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Despite the many challenges facing democracy, the underlying values of India's constitutional morality have played an important role in strengthening it.

The Constitution is primarily seen as a legal document that sets out important principles and rules for governing a country. As a revered guiding document for governing the independent nation after independence from British rule, the Constitution of India contains all the rules, laws, principles and provisions that have shaped the legal and political system of Indian governance.

However, far from being legal directives and provisions, the document also represents a collection of normative moral values that the founding fathers of the Constitution considered essential for laying the foundation of the Indian Republic. Such a constitutional orientation towards a collection of 'fundamental moral imperatives', which goes beyond the legal-theoretical study of the Constitution, emphasizes the need for a basic preamble of constitutional morality.

It refers to the ideas and inspirations that enable a nation to behave in accordance with the provisions of the Constitution, not only in letter but also in spirit. It is a morality that inspires a nation to strive to achieve the promises contained in the Constitution.

To better understand the rules and practice of the Indian Constitution, it is important to understand the underlying moral or principled provisions that have shaped or are shaping the debates on constitutionalism in India.

Constitutional morality ensures the establishment of the rule of law and envisages taking together the aspirations and ideals of different sections of the society. Constitutional ethics as a constitutional idea highlights the need to maintain people's faith in democratic institutions.

As we can see, the concept of constitutional morality is being employed by the Indian judiciary as a source of judicial interpretation to address difficulties in modern society. It acts as a transformational instrument for the judiciary to safeguard individual interests, as seen by recent Judgements.

Public morality cannot be allowed to override constitutional morality, especially when the legal validity of the right to security is paramount.

Therefore, the fundamental ideal values of liberty, fraternity, equality and social justice embedded in the Indian Constitution have served to bring together and strengthen some of the procedural and substantive dimensions of democracy. The fundamental ideal values of liberty, fraternity, equality and social justice embedded in the Indian Constitution have worked to strengthen some of the procedural and substantive dimensions of democracy by bringing them together.

Constitutional morality is a feeling that should be instilled in the minds of all responsible citizens. It may be argued that both Ambedkar and Grote saw Constitutional Morality as a self-imposed restriction by the people to respect the constitutional values, rather than as a tool for resisting or resolving government action.



Dr. Ashok Kumar Gadiya
Chairperson, Mewar University

Post-covid recovery is happening in different spheres- economics, cultural activities and educational activities. It is particularly sluggish recovery for academic publishers. Like many other publicationS, we are struggling to cope up with high quality research papers. This is causing the issues to be clubbed and even delay in publication.

In this combined issue, we have a paper on Covid-19 and Geography- A Bibliometric Analysis” by Dr Priyanka Puri, Associate Professor at Miranda House, Delhi University. She concludes in her well-crafted paper how developed nations have made maximum contribution to the literature around publications on COVID-19 pandemic and geography. As usual, the contributions of USA and England dominate the numbers. The topic, “Public Health and Geography” emerged as the maximum contributing disciplines which indicates that the dimensions of the disease have been examined in the medical field along with geographies.

We have two papers from the field of law.

Dr Hassan Al Imran from Bangladesh in his well-crafted paper on “Procedural Fairness in Administrative Decisions and Rights of Non-Citizens in Australia” has explored the rights of the non-citizens in Australia. He has minutely dissected the gamut of recent judgements of the higher courts of Australia and emphasized how procedural fairness even for non-citizens is becoming a basic principle of justice in Australian legal system. He concludes,

“....the courts of Australia are becoming a role model for the world in respect to procedural fairness and ensuring natural justice to non-citizens. It demonstrates that even though there is no human rights provision in the Constitution of Australia and no specific human rights act, under judicial review and procedural fairness, the rights of non-citizens, in an administrative decision, are ensured.”

In another brilliant essay from a young law student, Nidhi Ngaihoih from RGNUL, Patiala deliberates upon evolving principle of constitutional morality in Indian legal system. She explains:

“Constitutional morality has a teleological goal of a pluralistic and inclusive society or pluralistic inclusion.... Constitutional morality has been characterized as safeguarding the goals of the Preamble as well as basic human rights that includes autonomy and dignity apart from liberty”.

Apex Court of India in its judgement in Navtej Singh Johar v. Union of India, (2018) 10 SCC 1, examined the issue threadbare and stated,

“..we have to telescopically analyse social morality vis-à-vis constitutional morality. It needs no special emphasis to state that whenever the constitutional courts come across a situation of transgression or dereliction in the sphere of fundamental rights, which are also the basic human rights of a section, howsoever small part of the society, then it is for the constitutional courts to ensure, with the aid of judicial engagement and creativity, that constitutional morality prevails over social morality.”

In the world, everything is dynamic. Like morality, law keeps evolving. When system fails to adapt to changing reality, it crumbles. This applies to the field of research too. There has been a significant shift in access to learning with the introduction of AI systems like ChatGPT. Scholars can access the database through these tools and further build own arguments. New connections would keep popping up from machine consciousness. But, it is human mind that has the wherewithal to take up creative leap of imagination.

I would take this opportunity to invite papers from different universities and technical institutions in plenty, so that we can have quality paper after thorough peer-review process. This will help us to stem the ongoing crisis of dearth of research papers. I congratulate the contributors and wish the readers wholesome journey into the sphere of wisdom.

– **Niraj Kumar**
Honorary Editor-in-chief

PROCEDURAL FAIRNESS IN ADMINISTRATIVE DECISIONS AND RIGHTS OF NON-CITIZENS IN AUSTRALIA

Dr. Hassan Al Imran*

ABSTRACT

Procedural fairness is an important element in any administrative decision. A person may apply for a judicial review if it is believed that fair procedure has not been followed during the adjudication process. In Australia, the Kioa vs. West (1985) judgement is a milestone in procedural fairness cases. In practice, non-citizens face many administrative decisions in Australia across various aspects; however, if the aggrieved party believes that procedural fairness was not followed by the administrative character during the decision-making process, then the aggrieved party may go to the higher court for a review of the decision. This begs the question: How can procedural fairness be ensured in an administrative decision? What features must be considered by a decision maker in an administrative decision? What is the role of the court in ensuring justice for non-citizens? The aim of this article is to examine procedural fairness in Australia in an administrative decision and the roles of the courts in the context of non-citizens to ensure justice and procedural fairness.

Keywords: Judicial review, Bias, Non-citizens, Procedural Fairness, Non-Refolement.

INTRODUCTION

Procedural fairness stands as a fundamental cornerstone within the framework of the rule of law and administrative rulings. This principle is equally underscored by international human rights law, which unequivocally stipulates that every individual, irrespective of their citizenship status, is entitled to the full spectrum of human rights. This encompasses the right to a fair trial, free from any form of discrimination.¹

In straightforward terms, within the realm of administrative law, procedural fairness denotes the equitable handling of an impartial verdict within an administrative procedure overseen by an administrative entity. Ensuring procedural fairness stands as an essential prerequisite for any decision-making process, constituting a pivotal component of the overarching concept of the rule of law. In the words of Professor S. A.de Smith:

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Natural justice generally requires that persons liable to be directly affected by proposed administrative acts, decisions or proceedings be given adequate notice of what is proposed, so that they may be in a position: (a) to make representations on their own behalf; or (b) to appear at a hearing or inquiry (if one is to be held); and (c) effectively to prepare their own case and to answer the case (if any) they have to meet.²

The procedural fairness of a decision-making process also leads to justice and supports sound decision-making. Chief Justice Robert French states that:

A failure to give a person affected by a decision the right to be heard and to comment on adverse material creates a risk that not all relevant evidence will be before the decision-maker, who may thereby be led into factual or other error. Apparent or apprehended bias is likely to detract from the legitimacy of a decision and so undermine confidence in the administration of the relevant power.³

In common law, natural justice involves two basic requirements: a fair hearing and free of bias (impartial). In *Re Minister for Immigration and Multicultural Affairs, ex parte Lam (Lam)*, Callinan J noted that ‘natural justice by giving a right to be heard has long been the law of many civilised societies.’⁴ Moreover, the High Court in the *Plaintiff M61/2010E* case held that, in every issue, procedural fairness needed to be ensured by the administrative decision maker; it is irrelevant whether the obligation of procedural fairness arises either from common law or statutes.⁵ The High Court in *Plaintiff S10/2011* declared:

The ‘common law’ usually will imply, as a matter of statutory interpretation, a condition that a power conferred by statute upon the executive branch be exercised with procedural fairness to those whose interests may be adversely affected by the exercise of that power.⁶

Any person may seek judicial review on an administrative decision if the requirement of procedural fairness has not been met in the decision-making procedure. The right of procedural fairness is guaranteed in the Constitution of Australia as well as its statutes. Article 75(v) of *The Australian Constitution 1900* states that the High Court of Australia has original jurisdiction in matters regarding the writ of Mandamus or prohibition or injunction against an officer of the Commonwealth. Moreover, s. 39B of *Judiciary Act 1903 (Cth)* and s. 5(1) (a) of *Administrative Decisions (Judicial Review) Act 1977 (Cth)* detail the procedures of judicial review of an administrative decision.

The right of judicial review on administrative decisions is also established by case laws. Most notably, in *Minister for Immigration and Border Protection vs WZARH*, the High Court held that in ‘the absence of a clear, contrary legislative intention, administrative decision-makers must accord procedural fairness to those affected by their decisions.’⁷ However, in certain situations as exceptions, procedural fairness may not be applied, for example, if there are too many people involved or if there is any bar under statutory provisions.⁸ In common law, courts examine two issues regarding the denial of procedural fairness: (i) whether a duty to afford procedural fairness exists, and (ii) if such a duty exists, whether procedural fairness is ensured in the particular case.

In addition, the legal obligation to ensure procedural fairness not only derives from

the statutory obligation; it also arises under common law.⁹ However, in many decisions, procedural fairness is not directly expressed but is indicated under implied obligation. In this context, Justice Deane's comments in *Kioa vs. West*¹⁰ are notable. Justice Deane states:

*In the absence of a clear contrary legislative intent, a person who is entrusted with statutory power to make an administrative decision which directly affects the rights, interests, status, or legitimate expectations of another in his individual capacity (as distinct from as a member of the general public or of a class of the general public) is bound to observe the requirements of natural justice or procedural fairness.*¹¹

In the *Re Refugee Tribunal, ex parte Aala*,¹² the High Court of Australia decided that the refugee tribunal failed to ensure procedural fairness, and as a result, the tribunal decision should be reviewed under s 75(v) of the Australian Constitution.

In general, the rights of citizens are guaranteed by the constitution and laws of a State. If procedural fairness is not ensured by any government official in any decision-making process, then the decision may be challenged. However, in many cases, non-citizens (international students, foreign workers, or immigrants) also face administrative and judicial decisions by the country/government officials of the court of domicile. In the decision-making process, if procedural fairness is not followed, the lives and legal status of non-citizens may be affected. For example, they may be forced to leave the country or face a penalty or fine. In such a situation, if the appeal is allowed, the rights of non-citizens would be ensured by the court.

Therefore, the aim of this paper is to examine procedural fairness in Australia, particularly how the rights of non-citizens can be ensured by the Australian courts and what example the Australian courts are setting for the rest of the world in this regard. In doing so, the paper will first define the meaning of procedural fairness in Australia. Secondly, it asks what are the common law rules in this aspect, and thirdly, what are the exceptions to it. Fourthly, the paper discusses the *Wei case* and some other leading case laws in relation to the rights of non-citizens in procedural fairness. Finally, there is a conclusion to the discussion.

PROCEDURAL FAIRNESS AND LEGITIMATE EXPECTATION

'Procedural fairness' means fair acts in an administrative decision-making process. There is no fixed element in procedural fairness. Procedural fairness depends on the nature of each case and in the appropriate circumstances. According to the common law, there are three rules of procedural fairness which ensure natural justice. The rules are: (1) the right to a fair hearing (*audi alteram partem*); (2) no bias (*nemo in iudex sua causa*); and (3) no evidence (the decision must be based upon logically probative evidence).¹³ In *Board of Education vs. Rice*,¹⁴ the UK court held that 'acting in good faith and fairly listening to both sides' ensures procedural fairness.

A person denied procedural fairness can appeal to the Federal Court against the decision under the *Administrative Decisions (Judicial Review) Act 1977* (ADJL Act) in Australia. The ADJL Act allows for judicial review if there is a judicial error. Sections 5, 6, and 7 of the ADJL Act provide the grounds for judicial review. The grounds are: (i) breach of natural

justice, (ii) *ultra vires*, (iii) no jurisdiction, (iv) no evidence, and (v) error of law.

It is a legitimate expectation that the administrative decision-maker will act fairly in all the circumstances of a case during the decision-making process. In the UK, *Schmidt and Another vs. Secretary of State for Home Affairs*,¹⁵ the plaintiffs arrived in England to study, but later, the plaintiffs complained that their student visas had not been extended, thus they were unable to complete their studies. In the *Schmidt and Another case*, Lord Denning ruled that it was a legitimate expectation that a public authority should work fairly to ensure natural justice. Lord Denning also remarked that:

*Where a public officer has power to deprive a person of his liberty or his property, the general principle is that it is not to be done without his being given an opportunity of being heard and of making representations on his own behalf.*¹⁶

In Australia, the term 'legitimate expectation' was used originally in *Salemi vs. MacKellar (No. 2)*,¹⁷ where the court held that it was a legitimate expectation that the court would ensure procedural fairness to protect the rights of an individual. Alternately, if there is a denial of fairness, ignorance of duty, or a manner that adversely affects the rights of an interested party, it would be good grounds for review. In *NAFF vs. Minister for Immigration and Multicultural and Indigenous Affairs*¹⁸ in the Refugee Review Tribunal, the tribunal judge reached a decision without asking any further questions of the applicant. However, earlier, during the review process, the tribunal judge informed the applicant that he needed further information to reach a verdict. Later, in the appeal process, the High Court held that while the tribunal decision was made without the proper hearing and inquiry, procedural fairness was denied to the appellate.¹⁹ On the one hand, in *Re Minister for Immigration and Multicultural Affairs; ex parte Lam*,²⁰ the High Court held that if the act of the administrative decision-maker does not affect the decision, or there is no 'practical content' of the act, there is no violation of procedural fairness. Gleeson CJ expressed that:

*But what must be demonstrated is unfairness, not merely departure from a representation. Not every departure from a stated intention necessarily involves unfairness, even if it defeats an expectation. In some contexts, the existence of a legitimate expectation may enliven an obligation to extend procedural fairness. In a context such as the present, where there is already an obligation to extend procedural fairness, the creation of an expectation may bear upon the practical content of that obligation. But it does not supplant the obligation. The ultimate question remains whether there has been unfairness, not whether an expectation has been disappointed.*²¹

On the other hand, the 'legitimate expectation' of procedural fairness may be excluded by clear and unambiguous legislation.²² In *Plaintiff S10/2011 vs. Minister for Immigration and Citizenship*,²³ the plaintiffs (non-citizens) applied for several forms of relief (including certiorari) against the Minister for Immigration and Citizenship and the Secretary of the Department of Immigration and Citizenship. The plaintiffs argued that it was a legitimate expectation that the Minister should ensure procedural fairness. However, under the statute, the Minister had no obligation to apply his discretionary power to any decision. The Ministerial power can only be exercised by the Minister personally in exceptional cases;

the Minister cannot be compelled to exercise it. The High Court dismissed the plaintiffs' applications and held that the distinct nature of the powers conferred to the Minister by the *Migration Act 1958 (Cth)* meant that the exercise of the powers was not conditioned on the observance of the principles of procedural fairness. Moreover, while there is no fixed content of duty to ensure procedural fairness, it depends on the particulars of the case.²⁴ In *Re Minister for Immigration and Multicultural Affairs; ex parte Lam*, Gleeson CJ observed that:

*Fairness is not an abstract concept. It is essentially practical. Whether one talks in terms of procedural fairness or natural justice, the concern of the law is to avoid practical injustice.*²⁵

Therefore, according to the statute law and common law, if there is any breach of natural justice, *ultra vires*, no jurisdiction of the court, no evidence, or error of law, the affected party holds the right to seek recourse through judicial review against the administrative decision.

KIOA VS. WEST IN PROCEDURAL FAIRNESS AND COMMON LAW TRADITION

In common law, it is a legitimate expectation before making any decision that the administrative decision maker should be given a fair opportunity of hearing all the parties of the case.²⁶

In modern administrative law, the *Kioa vs. West* decision is a milestone judgement in Australia that provides guidelines/approaches to procedural fairness for administrative decisions. In the *Kioa vs. West* case, Justice Mason noted that:

*The law has now developed to a point where it may be accepted that there is a common law duty to act fairly, in the sense of according procedural fairness, in the making of administrative decisions which affect rights, interests and legitimate expectations, subject only to the clear manifestation of a contrary statutory intention.*²⁷

It has already been noted that according to the common law tradition, there are three rules of procedural fairness: the right to a fair hearing, no 'bias' rule, and 'no evidence' rule.²⁸ In Australia, the *Minister for Immigration and Multicultural Affairs vs. Bhardwaj*, the High Court of Australia held that if there is any breach of the rules of procedural fairness, then there would be a 'jurisdictional error,' and the decision would be unlawful.²⁹

Under the common law of hearing rule, the administrative decision-maker is bound to hear the affected person before delivery of any decision.³⁰ The hearing rule includes the right to receive notice of hearing, the right to legal representation, the right to have an interpreter, the right to make submissions (oral and/or written), and the right to give adequate time to submit the claim.³¹ In the *Re Refugee Tribunal, ex parte Aala*, the High Court of Australia held that an administrative decision-maker should not make a decision on an undisclosed issue.³² In *ex parte Lam*, the High Court also held that, before making any administrative decision, the decision maker should bring the critical issue to the parties that are affected by the decision.³³ In general, the hearing rule should be applicable in all decisions. However, in some situations, according to the facts of a particular case, the hearing rule is not applicable.

If the decision involves a 'purely administrative' matter in that situation, the hearing rule is inapplicable.³⁴ Moreover, in the straightforward master-servant relationship, there is no application of the no-hearing rule.³⁵ However, if there is 'unfair dismissal,' then the employee should be given an adequate opportunity for defence.³⁶ On the other hand, if the decision affects too many people³⁷ and/or 'national security,'³⁸ then the right of hearing is not applicable.

