat, pulse rate, and skin responses (Hodges, 1980).

1. Place an instrument at a strategically placed distance to increase hands or arms movement.
2. Swing a mallet to strike a drum to help increase the range of motion.
3. Have student hold a musical instrument may help the development of fine motor coordination.
4. Vary the intensity of clapping, jumping, stamping, pounding, swinging, and snapping, etc. according to the severity of the disability.
5. Use slow and gentle music to increase flexibility and to decrease hyper tense muscular contractions.

Cognitive Disabilities: Research in neurological functioning supports the association between music and cognitive development. Music organizes sounds and silences in a flow of time. It creates expectations and are then satisfied. It raises a question and solves it.

1. Use mnemonic devices for remembering sequences (the alphabet song).
2. Use categorical structures to differentiate (animal farm, colour, etc.).
3. Connect sound with a concept (a cow makes a “moo” sound”).

Attention Deficit /Hyperactive Disorders and Learning Disabilities: Music focuses on accuracy and attention. Learning how to play an instrument can improve attention, concentration, impulse control, social functioning, self-esteem, self-expression, motivation and memory.

1. Connect a particular vocal sound with a particular body movement.
2. Provide more than one neural pathway by using multi-sensory channels.
3. Use visual, auditory and kinesthetic (striking a drum, clapping hands).
4. Use the inherent structure in songs to reinforce a sense of internal order.
5. Use rhythm, steady pulse, and basic beat of music as a model to help student to experience order, sequence, and a sense of consistency.

Gifted and Talented: Music focuses on deeper psychological process and allows creative expression. Challenge gifted students to adapt their existing abilities in ways that enable them to produce music.

Emotional and Behavioural Disorders: Music creates physiological responses, which are associated with emotional reactions. Music explains the tension release sequence associated

with emotional arousal (Abeles, 1980). The speed and intensity of the musical beat creates the different feelings in each type of song. The opportunity to play an instrument can be used as a reinforcer for on task behaviour.

1. Use small group music therapy to facilitate socialization and interpersonal interactions.
2. Encourage student to play different instruments in the songs.
3. Allow student to express individually while participating as a group.
4. Use the common musical beat to unite group cohesion and concrete group dynamic.
5. Use music activities that require a member to imitate the body movement or rhythmic pattern of another member.
6. Teach student to take turn when there is only one instrument available to share within a group.
7. Use sharing space while playing musical instrument to control impulse.

Conclusion

The effects of music therapy on children with disabilities are numerous. It explained the rationale behind music integration in an inclusive Setup. Music therapy contributions to cognitive, psychosocial and academic development.

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3

Corporate Crime – Criminal Law Must be Reinforced

Many of the “Napoleon” of trade are well named, for they are cold blooded robbers and murderers, utterly indifferent to the inevitable misery which they must know will follow their contrivances and deals.

–Edwin H Sutherland

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Abstract

2750 companies out of 5651 companies listed in the Bombay Stock Exchange vanished. That means one out of every two company comes to stock exchange to raise money in crores of rupees from investors and run away despite having Stock Exchange Board of India, Reserve Bank of India, Department of company affair. In 1984 Union Carbide accident in Bhupal, somewhere taken the lives of thousands of innocent people. Corporation also commits crime against its own workforce by closing down the units and thereby causing unemployment of

the worker. Corporation also first in exploitation of mineral resources and national resources and also cause harm to the environment and violate environmental rules. The criminal law framework is proved insufficient to deal with the menace as a result of which judiciary also seem unable to do with the problem. Criminal law reform is the need of the hour so that the offenders who take the shield of the corporation to escape punishment or prosecution shall be brought to justice.

Keywords: *Corporate crime, White Collar crime, Scope of Employment, Vicarious Liability, theory of Corporate Organs*

Introduction

Corporate malpractices to the extent of exploitation in the form of accounting fraud, environmental hazard, money laundering and even criminal negligence causing hazard to the human life, loss to the national economy, bringing instability of the government and also become reason for the blockade of the proceeding of the parliament of the country are very common news in the media now a days. The effects of these acts are much more severe than the act of individual criminal. The act of individual criminal may cause harm to a single individual or a very small group of individual like the family members or the relatives. But the wrongful act of the corporation of the corporation usually cause harm to a large population may be physically or financially.

Corporation is the system through which large resources can be mobilised in business and transactions. Therefore, the corporate structure of business is very much prevalent in recent time. The industrial development also demands corporate form of business organisation. As a result corporation has occupied an important place in the society. Corporations deliver goods and services, corporations generate employment, corporation provide scope of investment for the public. There is serious dependency develops among the public on the corporation and the corporation also acquire a place of confidence and trust among the society. The growth of industrialise economy is possible only the corporations maintain credibility, confidence, faith of investors and all other stakeholders. A legal and economic framework which ensure transparency and accountability in the corporate sector is

critical to the development of this industrialise economy.¹³ Sutherland, an advocate of free enterprise observed, however, that the government had to regulate economic affair in order to maintain fair competition. Otherwise corporation would engage in cutthroat predatory activity to the disadvantage of consumer. He further argued that free enterprise can be maintained in a society only if the economy is controlled by free and fair competition. When free and fair competition breaks down, the society must control by legislation either in the form of regulation or of public ownership.¹⁴

As a structure, corporation is a separate legal entity than the numerous owners or members comprising it. The owners commonly called the shareholders are liable only to the extent of their contribution to the capital of the company. The policy decisions of the corporations are taken by the few key person of the corporation namely the directors or the managers. But these person are not legally responsible for the decisions they have taken as the corporation is a separate entity than all those person. This legal position of the corporation sometimes make it a vehicle of unlawful act. There are many instances where corporate structure is used as a vehicle to commit wrong. After the Enron and Worldcom, the social and ethical responsibility of corporation has become an issue of standard debate. Focus of corporation is to be shifted from the profit maximisation for the shareholder to responsibility to a broader range of stakeholder from responsibility towards protection of environment to the protection of human rights.¹⁵

Review of Literature

The following are the details of the literature the author has come across during the preparation of this paper.

1. **Dr Sumit Sharma**, *Corporate Crimes and Financial Fraud with biggest financial fraud in the history of India*, Authors' Press, New Delhi, ISBN 978-81-7273-712-2. This book deals with the details of the topic of corporate crime. This book is very important for the understanding of corporate crime in Indian perspective. Various judgment of the apex

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¹³ Balwinder Singh, *Corporate governance and fraud risk management in India*, P 1, 1st edition 2014, PEARSON

¹⁴ Gilbert Geis and Colin Goff, *Introduction*, xvi in *White Collar Crime*, Edwin H Sutherland, 1983 by Yale University

¹⁵ Mcbarnet, Voiculescu and Campbell, *the new corporate accountability*, P 9, 1st 2007, Cambridge University Press.

court of India on corporate criminal liability is describe in this book. This book also describe various theories of corporate crime and how these are applicable in the judgment of different foreign countries and in India.

2. **Balwinder Singh**, *Corporate Governance and Fraud Risk Management in India*, Pearson, ISBN 978-93-325-3374-5. This books through light on different corporate fraud. It also state the mode of operation of such fraud by the corporations. Different agencies involved in the perpetration of such fraud are also described in this book. This book also describe the rule of fraud risk management in controlling the fraud of the corporation and the position of Indian law in this respect. It also describe some of the major corporate fraud reported in India and the reason of this menace.
3. **Maryan Hussain**, *Corporate Fraud the human factor*, Bloomsbury, London ISBN 978-1-4729-1055-4. The author of this book is associated with top corporate fraud investigators and brilliantly analyse every aspect of how and why fraudster operate and how to spot the early warning. It tells how many corporations have been robbed by the fraudsters and how to control it. This book describe very few truly unique fraud scheme which have been perpetrated and resulted due to the changes in the economic development, advances in technology, and new business model.
4. **Edwin H Sutherland**, *White Collar Crime*, 1983 by Yale University: It is a classic study on corporate crime in America. This book is pioneer in changing the focus from conventional crime to crime by the people of the upper class of the society. This book led the shift of the focus of criminology to white collar criminal for the first time. It states that good education and careful upbringing also can not deter a person from criminal activities. It stress that white collar crimes are more consequential than conventional crime.
5. **McBarnet, Voiculescu and Campbell**, *the new corporate accountability*, 1st 2007, Cambridge University Press: This book focus on malty facet accountability of corporation in corporate governance. It discuss the role of CSR in defining responsibility and accountability of the corporation. It further state the role of social and market forces in proper implementation of legal slandered and regulation in fixing accountability of the corporation. This book gives emphasis on the shifting of focus of the corporation from profit maximization to welfare of other stakeholder such as the concern for human right violation and environmental protection.

6. **Karl Marx and Friedrich Engels**, *The Communist Manifesto*, The Merlin Press Ltd, 99b Wallis Road London, ISBN 978-0-85036-478-1
7. **Karl Marx** , *Capital (Das Kapital)*, Vol I,II,III, Finger Print Classics, ISBN 978-81-7599-414-0. This two books that is No: 6 and No: 7 are masterpiece in illustrating the relation between the relation between Capital and Labour. These books reflect the intention of the owner or the industrialist behind the industrial activity. It describes how labour exploited and form association (proletariat Class) and become powerful. These books help to understand the tendency of the capitalist class toward the industrial activity from the very inception of industrial activity.

Role of Indian Judiciary in Developing Corporate Criminal Liability

It is settled so far that the corporation can be punished for its wrong doing. Indian judiciary have find out the way of imposition of punishment on the corporation and stated that when there is mandatory imprisonment in the sentence of punishment then also only fine can be imposed on the corporation.¹⁶ In Assistant Commissioner of Assessment-II and ors v. Velliappa Textiles Ltd and ors¹⁷ the Supreme court of India held that when the punishment is imprisonment or fine then only fine can be imposed if the offender is a corporation but when the prescribed punishment for an offence is imprisonment and fine then the imprisonment is mandatory and as the corporation do not possess any physical body, it cannot be imprisoned, therefore such punishment cannot be inflicted on the corporation. This observation has been overruled by the by Supreme court in Standard Chartered and observed that shall not be any immunity for the company from prosecution only because the punishment for the offence is mandatory imprisonment which cannot be inflicted on corporation.

But still the issue related to *mens rea* or imposition of criminal liability on the corporation has not been resolved satisfactorily by the judiciary. Therefore, there are differences regarding this part in the judicial pronouncement. In order to understand the criminal liability of the person involved in the decision making of the corporation, various theories has been developed by the court in England and USA. These theories are requiring to be discussed here.

¹⁶ Standard Chartered Bank and ors v. Director of Enforcement and ors AIR2005 SC 2622

¹⁷ (2003) 11 SCC 405

Theories of Criminal Liability of Corporation: there is gradual shift of the criminological notion that factors like poverty, broken homes are responsible for illegal behaviour but it has been accepted that healthy upbringing and intact psyche also fuelled lawbreaking by person in position of power. This unlawful behaviour of white collar people is not civil offence but is criminal act. These white collar criminal act are in many instinctual than the run of the mill street offences. These are more apt to tear the social fabric and render citizen cynical and selfish. Therefore, the person who commits such offences ought to receive the same kind of scorn and punishment of other kind of criminals.¹⁸ In all jurisdictions, it was felt that corporation can not commit crime as it has no body as well as mind of its own. In order to commit a crime a guilty mind or intention is essential. In case of corporation, this guilty intention that means *mens rea* is absent. Also there was notion that corporation, as it has no physical body, cannot be punished for the offence. This notion for long period kept corporations out of the purview of criminal law. For the imposition of criminal liability on the corporation, various theories which are evolved in course of time are needed to be discussed as under.

Agency theory or Doctrine of Vicarious Liability

Traditional theory of vicarious liability hold master liable for the act of the servant in the course of the master's business without proof of any personal fault of the master. According to this theory, the corporation is held liable for the act of its employee. Vicarious liability or the respondent superior is commonly employed in the United State. The doctrine of vicarious liability is based on the premise that the criminal violation normally entail two elements, actus reus and *mens rea*. Since the corporations are considered to be purely incorporeal legal entities, they do not possess any mental state and the only way to impute intent to the company is to consider the state of mind of its employees. The theory has a simple and logical method of attributing the liability to corporate offender, that is if the corporation do not have intention, someone within the corporation must have it and the intention of that individual as part of the company is the intention of the company itself. The court in the United State where this theory is widely used, have developed a three tier test to determine whether a company will be held vicariously liable for the acts of its employee.

¹⁸ Supra 2

Firstly, the employee must be acting within the scope and course of his employment. Secondly, the employee must be acting, at least in part, for the benefit of the company, yet it is irrelevant whether the company actually receives the benefit or whether the activity might even have been expressly prohibited. Thirdly, the act and intent must be imputed to the company.¹⁹

Scope of Employment

The requirement that a employee must be acting within the scope of his or her employment is met if the employee has actual or apparent authority to engage in the act in question.²⁰ Actual authority exists when a company knowingly and intentionally authorise an employee to act on its behalf.

In *New York Central Railroad*,²¹ it was the first Supreme Court case holding a corporation criminally liable. The corporation was convicted of violating the Elkins Act where a general and an assistant traffic manager paid rebates for shipment of sugar. The agent acted within the scope of actual authority because they were authorised to setup freight rates. Therefore, they acted within the scope of authority conferred upon them by the company. In *United State v Investment Enter Inc.*,²² the company was convicted of violating obscenity law where the company’s president conspired to transport obscene videos in interstate commerce. The president’s unlawful act could be imputed to the company because he was an “undisputedly authorised agent”.

The question of whether an employee acted in scope of his or her authority is differently determined by each source of law and factual framework. Federal court has constantly held that a company may be liable for the action of its agents regardless the agent’s position within the company. This court has found that an employee’s act can bind the company even where the company have implemented policies prohibiting the behaviour. When the employee’s conduct is contrary to the company’s compliance policies and specific

¹⁹ *United State v One Parcel of Land*, 965 F. 2d 311, 316 (7th Cir 1992) (stating agent’s knowledge of illegal act may be imputed to corporation if agent was “acting as authorized and motivated at least in part by an intent to benefit the corporation” [citing *Zero v United State*, 459 U.S. 991 (1982)]

²⁰ *United State v Investment Enter Inc.* 10 F 3d 263, 266 (5th Cir. 1993) (stating that a corporation is criminally liable for the unlawful act of its agent, provided the conduct is within the scope of the agent’s authority, whether actual or apparent); *Meyers v Bennet Law Offices*, 238 F. 3d 1068, 1073 (9th Cir. 2001) (rejecting fact that employee acted outside the scope of authority because employee had at least apparent authority to take action).