In the 'bias rule' of procedural fairness, the theory is '*nemo debet esse judex in propria causa*' (Latin term), that is, 'no one can be judged in his or her own cause.'³⁹ Accordingly, a decision maker will deliver the judgement impartially.⁴⁰ In *R vs. Sussex Justices, ex parte McCarthy*, Lord Hewart CJ stated that it was 'fundamental importance that justice should not only be done but should manifestly and undoubtedly be seen to be done.'⁴¹ In Australia, the *Johnson vs. Johnson* case defines the principle of bias test as:

*In Australia, in determining whether a judge is disqualified by reason of the appearance of bias (which, in the present case, was said to take the form of prejudgment) is whether a fair-minded lay observer might reasonably apprehend that the judge might not bring an impartial and unprejudiced mind to the resolution of the question the judge is required to decide.*⁴²

In common law, the courts consider three tests to determine whether an administrative decision would be void or not: (i) the 'real likelihood' of bias test; (ii) the 'reasonable suspicion' (or 'reasonable apprehension') of bias test; (iii) the 'actual' bias test.⁴³

First of all, the bias must be real. If there is 'real likelihood,' there is no 'bias.'⁴⁴ In *R vs Australian Stevedoring Industry Board, ex parte Melbourne Stevedoring Co Pty Ltd*, the High Court held that:

*Bias must be 'real'. The officer must so have conducted himself that a high probability arises of bias inconsistent with the fair performance of his duties, with the result that a substantial distrust of the result must exist in the minds of reasonable persons.*⁴⁵

Secondly, under the 'reasonable suspicion' (also known as 'reasonable apprehension') of the bias test, the principle is that - there must be a material connection between the interest of the judge and the result of the case.⁴⁶ In *Sun Zhan Qui vs. Minister for Immigration and Ethnic Affairs*, the court held that an allegation of 'actual bias' cannot be made lightly. It is something more than unreasonableness, error, or lack of logic and more than an 'apprehension of bias.' A party declaring actual bias carries a heavy burden.⁴⁷ If someone accuses an administrative character of bias in the decision-making process, the allegation must be distinctly made and clearly proven.⁴⁸ A judge would only be disqualified for actual bias when a party establishes that the judge of a decision is so committed to a particular outcome that he or she would not alter that outcome, regardless of what evidence is presented before him/her.⁴⁹ However, in certain circumstances, the bias test is waived under the 'doctrine of necessity'; for example, if the main witness is unavailable or under statutory grounds.⁵⁰

Thirdly, under the principle of procedural fairness, it is expected that an administrative decision-maker must make a decision based on what was logically presented in the case

rather than on mere speculation or suspicion. Therefore, the 'no evidence' rule means that the probative evidence was not properly presented before the decision maker; thus, it was a biased decision.⁵¹ It is a violation of natural justice if there is no evidence to support the decision of a case.⁵²

Therefore, if the rules of procedural fairness are not followed in a decision-making process, it amounts to 'jurisdictional error,' which means that the decision is invalid.⁵³ However, as an exception, if the court is satisfied that the breaches of procedural fairness do not affect the decision, then there is no breach.⁵⁴

EXPECTATION OF PROCEDURAL FAIRNESS

In certain circumstances, a statute may exclude the procedural fairness obligation.⁵⁵ Thus, during the interpretation of a statute, courts consider that parliament did not intend to exclude procedural fairness unless the intention was unambiguously clear.⁵⁶ In fact, the exclusion of the principles of natural justice can only occur by 'plain words of necessary intentment.'⁵⁷ However, the Administrative Review Council brought (or offered) an opposing view on excluding the procedural fairness rule. The Council said that 'procedural fairness should be an element in government decision making in all contexts, accepting that what is fair will vary with the circumstances.'⁵⁸ Nevertheless, the High Court held that the exclusion of procedural fairness is justified under 'the proportionality test.'⁵⁹

However, parliaments, often in practice, expressly exclude the procedural fairness obligation by statutes. These include, for example, corporate and commercial regulations,⁶⁰ migration law,⁶¹ and the exercise of maritime powers.⁶² Moreover, the exclusion of natural justice has also been observed in prison administration, where the prison officer, in good faith, suspected that there would be a violation of law and riot.⁶³

PRIVATIVE CLAUSE AND JUDICIAL REVIEW

In *Plaintiff S157/2002 vs. Commonwealth*, the High Court delivered a remarkable decision in the judicial review of the privative clause issue.⁶⁴ The privative clause is a statutory provision under which, in some situations, a statute expressly excludes/restricts the right to appeal against any judicial review. In *Plaintiff S157*, the plaintiff sought to challenge the decision of a visa refusal, but the right was barred by section 474 of the *Migration Act 1958 (Cth)*. The plaintiff then challenged the validity of section 474. The High Court held that an administrative decision that involves jurisdictional error is 'no decision at all.'⁶⁵ Thus, if there is a jurisdictional error, the decision in question cannot properly be described in terms of 'a decision'.⁶⁶

Hence, while it is possible for the parliament to enact a law with a privative clause in exceptional circumstances, the court retains the authority to set aside such a clause if it fails to guarantee procedural fairness.

In the subsequent section, the article directs attention to prominent cases concerning non-citizens and judicial reviews in Australia. It scrutinizes how the courts are approaching the issue of procedural fairness to uphold the principles of natural justice.

CASE LAWS

Wei vs. Minister for Immigration and Border Protection,⁶⁷ is the most recent and notable case in Australia regarding visa cancellation and procedural fairness. As to the facts of the case, Mr. Wei was a Chinese national who arrived in Australia in 2008 under a student visa, completing his schooling in Australia in 2011. Later, in March 2012, Mr Wei was granted a fresh student visa after enrolling in a new 'Foundation Program' at Macquarie University. Mr. Wei's study program was supposed to start in June 2013. The university issued a 'Letter of Enrolment' to him in relation to that course, and Mr Wei successfully completed the course in June 2014. However, the university failed to record Mr Wei's enrolment in an electronic database known as the Provider Registration and International Student Management System (PRISMS), which is a mandatory requirement of the Department of Immigration and Border Protection. When the Department of Immigration checked the status of Mr. Wei through this electronic database, they found that Mr. Wei had failed to enroll in the study program and so had breached the conditions of his student visa. The immigration department sent two letters (February 2014 and March 2014) to Mr Wei to notify him of the cancellation of his student visa and invited him to explain his status. However, the letters were returned on both occasions as 'unclaimed.' Accordingly, the Department of Immigration cancelled his student visa. Mr Wei only noticed the cancellation of his visa in October 2014, after the time to appeal the decision had lapsed. In fact, his university failed to record and update Mr Wei's mandatory information in PRISMS; thus, the letters did not reach Mr Wei. Mr Wei later appealed against the decision of the Department of Immigration, taking it to the High Court and claiming that the failure to input his record was not his fault but that of the university. The decision was therefore taken by the Department of Immigration without a fair hearing, he claimed, which breached natural justice and procedural fairness. In the final verdict, the High Court of Australia allowed Mr Wei's appeal, his time of appeal was extended, a writ of prohibition was issued against the defendant, and the defendant was ordered to pay the plaintiff's costs of the application.

In the *Zhang case*,⁶⁸ Zhang de Yong was a citizen of China who had arrived in Australia by boat. After his arrival, Zhang was interviewed by a junior officer of the Department of Immigration on two occasions but *not* by the senior officer of the Department who made the final decision. Also, Mr Zhang spoke in Mandarin. In the appeal, Zhang also raised that although an interpreter was present on each occasion, they spoke Cantonese, not Mandarin; therefore, the interpretations misquoted his actual statement. Mr Zhang appealed for the right to procedural fairness to the Federal Court of Australia, and his appeal was allowed. In the judgement French J noted that:

*Procedural fairness will require that the inquiry process allow for the difficulties of language and communication inherent in the subject matter of such applications, and no doubt in many cases compounded by the uncertainties and stress suffered by individual applicants. Interview processes, which involve the use of interpreters and the checking of written records of interviews are calculated to meet with some of those difficulties.*⁶⁹

In *Minister for Immigration and Multicultural Affairs vs. Khawar*,⁷⁰ the High Court of Australia provided a border definition of refugee in relation to a gender-based refugee claim. The court ruled that the definition of refugee included the Pakistani woman who

was discriminated against under ‘personal reason.’ By doing so, the High Court overturned the decision of the Immigration Tribunal and allowed Mrs. Khawar’s appeal. Gleeson CJ remarked in the case:

That [persecution] conduct was not for reasons of race, religion, nationality, political opinion, or membership of a particular social group, even if women constituted such a group. It was for personal reasons. On that approach, the attitude of the Pakistani police, or of the Pakistani state, was incapable of turning the inflicting of harm for reasons having nothing to do with any of the grounds set out in Art 1A(2) into persecution for one of the reasons stated.⁷¹

The *Chen Shi Hai vs. The Minister for Immigration and Multicultural Affairs* involved a little child. Chen Shi Hai was 3½ years old and was born in an Australian immigration detention centre. His parents’ marriage had been unauthorised and unrecognized in China due to their being underage; they also later violated China’s ‘One Child’ policy by having two children (one son and one daughter). Chen Shi Hai’s parents had arrived illegally in Australia and were held in an immigration detention centre, where Chen Shi Hai was born. Chen Shi Hai applied for a protection visa, claiming refugee status, because if he went back to China, he would be treated as a ‘black child’ (illegitimate child) and would face persecution due to his status. The Immigration Tribunal refused Chen Shi Hai’s application, while his parent’s protection visa was also refused. The High Court observed that ‘black children’ are distinct from children in general, and the question was – ‘whether ‘black children’ can constitute a ‘social group.’⁷² In the final verdict and conclusion, the High Court of Australia allowed the appeal and held that:

The Full Court erred in holding that ‘black children’ could not constitute a social group for the purposes of the Convention and, also, in holding that the adverse treatment which the appellant was likely to experience in China was not by reason of his being a ‘black child’ but because his parents had contravened China’s ‘one-child policy’. It follows that the appeal must be allowed.

However, in *WZARV vs. Minister for Immigration and Border Protection*,⁷³ the claimant was a Sri Lankan citizen who entered Australia by boat and was taken to Christmas Island for detention. His application for a protection visa (claiming refugee status) was denied. Later, The Independent Merits Reviewer (IMR) also rejected his refugee application. Then, the claimant sought a judicial review of the IMR’s decision in the Federal Circuit Court, but his application was also rejected by the Court. Thereafter, he appealed to the Federal Court and claimed he would face ‘serious harm’ from the Sri Lankan authorities at the airport upon his return. The Federal Court, in the final verdict, held that the IMR’s decision regarding WZARV’s claims did not vitiate procedural fairness, as his temporary detention at the airport would not constitute ‘serious harm’ as per the international human rights norms.⁷⁴

The *CLII6 vs. Minister for Immigration and Border Protection* [2020] is also a notable case in relation to the rights of non-citizens, where the appeal was allowed in the Federal Court of Australia.⁷⁵ The appellant was a Bangladeshi citizen who was a ‘low-level supporter’ of the opposition party, and his older brother held a ‘prominent role’ in the same party. The

appellant claimed that his older brother was shot and killed by members of the ruling party because of his involvement with the opposition political party. The Appellant said that he attempted to make a complaint to the police about his brother's murder, but he was beaten by members of the ruling party as a result. Following this incident, the Appellant claims he fled Bangladesh to save his life, and he arrived in Australia as an illegal maritime arrival. However, his protection visa application was rejected by the case worker, the Administrative Appeals Tribunal, and the Federal Circuit Court. Although the tribunals accepted that the appellant had a well-founded fear of persecution if he returned to his hometown. But if the appellant moves to a different town/city in Bangladesh, he will face no persecution.

The case revolved around whether the Administrative Appeals Tribunal adequately assessed whether relocating the appellant to a different region of Bangladesh was reasonable. The court examined whether the appellant's individual circumstances were genuinely and practically taken into account. The appellant had expressed concerns regarding family support, availability of employment, and potential danger from members of the ruling political party. The Federal Court of Australia held that there was a 'jurisdictional error' in the tribunal decisions. The judge of the Federal Court, Anastassiou J, noted that:

I consider that the Tribunal fell into error by failing to engage in the "fact-intensive analysis" required when assessing whether relocation within Bangladesh was reasonable and practicable. It was not apt to compare the Appellant's circumstances in Australia, in which he lived without family support, to those that he would experience in an unfamiliar part of Bangladesh. It was also not sufficient for the Tribunal to dispose of the issue by concluding that the Appellant's family would be able to travel to visit him, without having identified the area in question and considered whether it was reasonable for the Appellant to reside in that area (para. 47).

The Federal Court of Australia allowed the appeal. This implies that the court found in favour of the appellant's arguments, suggesting that the Administrative Appeals Tribunal had not properly considered the reasonableness of relocating the appellant within Bangladesh while taking into account the appellant's personal situation and concerns about family, employment, and potential threats from political groups. The court's decision thus indicated a failure on the part of the Administrative Appeals Tribunal to adequately address these critical aspects in their assessment. By doing so, the Federal Court ensures Australia's international treaty obligations, the *non-refoulement* principle, which 'impacts upon Australia's reputation and standing in the global community' (para. 82).

In sum, the above discussion reveals that on many occasions, the High Court and the Federal Court of Australia overturned the decisions of lower courts/tribunals, which were delivered under a lack of procedural fairness and /or erroneous conclusions. Accordingly, the rights of non-citizens were ensured.

CONCLUSION

Procedural fairness is an important obligation in any administrative decision-making process for a decision-maker. The obligation is ensured by the Australian Constitution, the statutes, and common laws. Under common law, the three rules ensure procedural fairness:

fair hearing, no bias, and no evidence. In general, if an administrative decision-maker considers the three rules during a decision-making process, it is expected that procedural fairness has been followed and the rule of law will be ensured. Thus, on many occasions, the higher courts of Australia have reviewed the decisions of various administrative bodies as well as of the lower courts, extending the scope of procedural fairness and overturning the earlier decisions (*ex parte Aala*, *ex parte Lam*, *Saeed case*, *Annetts vs McCann*). However, in some situations, the statutory provisions try to limit the scope of procedural fairness, although the courts also stand as a safeguard for procedural fairness to protect the aggrieved party. In particular, in *Plaintiff S157/2002*, the High Court held that if there is any jurisdictional error, the court's duty is to ensure procedural fairness, even if the statute imposes any bar/limitation to challenging the administrative decision. Most notably, in the *Wei case*, the High Court of Australia declared that if there was any judicial error that was beyond the control of the victim, then the earlier decision should be reviewed. By doing so, the courts of Australia are becoming a role model for the world with respect to procedural fairness and ensuring natural justice to non-citizens. It demonstrates that even though there is no human rights provision in the Constitution of Australia and no specific human rights act in Australia, however, under the process of judicial review and procedural fairness, the rights of non-citizens are ensured in Australia.

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COVID- 19 AND GEOGRAPHY: A BIBLIOMETRIC ANALYSIS (2020-2022*)

Dr. Priyanka Puri*

ABSTRACT

COVID-19 pandemic produced life altering impact over humanity in more than one way. Observing works on COVID-19 pandemic which have geographical dimensions, outlines the ongoing dialectics in academics alongwith events in the current world. Interface between a bibliometric examination of COVID-19 and Geography provides pertinent information on research in the field. Geography as a discipline has its stronghold in spatial and temporal studies. Contemporary studies such as this prove helpful in outlining the nature as well as geographies of research also. It attempts to bring out the networks and trends, which can be further helpful in avoiding duplication of work and also in determining the future direction of research in the field. With the pandemic creating geographies, such a study at the global level will be insightful. Data generated through the Web of Science and analysed graphically, provides information on languages, countries, authors, affiliations, organisations and linkages between published researches. The quantitative analysis along with linkage analysis generates a descriptive pattern. Results indicate that the share of developed countries is more in contributing to research on the topic, with a handful of developing nations also emerging as major contributors. Besides, scattered groups have been observed in contributing to the topic with works in Public Health dominating the field of research.

Keywords: Bibliometry, COVID-19, Geography, publications, research, WoS.

INTRODUCTION

COVID-19 pandemic needs no specific introduction as it has become a part of human existence since the year 2019 (WHO, 2022). The infectious disease caused by the recently discovered novel coronavirus (SARS CoV-2 virus) (WHO, 2022) has been responsible for altering human life in an unprecedented manner ever since 2020 (Mehta, *et al.*, 2022). It turned into a global pandemic along with its complexity, a constantly evolving nature and a set of guidelines to be followed for containing its spread (WHO, 2022). All

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such aspects have diversified its study in ways ranging from economic, political, social, emotional, well-being, health cultural and for many more issues (Andrews, Crooks, Pearce, & Messina, 2021). The event in itself is defined as extensively geographical and also demanding response in that manner whose intellectual examination can lend avenues of unprecedented research in social sciences and sciences (Andrews, Crooks, Pearce, & Messina, 2021).

While this has already taken place in many forms in variety of literature, it becomes pertinent to observe as to how geographical works are being undertaken in studying the disease which has been recorded to produce intense economic, social and political implications with its medical dimensions (Association, 2022). The current paper is an attempt to observe how COVID-19 and Geography, when analyzed together, have been discussed in published literature of recent times. The pandemic is defined to be quick and creating its own geographies (Haas & Arsarjani, 2021). Such aspects make the topic of search relevant. It is in all these regards that an attempt has been made to study the undercurrents in research in the topic since its spread in 2020. The world-recognized global database of Web of Science has been utilised for this purpose. The aim is to observe broadly and without applying any filters as to how both the topics are recorded in published literature for the relevant time period beginning from 2020 and extending into 2022 (till recent publications as recorded in June, 2022).

Geography as a discipline also provides enhanced understandings of the disease through its strategy of analysis and this can help many disciplines, including the medical field and can help build future together (Bissell, 2021). Besides, the tools of geographic examination ranging from mapping to computer aided techniques, Geographic Information Systems (GIS), provide newer insights into the study of the disease (Pardo, Napoletano, Verges, & Billa, 2020; Bissell, 2021; ESRI, 2022) and geography is an aid in fighting it in various forms (Shepherd, 2022).

MATERIALS AND METHODS

The current study revolves around publications on COVID-19 pandemic and geography as broad themes. The data which is gathered from WoS Core Collection database is examined and visualized through the VOS Viewer software 1.6.18 version. The present work is based on this bibliometric data from the Web of Science (WoS) which is provided by Thomson Reuters. It is one of the two largest databases generating many forms of bibliographic information on a variety of disciplines. It was earlier known as the Web of Knowledge, and WoS since 2004. It has records of published literature from 1900 to the present and includes several databases (Annie, Haralstad, & Christophersen, 2015). Diagrammatic output is provided by the database for many bibliometric parameters (Annie, Haralstad, & Christophersen, 2015) such as year of publication, language of publication records, authors, affiliations, institutions, funding, indexing and others (Ramlal, Ahmad, Kumar, Khan, & Chongtham, 2021). This collection is defined as a 'premier' output of WOS, containing more than 21,100 worldwide peer-reviewed journals of high quality. There are more than 250 disciplines related to the sciences, social sciences and arts and humanities in the database. A commercial license is required to conduct analysis from

the database (Ramlal, Ahmad, Kumar, Khan, & Chongtham, 2021). It is also considered as the most trusted citation data provider in the world with 1.9 billion cited works from 171 million records (Clarivate, 2022). The WoS Core Collection provides record of more than 115 years of highest quality research and includes three indices- The Science Citation Index Expanded (SCI-EXPANDED), Social Sciences Citation Index (SSCI) and Arts and Humanities Citation Index (AHCI). These contain databases from 1989 to present (Clarivate, 2022). VOS Viewer is a software which operates as a tool for creating and visualizing bibliometric record and conducting analysis (VOS Viewer, 2022). The software provides help in deriving networks, geographies and mapping of bibliometric information in multiple forms for different themes of the data.

For the chosen topic, the WoS database generated about 612 results published on the topic '*COVID-19 and Geography*' from the time period of 2020-2022 (till the time period of analysis till 25th June.'22). The WoS database also incorporates certain errors (Franceschi, Masiano, & Mastrogiacomio, 2014). In the current examination, some issues were faced in the totals of sub-categories of data; probably due to the nature of pitfalls in the recorded data (Franceschi, Masiano, & Mastrogiacomio, 2014) or due to data reorganisation or others. To keep the analysis error free, attempt has been made to depict the individual results as generated for different categories and data with errors has not been incorporated in the study. From the literature review and data generated, the bibliometric analysis is presented in descriptive, analytical and diagrammatic forms using WoS and VOS Viewer. No filter has been applied to extract data except generating data on the topic '*COVID-19 and Geography*' in search.

RESULTS AND DISCUSSION

In this category are discussed the bibliometric details on publications on the topic. These can be highlighted in the following categories:

- a. **Citation Report:** For a total of 612 publications, generated by the WoS database from 2020-2022* (till June); 4,895 articles were cited in which 4,768 were without self-citations. The articles were cited 5,494 times with 5,262 without self-citations. This gave an average of 8.93 items on an average. The H-Index was 33. The H-Index is defined as a quantitative measure on publications and citations. It was proposed in 2005 by J.E.Hirsch to provide an estimation of the significance of an author's work along with total research contributions (Library, 2022).
- b. **Other bibliometric analysis:** This includes highlighting the details of published material in its different aspects. The first analysis is of published documents in which the early access articles are not considered. Table 1 shows the result. The examination initiates with document analysis in which the type of documents published in the time period are detailed out.

It was observed that for the time period, articles comprised the major share of publications at about 84% followed by Editorial Materials at 10.1%. Next scrutiny was made for checking the WoS categories in which these publications were made. It generated the results as shown in Table 2.