²¹ *New Hampshire v Zeta Chi Fraternity*, 696 A. 2d 530, 535 (N.H. 1997)

²² *United State v Investment Enter Inc.* 10 F 3d 263, 266 (5th Cir. 1993)

directives, the company can still be liable.²³ The company can prove that it has established corporate policies in an effort to reduce crime, but this does not prevent a court from finding it criminally liable. The existence of an effective compliance policy will not provide an absolute defence from criminal liability, but the company may qualify for a reduced penalty.

Benefiting the Company

The second element of corporate criminal liability according to the theory of vicarious liability is that the act benefits the company. The benefit need not be real, yet potential. As Hall point out, “for this requirement, the corporation need not actually receive a benefit, the employee’s mere intention to bestow a benefit suffices.”²⁴

It is not necessary that the employee be primarily concerned with benefiting the corporation since many employees act primarily for their own personal gain. Although the corporation did not actually gain from the action or the agent violated a company policy, liability may still be imputed to a corporation.

The above two aspect along with the fact that the act and intent of the employee is being imputed to the company, would impose vicarious liability on the company.

Vicarious Liability in Indian Context

In a recent judgment dealing with the vicarious liability, the Hon’ble Supreme Court went on to observe:

*It is evident that a person who can be made vicariously liable is a person who is responsible to the company for the conduct of the business of the company. There may be many directors and secretaries who are not in charge of the business of the company at all. A person may be director and thus belong to the group of person making the policy followed by the company, buy still may not be in charge of the business of the company, that a person may be a manager who is in charge of the business of the company but may not be in overall charge of the business and that a person may be an officer who may be in charge of only some part of the business.*²⁵

²³ United State v Automated Med Lab Inc. 770 F 2d 399, 407(4th Cir. 1985) (the fact that many of [employees] action were unlawfull and contrary to the corporate policy does not absolve [defendant] of legal responsibility for their acts”).

²⁴ Joseph Hall “Corporate criminal liability (Thirteenth Survey of White Collar Crime” (1998) 35 American Criminal Law review 549 at 554. Zero v United State 689 F. 2d 238, 242 (1st Cir. 1982) (Holding that employee must have been “motivated at leastin part by an intent to benefit the corporation.”)

²⁵ K.k. Ahuja v V.K.Vohra, (2009) 10 SCC 48

Thus, what emerge from the decision of the Hon'ble Supreme Court is that the test to be employed in determining the vicarious liability is functional, and that the position of the person within the organisation cannot be conclusive always.²⁶

The Identification theory

This theory contemplates an identity between the company and the person who constitute its directing mind. These individuals are those whose duty within the company is such that, in the course of their duties, they do not take orders or directives from a higher authority within the organisation. The commission of an offence of such persons is identified with the organisation, and constitute an offence by the company as well. The identification doctrine being developed out of the perceived need to hold companies liable for *mens rea* offences has created a pragmatic median between the extremes of total vicarious liability for all criminal acts on one hand and no corporate liability unless expressly authorised criminal acts on the other hand. This doctrine stipulates that the action and mental stage of the company is found in the actions and state of mind of the employees or officers of the company, who may be considered the directing mind and will of the company.

In most of the common law countries, the companies are held liable under the doctrine of identification. The construction of direct liability theory was due to the limitations of the agency theory. The theory was developed as an attempt to overcome the problem of imposing primary (as opposed to vicarious) corporate criminal liability for offences that insisted on proof of criminal fault.

Viscount Haldane brought out a model of primary corporate liability for offence that required *mens rea* as a pre-condition. In the light of Haldane's judgment:

*A corporation is abstraction. It has no mind of its own any more than it has a body of its own, its active and directing will must consequently be sought in the person of somebody, who for some purpose may be called an agent, but who is really the directing mind and the will of the corporation, the very ego and centre of the personality of the corporation.*²⁷

As in the agency theory, the identification theory relies on an individual to attribute liability to a company. However, while the former doctrine simply imitates tort principles, the later adjusts this principle to the reality of corporate misconduct. Furthermore the

²⁶ Dr. Sumit Sharma, Corporate crimes and Financial Frauds with biggest financial frauds in the history of India, Authors Press New Delhi, ISBN 978-81-7273-712-2, P17.

²⁷ Carrying Co Ltd v Asiatic Petroleum Co Ltd [1915] AC 70510

identification theory introduces the personification of the corporate body. This theory brought out the solution for the 'problem of attributing fault to a company for offences that require intension' by merging the individual within the company itself. Unlike the agency theory, the individual employee is assumed to be acting as the company and not for the company. The theory de-emphasise the need for the development of vicarious liability. The Agency theory has now been considered as unjust and lacking in defensible penal rationale.

Guilty Mind

The main underlying principle of the identification theory is the detection of the guilty mind, the recognition of the individual who will be identified as the company itself, who will be the company's very ego, vital organ or mind.

The question is whether the manager of the company could be identified with the company via the common law doctrine or in other words, whether the natural person or persons are to be created as being the company itself.

Lord denning in *Boltton Engineering Company Ltd. v Graham and Sons* (1957, 1 QB 15, 9 CA) had observed that "a company, in many cases is linked to a human body. It has a brain and a nerve centre, which control what it does. It has also hands which hold the tools and act in accordance with the direction from the Cenozoic. Some of the people of the company are mere servants and agents, who are nothing more than hands to do the work and cannot be said to represent the mind or will. Other is director or manager who represents the directing mind or will of the company and controls what it does. The state of mind of this manager is the state of mind of this company and is treated by the law as such."

The Doctrine of Direct Liability (Theory of Corporate Organs)

This doctrine which was specifically developed for the purpose of imposing liability on companies, seeks to impose criminal liability on human beings. The direct doctrine relies on the notion of personification of the legal body. It identifies actions and thought pattern of certain individuals within the company called corporate organs who act within the scope of their authority and on behalf of the corporate body, as the behaviour of the legal body itself. Hence the name of the doctrine 'the theory of corporate organ or the alter ego doctrine' referring to this individuals as the embodiment of the legal body. In its pursue the company can be rendered criminally liable for the very perpetration of the offences, resembling the

liability impose on a human perpetrator, though subject to the natural limitation that follow from the character of the company as a legal personality.

The procedure to prove a company criminally liable is indeed rather complex. If intention, knowledge or recklessness is an essential ingredient of the offence, this fault ingredient must be attributed to the body corporate if it expressly, tacitly or impliedly authorised or permitted the commission of the offence. First, the company's fault will be established (vicarious liability) if the body company's board of directors intentionally, knowingly or recklessly carried out the wrongful conduct or expressly or by necessary implication authorised or permitted the commission of the offence. Second, company's fault may be established by evidence that a high managerial agent of the company intentionally, knowingly or recklessly engaged in the relevant conduct or expressly, tacitly and impliedly authorised or permitted the commission of the offence. However in the second case the company will not be liable if it proves that it exercise due diligence to prevent the conduct. Third, the company's fault may be established by proving that it failed to create and maintain a corporate culture that require compliance with the law of the country or the proof that the corporate culture existed within the body corporate that encouraged, tolerated, or led to non compliance of the legal responsibility.²⁸

The doctrine specifically developed for the purpose of imposing the criminal liability of the corporation in the human being action under the shield of the corporation. This doctrine identifies action and thought pattern of certain individuals with the corporation as the corporate organ who act within the scope of their authority, as the behaviour of the corporation itself. The term alter ego or corporate organ refer to these individual as embodiment of the legal body.²⁹

Conclusion

From the discussion above it is found that the criminal jurisprudence in India accepts that corporation can commit crime and can also be made criminally liable. The penal statutes in India are not ready to meet this development, the statute and judicial interpretations imposes no other punishment except fine. In many instances judiciary also not found to be instrumental to cope with this type of new offences. It is therefore recommended that

²⁸ Dr. Sumit Sharma, Corporate crimes and Financial Frauds with biggest financial frauds in the history of India, Authors Press New Delhi, ISBN 978-81-7273-712-2, P17.

²⁹ http://www.legalserviceindia.com/article/corp_1.htm , visited 11/02/2018 at 11:30

amendment should be carried out in the respective laws by the legislature so as to equipped with the following sanctions.

1. Corporate death or order for winding up only in cases of continuous criminal behaviour in the given field.
2. Temporary closure of company for a given period depending upon the gravity of the act till the time compliance with the norms can be ensured.
3. Rehabilitation of the victim of crime.
4. Payment of high sum to the victim of the crime.³⁰
5. Purpose of punishment for corporate crime shall be sufficiently deterrence.
6. The Indian Evidence Act shall be amended so as to shift the burden of proof of the innocence to the accused.
7. A common provision shall be made in Cr P C of public censure by publishing the names of corporate criminal in the public domain
8. Public awareness against these crimes shall be created through media, education etc.
9. Adequate legislation should be introduced by way of amendment or other means.

³⁰ Angira Singhvi, Corporate Crime and Sentencing in India, International Journal of Criminal Justice Science.

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Comparing Montessori Teaching and Traditional Special Educational Teaching Methods to Lay a Potential for Inclusive Setup to Teach Differently-able Children.

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Abstract

The Modern Montessori School aims to provide a rich and stimulating environment where students can develop to their full potential. Differently able children have deficits in attention, order and organization, gross and fine motor skills, perceptual confusions causing faulty concept formation, may evidence weaknesses in oral language development, have difficulty learning the written symbols and patterns of language, and may exhibit problems with the abstractions as well as different sensorial, arithmetic, language development and activities of daily living. This study was done to indicate the benefits and challenges of inclusion in early

childhood Montessori classrooms. A comparative study was done along with Montessori teaching tools and Individualized educational Programme (IEP) and group teaching to observe and exhibit the benefits. The study was done through observations, interviews and assessments, and thus the results of inclusion in a Montessori setting were discovered. From the study it could be concluded that Montessori Teaching Methods stand to be a better training method for the mildly IQ level affected intellectually disabled candidates. Though the IEP and Group Teaching method is the most widely used and more popular method adopted to train such children but nevertheless the Montessori Teaching method has not lost its charm and potential.

Keywords: *Differently able children, Montessori Teaching, Individualized Educational Programme.*

Introduction

Montessori education is a flow experience; it builds on the continuing self-construction of the child daily, weekly, yearly for the duration of the program. Although Montessori schools are divided into multi-age classrooms nevertheless the prepared environments introduce an uninterrupted series of learning passages, a continuum. The "prepared environment" is Maria Montessori's concept that the environment can be designed to facilitate maximum independent learning and exploration by the child. Over years of experience it can be said that society overlooks Montessori education as "simplistic day-care," and not a place to achieve real education.

On the contrary to this belief the Montessori Method has now expanded worldwide (Bobo,2012; Montessori,2004), but apparently off late teachers in this field have observed that a major current of Montessori schools leave out inclusion. The fact that comes through this observation is that the differently-able children are uncared for.

The question that emerges of this is that; why should something that was designed to help differently able children is being ignored? What happens when we consider inclusion in an early childhood Montessori environment? What kind of Strengths and Challenges do the teachers face when they link early childhood and inclusion?

Intervention included in an inclusive setting, is beneficial to children with special needs; add together components into a Montessori classroom, and we will see significant changes (Bobo,

2012; Cossentino, 2010; Mckenzie & Zascavage, 2012; Montessori, 1967; Vettiveloo; 2008). This is because the Montessori method was founded from a special education perspective (Montessori, 1967). Cossentino (2010) supports the practice of early intervention and Montessori education (Montessori, 1967).

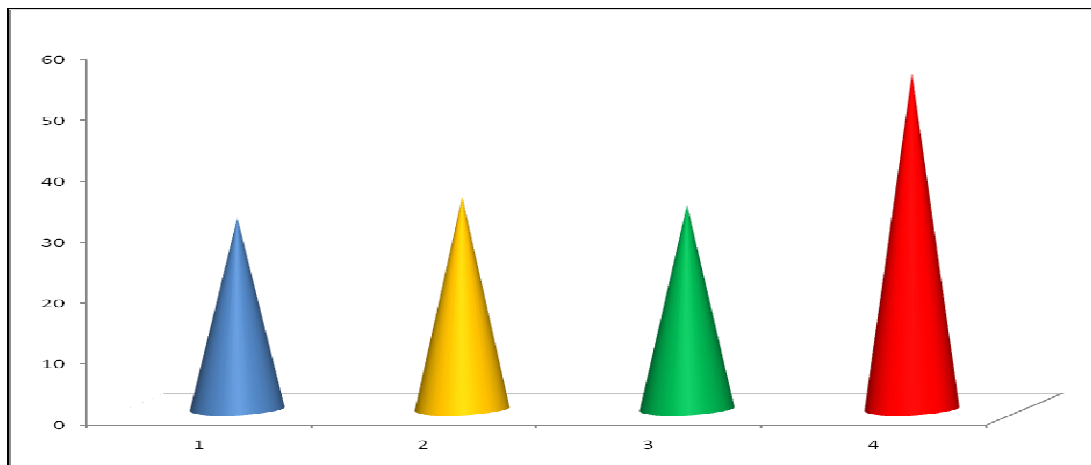
Objective

- Include a group in the Traditional IEP and Group Teaching Methodology.
- Parallel to it include a group with Montessori Teaching Methodology.
- Compare the outcome of development through both the teaching methods.

Materials & Methods

1. Children (60 subjects) were divide into two groups in accordance with their age ranges, as
 - 1.1 Group I (3-6 Years) [Pre Primary]
 - 1.2 Group II (7-10 Year) [Primary]
2. Group I (A&B) and Group II (A&B) was further divided into subgroups (15 subjects) and their functional skills were assessed with Functional Assessment Checklist for Programming (FACP).
3. For Montessori Teaching Methods, four types of practical methods were adopted.
4. Group I (A) and Group II (A) was further trained by the IEP and Group Teaching Method for a period of 30 days. Group I (B) and Group II (B) was further trained by the Montessori Teaching Method for a period of 30 days.
5. Post training of 30 days again each subject in the group was assessed by the FACP Checklist to analyse the progress. The pre assessment and the post assessment were represented in graphical format and further their percentage of development was also graphically represented. A comparative graphical representation was drawn to analyse the efficacy of the methods to see the more effective one.