Table 1: WoS published data record on ‘COVID-19 and Geography’ (2020-2022*)

| Document Types | Record Count | % of 612 |
|-----------------------|---------------------|-----------------|
| Articles | 514 | 84.142 |
| Editorial Materials | 63 | 10.194 |
| Review Articles | 26 | 4.207 |
| Letters | 4 | 0.647 |
| Meeting Abstracts | 2 | 0.324 |
| News Items | 2 | 0.324 |
| Corrections | 1 | 0.162 |
| Total | 612 | ~ 100% |

Source: Compiled by author, 2022 from WoS (Clarivate, 2022)

Table 2: Top 25 Publication Titles on the topic ‘COVID-19 and Geography’ through WoS Categories (2020-2022*)

| Publication Titles | Record Count | % of 612 |
|--|---------------------|-----------------|
| <i>International Journal of Environmental Research and Public Health</i> | 24 | 3.922 |
| <i>Dialogues In Human Geography</i> | 22 | 3.595 |
| <i>Sustainability</i> | 20 | 3.268 |
| <i>Tijdschrift Voor Economische En Sociale Geografie</i> | 19 | 3.105 |
| <i>PLOS ONE</i> | 13 | 2.124 |
| <i>Geographical Research</i> | 12 | 1.961 |
| <i>Geographical Journal</i> | 9 | 1.471 |
| <i>Boletin De La Asociacion De Geografos Espanoles</i> | 7 | 1.144 |
| <i>Eurasian Geography and Economics</i> | 7 | 1.144 |
| <i>Journal of Medical Internet Research</i> | 7 | 1.144 |
| <i>Professional Geographer</i> | 7 | 1.144 |
| <i>Scientific Reports</i> | 7 | 1.144 |
| <i>Tourism Geographies</i> | 7 | 1.144 |
| <i>BMJ Open</i> | 6 | 0.98 |
| <i>Progress In Human Geography</i> | 6 | 0.98 |
| <i>Social Cultural Geography</i> | 6 | 0.98 |
| <i>Transactions Of The Institute Of British Geographers</i> | 6 | 0.98 |
| <i>Geoforum</i> | 5 | 0.817 |
| <i>Journal Of Epidemiology And Community Health</i> | 5 | 0.817 |
| <i>Urban Studies</i> | 5 | 0.817 |

| | | |
|---|---|-------|
| <i>Cadernos De Saude Publica</i> | 4 | 0.654 |
| <i>Canadian Journal Of Development Studies Revue Canadienne D Etudes DU Developpement</i> | 4 | 0.654 |
| <i>Geography Compass</i> | 4 | 0.654 |
| <i>Journal Of Public Health</i> | 4 | 0.654 |

Source: Compiled by author, 2022 from WoS (Clarivate, 2022)

Table 3: Top 25 Publishers on the topic ‘COVID-19 and Geography’ through WoS Categories (2020-2022*)

| Publishers | Record Count | % of 612 |
|---|---------------------|-----------------|
| <i>Wiley</i> | 106 | 17.32 |
| <i>Elsevier</i> | 87 | 14.216 |
| <i>Taylor & Francis</i> | 86 | 14.052 |
| <i>Sage</i> | 78 | 12.745 |
| <i>MDPI</i> | 62 | 10.131 |
| <i>Springer Nature</i> | 31 | 5.065 |
| <i>BMI Publishing Group</i> | 18 | 2.941 |
| <i>Oxford University Press</i> | 15 | 2.451 |
| <i>Public Library Science</i> | 14 | 2.288 |
| <i>Frontiers Media Sa</i> | 12 | 1.961 |
| <i>Cambridge University Press</i> | 9 | 1.471 |
| <i>JMIR Publications, Inc</i> | 9 | 1.471 |
| <i>Nature Portfolio</i> | 9 | 1.471 |
| <i>Asociacion Espanoles de Geografia</i> | 7 | 1.144 |
| <i>Lippincott Williams & Wilkins</i> | 7 | 1.144 |
| <i>Cadernos Saude Publica</i> | 4 | 0.654 |
| <i>Emerald Group Publishing</i> | 4 | 0.654 |
| <i>Mary Ann Liebert, Inc</i> | 4 | 0.654 |
| <i>American Medical Association</i> | 3 | 0.49 |
| <i>Centers Disease Control & Prevention</i> | 3 | 0.49 |
| <i>Springer Int. Publ. AG</i> | 3 | 0.49 |
| <i>American Soc. Microbiology</i> | 2 | 0.327 |
| <i>Dove Medical Press Ltd</i> | 2 | 0.327 |
| <i>Educational Publishing Foundation-American Psychological Association</i> | 2 | 0.327 |
| <i>Ios Press</i> | 2 | 0.327 |

Source: Compiled by author, 2022 from WoS (Clarivate, 2022)

Table 4: Top 10 Countries with Publications on the Topic ‘COVID-19 and Geography’ (2020-2022*)

| Countries/Regions | Record Count | % of Total |
|-----------------------|--------------|------------|
| USA | 231 | 37.745 |
| England | 112 | 18.301 |
| Canada | 51 | 8.333 |
| Australia | 49 | 8.007 |
| Peoples Rep. of China | 49 | 8.007 |
| Germany | 38 | 6.209 |
| Spain | 28 | 4.575 |
| Italy | 26 | 4.248 |
| Netherlands | 22 | 3.595 |
| India | 21 | 3.431 |

Source: Compiled by author, 2022 from WoS (Clarivate, 2022)

The above data is indicative of the fact that journals on health and medicine and in Geography dominate the publication platform. Wiley publishing followed by Elsevier have the maximum share of publications on the topic. USA followed by England (United Kingdom), has the maximum number of publications on the topic for the time period. In terms of language of publications, Table 5 provides details.

Table 5: Language of Publications on the Topic ‘COVID-19 and Geography’ (2020-2022*)

| Languages | Record Count | % of 612 |
|------------|--------------|----------|
| English | 603 | 98.529 |
| Spanish | 5 | 0.817 |
| Portuguese | 2 | 0.327 |
| Afrikaans | 1 | 0.163 |
| French | 1 | 0.163 |

Source: Compiled by author, 2022 from WoS (Clarivate, 2022)

The share of developing countries like China and India stands amongst the top ten countries with publication on the topic. Otherwise, the trend is dominated by developed countries. This is visible from Tables 3 and 4.

Observing Linkages: This was analysed first to check the total link strength along with average publications on the topic for the period. In this category, publications from USA made it to the top most country in the field of record. Also, average publications per year were maximum for USA as can be seen in Fig.1. For documents with average citations examination, Fig. 2. highlights that again USA out numbered other countries. The next analysis conducted in

this category is of examining co- authorship with reference to the organizations of respective authors. The results exhibited a scattered grouping stretched across universities from different geographies. Strong connections were observed with regards to total link strength and average publications in the group associated with the University of Toronto and University of Birmingham.

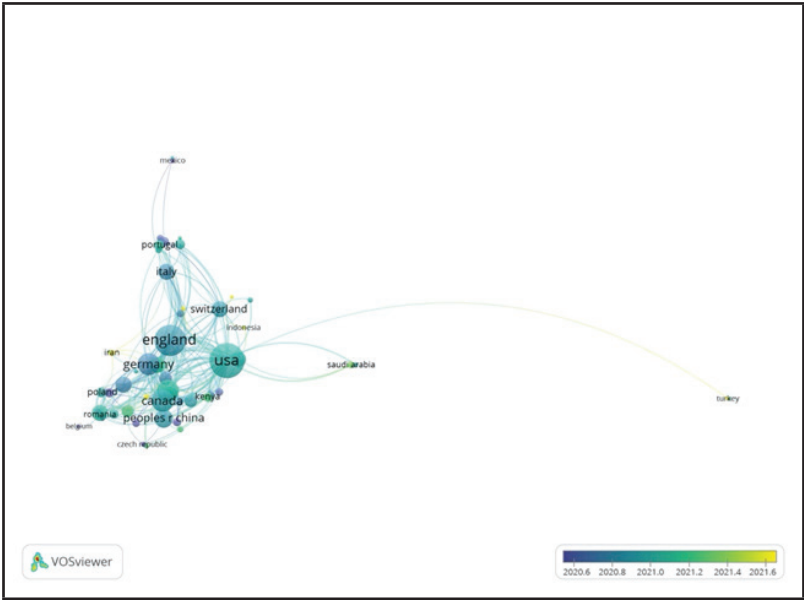


Fig. 1: Linkages Between Average Publications

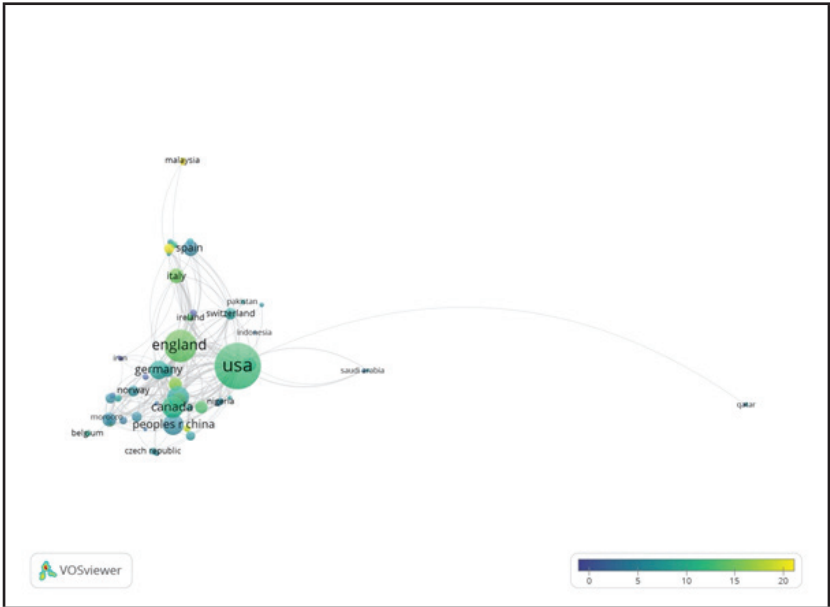


Fig.2: Linkages Between Total Documents and Average Publications

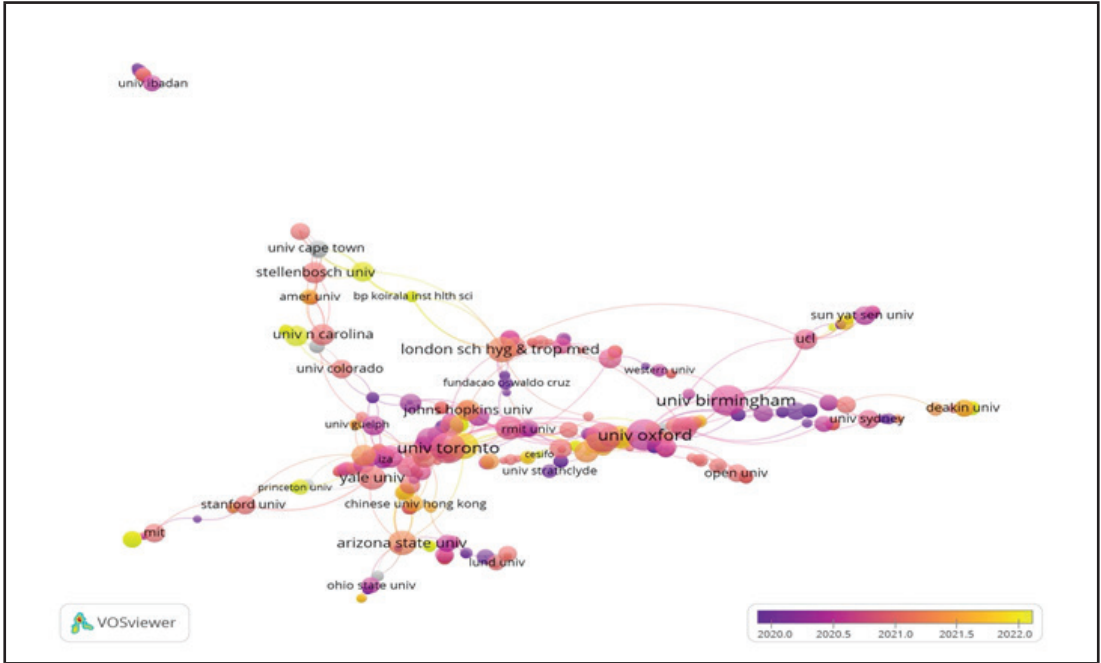


Fig. 3: Linkages Between Co-authorship and Organisations

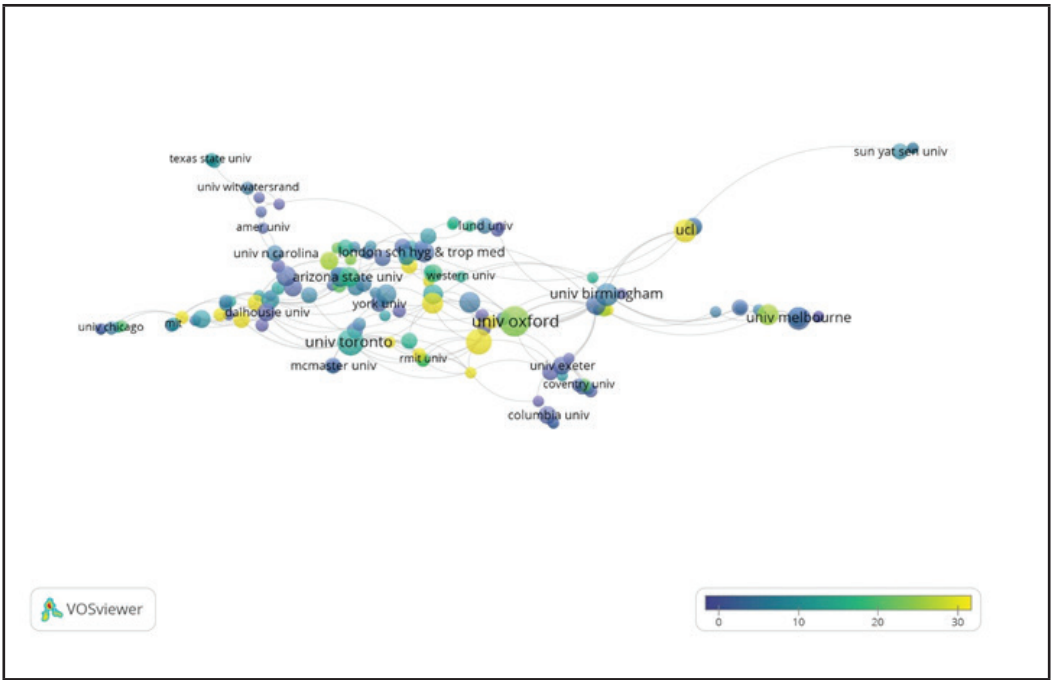


Fig. 4: Linkages Between Published Co-Authored Documents and Average Citations

Source: All Figures Derived by Author, 2022 from VOS Viewer Software 1.6.18

For total documents and average citations linking co-authorship, scattered grouping is visible with maximum number of works visible in Dalhousie University and University of Oxford.

CONCLUSIONS

It is insightful to check the research landscape through bibliometric study which is otherwise a huge database to access and interpret. Studies such as the current one show the direction of research and also help in interpreting it. Drawing conclusions on the basis of observations on the topic '*COVID-19 and Geography*', indicates that the developed nations have maximum contribution to the literature and a few developing nations are also major contributors. The contributions of USA and England dominate the numbers. This research has obviously begun after 2020, so the nature of literature is very relevant, concurrent, and dynamic. In terms of number of publications and number of institutions engaged in the field, it can be said that significant work has been carried on the topic in multiple forms across disciplines. For the topic, Public Health and Geography emerged as the maximum contributing disciplines which indicates that the dimensions of the disease have been examined in the medical field along with geographies. The institutes in terms of connections through co-authorship and co-occurrence of works indicate a scattered pattern. There are a number of institutions, however, engaged in the field. A few universities show clustering while many of them are scattered in terms of links, indicating independent works. While the COVID- 19 pandemic has acquired newer dimensions and works are ongoing, it would be further interesting and revealing what geographies of literature are created by research. The current study can help in supplementing these works in later stages as well.

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CORPORATE SOCIAL RESPONSIBILITY AND FINANCIAL INCLUSION: EVIDENCE FROM BANKING SECTOR IN NEPAL

Krishna Khanal*

ABSTRACT

Financial institutions are crucial in executing successful CSR programs within local communities, through substantial efforts that promote financial inclusion. The objective of this research is to build upon the extensive body of previous research studies by examining the relationship between corporate social responsibility expenditures and financial inclusion. To examine the relationship between CSR expenses and financial inclusion proxies, random-effect model is used. This model demonstrates that there is no influence of CSR initiatives of commercial banks on financial inclusion in case of Nepal. The research results indicate that the CSR expenditure does not lead to the expansion of ATMs and bank branches, proxies to financial inclusion. The results of this research directly challenge the existing literature that highlights the importance of these influencing factor. The findings indicate that the regulatory requirement for Corporate Social Responsibility (CSR), which mandates spending 1% of the net profit, has not been efficiently utilized. The study not only identifies this contradiction but also offers potential avenues for further research and practical implications for policymakers and banking professionals. The research findings can assist policymakers in crafting effective strategies that encourage banking institutions to view CSR in a different light when it comes to enhancing financial inclusion.

Keywords: Banking sector, corporate social responsibility, financial inclusion, non-performing loans.

INTRODUCTION

The past ten years have seen market instability due to the major global events including the early 2010s financial crisis, the COVID-19 pandemic, Russia's Ukraine invasion, and failures of Credit Suisse, Silicon Valley Bank, and Signature Bank. These occurrences have had serious economic, social, and emotional impacts on people and businesses (Buganda *et al.*, 2021). This vulnerability is of particular interest in banking sector as they hold a prominent

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position within a financial sector. Contemporary researchers believe that banking institutions are closely linked to communities and social networks by offering accessible and affordable financial services (Barman *et al.*, 2009; Cutcher, 2014). This underscores the importance of the connection between banks and the local communities they serve. Furthermore, it highlights the banks' obligations to the societies in which they function. The increasing focus on these responsibilities is apparent in the ongoing Corporate social responsibility efforts undertaken by banking organizations (Birindelli *et al.*, 2015).

Corporate social responsibility serves as a tool that can assist banks in enhancing financial inclusion. By offering access to unbanked adults, financial inclusion can foster human development, enabling individuals to actively engage with and utilize necessary financial products and services, thereby contributing to a nation's economic growth (Vo *et al.*, 2020). The relevance of financial inclusion lies in the current development theories which propose that enhanced financial inclusion can improve the lives of economically disadvantaged and marginalized individuals (Bhattacharyya *et al.*, 2021). Financial Inclusion (FI) denotes a system that guarantees simple access, presence, and utilization of formal financial services for every individual in an economy. It encompasses the provision of affordable financial solutions to the underprivileged and low-income sections of the population (Ullah, 2013). In light of this context, the present study seeks to examine the impact of CSR on financial inclusion within Nepal's banking industry.

LITERATURE REVIEW

CSR (corporate social responsibility)

Corporate Social Responsibility (CSR) represents a company's commitment to various stakeholders, adhering to the principles of stakeholder theory, which entails that the organization has a responsibility to consider the interests of diverse parties impacted by its activities (Freeman *et al.*, 2004). Much of the current research indicates that a key aspect of CSR practices involves the efforts of business management to address the valid and reasonable expectations of various stakeholders (Kumar & Tiwari, 2011). One example, Naseem *et al.* (2020) suggests is that a corporation can contribute to the growth of its local community by financing elements like roads, hospitals and schools.

Contemporary business leaders worldwide no longer perceive CSR as a compulsory or optional expense. They now recognize it as an investment yielding long-term advantages for the organization, such as increased profits, enhanced customer loyalty, trust, a favorable brand reputation, and the ability to counteract negative publicity (McDonald and Rundle-Thiele, 2008). Effective strategies for CSR should enhance both the financial and nonfinancial performance of a company thereby boosting its overall value (Schaltegger *et al.* 2019). CSR initiatives are gaining traction in Nepal, with a growing number of domestic companies focusing on and actively carrying out CSR programs in recent times.