Figure 1: Comparison of Pre Primary Level (3-6 Years) Assessment with both the teaching methods ('IEP & Group Teaching' and 'Montessori Teaching'



Legends:

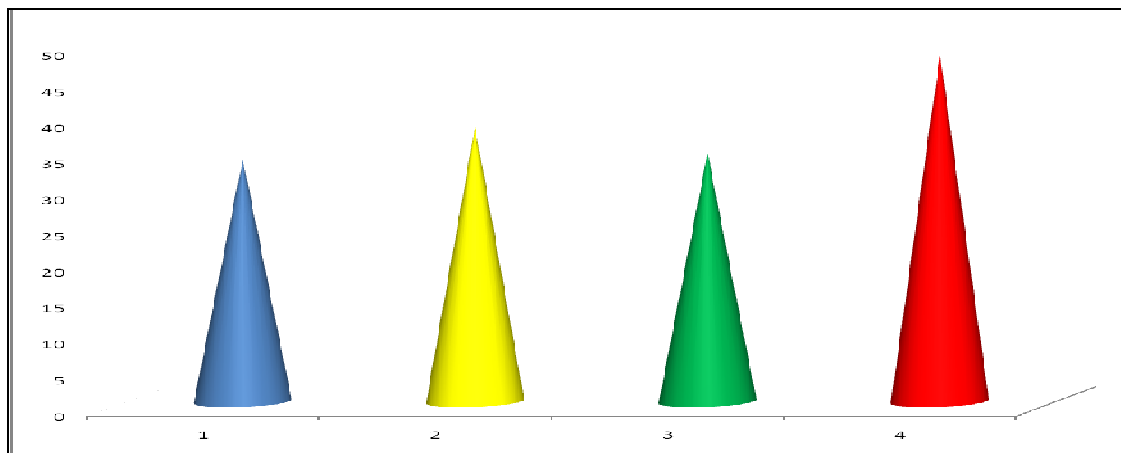
Series 1: Assessment Percentage (Total) prior to 'IEP & Group Teaching' [Pre Assessment]'.

Series 2: Assessment Percentage (Total) after 'IEP & Group Teaching' [Post Assessment]'.

Series 3: Assessment Percentage (Total) prior to 'Montessori Teaching' [Pre Assessment]'.

Series 4: Assessment Percentage (Total) after 'Montessori Teaching' [Pre Assessment]'

Figure 2: Comparison of Primary Level (7-10 Years) Assessment with both the teaching methods ('IEP & Group Teaching' and 'Montessori Teaching')



Legends:

Series 1: Assessment Percentage (Total) prior to 'IEP & Group Teaching' [Pre Assessment]'.

Series 2: Assessment Percentage (Total) after 'IEP & Group Teaching' [Post Assessment]'.

Series 3: Assessment Percentage (Total) prior to 'Montessori Teaching' [Pre Assessment]'.

Series 4: Assessment Percentage (Total) after 'Montessori Teaching' [Pre Assessment]'

Results & Discussion

For the assessment of 'IEP & Group Teaching' as well as 'Montessori Teaching' methods two different groups of differently able children who according to their IQ level belonged to the mild group; based on their age were taken. Each group consisted of fifteen subjects. The groups were generally divided keeping an average of equal number of boys and girls in each. The study was carried out for a period of 30 days. A Pre Assessment was one at the initiation of the study. Later each form of teaching method i.e. 'IEP & Group Teaching' and 'Montessori Teaching' was carried out with the individual groups for a period of 30 days. Post Assessment was later carried out to analyse the progress.

The first group i.e. Pre Primary Group consisting of 8 girls and 7 boys whose mean age was 5.6 years were taught with the help of 'IEP and Group Teaching Method'. The total advancement of this group through 'IEP and Group Teaching Method' was 31.46 (34.86%) which prior to the adopted teaching method was 28.4 (31.4%). The second group i.e. Pre Primary Group consisting of 8 girls and 7 boys whose mean age was 4.6 years were taught with the help of 'Montessori Teaching Method'. The average score of Personal Assessment prior to the adopted teaching method was 10.4 (54.26 %). The average Post Assessment score for Personal development came to be 14.46 (79.0 %).

The Primary Group consisting of 7 girls and 8 boys with a mean age of 8.6 years constituted the third experimental group of intellectually disabled children was taught with the help of 'IEP and Group Teaching Method'. The total advancement of this group through 'IEP and Group Teaching Method' was 41.2 (38.06 %) which prior to the adopted teaching method was 36.53 (33.6 %). The final Primary Group consisting of 8 girls and 7 boys with a mean age of 8.4 years constituted the fourth experimental group of intellectually disabled children was taught with the help of 'Montessori Teaching Method'. The total advancement of this group through 'Montessori Teaching Method' was 48.66 (48.0 %) which prior to the adopted teaching method was 37.33 (34.4 %).

From the obtained results it was analysed that the equally potent method of teaching Montessori Teaching method which happens to be a better gripping method to teach and train the intellectually disabled children. From the Figures 1 and 2 it is quite elucidative that the development of the subjects when taught with Montessori Teaching methods showed a better progress than the IEP & Group Teaching method when taught over the same period of time.

From the above elaborate and exhaustive study it could be concluded that Montessori Teaching Methods stand to be a better training method for the mildly IQ level affected

differently able children candidates. Though the IEP and Group Teaching method is the most widely used and more popular method adopted to train such children but nevertheless the Montessori Teaching method has not lost its charm and potential ; as the present study shows.

With the new buzz in primary education of the differently able children that they should be trained in an inclusive classroom setup this study lays a foundation. Hence within these range of age if children with dull normal to mild intellectually disabled children can be safely be included and trained in an inclusive setup.

Further, this study also lays a potential to accommodate all kinds of kinds of children with special needs eg. Visually impaired, Hearing impaired, learning disabled, autistic type, deaf blind etc. to be included in an inclusive setup to bring about an overall better training platform.

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5

Education and Economical Empowerment of Tribal Women

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Abstract

It is a known fact that, women are the most important factor of every society. Women's roles in economic and non-economic activities are equally important. Though everybody is aware of this fact, many are not ready to accept this fact. The inequality between men and women

and discrimination against women has given birth to the formation of many women's associations and launching of movements. These widespread discrimination and exploitation upon women gave rise to the need of empowerment of women, and education can be used as an effective instrument for achieving it. Empowering may be understood as enabling weaker sections like poor women, especially tribal women to acquire and to possess power and resources, in order to make decisions on their own. The women in tribal society being economically poor and socially backward work very hard, in some cases even more than the men. But they are still lagging far behind in the various walks of life due to lack of education, poor health status, low level of wage work, lack of self employment opportunity, etc. This study aims to find the status of tribal women education and her involvement in economical empowerment.

Keywords: *Discrimination, Exploitation, Women Education, Women Empowerment, Economical Empowerment.*

Introduction

“Women perform 66 percent of the world's work, and produce 50 percent of the food, yet earn only 10 percent of the income and own 1 percent of the property. Whether the issue is improving education in the developing world, or fighting global climate change, or addressing nearly any other challenge we face, empowering women is a critical part of the equation”.

- Former President Bill Clinton

Tripura is a tiny state situated in North-Eastern region of India and is a homeland of 19 tribes. The scholars and researchers for last two decades dealt with Tripura's histories presented valuable custom and events of tribal communities. But the study on the tribal women is an untraversed field till now. The remote hill areas and same rural areas are still lagging far behind in literacy particularly for the tribal women. The tribal society is also a patriarchal society and so the dominance of male members over the female members is obvious. The tribal women being economically poor and socially backward live at a low level of scale of the quality of life. Thus the tribal women often face the problems of food

insecurity, malnutrition, lack of access to health care services and education which are the main obstacles to the economic empowerment of tribal women.

Empowerment means moving from a weak position to execute a power. Women empowerment means women's ability and control over resources and the power to take decision on all major issues concerning to their lives. Women empowerment irrespective of caste, creed, religion and gender is a constitutional mandate, a basic human right and a decisive force of national development. So access to knowledge and issues like education, health, rights are some of factors of an individual by creating a level of confidence and decision making process. But this empowerment becomes impossible without proper education.

Education is the crucial requirement for the growth of a developing society. It is largely responsible for the backwardness and exploitation of the weaker section of the society. Education is the prime indicators of social as well as cultural development. The educational achievement of women can have deep and prolonged effect on the family and across generation. This is the reason that every opportunity should be given to women as it would most surely be passed on to the next generation, and without education economic empowerment is not possible. Empowerment of women is essentially the process of upliftment of social, economic and political status of women and it involves in building up of a society where women can live without fear oppression, exploitation and discrimination that go with being a woman in a traditionally male-dominated society. And Education is the key factor in the process of tribal women empowerment as it helps in building self-reliance, self-confidence and to reduce gender gap. The present study aims to find the status of tribal women education and her involvement in economical empowerment.

Objective of the Study

- To examine the educational status of tribal women.
- To examine the status of the tribal women in her family.
- To assess the involvement of tribal women in economical empowerment.
- To evaluate the tribal women's involvement in their community development.

Methodology

Type of Study: The study is descriptive in nature.

Sample: Tribal women between 23 – 55 years of age group were selected for the study.

Survey was done in Bhati Fatikchara, Kamalghat, Kaichandbari road of Jirania, Ramguna para of Pecharthal rural tribal areas.

Data Collection: The data for the study has been collected from above mentioned region through observation and schedule method thus the study is based on mainly primary data.

Tool: Self prepared questionnaire was used for collecting the data.

Data Analysis and Interpretation

Educational status of tribal women: It was found that nearly 40% of tribal women have completed their secondary education and around 16% were graduates. But 23% were found to complete their primary education, they can read and write. And rest were found to be illiterate, who never went to school. But in spite of being educated, they have never used their education for the betterment of their life. When observed for the reason it was found that they were been restricted within the family domain and were not allowed to extend out.

Status of the tribal women in her family: The Survey found that 96% were married women and are house wife, of them 2 were widow. Only one was found unmarried. Among them two are also widow. Most of them come from joint family, with 5 to 7 persons. And in most of the families the male persons are head of the family and decision were also taken by the male members. It clearly reflects that the tribal families are patriarchal. But in few cases it is found that at the time of crisis, the suggestion given by the women is also given equal value. No single case of domestic violence was found in the survey. This gives positive awareness towards women.

Involvement of tribal women in economical empowerment: It is found that all tribal women belong to middle class family and some are needy. Most of women in the study were found to be housewives. In order to support their family economically most of them are involved with the Self-Help groups. Among them some are the leader of their group. One of them is a labour, and very less women kept live stock in their surroundings. Each and every one is happy with their presents work. The family members also support them. From their SHG they are earning money and helping their family economically.

Tribal women involvement in their community development: Present generation Tribal Women have realized and have an opinion that, Education is the key factor to overcome all the difficulties. They want their next generation to be well educated, as they can become self-dependent by utilizing their education. In turn they can do something for the betterment of society and their community women. In spite of financial problem tribal women are trying to

help the poor families and needy people of their society or their community as much as possible through self –help group. They are also trying to help the poor student of their community by buying books or providing fees of the school or examination.

Findings

From the study maximum number of tribal women was found to have minimum education, with few graduates. But in spite of being educated, due to restrictions within the family domain, they have never used their education for the betterment of their life. The tribal women realized importance of education, and want their next generation to be well educated. It is also found that some women can write their name but can neither read nor write. But in government literacy rate they were also included as literate. Survey observed that 96% were married women and house wives. It is found that in few cases the suggestion given by the women is also given equal value, but most of the development plans are generally male oriented. Maximum were found doing excellent in organizing and operating self-help group. They are able to help their family financially as well as help their neighbours too who are in need of money. However, the tribal women are still marginalized in tribal society. We know that government landed various schemes for tribal women for their development. When the tribal women are not educated, have no information about schemes, then how the tribal women will be developed. If the rural tribal women get that information through government organized programs then they also can develop in various stages, and will become self dependent.

Suggestion

It is noticed in the study that most of the women are more or less literates, but they do not get proper facilities to implement their education. In those areas adult education must be provided through their community trainer. It will help them to educate properly, have self awareness, and promote the values and demolish the social taboos. Vocational training program should be conducted for tribal women in those areas. They must be motivated and awareness program should be organized through workshop with the help of government or private sponsorship. The government should focus empowerment of schedule tribe women and allocate separate Funds. Health, Education and Nourishment should be selected Key focus areas, besides; women should be provided with ample of opportunities for economic development, based upon the traditional skills, women should also be provided additional

skills.

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6

Technical Innovations in the Poetry of Keki N. Daruwalla

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Abstract

In his poem ‘Idylls of the King’, Lord Alfred Tennyson said -

“Old order changeth yielding place to new,

*And God fulfils himself in many ways,
Lest one good custom should corrupt the world.”*

Indian English poetry also underwent a sea change after independence. A group of poets like Nissim Ezekiel, A K.Ramanujan, Kamala Das, JayantaMahapatra and KekiN.Daruwalla marked a strong and international break with tradition. They lend “a local habitation and a name” to the field of Indian English Poetry. They stand apart from the earlier poets in that they freed Indian English poetry from the colonial hangover, of say, the trend to imitate the cult of British romanticism. Their poetry registers an indigenous identity to field of Indian English poetry. Their command over poetic competence i.e, their art of expression makes their poetry appalling to the readers. The purpose of the present paper is to probe the technical innovations in the poetry of KekiN.Daruwalla.

Keywords: *Innovation, Change, Indigenous, Modern Sensibility*

Introduction

Indian independence and the Second World War brought in a new wave of poetic resurgence. The period witnessed the most crucial developments both in theme and technique. It was mainly an experimental phase when Indian English poetry took a fresh turn. In his ‘Dimensions of Indian English Literature’ M.K. Naik says- “The era of hope, aspiration and certitude was gone ; an urge of merciless self - scrutiny, questioning and ironic exposure commenced.”(Naik,1984) The ‘new poets’ mark a decisive break with the tradition established so far by the pre -independence poets through the thematic and technical innovations. Such poets have freed themselves from the clutches of ‘Englishness.’ The matters they deal with are essentially Indian and the style of presentation is also their own. They have evolved an idiom of their own. Theirs is a kind of poetic language in which the Indian mind can best be expressed. Bruce King’s observation deserves worth mentioning -

“English is no longer the language of colonial rulers, it is a language of modern India in which words and expressions have recognized national rather than imported significances alluding to local realities, traditions and ways of feeling. Such Indianization has been

proceeding for several generations.”(King,1987) Such poets represented changes in viewpoints, theme, imagery and the use of language. They steered the spirit of modernity not only in subject matter, creative urge and awareness but also in technique and craftsmanship. Using bold and powerful images they dealt with contemporary issues in a realistic manner. They had genuine interest in poetic craft. Commenting on the ‘new poets’, K.R.S.Iyenger says-

“The Western influences are still here ; but even more than the ‘content ‘, it is the expression and the technique that are being adjusted to the needs of the new age,”(Iyenger 1987)

These new poets with whom modernity made its inroads in Indian English poetry are constantly conscious towards content, tone, structure and control. PrithishNandy says-