Financial Inclusion (FI)

Financial inclusion (FI) encompasses the provision of relevant and affordable financial products and services to both individuals and businesses, addressing their needs for transactions,

payments, savings, loans, and insurance in a sustainable and responsible manner (Agudelo *et al.*, 2019). FI refers to the accessibility and utilization of official banking facilities, both essential components for individuals and businesses to be considered financially included (Hasan & Liu, 2022). It plays a crucial role in enhancing financial efficiency by fostering the growth of services that cater to diverse needs. Essentially, FI ensures that all members of society have equitable access, especially for the deprived ones, to financial services at reasonable costs (Gabor & Brooks 2017; Zhnag & Posso, 2019). FI has emerged as a crucial and inseparable aspect of economic development and has gained significant attention in recent times (Sarma, 2010; World bank, 2014). The range of financial services covers saving, lending, insurance, credit, and payments, with the goal of assisting people in overcoming poverty (Demirguc-Kunt *et al.*, 2018). One of the most important objectives of FI is to incorporate the marginalized population who are presently operating outside of the official, documented, monitored, and regulated system, into the authorized, visible, and secured financial system (Thorat, 2006; Lai *et al.*, 2020). Over time, it helps to create investment prospects, boost savings and investment, reinforce financial stability and effectiveness, promote capital movement, and foster greater economic expansion and progress (Park & Marcado, 2018). Enhanced FI allows companies to allocate sufficient funds for CSR initiatives, which in turn strengthen their public standing and image. This contributes to the overall improvement of a company's financial performance.

Promoting FI is a key goal for organizations within the financial sector. FI aids in narrowing the wealth gap between rich and poor and fosters social equilibrium (Raddatz, 2006). Beck *et al.* (2007) emphasize that FI allows individuals to utilize a broader range of financial services. Additionally, Han and Melecky (2013) state that FI serves as an instrument to financial stability, as increased bank deposits are predicted to strengthen the banking sector's stability. Consequently, FI plays a significant role in enhancing economic growth and alleviating poverty.

FI, or conversely, financial exclusion, is often discussed within the broader framework of social inclusion or exclusion in a society. Factors such as limited access, unfavorable terms, pricing issues, marketing strategies, or voluntary exclusion due to negative experiences or perceptions can contribute to financial exclusion. A financial system that promotes inclusion offers numerous advantages. Inclusive finance plays a crucial role in the overall financial system by enabling families and business owners to obtain affordable financial services and products. This not only promotes and strengthens the financial system, but also supports the achievement of seven simultaneous objectives within the framework of the sustainable development goals. FI promotes increased savings, which in turn boosts household expenditures and agricultural production. As a result, this inclusivity assists nations such as Nepal, where many people live below the poverty line, in alleviating poverty. Similar to numerous other developing nations, Nepal can utilize FI as a foundation not solely for expanding the financial sector, but also as a catalyst to promote inclusive economic growth. In Nepal, FI is a top priority on the national agenda, as a significant portion of the population remains outside the scope of the conventional financial system (NRB, 2022).

Banks utilize branches, ATMs, and point-of-sale (POS) locations to extend their customer reach, attract deposits, and provide services (Shihadeh *et al.* 2018). Banking services in

Nepal is experiencing rapid expansion, either through traditional branches or ATM facilities. Additionally, banks are increasingly inclined to open ATMs to reduce the burden on branches and as part of their cost-control efforts. According to Chatterjee (2020), the introduction of ATMs has empowered bank customers with greater autonomy in accessing their accounts. ATMs serve as a proxy measure for the ownership of accounts. ATM penetration rate indirectly reflects the rate of account penetration because financial institutions in Nepal typically provide customers with either a debit card or an ATM card linked to their accounts. The number of bank branches serves as another indicator of the extent to which financial institutions have spread within a country. This is because we can gauge the level of presence of financial institutions by examining the quantity of bank branches. Both branches and ATMs play a pivotal role in facilitating economic activity by offering convenient financial access to both borrowers and savers. Branch expansion is crucial for ensuring the sustainability of the banking system and reaching out to underserved populations (Maity & Sahu, 2019). Banks in Nepal provide a banking service without branches for clients who aren't able to access their physical locations. This enhances the availability of financial services for communities lacking traditional banking facilities. Authorized representatives conduct this service on behalf of the bank via a registered EFTPOS or Tablet device. Transactions, including withdrawals and payments, are securely conducted with online biometric fingerprint and card validation for each operation.

At the same time, number of employees in a commercial bank also has an influence on customer service, outreach, innovation and product development that helps in FI. Though higher number of bank employee can facilitate financial inclusion, it is important to note that it is not the sole determinant.

Several studies have explored the relationship between the leverage ratio and FI. Generally, higher leverage ratios tend to have a negative impact on FI. Excessive debt burdens can impede the ability of financial institutions to provide inclusive services, limiting access to credit, savings, insurance, and other financial products. This is particularly true for marginalized populations and individuals with limited resources or creditworthiness. A higher leverage ratio can constrain the lending capacity of financial institutions, making it more challenging to extend credit to underserved populations. It may also result in higher interest rates and stricter lending criteria, further excluding individuals and businesses with limited financial means. Additionally, higher leverage ratios can lead to increased financial risk and instability, potentially limiting the availability and affordability of financial services.

The relationship between the loan-to-deposit ratio and FI is complex and context-dependent. While a high loan-to-deposit ratio can indicate proactive lending for financial inclusion, careful management and regulatory oversight are necessary to ensure stability. Striking the right balance between lending activities, deposit mobilization, and risk management is essential for promoting inclusive access to credit and supporting economic growth.

When FI is low and a significant portion of the population lacks access to formal financial services, it can lead to various challenges. These challenges may include limited opportunities for saving, difficulties in obtaining credit, and a reliance on informal and often predatory lending sources. In such situations, individuals may resort to borrowing from unregulated or informal lenders, often at high interest rates. This can increase the risk of default on loans and

contribute to the formation of non-performing loans within the financial system. Improper usage of officially sanctioned loans contributes to the rise in bad loans, also known as non-performing loans (NPLs), which in turn fuels financial exclusion. For example, when a client uses a business loan for personal purposes, it limits their capacity to pay it back, leading to a defaulted or non-performing loan. In other words, the increase in NPLs due to financial ignorance negatively impacts financial inclusion. Conversely, when financial inclusion is improved and more people have access to formal financial services, it can contribute to reducing non-performing loans. Access to savings accounts, insurance, and affordable credit can enable individuals and businesses to manage their finances more effectively and reduce the likelihood of default. Additionally, improved financial literacy and financial education initiatives that often accompany efforts to enhance FI can help individuals make more informed financial decisions and better manage their debt obligations, further reducing the occurrence of non-performing loans.

The main goal of FI is to extend financial services to a wider user base, thereby bridging the gap between rich and poor. Given the operational similarities between the FI system and the banking sector, there could be potential risks leading to the occurrence of non-performing loans in commercial banks. Chen *et al.* (2018) found that in the case of China, FI had a positive effect on the rate of non-performing loans. Similarly, Ozili (2019) discovered that a well-functioning and steady financial system tends to increase the rate of NPLs.

When considered independently, these indicators offer limited and insufficient insights into the overall inclusiveness of the financial system. Relying solely on individual indicators can potentially result in misconceptions regarding the extent of financial inclusion within an economy (Sarma, 2016).

The Context of Nepal

Nepal shares borders with India on three sides and China to the north. Since 2015, it has been a Federal Democratic Republic, with inclusive growth playing a vital role in the nation's financial and macroeconomic stability. The Constitution of Nepal is founded on inclusiveness and federalism, which endorse FI, fair access to financial services, and the education, empowerment, and protection of financial consumers.

The establishment of Nepal Bank Limited in 1937, as the nation's first formal institution, and the founding of the Nepal Rastra Bank (NRB) in 1956, as the country's central bank, were groundbreaking efforts that enhanced financial access and inclusion in Nepal. The NRB Act of 1955 emphasized the expansion of bank branches throughout the country. After the restoration of democracy in 1989, Nepal embraced a more liberal economic and financial policy, paving the way for further opportunities for banks, financial institutions, and other industries. This liberalization attracted private sector investments in various economic and social sectors.

FI has long been a top policy priority in Nepal. The NRB and various donor agencies have historically worked together to improve access, literacy, and consumer protections. To enhance financial access, the NRB has implemented directives on privileged credits, including priority sector credits, productive sector credits, deprived sector credits, and interest-subsidized credits. Out of 753 local levels, commercial banks set up branches in 750 by mid-November

2021. Banking and Financial institutions (BFIs) are required to allocate five percent of their Corporate Social Responsibility Fund (CSR) to financial literacy training and programs, with a focus on women and socially marginalized groups. Over the years, Nepal has made remarkable progress in the proportion of adults having a bank account. According to the NRB report of 2021, approximately 67.3% of the population has access to banking services, and in 2019, formal insurance was accessible to around 26% of the population as opposed to just 11% in 2015. Nonetheless, possessing a bank account constitutes only one aspect of an all-encompassing financial system. A successful FI approach incorporates account ownership alongside other elements like accessibility to services, cost-effectiveness, engagement, and utilization of the financial system (Sarma and Paris, 2011).

Although the overall count of BFIs has dropped in the year 2023 due to successful merger and acquisitions, there has been a notable growth in the quantity of financial access points over time. The amount of bank branches, ATMs, and branchless banking centers has risen, expanding throughout all provinces and local areas. As of mid-July 2022, BFIs had established 11,528 branches in 752 out of 753 local regions (NRB, 2022).

In spite of all these achievements in FI, small enterprises and farmers in rural Nepal can only obtain financing at a steep price at the mercy of loan sharks. This elevated financial expense increases the likelihood of them becoming insolvent, particularly if they do not possess sufficient liquid assets to cover interest and principal repayments (Hess and Immenkötter, 2014). Loan sharking is rampant in rural villages of Nepal. Loan sharks in the southern plains districts have been exploiting vulnerable individuals by using a deceptive and unjust system called “*meterbyaj*” to calculate compound interest on loans. This has resulted in victims being burdened with exorbitant debt that is difficult to repay. Loan sharking is a complex issue, primarily originating from the financial exclusion faced by marginalized populations.

CSR and FI

Banks faced escalating scrutiny owing to a deficiency in ethical conduct and commitment to CSR (Rundle *et al.* 2021). The main goal of FI in relation to CSR is to make financial products and services available to those in need and improve the well-being of individuals who are excluded from the existing financial system. As a result, it is crucial for the formal banking sector to direct their CSR efforts towards economically vulnerable segments of society, enabling them to access financial products and services more easily. Prior research indicates that CSR initiatives by banking institutions can address various social and economic challenges, such as poverty, agricultural production, agricultural credit, income inequality, and unemployment (Swamy, 2014; Mader, 2018). In their study on India's rural economy, Binswanger and Khandker (1995) noted that FI through banks' social endeavors has contributed to poverty alleviation and decreased reliance on informal financial sources. Eastwood and Kohli (1999) discovered that CSR activities from financial institutions for FI programs had considerable potential to boost small-scale industrial output and help curb the growth of the informal economic sector, which is often exploitative. Companies that actively engage in CSR initiatives may be more likely to promote FI, as they tend to prioritize social and environmental concerns, including equal access to financial services.

Kim *et al.* (2018) investigates the connection between FI and economic growth. They use proxy measurements for FI, including the number of ATMs, bank branches, deposit accounts, and borrowers, and ultimately determine a positive correlation between FI and economic growth. In a separate study, Halder *et al.* (2016) analyzes the link between FI and corporate social responsibility (CSR) initiatives within the banking sector of Bangladesh. Their research indicates that commercial banks participate in a higher number of CSR activities and offer improved FI in comparison to banks owned by the government. Based on the above literature, following hypothesis is formed: CSR expenditures have significant and positive relationship on FI.

RESEARCH METHODOLOGY

The data, gathered from respective bank's annual reports for the period 2020 to 2022, included CSR spending and proxies to FI such as Bank branches and ATMs. The literature reviewed for this study indicates that corporate social responsibility (CSR) activities have an impact on financial inclusion. The expansion of bank branches is considered an effective measure to gauge the level of financial coverage and inclusion within a country. Therefore, the number of bank branches is taken as a dependent variable to assess improvements in financial inclusion. Additionally, the number of ATMs is suggested as another effective financial service that successfully includes previously excluded individuals in banking activities. Therefore, number of branches (NOB) and number of ATMs are two dependent variables used one after another as the proxies for financial inclusion. The total CSR expenses of the banks is used as an independent variable that might explain variances in the number of branches and ATMs, aiming to determine the influence of CSR on financial inclusion. Other control variables, such as loan to deposit ratio (LDR), leverage ratio (LR), non-performing loans (NPL) are also considered. The analysis of panel data is generally done using Pooled OLS regression, fixed effect model or random effect model based on data's heterogeneity. Breusch-Pagan Lagrange Multiplier (LM) test is used to check for the data's heterogeneity and to check autocorrelation we apply Breusch-Godfrey/Wooldridge test. Hausman test is used to guide model selection between Fixed Effect and Random Effect model.

FEM can have issues like high standard errors and multi-collinearity. REM, which assumes no correlation between individual effects and independent variables, is often more appropriate. In our analysis, the presence of heterogeneity excludes Pooled OLS Regression method. Hausman test suggest we should go for Random Effect Model.

The random effect model used in the study can be shown in the equation form as below:

$$\dots \dots \dots (i)$$

where,

and (in year)

In equation (i), is not constant across various banks and is assumed to be a random variable with a mean of where,

$$\dots \dots \dots (ii)$$

In above equation (ii)

= Intercept of bank and ε is a random error term that is distributed normally i.e., $\varepsilon \sim N(0, \sigma^2)$.

Now, combining equation (i) and (ii),

... .. (iii)

In equation (iii), ε can be replaced by η , where η is the cross-sectional random error and ε is the error. Thus, equation (iii) can be rewritten as

... .. (iv)

In a similar manner, we can present the random effect model with number of atm as dependent variable as below:

... .. (v)

Regression Analysis

Regression Analysis is done taking number of branches (Br) and number of ATMs (Atm) as dependent variable, CSR expenses as independent variable, and other variables (Leverage ratio, Loan to deposit ratio and NPL) as control variables using Random-effect model.

The results obtained from REM model for Number of branches and Number of ATM as dependent variable and CSR expenses as independent variable is presented below.

Branch ~ Csr + Lev + Ldr + Npl

Balanced Panel: n = 14, T = 3, N = 42

| Term | Estimate | Std.error | Statistic | P-value |
|-------------|----------|-----------|-----------|-----------|
| (Intercept) | 189.0075 | 89.64767 | 2.108336 | 0.035002* |
| Csr | -0.23246 | 0.289447 | -0.80312 | 0.421903 |
| Levr | 337.3728 | 157.9106 | 2.13648 | 0.03264* |
| Ldr | -10.2957 | 94.22327 | -0.10927 | 0.912989 |
| Npl | 8.187678 | 8.009046 | 1.022304 | 0.306637 |

Signif. codes: 0 '***' 0.001 '**' 0.01 '*' 0.05 '.' 0.1

R-Squared = 0.25177, Adj. R-Squared = 0.17088 and P-Value = 0.0143 *

Atm ~ Csr + Lev + Ldr + Npl

Balanced Panel: n = 14, T = 3, N = 42

| Term | Estimate | Std.error | Statistic | P-value |
|-------------|--------------|-------------|--------------|-------------|
| (Intercept) | 96.05860772 | 51.81272665 | 1.853957781 | 0.0637452 . |
| Csr | -0.204593432 | 0.153786844 | -1.330370188 | 0.18339633 |
| Levr | 77.25143922 | 84.21890289 | 0.917269598 | 0.35900138 |
| Ldr | 101.0173462 | 49.96900667 | 2.021600047 | 0.0432176 * |
| Npl | 1.98409962 | 4.340412086 | 0.457122407 | 0.64758306 |

Signif. codes: 0 '***' 0.001 '**' 0.01 '*' 0.05 '.' 0.1

R-Squared = 0.42351, Adj. R-Squared = 0.36119 and P-Value = 1.8264e-05 ***

RESULTS AND DISCUSSION

To understand the influence of CSR activities in FI, we have taken CSR expense as independent variable and major FI indicators such as number of branches and ATM as dependent variable. In the first equation, where number of branches were taken as dependent variable, CSR expenses as independent variable and other variable as control variables, the FEM model result shows no significance or strong evidence that CSR expenses might affect the number of branches or helps in increasing financial inclusion, after controlling other independent variables. Similarly, in second equation too, where number of ATM were taken as dependent variable and other variables remaining same, the results show no significant effect of CSR expenses on changes in other financial inclusion indicator ATM, after controlling other independent variables. The results are in line with a study done by Ibne Afzal *et al.*, (2023) which shows that CSR activities does not necessarily bring FI in all cases. These results are in contrast with the findings by Singh *et al.*, (2021) which states that CSR expenditures help in FI.

Although banks are engaged in CSR in Nepal, they would achieve greater CSR outcomes by strategically revising their core business vision. Without a clear CSR vision, funds might be spent on practices that offer minimal benefits to companies and society. Companies are failing to sufficiently focus on issues related to the community and development (Chapagain, 2020). One could make a case that the banks in Nepal are aiming to uphold their image in the eyes of the general public by participating in prominent, recognizable initiatives. But at the same time, their CSR initiatives seem to be primarily cosmetic, window dressing in nature, with little genuine influence on society. The government and Nepal Rastra Bank have a crucial role in fostering a CSR culture. They should spearhead initiatives, including creating forums for stakeholder dialogue. These fora can help align societal goals, such as poverty reduction and financial inclusion by involving all relevant parties. The government should also focus on CSR research, knowledge dissemination and incentivizing business through rewards for CSR initiatives. Ultimately, CSR suggests that private companies should behave like public entities. While CSR is increasingly being recognized as important in Nepal, it is still a relatively new concept and its practices can be inconsistent. Many businesses in Nepal are small to medium-sized, and their ability to engage in CSR can be limited by resources. Furthermore, there isn't a well-defined legal framework in Nepal, which also contributes to the inconsistent practice. However, the trend is towards increased CSR activity, especially among larger companies and multinational companies operating in Nepal.

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COVID-19 AND LOCKDOWN MEASURES IN INDIA

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ABSTRACT

The coronavirus (COVID-19) pandemic led to an unhealthy situation across the world. In 2020, the Government of India declared a national lockdown while the pandemic was in mild phase, whereas in 2021 COVID-19 was more stringent and decisions were taken by the State Governments. To prevent the pandemic, Governments started to apply bans under several social restrictions, whereas many lockdown policies were implemented by other nations to minimize the spread of this disease and bring it under control. Lockdown included isolation at homes, travel restrictions and termination of public events. These lockdowns were implemented in varying degrees and at different times across India, along with the safety protocols like maintaining social distancing, and use of proper hygiene, use of masks and so forth.

Keywords: Coronavirus, fatality rate, lockdown, pandemic, SARS-CoV-2, WHO.

INTRODUCTION

Coronavirus disease 2019 (COVID-19) is a contagious disease caused by severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2) with an incubation period of 1-14 days. Most of the people suffered with common mild symptoms like fever, cough, fatigue, loss of smell and taste but many others faced breathing difficulties, acute respiratory distress syndrome, multi-organ failure and death. Covid-19 is said to be mainly transmitted by droplet infection.^[1] The benchmark for its diagnosis is real-time reverse transcription polymerase chain reaction (RT-PCR) from a nasopharyngeal swab. Other test for diagnosis is Rapid antigen test (RAT) which is frequently used for mass screening of the disease.^[2] The current treatment includes

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general supportive care and symptomatic treatment. Many drugs like Hydroxychloroquine, Azithromycin, Favipiravir, Oseltamivir, steroids have been examined varying from case to case.^[3] The Food and Drug Administration (FDA) approved Remdesivir for the treatment of hospitalized patients, the drug which has been used on trial basis since the beginning of Covid-19 on October 22, 2020.^[4] The suppositions all over the scientific communities started arising, whether India was becoming the global hotspot for COVID-19 cases. The interesting part to note is the disparity in trend in various states of India. The total number of positive cases of COVID-19 in the country were 30 by March 5, 2020. These included three cases from Kerala, nine from Delhi and NCR, with travel history to Italy and Iran and their contacts, one from Telangana with history of travel to Dubai and Singapore contact, 16 Italians and one driver (Indian) who was with the Italian tourist group. By March 11, 2020, the total cases had reached 60. By 31st March, 1251 confirmed cases and 32 deaths had been reported all over India.^[5] Despite having among the most stringent lockdowns, cases in India continued to rise fast and steadily.

GLOBAL STATUS

India currently has the highest number of confirmed cases in Asian continent ^[6] and second-highest in the world, after United States of America. As on 8th August, 2023, total cases and deaths in five top countries are summarised in the Table 1 with minimal case fatality rate among these five countries. ^[7] The underlying data has been retrieved from the World health Organisation (WHO) Coronavirus Dashboard, which provides official daily counts of Covid-19 cases and deaths. The data is available in form of numerals, graphs, charts, curves which help the individuals to study the latest trends, numbers and statistics at global and regional levels and this type of data is known as secondary data and it is the data that has already been collected through primary sources and made readily available for researchers to use for their own research. According to the latest data released by the Ministry of Health and Family Welfare, India continues to occupy the top global position as the country with the maximum number of recoveries.^[8]

GENERAL MEASURES TAKEN PRIOR TO LOCKDOWN IN INDIA

The Ministry of Health and Family Welfare proclaimed the emergence of COVID-19 pandemic that was spreading across China first reported on January 17, 2020. By March 11, 2020, the World Health Organisation declared COVID-19 as a global pandemic.^[9] In Delhi, consequently on March 8, 2020 with three cases of COVID-19 in the state, the Department of Health and Family Welfare decided to carry out an awareness drive at various crowded places during the festival of Holi. Along with it, the Government also took several other steps to mitigate the spread of COVID-19 in the state.^[10] Maharashtra state Government took measures like preparing hospitals for screening and testing of patients and limit mass gathering given the highly contagious nature of the disease. In Kerala, following the first confirmed case involving a returnee from Wuhan, China, the initial responses by the state were targeted at identifying, and conducting risk-based categorisation of all passenger arrivals from China and others who had come in close contact with these travellers along with two more cases confirmed on February 2 and 3, the State Government declared a health emergency in the state. The Government of Tamil Nadu reported its first confirmed case of COVID-19 on March 7, 2020

and came out with a series of responses between January 19 and February 1, which included readying Rapid Response Teams (RRTs) at state and district levels, setting up of a 24/7 control room, thermal scanning of air travellers from China, creating isolation wards in the General Hospitals of four major cities, and running appropriate awareness campaigns. To prevent the spread of COVID-19, a complete lockdown of Andhra Pradesh (A.P.) till March 31 came into effect which was to facilitate a more aggressive action by the Government in exercise of its powers under Section 234 of Epidemic Diseases Act, 1897. The Government of Karnataka had issued an epidemic diseases Covid-19 regulation, to prevent the spread of the disease.

The Prime Minister asked the country to witness a Janta Curfew from 7 am to 9 pm on 22 March, 2020 which was followed by National lockdown from 25 March, 2020 to April 14, 2020 which later on extended till 3 May, 2020.^[11]

HEALTH MEASURES TAKEN PRIOR TO LOCKDOWN IN INDIA

Various health measures were taken by different State Governments in India. The Government of Delhi had requested the Central Government to surge and strengthen the testing facilities as well as opening of testing laboratories in four of the Government hospitals and other private hospitals. On March 24, 2020 the Government ordered the hospitals and institutions under the Department of Health and Family Welfare to engage up to 25% additional manpower in outsourced services such as sanitation, security, and nursing assistants.^[12] The Government of Maharashtra announced COVID-19 regulations to prevent and contain the spread of COVID-19 in the state which included screening of COVID-19 patients in hospitals, home quarantine for people who have travelled across the affected areas and procedures to be followed in the containment zones.^[13] In Kerala, revised guidelines for the clinical management of COVID-19 patients, covering testing, quarantine, hospital admission, and discharge, were issued.^[14] On March 13, the Governor of Tamil Nadu declared COVID-19 to be a notified disease in the state of Tamil Nadu, under the Tamil Nadu Public Health Act, 1939. The Government ordered the Tamil Nadu COVID-19 Regulations, 2020 which attributed the responsibilities of hospitals and individuals and the powers of officials in relation to the diagnosis, treatment, and containment of COVID-19.^[15] These included creation of isolation wards in hospitals, containment measures in an area once positive cases are detected. The State also initiated setting up of testing camps and conducting disinfection drives in the border districts. In Kerala and Tamil Nadu, foreign travellers, even if asymptomatic, were kept in isolation until their test reports became available. Guidelines for airport safety protocols were also issued for those who were entering and exiting the States. In Karnataka, all the hospitals, both Government and private were ordered to go for screening of the suspected cases of Covid-19 especially if they had history of foreign travel. No private laboratory was allowed to do any Covid-19 test, both the tests were to be done in the laboratory designated by the Department of Health and Family Welfare, Government of Karnataka.

HEALTH MEASURES DURING LOCKDOWN IN 2020 AND 2021

The National lockdown was announced by the Prime Minister of India on 22nd March, 2020. During lockdown, mobility of people for non-essential activities like shopping and outdoor exercises were restricted within the neighbourhood area limits with all necessary

prescribed mandatory precautions of wearing masks, social distancing and personal hygiene. The guidelines for workplaces were issued like work from home, organised workforce in staggered shifts, screening employees and maintaining hygiene at workplace and frequent sanitization at office premises. The Government's approach in dealing with the two waves has been different. The response to the second wave has been limited and driven by the States while in the first wave the country went for a national lockdown. This is attributed to the economic compulsions of the hard-hit Central Government and progressive spread of the virus. The second wave started in the west with Maharashtra, went up north and then peaked in the south of the country. This spread journey made a national lockdown economically suboptimal. During the second wave in 2021, State Executive committees of the above mentioned States issued directions for COVID-19 lockdown and safety protocols. The groceries, vegetable shops, markets, restaurants, cinema halls, theatres, amusement parks and auditoriums and other similar places were either closed or permitted to function with 50 per cent capacity and specified timings across the States in India. In all gatherings and congregations, including marriages, 50 and in funerals 20 participants were allowed to attend and all were directed to comply with covid protocols. Public transport was permitted with 50 per cent occupancy leaving alternate seats vacant and no standing allowed.

Delhi: In 2020, the Government made it compulsory for all people to follow COVID-19 safety precautions. The Government ordered all district magistrates to identify paid quarantine facilities in their respective districts for housing the people who would like to use private facilities on payment basis. The Government directed for the creation of the Corona Foot Warriors and Containment Team at every booth in Delhi. The Department of Health and Family Welfare set up a dedicated 24x7 WhatsApp number for receiving complaints and requests from the people related to COVID-19.

On, 19th April 2021, the Government of Delhi decided that the National Capital Region (NCR) will be under complete lockdown (six days) amidst a resurgence and record rise in coronavirus cases that had sternly stressed the city's resources and health infrastructure. Delhi recorded an increase of over 25,000 Covid-19 cases with a positivity rate of nearly 30 per cent, the highest since the beginning of the pandemic last year, according to a health bulletin from the administration.^[16] This means that almost every third sample being tested in the city turned out positive. The NCR Delhi also saw 161 people succumbing to the disease within only 24 hours, the health bulletin showed, with the chief minister flagging the spike as a major concern. In the year 2020, Delhi was under complete lockdown between March 22 and May 18 and after this, the capital reopened in stages. With such upscaling cases and mortality rates in the NCR, the situation seems to be worse as compared to the previous year. The hospitals were desperately short on beds, forcing the people with battling symptoms of COVID-19 to turn away. Hospitals were struggling to accommodate Covid-positive patients in Delhi and other badly hit cities such as Mumbai, Lucknow and Ahmedabad. Test results were also being delayed because of overwhelming demand which was leading to people not getting diagnosed and treated in time according to the doctors.

Maharashtra: On April 8, 2020 the city administration made it compulsory for all people to wear masks in public places.^[17] Before the extension announced by the Central Government,

the Maharashtra State Government increased the lockdown in the State till April 30. On May 31, the State Government had passed an order to extend the lockdown till June 30 and this lockdown has further been extended till July 31 as the state grappled to control the coronavirus pandemic.^[18]

In 2021, to curb the number of rising COVID-19 cases, the Government of Maharashtra announced stricter lockdown rules from April 5 to April 30, 2021. Eight out of the top 10 worst-affected districts nationwide were in Maharashtra, including Mumbai. The state announced a weekend lockdown as it witnessed an alarming rise in Covid cases over the past few weeks in April, with 63,294 cases being reported on April 11, the highest single day surge. Several cities including Mumbai, Pune and Nagpur has emerged as hotspots. The state executive committee issued directions for lockdown that remained in force throughout the State of Maharashtra from 20th April to 1st May, 2021.

Kerala: On March 26, 2020, Governor of Kerala, issued the Kerala Epidemic Diseases Ordinance, 2020 which empowered the State Government to accept necessary measures and specify regulations to counter the threat of an epidemic disease.^[19] Same day, the Government, on March 26, declared the entire state as COVID-19 affected. On March 24, the Government issued clinical guidelines for the investigation and treatment of COVID-19 cases and a week later, a simplified matrix for quarantine and testing was released. In July 2021, a large local group of cases was identified at the Kumarichantha fish market in Thiruvananthapuram. While in 2020, COVID-19 had mainly affected northern Kerala, this time it was much severe in Thiruvananthapuram district. On April 2, 2020 Tamil Nadu Government released a list of designated COVID-19 hospitals in the state and instructions were issued to refer all COVID-19 positive cases exclusively to these designated hospitals.^[20] However, willing citizens were also permitted to approach private hospitals, at their own cost. Amidst a rise in the number of cases, the Government issued instructions to avoid all kinds of religious gatherings, hospitals to not show religious bias in treating patients, and doctors to coordinate with the Government and check in on the mental health of quarantined patients via video conferencing facilities. The Government issued cluster containment measures to cease the transmission, morbidity, and mortality associated with the further spread of COVID-19.^[21] Various guidelines were issued towards treatment protocol of COVID-19 positive patients, appropriate management of suspect cases of COVID-19 dead body management, criteria for classification of hotspots and protocol for use of Rapid Antibody Tests in hotspot areas.

Tamil Nadu: In 2021, in a bid to curtail the spread of COVID-19, the Government of Tamil Nadu announced a complete lockdown for four cities- Chennai, Coimbatore and Madurai from April 26 to 29 to stop the spread of coronavirus.

Andhra Pradesh: In 2020, the individuals in the State, were requested to maintain a distance of at least two meters and any gathering of more than 10 persons were prohibited. Instructions were issued to set up a 100-bed quarantine facility in each Assembly constituency. Besides, a 200-300 bed tertiary care treatment centre was to be set up in each district headquarters. With a swift rise in COVID-19 cases in 2021, the Andhra Pradesh Government decided to impose a partial lockdown for 14 days across the State starting from 5 May, 2021. Government of Andhra Pradesh has put a lot of emphasis on focused testing, contact tracing,

isolating the contacts, treating the positive and taking up vaccination of all eligible persons to contain the covid-19. Government have reviewed in detail the Covid-19 situation in various districts and the preparedness of the administration to handle the rise in cases.

Karnataka: The Government of Karnataka has increase and testing and treatment facilities in the state. On April 11, 2020 the Government issued a circular advising all citizens and health care officials to download, promote and use Aarogya Setu application on their mobile phones to enhance contact tracing of infected persons. The mobile application is designed to give alerts if an infected person comes within the proximity of the person who has installed the application on their phones using Bluetooth and GPS technology.

As coronavirus cases continued to ascend despite imposing lockdown-like measures across the State, Karnataka Government on April 21, 2021 directed all his cabinet colleagues and ministers to work more proactively in the districts that they are in charge of, to check the spread of the deadly disease. On April 21, the cases in Karnataka reported another biggest single day spike of 23,558 new COVID-19 cases and 116 related fatalities, taking the total caseload to 12.22 lakh and the toll to 13,762, till the aforementioned date.

The first wave of COVID-19 hit the country mildly, and the lockdown measures in 2020 were more stringent and stricter as it was a national lockdown, and many economic activities were banned. Thus, it had a major impact on the economy and the lives of the people. In comparison, in 2021, though the disease was much more in severity but the lockdown measures were taken by the State Governments. It has been two years since the COVID-19 pandemic left huge imprint on human culture and made us realize the power of mother nature. In India, after the first wave, it was thought that situation was under control but the second wave exposed how people required basic necessities such as oxygen and medical supplies.

As on 8th August, 2023, the Government has made 2,20,67,55,904 total vaccination doses number of people vaccinated and it's the ethical and moral duty of citizens of India to take necessary precautions and follow protocols to prevent the COVID-19 transmission so that we enter in a pre-covid era.

Table: Comparison of Different Countries -Total cases, Total deaths and Fatality rate (as on 8th August 2023)

| S No. | Name of the country | Total Number of Cases (cumulative) | Total number of Deaths (cumulative) |
|-------|--------------------------------|------------------------------------|-------------------------------------|
| 1 | United States of America (USA) | 103,436,829 | 1,127,152 |
| 2 | India | 44,995,665 | 531,917 |
| 3 | Brazil | 37,717,062 | 704,659 |
| 4 | Russia | 22,977,274 | 399,854 |
| 5 | France | 38,997,490 | 167,985 |

(Source: WHO Dashboard)

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CHILD CENTRIC DISASTER RISK REDUCTION

Dr. Kumar Raka*

Balu I.**

ABSTRACT

This study was commissioned to analyze the impact of child-centric disaster risk reduction (CCDRR) training programmes among the participants in India. Simple random sampling method was used in this study. This study was conducted in pan India covering 80 respondents from each state and Union Territory. The training has improved the level of knowledge of participants irrespective of gender and had high impact among the transgender. The study also found that there is a significant association between departments, and knowledge on child-centric disaster risk reduction.

Keywords: Child-Centric, Disaster Management, Risk Reduction, Training.

INTRODUCTION

Children are physically vulnerable to both man-made and natural disaster events due to their dependency on adults. However, the abilities and creativity of older children and adolescents are an asset in disaster risk management. Disasters not only disrupt children's routine life but they may also result in missing school days and slow academic progress, reduced social opportunities, and exacerbating exposure to various life stressors. It is essential to focus on the protection of children by adopting effective risk mitigation measures.

Children in hazard-prone areas in our country are twice as likely to be living in chronic poverty and thrice as likely to become impoverished according to a major new study by the Overseas Development Institute (ODI). Children's experience of climate and natural hazard-related disasters vary depending on the context in which they are living with the poorest of poor being very likely to be affected. Disasters and climate hazards are affecting children and adolescents in multiple ways, directly through injury or impact on poverty or individual

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deprivation and indirectly through the implications on essential services and systems central to the well-being and long-term development of children.

REVIEW OF LITERATURE

Disasters have an uneven impact on the poor in developing countries, especially affecting the most vulnerable sections of the population. Young children, especially differently abled children, are less well equipped to deal with deprivation and stress due to their particular physical and psychosocial character (Bartlett, 2008, Cutter, 1995, and Peek, 2008). These leave children particularly vulnerable to the effects of disasters. In the late 1990s, the number of children affected by disasters was huge (estimated at 66.5 million per year). The impact of climate change is projected to increase this to as many as 175 million per year in the forthcoming decade.

Children constitute “an extremely huge percentage of those who are most vulnerable and the effects, especially for the youngest children, can be long term. If speculations about the impacts of climate change on children fail to take into account the particular vulnerabilities and capacities of children at different ages, gender, ability measures for prevention, mitigation, and adaptation, it may prove to be insufficient in critical ways and may even result in additional stresses for young children”(Bartlett, 2008). Foster (1995) stated that children from landless households in disaster affected areas experienced a significant deterioration of their health and nutritional status, which the author attributes in part to credit market imperfections.

The incidence of child malnutrition increased more than three times among households that were more exposed to heavy rainfall during the hurricane Mitch in Nicaragua in late 1998 (Baez and Santos, 2007). To reduce the disaster risk on children, awareness among the stakeholders on child-centric disaster risk reduction is essential. Since child-centric disaster risk reduction is a new concept, much literature about awareness on child-centric disaster risk reduction is not available.

MATERIALS AND METHODS

The Child Centric Disaster Risk Reduction (CCDRR) Centre was established by National Institute of Disaster Management (NIDM), Ministry of Home Affairs, Government of India in collaboration with United Nations International Children’s Emergency Fund (UNICEF) to focus on children related issues in disaster and emergencies. During 2019-2021, the CCDRR Centre has organized 25 face- to -face training programmes and 77 online training programmes covering 2069 and 32232 participants respectively. These programmes covered the participants from 28 States and 8 Union Territories. The participants were from department of Health, Education, Revenue, Women & Child Welfare, Panchayati Raj & Rural Development, first responders, civil society organizations and among youth.

SAMPLING

This study was conducted to find the impact of child centric disaster risk reduction Trainings on knowledge about child centric disaster risk reduction among the stakeholders in India. Before the training programme pre-training evaluation test was conducted with all the participants of face-to- face training and online training through google form. Among the 34301 participants, about 80 participants were selected from each states by adopting simple

random sampling method and the post-training evaluation google form were sent through e-mail. After regular follow up, the post-training evaluation test data has been collected from the participants for this study.

The respondents were from all the states and UTs of India. Total sample size for the study is 2880. About 44 percent respondents were female, 55.6 percent of respondents were male and 0.6 percent of respondents, Transgender. The study has covered respondents from department of Health, Education, Revenue, Women & Child Welfare, Panchayati Raj & Rural Development, first responders, civil society organizations and youth. Department-wise number of respondents are given below.

Table 1: Department- wise Sample Size

| Department | Frequency | Percent |
|-----------------------|-----------|---------|
| Health | 279 | 10 |
| Education | 620 | 22 |
| Revenue | 334 | 12 |
| Women & Child Welfare | 233 | 8 |
| Panchayati Raj & RD | 353 | 12 |
| First Responder | 328 | 11 |
| Civil Society | 175 | 6 |
| Youth | 558 | 19 |
| Total | 2880 | 100 |

FINDINGS OF THE STUDY

The child centric disaster risk reduction training programme has covered five broader areas i.e., basic concepts of disaster risk management, child rights and disaster risk reduction, disaster impact on children, vulnerability and capacity of children and Child-Centric Disaster Risk Reduction. The findings of the study are also presented on the same.

PREVIEW OF BASIC CONCEPTS OF DISASTER MANAGEMENT

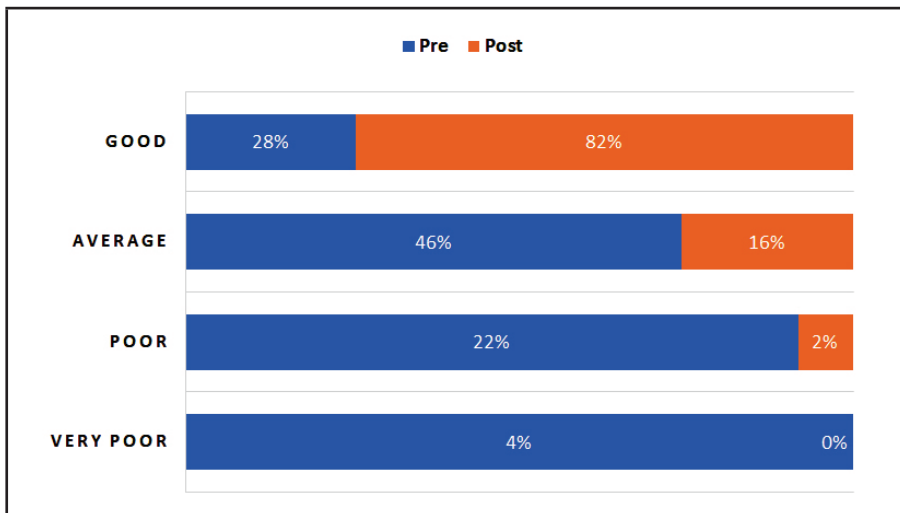
Basic concept of disaster risk management is a one of the important modules in this training programme. Data reveals that prior to participating in this training, about 8 percent of respondents were having very poor knowledge on basic concept of disaster management and post -training evaluation reveal that every trainee gained some knowledge on basic concept of disaster management. Before the training, only 12 percent of participants were having good knowledge on basic concept of disaster management and the post-test evaluation shows that 79 percent of the participants were having good knowledge on basic concept of disaster management. It is evident that the percent of participants having very poor knowledge of basic concept of disaster management became null and the percent of participants having very poor knowledge on basic concept of disaster management increased. (Bilal, Sidra-UI-Mutahi, and Anees, 2017). The study also revealed about awareness on disaster plan and mock drill. Comparatively, the students have good awareness than government officers.