“There is a sense of discipline all throughout but this discipline is not a fatuous imitation of English verse and works. It inculcated an awareness of control as opposed to the earlier poets like Aurobindo, Sarojini Naidu. In fact, this is the strange thing about recent Indian Poetry in English. It is generally controlled and disciplined.”(Nandy 1971)

Nissim Ezekiel is the first among them who first stressed that craftsmanship is as important as the subject. As a modernist Indian writer, Ezekiel emphasizes on innovation both in theme and technique. He believed that poets are like women who “must labour to be beautiful” and the best poets wait for words. Skillful use of carefully selected words gives a perfect form and pattern to his poems. However, if anyone excelled Ezekiel, he is Keki N. Daruwalla a poet per excellence with a fine taste of aesthetic, critical, socio-cultural and diversified literary viewpoint. He is a poet born out of the experiences of modernity. His poems display technical innovations in his love for fine phrases, love for bold and powerful images, art of condensation, felicity of expression, power of generalisation, and an ability to shift between the abstract and the concrete. Simultaneously his poetry sometimes shows many postmodern trends like self - conceptualization, irony, satire, humour, pastiche, paranoia, optimistic pessimism and decentering authority. Apart from these, his presentation of nature, socio-cultural scenario, family relation, human passion and the presentation of Indian women in a new way affix his place among the postmodernists. A selective study of his poems would suffice it to say how his poems add a new dimension to Indian English poetry in terms of the selection of matter and manner of presentation.

Poetic craftsmanship implies the mechanics of writing poetry, of say, the art of expression. A new trend to write poetry with concrete images from the surroundings set in

with Nissim Ezekiel and it reached its heyday with Daruwalla. Daruwalla's images are as natural as the leaves to a tree. Imagery flows from his pen even as ideas and words flow from it. They are neither fantastic nor commonplace. Rather they are strikingly original. They are not superimposed, instead they are integral to the theme. They arise from the poet's meditations upon a subject or from his thinking over a particular subject or happening. Most of the images used in his poems have sprung up from his experience as a police officer. They cover a wide range and there is a touch of Indianness in them.

Symbols and images are freely used by Daruwalla . He never tries to decorate his poems deliberately and forcefully. His uses of images and symbols are integral to the theme. He uses all kinds of images -abstract images, concrete images, visual, auditory, olfactory, kinesthetic, erotic images and they have been picked up from nature, animals, myths etc. Like a true modernist he believed that the whole human race is fractured, threatened and also fragmented. The poet castigated hollowness of Indian civilization - the spiritual hepatitis it has been suffering from. In 'Monologue in the Chambal Valley' he gives a graphic description of the plights of women in India. They are the objects of gratification of lust of the morally hollow persons. A conscious craftsman Daruwalla relates the sensuousness in equally sensuous images :

*“Do you recall how it was with the women
When we started? Taut-breasted
Ones from the hills
Brown ones from Bihar - soft and over ripe
Daughters of the desert, daughters of the forest tribes.”
(‘Monologues in the Chambal Valley’)*

Again in the poem 'Love Among the Pines', the poet relates the irresistible physical passion through well chosen animal images :

*“What is there in my hand that when it slides into your blouse
It prowls like an animal that makes you writhe,
Turning your nipples into a black sprout of berries.”
(‘Love Among the Pines’)*

The poet again makes marvellous use of images to describe the climactic moment of sensual gratification :

“...for us I fall upon the earth-crust that is you

*We spin, we spin, we spin
Your feet pointed to the skies.”*

In another poem Daruwalla graphically describes the anticipation for sexual gratification :

*“Tonight she will be waiting
Arched fully backwards
Vibrant as new leaf!”
(‘The Night of the Jackals ‘)*

In the following lines it is again seen how the poet concretizes the moment of man’s sexual excitement and also the process of his being lulled down through the fine images of ‘falloon-fury’ and the dove :

*“And heal with your own bodies ;
That is the crux of love :
The fallon-fury of the moment
Turns into the dove.
The face as spirit, the face as flesh
Blend in the face as love.”
(‘From Snows to Ranikhet’)*

Death, disease, hunger, violence are recurrent themes in Daruwalla’s poems. In a third world country like India, hunger looms large in the lame excuse of Malthusian theory. With a beautiful nature imagery Daruwalla opens our eyes to the social realism of Post Independence India:

*“When hunger rages
There is no other lion in the Colosseum
Hunger is everything
It is the thicket and the boar in the thicket
When hunger rages
Yudhishtir and Duryodhana become meaningless.”
(‘The Death of Distinctions’)*

The nature imagery continues and the poet metaphorically compares hunger with leafless trees in a desert :

*“In a desert a crisis of tree;
In the trees a crisis of leaves*

And always a crisis of tubers and roots.”

In such a time of crisis when the hapless people die of starvation, “the rich turn Malthusian “, the poet has his ironical, satirical say :

*“To confront hunger the grain - gods need to come down
And if there are no grain gods, they should be concocted.”*

(‘The Death of Distinctions’)

Hunger reaches its devastating magnitude in times of drought in an agricultural country like ours. In perfect tune with Horatian dictum that poetry is a speaking picture, Daruwalla correlates the horrifying situation with apt images :

*“The land is an earthen dish,
Empty as always
Baked and fired in a cosmic kiln.
There are smithy fires overhead-
They are forging another sky!
The coppersmith bird shrieks insistent
That death is round the corner.
The gulmohar coughs blood,
The sagun leaves turn a warped bronze.”*

(‘Hunger 74’)

In such a time of acute crisis when “the gulmohar coughs blood and the sagun leaves turn a warped bronze “, people hope against hope like ever optimistic blind koel that never gives us: “Only the blind koel, the stupid koel Talks of rain in the mango grove.”

This is akin to the ever optimistic creed of people as is found in the immortal saying of Micawer in Dickens’ ‘David Copperfield’ :

“Something will turn up.” Daruwalla goes on to say -

*“Hope is a diseased kidney
Which has already been removed.”*

(‘Hunger 74’)

During such crisis when drought brings untold sufferings, some people become morally bankrupt and they are the smugglers, profiteers and hoarders. The poet satirically says-

“No end to hoarding!

*Breaking open the lockers they find
A briefcase full of cash.”*

In a third world country like ours where moral bankruptcy reigns supreme, the crisis of hunger is an irresolvable issue. A wonderful craftsman Daruwalla with well chosen metaphor compares hunger with empty nest of birds:

*“Hunger is an empty nest
to which birds fly back in the evening.”*

The unprecedented famine and hunger have reduced majority of the people to mere bony structure. Daruwalla relates their death-in-life existence with well chosen words :

*“His nephews sat skull cropped
Their necks vein-corded, their heads
Bandaged with resignation.
Everywhere he saw haunted looks,
The same fears fermenting in salt-rot bodies,
Old matchstick bones groaning
Under the gnarted hide.”*

Unprecedented famine and hunger cause the village people to migrate to cope with the Darwinian theory ‘struggle for existence’. Daruwalla is sparingly critical of this face of Post Independence India where the question of the fundamental needs of village people remains ignored. He makes his words speak in one of her poems when he portrays the flights of the village people who are being carried away towards cities in anticipation of a better life :

*“Do you see trains steaming out
ten thousand frying on the lurching roofs?
It is our craft rolling today.
Our villagers walking out with their headloads
an ant-line following
the scent of a moist root.”*

Violence at different levels is a Post Independence reality that Daruwalla deals with. A keen social critic to the core, Daruwalla has little trust in this imbecile social order. It is because of his first hand experience as an I.P.S.officer that he had the knowledge of life in the raw. In this cactus land ‘hope is a diseased kidney’ and, as such, there is an ever-worried self in him that apprehended all pervasive violence in the shape of riots and rapes, caste and creed

conflicts. In his visionary desert there is no hope for a beautiful tomorrow. And he ruminates his violence -ridden vision in well chosen concrete images :

*“I can smell violence in the air
Like the lash of rain -
Mass hatreds drifting grey across the moon
It hovers brooding, poised like a cobra.”
(‘Ruminations’)*

The image ‘lash of rain’ suggests the unpredictability of violence which knows no reasoning. Again the ‘cobra’ image makes it clear that community violence is venomous that would lead to killings.