Table 2: Level of knowledge on Basic Concepts of Disaster Management

| Level of Knowledge | Frequency | | Percent | |
|--------------------|-----------|---------|---------|---------|
| | (Pre-) | (Post-) | (Pre-) | (Post-) |
| Very Poor | 224 | 0 | 8 | 0 |
| Poor | 1012 | 79 | 35 | 3 |
| Average | 1298 | 532 | 45 | 18 |
| Good | 346 | 2269 | 12 | 79 |
| Total | 2880 | 2880 | 100 | 100 |

KNOWLEDGE ON CHILD RIGHTS AND DISASTER RISK

It is observed from Table 2 that percent of participants having very poor knowledge on child rights and disaster risk reduction decreased from 4% to 0%. Similarly, percent of participants having poor knowledge on child rights and disaster risk reduction decreased from 22 % to 2 %. The percentage of participants having good knowledge on child rights and disaster risk reduction increased from 28 % to 82 %. It shows that the training improved the level of knowledge of participants on child rights and disaster risk reduction.

**Figure 1: Level of Knowledge on Child Rights and Disaster Risk Reduction**

KNOWLEDGE ON DISASTER IMPACT ON CHILDREN

It is evident from that table that percentage of participants having very poor knowledge on disaster impact on children decreased from 11 % to 0 %. Similarly, percentage of participants having poor knowledge on disaster impact on children decreased from 33 % to 1 %. The percentage of participants having good knowledge on disaster impact on children increased from 19 % to 88 %. It shows how training improved the level of knowledge of participants on disaster impact on children. Not much studies have been conducted on awareness about

disaster impacts on children. Though, a study on affected parents' and other stakeholders' perception of a fire disaster management in India (a situational analysis) was conducted by Sujata Satapathy and Ajinder Walia in 2007.

Table 3: Level of Knowledge on Disaster Impact on Children

| Level of Knowledge | Frequency | | Percent | |
|--------------------|-----------|---------|---------|---------|
| | (Pre-) | (Post-) | (Pre-) | (Post-) |
| Very Poor | 306 | 0 | 11 | 0 |
| Poor | 957 | 26 | 33 | 1 |
| Average | 1067 | 322 | 37 | 11 |
| Good | 550 | 2532 | 19 | 88 |
| Total | 2880 | 2880 | 100 | 100 |

CASE STUDY 1: SMART SCHOOL BELL

Mr.A.V. Raja Gopal from Zilla Parishad High School Chettuplalli, Anakappali District of Andhra Pradesh attended the training programme on child centric disaster risk reduction organized by CCDRR Centre in association with State Council of Educational Research and Training during 2021. After attending this training programme he guided his student to make smart school bell.

In most of the government schools, they use iron rod for ringing the bell. The same was the practice in Zilla Parishad High School, Chettuplalli. Usually the iron rod is hung on the school. When the students play they use to hit and get injury. After attending this training, Mr. A.V. Raja Gopal realised the issue and motivated his students to come up with solution.

A boy, Mahendra who was studying in seventh standard got idea to develop mobile app for automatic electric bell while watching a TV advertisement showing how an air conditioner works automatically. He shared his idea with his teacher Mr.A.V. Raja Gopal. The teacher encouraged him to further actualize the idea. The boy developed a mobile app and purchased an electric bell with the support of School Management committee. Now the school operates with Smart school bell which rings automatically. This initiative has ensured the safety of the school children.

KNOWLEDGE ON VULNERABILITY AND CAPACITY OF CHILDREN

Reducing the vulnerability and increasing the capacity of children is an important module in this training programme. It is revealed from the Table 3 that before the training 11 % and 40 % of participants were having very poor and poor knowledge on vulnerability and the capacity of children respectively and this training reduced the percentage of participants having very poor knowledge on vulnerability and the capacity of children from 11 % to 0 %. Similarly there was reduction in the percentage of participants having poor knowledge on vulnerability and the capacity of children from 40 % to 3%. The percentage of participants having good knowledge on vulnerability and the capacity of children increased from 3% to 82 %. It shows how training improved the knowledge of participants on vulnerability and the capacity of children. There is limited evidence on how hazard vulnerability capacity analysis tools help disaster managers to

consider and address the risks and vulnerabilities. These are more prominent in urban contexts (Wigg, Maclure, Masson, V, and Gliozzo, 2018). The tools discussed in this study can help the stakeholders to gain knowledge on vulnerability and capacity of children.

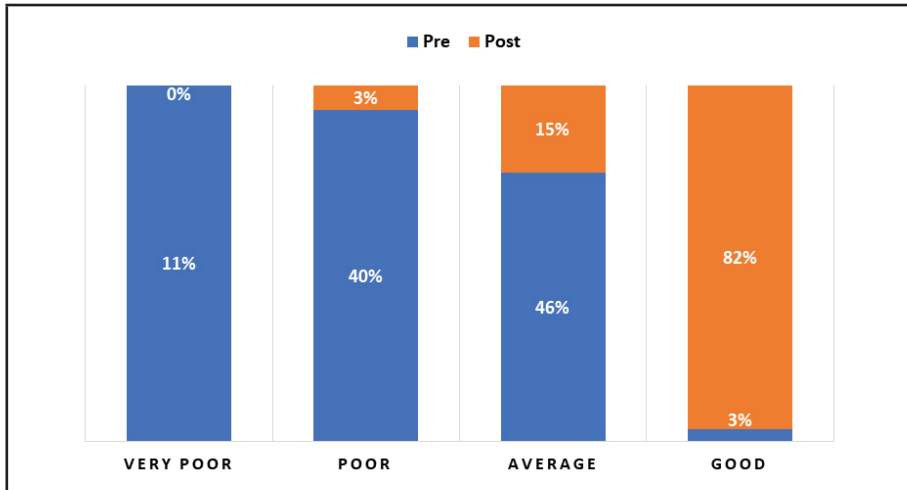


Figure 2 : Level of Knowledge on Vulnerability and Capacity of Children

KNOWLEDGE ON CHILD CENTRIC DISASTER RISK REDUCTION

It is seen from Table 4 that percent of participants having very poor knowledge on child centric disaster risk reduction decreased from 5 % to 0%. Similarly, percentage of participants having poor knowledge on child centric disaster risk reduction decreased from 27 % to 2%. The percentage of participants having good knowledge on child centric disaster risk reduction increased from 16% to 81 %. It shows that the training has improved the knowledge of participants on child centric disaster risk reduction. In most disasters, around a third or half of the deaths are that of children. Disasters affect children more disproportionately than adults, especially those from impoverished backgrounds in the long term (Kousky, 2016). Vulnerability of children is expected to increase as the intensity and frequency of natural disasters rise but the level of awareness about child centric disaster risk reduction among the stakeholders is not satisfactory and need national level concentration.

Table 4: Level of Knowledge on Child Centric Disaster Risk Reduction

| Level of Knowledge | Frequency | | Percent | |
|--------------------|-----------|---------|---------|---------|
| | (Pre-) | (Post-) | (Pre-) | (Post-) |
| Very Poor | 144 | 0 | 5 | 0 |
| Poor | 777 | 66 | 27 | 2 |
| Average | 1506 | 476 | 52 | 17 |
| Good | 453 | 2338 | 16 | 81 |
| Total | 2880 | 2880 | 100 | 100 |

STATE/UT -WISE IMPACT OF TRAINING ON KNOWLEDGE ON CCDRR

The States/UT -wise knowledge of participant on Child-Centric Disaster Risk Reduction is presented in the chart. It is observed from the chart that before the training programme, participants from Chandigarh (7.3), Andaman & Nicobar island (7.5), Delhi (7.5), Jharkhand (7.6) Chhattisgarh (7.7) were among bottom five states having less mean score for knowledge on Child- Centric Disaster Risk Reduction. Andhra Pradesh, Tamil Nadu (9.3) Bihar (9.0) Assam, Dadar & Nagar Haveli, Jammu & Kashmir, Meghalaya, Sikkim, Uttarakhand (8.9) were among top States/UTs having high mean score for knowledge on Child -Centric Disaster Risk Reduction.

It is observed from the Table that after attending the training programme, means score been increased for the participants in following manners: Uttarakhand (8.9 to 14.4), Tamil Nadu (9.3 to 14.3), Sikkim (8.9 to 14.3) Punjab (9.2 to 14.3) Odisha (9.1 to 14.3), Dadar & Nagar Haveli (8.9 to 14.3), Bihar (9.0 to 14.3). These States/UTs became tops states having high mean score. After the training programmes participants from Chhattisgarh (7.7 to 13.5) Andaman & Nicobar island (7.5 to 13.6), Chandigarh (7.3 to 13.6) Goa (7.3 to 13.6) were at the bottom four State/UT having less mean score but their mean score also increased from seven to above 13. The chart shows how after attending the training programme, knowledge of participants from all the State/UTs improved.

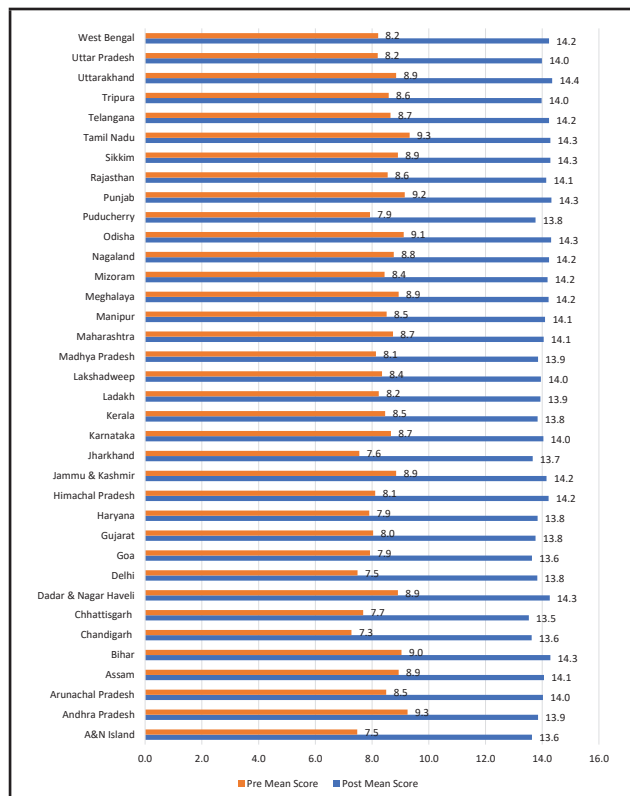


Figure 3: State/UT- wise Mean Score for Knowledge on CCDRR (pre- and post- training)

CASE STUDY 2 : ENGAGING CHILDREN DURING COVID-19 RESPONSE

Integrated Centre for Disaster Management (ICDM) is South India based Non-government organisation. Professionals from ICDM participated in the CCDRR trainings. Though they were doing DRR activities but CCDRR was new to them. They have decided to include engaging children in Disaster Risk Reduction as one of the component of their centre. They motivated large number of children to involve in Covid -19 response.

Mr.Prajesh from Tiruchirappalli district of Tamil Nadu who was studying in ninth standard is associated with ICDM and he got motivation from the ICDM and got involved in Covid-19 response. During Covid-19, he was involved in creating awareness, making home-made mask, distribution of mask and sanitiser to the vulnerable people.

GENDER-WISE IMPACT

It is revealed from the chart that the post-training evaluation of mean score of male increased from 8.6 to 14, followed by the mean score of female increased from 8.2 to 13.9 and the mean score of transgender increased from 8.8 to 14.2. It is observed from the chart that the training improved the level of knowledge of all gender and had high impact among the transgender.

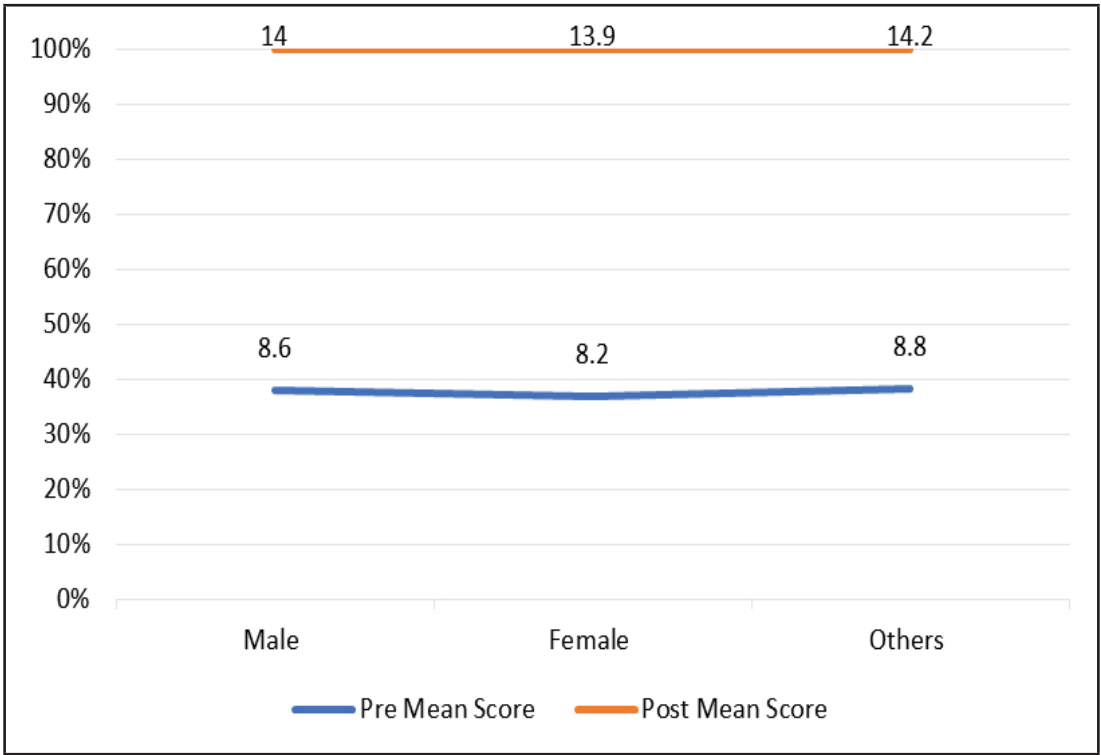


Figure 4: Gender- wise Mean Score for Knowledge on CCDRR (pre- and post- training)

DEPARTMENT-WISE IMPACT

It is observed from the table that before attending the training the participants from department of women and child welfare and Panchayat Raj & Rural Development are top two departments having knowledge about child centric disaster risk reduction and their mean score is 8.9 and 8.8 respectively. Participants from Civil society organisation, Youth, Education are the bottom two departments having knowledge about child centric disaster risk reduction and their mean score is 7.9 and 8.1 respectively. After the training the mean score of participants from Health, First responder, revenue, Women & child welfare, Panchayat raj & Rural development are increased to 14 and above. The mean score of participants from education, youth and civil society organisation are increased above 13. It is evident from the table that the knowledge of participants from various department were improved.

Table 5: Department- wise Mean Score for Knowledge on CCDRR (pre- and post- training)

| Department | Mean Score | |
|-----------------------|------------|-------|
| | Pre- | Post- |
| Health | 8.5 | 14.0 |
| Education | 8.1 | 13.9 |
| Revenue | 8.6 | 14.1 |
| Women & Child Welfare | 8.9 | 14.2 |
| Panchayati & RD | 8.8 | 14.2 |
| First Responder | 8.5 | 14.0 |
| Civil Society | 7.9 | 13.6 |
| Youth | 8.1 | 13.9 |

AGE GROUP- WISE IMPACT

It is revealed from the chart that the post training evaluation mean score of participants from the age group below 30 increased from 8.5 to 14.0. Similarly, the mean score of participants from the age group 30-40 is increased from 8.6 to 14.1. It was followed by the mean score of participants from the age group 41-50 which increased from 8.4 to 14.0. The mean score of participants from the age above 51 also increased from 8.1 to 13.9. It shows how the training has improved the knowledge on Child- Centric Disaster Risk Reduction among the participants of all age groups.

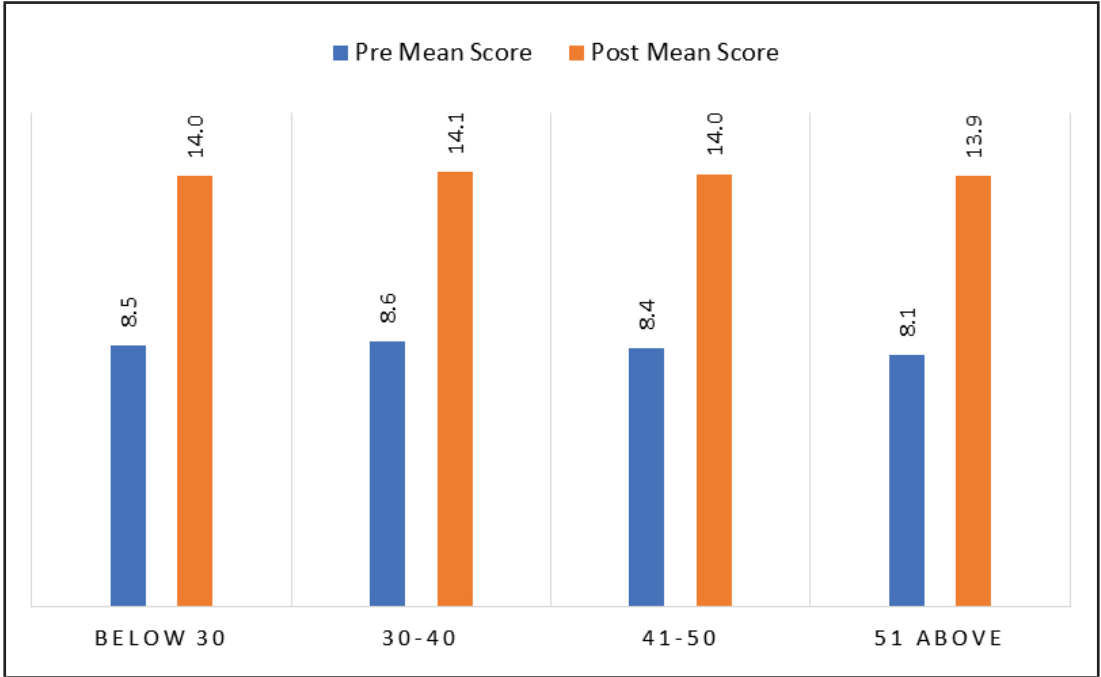


Figure 5: Age Group- wise Mean Score for Kno pre and post training (pre- and post- Training)

ASSOCIATION OF SELECTED INDEPENDENT VARIABLES WITH THE POST-TRAINING KNOWLEDGE ON CCDRR

State/UTs

The table reveals that the calculated chi square value (25.571) is lesser than the tabulated value leading a null hypothesis. “There is no association between State/UTs and impact on knowledge on CCDRR is accepted”. It means that there is no significant association between State/UTs and impact on knowledge on CCDRR.

Gender

The data shows that the calculated value of chi square value (5.715) is lesser than the tabulated value leading a null hypothesis. “There is no association between gender and impact on knowledge on CCDRR is accepted”. It means that there is no significant association between impact on knowledge on CCDRR.

Department

The Table reveals that the calculated chi square value (71.050) is higher than the tabulated value leading a null hypothesis. “There is no association between the department and impact on knowledge on CCDRR is rejected”. It means that there is a significant association between department and impact on knowledge on CCDRR.

Table 6: Association of Selected Independent Variables with the Impact on Knowledge on CCDRR among the Participants.

| S. No | Independent variables | Chi-square (X ²) |
|---|-----------------------|------------------------------|
| 1 | States | 25.571 |
| 2 | Gender | 5.715 |
| 3 | Department | 71.050** |
| 4 | Age | 31.463 |
| **. Correlation is significant at the 0.01 level of probability | | |
| *. Correlation is significant at the 0.05 level of probability | | |

Age

The data shows that the calculated value of chi square value (31.463) is lower than the tabulated value leading a null hypothesis. “There is no association between the age and impact on knowledge on CCDRR is accepted”. It means that there is no significant association between age and impact on knowledge on CCDRR.

CONCLUSION

The present study found that the percentage of participants having very poor knowledge on Child -Centric Disaster Risk Reduction decreased from 5 % to 0 %. Similarly, percentage of participants having poor knowledge on Child -Centric Disaster Risk Reduction decreased from 27 % to 2%. The percentage of participants having good knowledge on Child -Centric Disaster Risk Reduction increased from 16 % to 81 %. After attending the training programme, knowledge of participants from all the State/UTs improved. The training improved the level of knowledge of all gender and had high impact among the transgender. Post-training evaluation of mean score of participants from Ministry of Health, First responder, Department of Revenue, Women & Child Welfare, Panchayati Raj & Rural Development significantly increased. The study also found that there is a significant association between departments, and knowledge on child- centric disaster risk reduction.

The National Disaster Management Authority (NDMA), National Institute of Disaster Management (NIDM), and Administrative Training Institutes should focus more on conducting training programmes for Child -Centric Disaster Risk Reduction of the stakeholders to improve their awareness thereby helping to reduce the vulnerability of children. The Ministry of Health, Education, Revenue, Women and Child welfare, Panchayati Raj and Rural Development should ensure that all their officers are attending the training programme on Child -Centric Disaster Risk Reduction.

ACKNOWLEDGEMENT

This study was conducted with the participants of the training programme on Child -Centric Disaster Risk Reduction organized by the National Institute of Disaster Management and supported by United Nations International Children’s Emergency Fund (UNICEF). We extend our gratitude to Professor Santosh Kumar for his support and valuable guidance.

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GREEN SYNTHESIS OF Cu-DOPED ZINC NANO FERRITE MATERIALS USING *Moringa Oleifera* LEAVES

Komal Yadav*, Gulzar Ahmed**,
H.S. Chauhan***

ABSTRACT

Nanotechnology is an interdisciplinary area of research developing new nanoscale structures and examining their properties by altering the particle size, morphology and distribution. Nano-ferrites have numerous applications in the field of biomedical, sensors, electronics, data and memory storage and many more due to its unique and novel properties. Present work focuses on the rapid, eco-friendly, inexpensive green synthesis over regular chemical routes for the preparation of most applicable ferrite nanoparticles. In this paper we show how we have prepared the Copper doped zinc ferrites nanoparticles $\text{Cu}_x\text{Zn}_{1-x}\text{Fe}_2\text{O}_4$ (where $x = 0.6$ and 0.7) by green route method. *Moringa oleifera* extract (MOE) was used as a reducing and stabilizing agent for green route synthesis of ferrite nanoparticles. Their structural properties are characterized using X-ray diffraction (XRD). Dislocation density and strain were calculated by XRD analysis. The samples prepared shows crystalline nature and measure in nano range. The particle size of $\text{Cu}_{0.6}\text{Zn}_{0.4}\text{Fe}_2\text{O}_4$ sample was 9.11nm-20.96nm and for $\text{Cu}_{0.7}\text{Zn}_{0.3}\text{Fe}_2\text{O}_4$ sample particle size was 10.92nm-15.41nm.

Keywords: Green route synthesis; ferrites, *Moringa oleifera*, nanoparticles, XRD.

INTRODUCTION

Magnetic nanoparticles are of vast technological importance due to their promising application as biosensors, biomedical, magnetic fluids, microwave absorbers, rechargeable lithium-ion batteries, and high-density data storage [1]. Spinel nanomaterials ferrites (SNF) are regarded as one of the most important inorganic nanomaterials because of their improved fundamental and unique properties [2, 3]. The physical and chemical properties of spinel

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ferrites are different from their corresponding bulk materials due to their higher surface-to-volume ratio.

Magnetic nanomaterials have attracted attention due to their potential applications as high-density magnetic recording media, catalysts, and microwave absorbers. In the biomedical field, they are used in targeted drug delivery system, as biosensors in cancer treatment methods, and even in magnetic resonance imaging [4, 5].

There are several techniques used for producing nanomaterials. To prepare SNF, various synthesizing methods have been reported, including *in situ* precipitation method, high-energy ball milling, reduction roasting, hydrothermal technique, advanced combustion route, co-precipitation, solvo thermal method, ultrasonic cavitations, microwave-assisted synthesis, thermal plasma, micro-emulsion method, combustion front quenching method, sol-gel auto combustion method, chemical precipitation method, self-propagating low-temperature combustion method, auto combustion technique, and traditional method, etc. [6,7]. However, some of the above methods faced problems like non-uniform particle size and containing impurities, which impose further advancement in the achievement of the products. The present trend in nanotechnology is to improve the synthesis methods of nanoparticles to make them more efficient, simple, clean, and eco-friendly. The synthesis of nanoparticles via “green” approach allows for obtaining nanoparticles with specified sizes and improved morphology. Green” synthesis prevents pollution during initial stages of chemical processes. These new “green” technologies can radically reduce environmental pollution and risk to human health. [8, 9].

Green syntheses of nanoparticles also provide advantages over other methods, as they are simple, single-step, cost-effective, eco-friendly and relatively reproducible and often results in more stable materials [10, 11]. The techniques for obtaining nanoparticles using naturally occurring reagents such as sugars, biodegradable polymers, plant extracts, and micro-organisms as reducing and capping agents can be considered attractive for nanotechnology [12, 13]. Recently, plant extracts of marigold flower, *Abutilon indium*, *Solanum tricobatum*, *Ziziphora tenuior*, Indian coral, mango steen, beetroot, *Ocimum tenuiflorum*, olive, Malabar neem, chamomile, clove extract, etc were used for the synthesis of NPs [14]. *Moringa oleifera* plant contain several phytochemical compounds in its natural extract such as retinol, niacin, gallic acid, ellagic acid, myricetin, chlorogenic acid, caffeic acid etc. [15-16].

In the present study we prepare $\text{Cu}_x\text{Zn}_{1-x}\text{Fe}_2\text{O}_4$ (where $x = 0.6$ and 0.7) by the means of green route synthesis. We use moringa extract as a reducing, capping, stabilizing agent due to its easy availability and unique properties.

EXPERIMENTAL SETUP

Materials:

All of the chemical reagents were of analytical grade and were used without further purification before use. Distilled water was used as a solvent. *Moringa oleifera* extract was used as reducing, capping and stabilizing agent.

Plant collection and identification:

Moringa oleifera is also known as drumstick tree or *sahjan* tree (in Hindi). Height of tree is 10 – 12 m. Diameter ranges to ~45 cm, Young shoots are purplish (or) greenish white. It is usually grown in arid, semi-arid, tropical and sub-tropical region. For the present study plant leaves were collected from Mewar University campus, Chittorgarh which lies in between 25°01'58.6"N and 74°38'08.7"E and brought to the laboratory for further processing. Figure 1.1 shows the *Moringa oleifera* tree.

Identification: *Moringa oleifera* plant identification was done by the Department of Life Science of Mewar University, Chittorgarh.



Figure1.1: picture of *Moringa oleifera* tree

Preparation of Plant Extract:

For the preparation of leaf extract, fresh leaves were collected in a beaker and washed several times with water to remove the dust and finally with double distilled water. 10 g washed leaves were crushed in 100 ml double distilled water. After grinding the aqueous extract was taken in 250 ml beaker and boiled for 10 min at 80°C temperature. The plant extract was allowed to cool at room temperature and then filtered with filter paper. The extract was collected and stored at 4°C. This extract was used as a stabilizing, capping and reducing agents [17]. Figure 1.2 shows the flow chart of preparation of MOE as below-

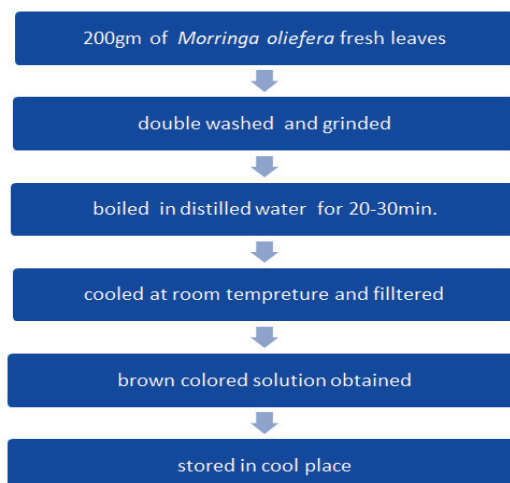


Figure1.2: flow chart of preparation of *Moringa oleifera* extract

Preparation of $\text{Cu}_x\text{Zn}_{1-x}\text{Fe}_2\text{O}_4$ ($x=0.6$ and 0.7) Nanoparticles:

For preparing the $\text{Cu}_x\text{Zn}_{1-x}\text{Fe}_2\text{O}_4$ ($x=0.6$ and 0.7) nanoparticles, ratio of Copper sulphate penta- hydrate ($\text{CuSO}_4 \cdot 5\text{H}_2\text{O}$) (0.1N), Zinc sulphate hepta- hydrate ($\text{ZnSO}_4 \cdot 7\text{H}_2\text{O}$) (0.1N) and Ferrous sulphate hepta- hydrate ($\text{FeSO}_4 \cdot 7\text{H}_2\text{O}$) (0.1N) were calculated and fixed as given in the Table1.

Table 1: Concentration of Chemical to Obtained Final Product

| Sample | $\text{CuSO}_4 \cdot 5\text{H}_2\text{O}$ (ml) | $\text{ZnSO}_4 \cdot 7\text{H}_2\text{O}$ (ml) | $\text{FeSO}_4 \cdot 7\text{H}_2\text{O}$ (ml) | MOE (ml) |
|--------------|--|--|--|----------|
| 1($x=0.6$) | 80 | 53.3 | 266.7 | 80 |
| 2($x=0.7$) | 93.3 | 40 | 266.7 | 80 |

In the next step the precursors as prescribed in the above table were mixed with continued stirring at temperature 80°C for 20-30 minutes. After that MOE was introduced in the solution as a capping and reducing agent. 20 ml of NaOH (0.1N) drop by drop was introduced into the solution to maintain the pH of the solution. Then precipitate was separated with filter paper.

Purification of Cu doped Zinc ferrites nanoparticles:

For further purification of filtered samples were washed with distilled water and air dried. To remove volatile impurities samples were heated at 150°C in an oven for 4 hours. After that, samples were grinded and sintered at 400°C for 4 hours.

Samples were again grinded to make fine powder and further characterization was done to confirm the nano range of the extracted samples.

Characterization of Cu -doped Zinc nano ferrites:

X- Ray Diffraction Analysis: X-ray diffraction is one of the analytical techniques used for materials characterization. XRD patterns were recorded on Philips PW 3050/10 model. The sample was recorded on a Philips X-Pert MMP diffractometer. The diffractometer was controlled and operated by a PC computer with the programs profit and used a $\text{CuK}\alpha$ (source with wavelength 1.5406 \AA , operating with Mo-tube radiation at 50 kV and 40 mA).

Results and Discussions

X- Ray Diffraction: $\text{Cu}_x\text{Zn}_{1-x}\text{Fe}_2\text{O}_4$ ($x=0.6$ and 0.7) nanoparticles has been prepared by green route synthesis using MO plant extract. Obtained nanoparticles were characterized by X-ray diffractometer (XRD) in the range of $20-80^\circ$ with a scanning step of 0.05° . Figure 2 shows XRD diffraction patterns for sample a) $\text{Cu}_{0.6}\text{Zn}_{0.4}\text{Fe}_2\text{O}_4$ and (b) $\text{Cu}_{0.7}\text{Zn}_{0.3}\text{Fe}_2\text{O}_4$.

To determine the particle size and phase morphology of prepared ferrite samples, XRD technique was used with angle 2θ range $20^\circ \text{ C} - 80^\circ \text{ C}$. Particle size of the ferrite samples calculated by the help of Scherer's equation [19]

$$D = \frac{k\lambda}{\beta \cos \theta} \quad (1)$$

D- Particle size (nm) (grain size)

K- Dimension less shape factor - 0.94

λ – X-ray wavelength of Cu $k\alpha$ radiation of the source which is 1.51418Å

β – Full wave half maxima (FWHM)

Θ - Bragg’s angle (in radian)

Dislocation density (δ) = $\frac{1}{D^2}$ (2)

Strain (ϵ) = $\frac{\beta}{4\tan\theta}$ (3)

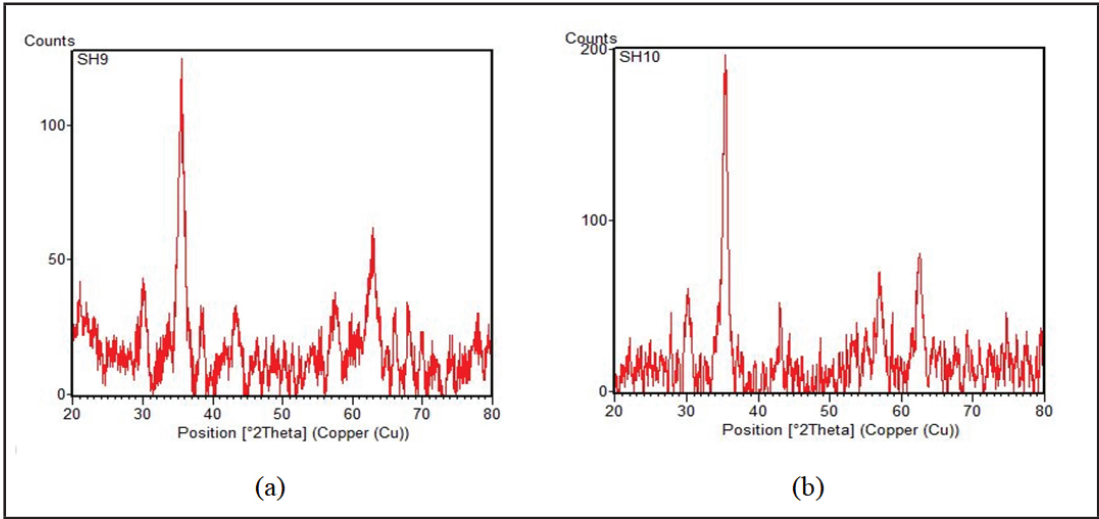


Figure 2: XRD diagram (a) $\text{Cu}_{0.6}\text{Zn}_{0.4}\text{Fe}_2\text{O}_4$ and (b) $\text{Cu}_{0.7}\text{Zn}_{0.3}\text{Fe}_2\text{O}_4$

As shown in the XRD diagram above (Fig-2), peaks were well defined and smooth. This shows that both the sample [$\text{Cu}_{0.6}\text{Zn}_{0.4}\text{Fe}_2\text{O}_4$ (Fig 2(a)) and $\text{Cu}_{0.7}\text{Zn}_{0.3}\text{Fe}_2\text{O}_4$ (Fig1 (b))] were crystalline in nature.

By the help of Scherrer equation [19] particle size (D), dislocation density (δ) and strain (ϵ) were calculated for both samples ($\text{Cu}_{0.6}\text{Zn}_{0.4}\text{Fe}_2\text{O}_4$ and $\text{Cu}_{0.7}\text{Zn}_{0.3}\text{Fe}_2\text{O}_4$) which are represented in the Table 2.1 and 2.2 respectively.

Table 2.1: XRD data analysis of $\text{Cu}_{0.6}\text{Zn}_{0.4}\text{Fe}_2\text{O}_4$

| S. N. | 2 Θ (radian) | FWHM (radian) | D(nm) | Dislocation Density | Strain |
|-------|---------------------|---------------|----------|---------------------|----------|
| 1. | 30.2828 | 0.944 | 9.114386 | 0.012038 | 0.015222 |
| 2. | 35.63 | 0.629 | 13.86891 | 0.05199 | 0.008541 |
| 3. | 43.48541 | 0.6297 | 14.19926 | 0.00496 | 0.00689 |
| 4. | 65.995 | 0.47232 | 20.96475 | 0.002275 | 0.003174 |

Table 2.2: XRD data analysis of $\text{Cu}_{0.7}\text{Zn}_{0.3}\text{Fe}_2\text{O}_4$

| S. N. | 2 θ | FWHM | D(nm) | DISSLOCATION DENSITY | STRAIN |
|-------|------------|--------|----------|----------------------|----------|
| | 30.258 | 0.7872 | 10.92921 | 0.008372 | 0.012705 |
| | 35.45 | 0.6297 | 13.84652 | 0.005216 | 0.008596 |
| | 43.0712 | 0.6296 | 14.18117 | 0.004973 | 0.006961 |
| | 56.94 | 0.6297 | 15.00316 | 0.004443 | 0.005067 |
| | 62.4 | 0.697 | 15.41873 | 0.004206 | 0.004537 |

Table 2.1 and 2.2 shows the XRD data analysis of $\text{Cu}_{0.6}\text{Zn}_{0.4}\text{Fe}_2\text{O}_4$ and $\text{Cu}_{0.7}\text{Zn}_{0.3}\text{Fe}_2\text{O}_4$ respectively. Calculation shows that the samples are in nano range. Table 2.1 signifies that the particle size of $\text{Cu}_{0.6}\text{Zn}_{0.4}\text{Fe}_2\text{O}_4$ sample is in the range of 9.11nm to 20.96nm. In Table 2.2 particle size of $\text{Cu}_{0.7}\text{Zn}_{0.3}\text{Fe}_2\text{O}_4$ sample is in range of 10.92 nm to 15.41nm is identified and calculated. XRD data analysis shows that as particle size increases dislocation density. It signifies that strength of material increases[19].

The result clearly shows that both the sample were in the nano range and crystalline in nature.

CONCLUSION

$\text{Cu}_{0.6}\text{Zn}_{0.4}\text{Fe}_2\text{O}_4$ and $\text{Cu}_{0.7}\text{Zn}_{0.3}\text{Fe}_2\text{O}_4$ SNF were successfully prepared by the help of green route synthesis method. XRD data shows that the average particle size of prepared nanoparticles was in nanometer range. The particle size of $\text{Cu}_{0.6}\text{Zn}_{0.4}\text{Fe}_2\text{O}_4$ sample was 9.11nm-20.96nm and for $\text{Cu}_{0.7}\text{Zn}_{0.3}\text{Fe}_2\text{O}_4$ sample particle size was 10.92nm-15.41nm. This study shows that the green route synthesis of ferrites nanoparticles allows not only obtaining the nanoparticles but also it enhances the structural properties of the material. It is very easy technique with low cost and efficient with no harmful effect on the environment.

The nanoparticles obtained using this technology are having applications in optoelectronic, photo catalytic and pharmaceutical fields. Cu doped Zn nano ferrites find application in designing transformers, transducers, and inductors. Ferrites are also used in magnetic fluids, sensors, and biosensors. Cu doped Zinc ferrites are also used in EM wave absorber, in MRI systems. Apart from these advantages, they play a vital role in practical appliances like mobile, laptops, mobile chargers, refrigerators, washing machines, microwave ovens, printers, and so on.

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LAW AND MORALITY: CONSTITUTIONAL MORALITY VS. PUBLIC MORALITY

Nidhi Ngaihoih*

ABSTRACT

All across the world, the democratization process is deepening. This has brought to the fore the rights of diverse minority groups vis-à-vis the dominant moral norms espoused by the majority community. Judiciary has to adjudicate the practice of liberty, equality, dignity, and justice among diverse communities. While legal and moral norms were undifferentiated at the early stage of civilization, increasingly the two have diverged after the secularization of law during the modern period. In recent decades, the judiciary world across has been propounding new dimensions to the idea of Constitutional morality as different from any public morality. This is applied to rescue the diverse cultural practices from discrimination and homogenization by a dominant public morality, particularly with regard to gender rights. In India, the concept was first referred to during the making of the Constitution itself by the Chairman of the Drafting Committee. After the judgment of the High Court of Delhi in the Naz Foundation case (2009) which decriminalized homosexuality between adults in private, by upholding the primacy of Constitutional morality above public morality, a fierce debate has ensued among jurists and opinion makers. Though the apex court has upheld the primacy of constitutional morality as of now, the fate of the principle depends on the final verdict of the larger nine-judge Bench of the Apex Court in the Sabarimala case.