Like other ‘new’ poets, Daruwalla is consciously experimenting in new imagery. An I.P.S. officer by profession Daruwalla knew well the real face of the rioting people and, as such, he equates such blood thirsty people with predatory animals,:

*“barracuda - eyes
Searching for prey
among nocturnal glioma.”
(‘Curfew Turn in a Riot Torn City’)*

The poem ‘Ghaghra in Spate’ is a wonderful example of Daruwalla’s realistic and original imagery. The poet visualizes the Ghaghra as looking like a “overstewed coffee” and the night like “a red weal across the spine of the land.”

Besides the use of unconventional images Daruwalla is constantly experimenting in the use of language and in this he frees the English language from monotony. He is a postmodernist in his temperament and his poems are a store house of the poetic devices like irony, humour, parody, collocation, inversion, erotic diction, simile, metaphor and so on .He is praised for his bitter satiric tone which is exceptional in Indian verse. His sense of irony , satire originates from an acute awareness of the facts of life and its situations. In the poem ‘Pestilence’ the poet depicts the misery caused by the epidemic like cholera. Simultaneously Daruwalla brings out the hypocrisy of the authorities who would not admit that cholera has broken out in the city:

“Who says they have cholera?”

*they are down with diarrhoea
who says it is cholera?
it is gastroenteritis”
(‘Pestilence’)*

Again in the poem ‘Graft’, the poet unveils the hypocrisy in the field of religion with the tool of irony:

*“To legalize a bastard you’be to bribe the priest”
(‘Graft’)*

In his ‘The Mehdi of Sudan’, Daruwalla ironically portraits the character of Mehdi. Seemingly Mehdi shows himself as a man of action who will conquer the world to create an Islamic state. But in reality he is cheater who traps the people easily :

*“Allah himself
had stamped His will on His right cheek
in the shape of a birthmark,
to proclaim his Messihood,
there was no scope for disbelief.”
(‘The Mehdi of Sudan’)*

His satire on the society is found in ‘Vignette II’ where how rituals trap the people :

*“Women do not take off their saris
as they enter the water,
men leave their clothes behind.
The dead leave their bodies
... ..
A sadhu eyes me unblinking from his navel.”
(‘Vignette II’)*

Daruwalla doesn't also hesitate to deflate the morally corrupt politicians. With bitter satire the

*poet unfolds their masked face :
“He is an old leader after all
Who has gone thrice to jail
Twice for home rule
And once for sodomy.”
(‘Food and Words, Words and Food.’)*

Again Daruwalla also portrays the condition of Indian women. They are treated as an object of entertainment. With bitter satire the poet depicts the subjugation of Indian women :

*”Women must be confined to the zenana
like quail in a wicket basket.”
(‘On the Contrariness of Dreams.’)*

In all these Daruwalla emerges himself as a poet of province. He shows everything with a touch of Indianness. But these poems create a universal appeal. The global thing in the local context and the vice versa registers his place among the postmodernists.

In the use of punctuation marks Keki N. Daruwalla adds a new dimension. In the poem ‘Rumination II’ from ‘Under Orion’ there is no use of punctuation save a comma whereas in one of his poems like ‘Pestilence’, there are shorter sentences with adequate pauses and they are employed to express anxiety :

*“Pairs of padded feet
are behind me
astride me
in front of me
the footpaths are black feet
converging on the town
...”(‘Pestilence’)*

Again Daruwalla inserts short lines between long lines to alter the tempo of the poems, and this form of experimentation adds novelty to his poems :

*“As far as trust is concerned
I don't lag behind.
I could trust you with sleeping tablets,
Knives, poisons
even my revolver.
We trust you with lightning, as it is,
and with the storm cloud.”
(‘Bombay Prayers’)*

Another trait of Daruwalla’s craftsmanship lies in his use of dramatic monologues in poems like ‘The King Speaks to the Scribe’, ‘The Son Speaks to the Dead Rake’, ‘The Hebrew

Professor ‘, ‘The Mehdi of Sudan’. These poems adopt dramatic monologue for presenting a historical point of time.

As far as the question of verification is concerned, Daruwalla skillfully experiments with meter and rhythm. He uses the free verse more and more. There is a large variety of rhythms which go to the making of his poems. No two of his poems are written in the same kind of free verse and in this his contribution is substantial.

Daruwalla’s poetry abounds in figures of speech, particularly in similes and metaphors . His uses of simile and metaphors are not commonplace ; they are rather unusual lending a greater impact on us. In the poem ‘The Epileptic’ the poet uses an unusual imagery:

*“Suddenly the two children
flew from her side
like severed wings “
(‘The Epileptic’)*

In ‘The Ghaghra In Spate’ the poet depicts the river in afternoon and at night with an unusual metaphor :

*“When the dusk reaches her
through an overhang of cloud
She is overstewed coffee
At night she is a red weal
across the spine of the land.”
(‘The Ghaghra in Spate’)*

In ‘Ruminations’, the poet draws the violence ridden society with an unusual but befitting simile. The poet smells violence in the air “like the lash of rain” and this feeling seems to the poet “poised like a cobra.”

Last but not the least, Daruwalla has a great power of generalisation too. He begins with an individual note but without any difficulty he lends it a universal appeal. In the poem ‘Mother’ the poet gives a portrait of his aged mother. It is his craftsmanship that he makes her appear universal :

*“Your spine goes creaking now
Across the bow of your body.
Your skin preserves the past...”
(‘Mother’)*

Again in a generalizing tone Daruwalla refers to his mother's pangs of separation at her widowhood :

*“I think something shriveled
Within you, Mother,
The day you broke your bangles
And shook the lion dust
Of my father from your brow.”
(‘Mother’)*

Precision, compactness in expression are the other hallmarks in Daruwalla’s style of writing. He has the calibre to make words exceptionally eloquent :

*“Gujarat is not just the corruption of an absolute.
It has manufactured its own corrupt absolutes.”
(‘Gujarat 2002’)*

Conclusion

By virtue of his innovations, freshness and craftsmanship Daruwalla thus adds a significant contribution to the field of Indian English poetry. His works are marked with originality both in theme and technique. The feelings are real. He displays a love for fine phrases, a quality of compactness, exceptional power of narrative skill and generalisation, quality of compactness and an ability to journey between the concrete and the abstract. The way he conveys multifaceted experience in a language that is richly concrete, hauntingly memorable is remarkable. Nissim Ezekiel’s observation deserves mention in this regard:

There is “fine blend of freedom and discipline, metrical rhythms and a word order of prose, compact, harsh, alliterative phrasing and relaxed movement.”(Ezekiel,1977)

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