The paper examines the debate over the relationship between legal and moral and further situates the evolution of the concept of the primacy of Constitutional morality over public morality in India.

Keywords: Derrida, Dworkin, Habermas, Jurisprudence, Kelsen, Kesavananda Bharati, majoritarianism, morality, Naz Foundation, Navtez Singh Johar, public order, Sabarimala.

INTRODUCTION

To properly describe the relation of law to morals has been a long philosophical issue. Law was humanized during the advent of the modern period i.e. law has to be based upon the foundation of human nature and not something ordained by god or revealed scripture. What should be the proper balance between justice, security and morals gained significance in

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jurisprudence. Roscoe Pound, a University Professor at Harvard University, aptly summed up this dilemma in making rules of law. He writes:

*“...in the making of rules of law and finding grounds of decision, in interpreting rules, in applying rules and grounds of decision, and in exercise of discretion in the judicial and in the administrative process, there are three things to be regarded: (1) justice, the ideal relation between men; (2) morals, the ideal development of individual character; and (3) security. These three have to be kept in balance. The answer to the proposition that there is here an irreducible antinomy is that we cannot ignore any one of them and we cannot proceed on the basis of any one of them at the expense of the others.”*¹

Nineteenth-century German jurist Caspar Rudolph Ritter von Jhering exclaimed that the distinction between the moral and the legal norm was the *Cape Horn of the scientific study of law*.² Jhering commented that the “juristic navigator who would overcome its perils ran no little risk of fatal shipwreck”.³ Jhering showed in his foundational work on jurisprudence that the root of this difficulty lay in the very vocabulary of juristic and ethical terms. He showed the poverty of terms for “law” to carry many meanings. On the other side, there was in German an abundance of words of different degrees of ethical connotation with meanings not always clearly differentiated. The words indeed have polysemic nature as French philosopher Jacques Derrida has shown in his deconstruction approach. Apart from that, the social usage and variety of contexts bring the issue of hermeneutic instability. Jhering used certain terms and their treatment exposed how the linguistic examination is as untrustworthy as the philosophical examination of the two concepts of *moral* and *legal*.⁴ In the English language, the terms morality, and morals are not thoroughly distinguished in general usage.

The first person to systemically approach the problem of the distinction between law and morality was Christian Thomasius (1655-1728). Thomasius was a German jurist and he is credited to have desacralized law. He explained how human reason was able to know the precepts of natural law without the aid of scripture. He differentiated between the legal and moral spheres. Thomasius uses the term *perfect obligations* for legal obligations and the term *imperfect obligations* for moral ones because they are not coercible.⁵ Thus there was the marginalization of a religious basis in legal theory and its decoupling from theology.

Another stream of thinking that looked upon law as separate from morals constituting an independent normative order was also in vogue in Europe. This group looked upon law as a construction in itself. Legal only correlates with the State and has no moral underpinning. This was propounded by German Idealist philosopher George Wilhelm Hegel (1770-1831) for whom the State is the march of God on earth. Hegel saw State in absolute terms. European jurists like Hans Kelsen followed the Hegelian line and argued that the norms of law have their own existence and self-validity beyond any relationship that could be established with morality. It can be termed in Indic phrases as “*swayambhu*” - self-generated.

Kelsen (1881-1973), explicitly rejected the theory according to which law would represent a moral minimum by its own nature, because this implies the existence of absolute morality or at least a content common to all positive systems. Kelsen’s “Pure Theory” demands the separation of law from morality. Therefore, Kelsen tries to offer an ideal form of legal

statements, which are distinguishable from morality.⁶

Until one discerns the subtle difference between morality and morals, one may miss a way to properly situate morality in the legal and social sphere. Roscoe Pound advises using “morality” for a body of accepted conduct and “morals” for systems of precepts to conduct organized by principles as ideal systems.⁷ Thus, morality is this-worldly, while morals are ideal and utopian. One may state that conventional morality would be a body of conduct approved by the custom or habit of the group of which the individual is a member. Hindu morality would be conducted and approved by Hindus in accordance with the day the principles of *Dharma Shastras*. Confucian morality would be conduct approved by Confucius’s *Analects*. Similarly, Islamic morality would be conduct approved by the Quran and Sharia. Thus, morality would not be an ideal but an actual system. Jurists place “morality” as “positive” while “morals” as “natural,” i.e. according to an ideal not necessarily practiced nor backed by social practices. Therefore, Systems of “morals” are ideals for the morality of the time and place.

German philosopher Jurgen Habermas distinguishes morality and legality. He differentiates moral norms – norms regulating interpersonal relationships and conflicts between natural persons who are supposed to recognize one another as both members of a concrete community and irreplaceable individuals – from legal norms – norms regulating interpersonal relationships and conflicts between actors who recognize one another as consociates in an abstract community first produced by legal norms themselves.⁸

Habermas’ argument in favor of reconciling these two axiological structures is simple. The contemporary states are territorially defined groups of individuals and communities organized through legitimately binding legal norms. To be legitimate, these norms should stem from discursive democratic practice and the law-making procedure, not from particular ethics. It is common knowledge that for most modern states (except for colonial states, occupied territories, and semi-sovereign territories), the principal source of legitimacy is a constitution. Hence, if we follow his argumentation, the legality and legitimacy of basic constitutional norms are those that ultimately matter, although morality often plays an unquestionable role in their formation.⁹

RESEARCH METHODOLOGY

Research Hypothesis

The research assumes that morality mentioned in the Constitution of India is not societal morality, but constitutional morality which includes inter alia, liberty, equality, and inclusiveness.

Research Questions

1. What are the brief stages in the evolution of the relationship between law & morals?
2. What are the given concepts of public morality, morality, and morals in the Indian Constitution?
3. How was the genesis of the concept of constitutional morality initiated?
4. How has the judgments of the Naz Foundation, Navtez Singh Johar, and the Sabrimala case shaped these concepts?

Research Methodology

The research will follow the qualitative, doctoral method of study and will focus on the various articles, judgments, and constitutional debates from reliable sources available over the internet. The study of various academic writings available on online databases like JSTOR will also be undertaken. The statutory provisions will be accessed through legal databases like SCC Online.

Literature Review

Ananya Chakravarti¹⁰ deliberates upon several recent judgments on cases like the opening of Sabrimala temple for women of all ages; decriminalizing of Section 377 of the Indian Penal Code (1860) and has argued that constitutional morality is not limited only to following the constitutional provisions but a commitment to the inclusive and democratic political process in which both individual and collective interests are satisfied. It encompasses ensuring constitutional values like rule of law, social justice, individual freedom, judicial independence, sovereignty, etc. She has also analyzed the writings of legal luminaries like Upendra Baxi, Subhash Kashyap, and Pratap Bhanu Mehta and showed emerging consensus that constitutional morality cannot be trumped by social morality and it is only constitutional morality that can be allowed to permeate into the rule of law. Social morality cannot be used to violate the fundamental rights of even a single individual, for the foundation of constitutional morality rests upon the recognition of diversity that pervades the society.

The paper traces the evolution of the concept of morality in Indian Constitution since the Constituent Assembly debates and encompasses diverse aspects of the theme.

Brief Stages in Evolution of Relationship between Law & Morals

In the early stage of the western legal tradition, morality is much more advanced than law. At the beginning of Roman law, matters like good faith in transactions, keeping promises, and performing agreements, are left to *fas* (faith) or *boni mores* (good morals) rather than to *ius* (law). In the early stage of Anglo-Saxon law, there was no law of contracts. During the medieval period, the Church enforced informal contracts. Then, the law began to crystallize with definite and certain rules.¹¹

Roscoe Pound has formulated four stages in the development of the law with respect to morality and morals. First, is the stage of undifferentiated ethical customs, customs of popular action, religion, and law, which jurists would call the pre-legal stage. During those times, Law was undifferentiated from morality. Second, is the stage of strict law, codified or crystallized custom, which in time is outstripped by morality and does not possess sufficient power of growth to keep abreast? Third, there is a stage of infusion of morality into the law and of reshaping it by morals; this is the stage of equity and natural law. Fourth, there is the stage of conscious law-making, the maturity of law, in which it is emphasized that morals and morality are for the lawmaker and that law alone is for the judge.¹²

Nineteenth-century analytical views of the relation of law and morals were strongly influenced by the assumption of the separation of powers as fundamental for juristic thinking, not merely a constitutional device. Accordingly, assuming an exact, logically defined separation of

powers, the analytical jurist contended that law and morals were distinct and unrelated and that he was concerned only with law.¹³ John Austin (1790-1859), “Father of English Jurisprudence” puts “*Law is the aggregate of rules set by men as politically superior, or sovereign, to men as politically subject.*” He attributes command, sanction, duty, and sovereignty as the four essential attributes of positive law. Austin distinguishes positive law from positive moralities which are devoid of any legal sanction and identifies law with command duty and sanction. Austin’s positive law emphasizes the separation of law from morals. Austin attempted to establish a science of jurisprudence separated from ethics, wherein the former is concerned with positive law irrespective of goodness or badness.

Public Morality, Morality, and Morals in the Indian Constitution

Indian Constitution was framed by stalwarts who had exposure to western jurisprudence and who also struggled to establish a modern political system based on principles of equality, liberty, and justice in India. It appears interesting to find that there has not been much debate on the usage of the terms moral, morality, and public morality in the Indian Constitution. Only by a proper understanding of these terms, one can properly situate the evolving concept of constitutional morality in India.

On 13th December 1946, the Constituent Assembly of India met in the Constitution Hall, New Delhi, wherein Pandit Jawaharlal Nehru moved the Resolution on the aims and objectives of the Constituent Assembly. Nehru stated, “The Resolution defines our aims, describes an outline of the plan and points the way which we are going to tread.”¹⁴ Thereupon he begged to move:

“(1) This Constituent Assembly declares its firm and solemn resolve to proclaim India as an Independent Sovereign Republic and to draw up for her future governance a Constitution;

(5) WHEREIN shall be guaranteed and secured to all the people of India justice, social, economic and political; equality of status, of opportunity, and before the law; freedom of thought, expression, belief, faith worship, vocation, association and action, subject to law and public morality; and....”¹⁵

Clearly, in resolution contained the term, “*public morality*” as a constraint to right to liberties. When the Constitution was finally adopted, the term, “*public morality*” did not appear in the Constitution. In the Constitution, “*Morality*” has been a term used four times, while the term “*moral*” has been used only once. The term “*public*” was delinked from “*public morality*” and placed with the “*public order*”. Let us see the first usage of the term in the chapter on Fundamental Rights.

Under Article 19 on the Right to Freedom of speech, it is given as follows:

“19. Protection of certain rights regarding freedom of speech, etc. — (1) All citizens shall have the right—

Article 19 [(2) Nothing in sub-clause (a) of clause (1) shall affect the operation of any existing law, or prevent the State from making any law, in so far as such law imposes reasonable restrictions on the exercise of the right conferred by the said sub-clause in the interests of 4 [the sovereignty and integrity of India], the security of the State, friendly

*relations with foreign States, public order, decency or **morality**, or in relation to contempt of court, defamation or incitement to an offence.]”¹⁶*

This proviso (2) was substituted by the Constitution (First Amendment) Act, 1951, s. 3, for cl. (2) (with retrospective effect). Here, we see how “morality” has been singled out and separated from “public order” and “decency”.

Again, Article 19(4) uses the term “*public order or **morality***”, as reasonable restrictions on the exercise of the right conferred by the said sub-clause. Under the right to freedom of religion, freedom of conscience, and free profession, practice, and propagation of religion the restriction on the right is subject to “*public order, **morality**, and health and to the other provisions of this Part*”, all persons are equally entitled to freedom of conscience and the right freely to profess, practice and propagate religion. Article 26 on the freedom to manage religious affairs is again subject to “*public order, **morality** and health*”.

Clearly, Indian lawmakers separate public order from morality as well as decency from morality. There is no concept of aggregated “public morality” in the Indian constitution. Then, we use the term “moral” in the chapter on Directive Principles of State Policy. In Article 39 it was added vide the Constitution (Forty-second Amendment) Act, 1976, w.e.f. 3-1-1977:

*“(f) children are given opportunities and facilities to develop in a healthy manner and in conditions of freedom and dignity and that childhood and youth are protected against exploitation and against **moral** and material abandonment.”¹⁷*

Thus, while the term “morality” has been used with respect to restrictions on enforceable Fundamental Rights, term “moral” has been used in the chapter on the non-enforceable Directive Principles. “Morality” is in the sense of actual, while ‘moral’ is in the sense of the ideal.

Genesis of Concept of Constitutional Morality

We have seen how the concept of “public morality” was part of the aims and objectives of the Constitution Assembly, only later to get truncated in the final form of the Constitution. The concept of Constitutional morality in India has its genesis in the making of the Constitution itself. On 4 November 1948, while Introducing and moving the Draft Constitution before the Constituent Assembly, Dr B.R. Ambedkar cited the British historian, George Grote [1794 – 1871, noted for his 12 volume work on history of ancient Greece (volumes composed during 1846-1856)] who stated:

“...Grote, the historian of Greece, has said that:

“The diffusion of constitutional morality, not merely among the majority of any community but throughout the whole, is the indispensable condition of a government at once free and peaceable; since even any powerful and obstinate minority may render the working of a free institution impracticable, without being strong enough to conquer ascendancy for themselves.”¹⁸

This was the first usage of the term in the making of Indian Constitution. Ambedkar himself clarifies what he meant by constitutional morality.

“..By constitutional morality Grote meant “a paramount reverence for the forms of the Constitution, enforcing obedience to authority acting under and within these forms yet combined with the habit of open speech, of action subject only to definite legal control, and unrestrained censure of those very authorities as to all their public acts combined too with a perfect confidence in the bosom of every citizen amidst the bitterness of party contest that the forms of the Constitution will not be less sacred in the eyes of his opponents than in his own.”¹⁹

But, Ambedkar also cautioned that the Constitution could get perverted without having the spirit of the Constitution. That spirit is to be protected by people who are saturated with constitutional morality. In fact, Ambedkar lamented that India still is essentially undemocratic and that constitutional morality is not a natural sentiment among Indians. Ambedkar spoke the following words:

“..While everybody recognizes the necessity of the diffusion of Constitutional morality for the peaceful working of a democratic Constitution, there are two things interconnected with it which are not, unfortunately, generally recognized. One is that the form of administration has a close connection with the form of the Constitution. The form of the administration must be appropriate to and in the same sense as the form of the Constitution. The other is that it is perfectly possible to pervert the Constitution, without changing its form by merely changing the form of the administration and to make it inconsistent and opposed to the spirit of the Constitution. It follows that it is only where people are saturated with Constitutional morality such as the one described by Grote the historian that one can take the risk of omitting from the Constitution details of administration and leaving it for the Legislature to prescribe them. The question is, can we presume such a diffusion of Constitutional morality? Constitutional morality is not a natural sentiment. It has to be cultivated. We must realize that our people have yet to learn it. Democracy in India is only a top-dressing on an Indian soil, which is essentially undemocratic.”²⁰

Ambedkar was trying to conduct a moral reading of the Constitution. This is the concept fully elaborated by American jurist Ronald Dworkin in the 1990s. Dworkin wrote in his essay, *The Moral Reading of Constitution* (1996)²¹ that “we all—judges, lawyers, citizens—interpret and apply these abstract clauses on the understanding that they invoke moral principles about political decency and justice. The moral reading brings political morality into the heart of constitutional law. But political morality is inherently uncertain and controversial, so any system of government that makes such principles part of its law must decide whose interpretation and understanding will be authoritative.”²² Dworkin shows that In the American system judges—ultimately the justices of the Supreme Court—now have that authority.²³

He further developed the theme into a fully-fledged book, *Freedom’s Law: The Moral Reading of the American Constitution*”²⁴ and defended how based on the moral reading of the Constitution, is in fact the best account of what democracy really is.

Jürgen Habermas’s idea of constitutional patriotism, where citizens of a political community create a collective identity not on parochial lines like language or ethnicity or culture, but rather through democratic deliberation about the interpretation and institutionalization of

constitutional principles.²⁵

Such concepts have lately influenced a select few judges in the Indian higher judiciary, who view themselves as someone conducting the moral reading of the Constitution. Let us see how the Constitutional Morality (CM) concept has been behind several landmark judgments in India in recent years.

Judicial Making of Constitutional Morality in India

Though, the concept of basic structure and Constitutional Morality was used by the Constitutional Bench while deciding the power of the Parliament to amend the Constitution in the *Kesavananda Bharati Sripadagalvaru Case*²⁶. The Court referred to Greek historian Grote alone and stated in para 789 of the judgment:

*“By Constitutional morality Grote meant a paramount reverence for the forms of the Constitution, with a perfect confidence in the bosom of every citizen amidst the bitterness of party contest that the forms of the Constitution will not be less sacred in the eyes of opponents than in his own.”*²⁷

Constitutional Morality in a sense is to uphold the basic structure of the Constitution. Though the Bench did not explicitly state the relationship, the basic structure principle has emerged as the bedrock of vigilance against the perversion of the Constitution. The concept attracted widespread debate with the judgment of the High Court of Delhi in the *Naz Foundation Case* decided on 2nd July 2009.²⁸ Let us briefly see the landmark cases pertaining to the judicial formulation of the CM doctrine in India.

Naz Foundation v. Government of NCT of Delhi and Ors., at High Court of Delhi at New Delhi, India.

Naz Foundation, an NGO working in the field of public health filed a writ petition before the High Court of Delhi In 2001 challenging the constitutionality of Section 377 of the *Indian Penal Code*. This section criminalizes as “unnatural offenses” consensual oral and anal sex between adults in private. The petitioner sought to declare Section 377 as an infringement of the fundamental rights guaranteed under the *Constitution of India*.

In 2004, the High Court dismissed the writ petition observing that it was an academic question. The petitioner filed an appeal before the Supreme Court. The apex court remanded the matter to the High Court of Delhi for rehearing. The respondent, the Union of India, was represented by different ministries. There was a split of submissions between the Ministry of Home Affairs and the Ministry of Health & Family Welfare. The Ministry of Health & Family Welfare argued in favor of the petitioners. The Ministry of Home Affairs opposed the petition on the grounds of protection of health and morals. It further argued that India was a more conservative society than other countries that had decriminalized homosexual conduct and that Indian society had yet to demonstrate “readiness or willingness to show greater tolerance”.

After going through the arguments, the High Court passed judgment in favor of the petitioner and decriminalized homosexuality for adults in private. The High Court invoked the concept of constitutional morality as separate from popular morality to justify its decision.

The relevant extract from the judgment is placed under:

“79. Thus popular morality or public disapproval of certain acts is not a valid justification for restriction of the fundamental rights under Article 21. Popular morality, as distinct from a constitutional morality derived from constitutional values, is based on shifting and subjecting notions of right and wrong. If there is any type of “morality” that can pass the test of compelling state interest, it must be “constitutional” morality and not public morality.”²⁹

Thus, the High Court viewed Constitution as having certain values which ought to be protected. Though, nowhere in the judgment, the Court specified those values as bedrock of the Constitutional morality. But, its indication is that protecting the individual's fundamental right to dignity and privacy is one of the constitutional morals. This has been lucidly summed up in para 86 of the judgment:

“86...Moral indignation, howsoever strong, is not a valid basis for overriding individuals fundamental rights of dignity and privacy. In our scheme of things, constitutional morality must outweigh the argument of public morality, even if it be the majoritarian view.”³⁰

Navtej Singh Johar case: Constitutional Morality before Supreme Court

The judgment of the High Court of Delhi in the Naz Foundation case was challenged through an appeal before a two-judge bench in the apex court. The bench reversed the judgment of the Delhi High Court in *Suresh Kumar Koushal & Anr. v. Naz Foundation & Ors.*³¹ Then, Navtej Singh Johar filed a writ before a three-judge bench of the Hon'ble Supreme Court in 2016. A larger five-judge bench of the Supreme Court was later constituted to reconsider its reversal of Naz. The Court agreed and finally confirmed the decriminalization of consensual same-sex sexual activity. The Court referred to the judgment of the Constitutional Court of South Africa in *National Coalition for Gay and Lesbian Equality & Anr. v. Minister of Justice & Ors.* Dated 9 October 1998 and noted a part of the same in para 44 of the judgment:

“44.....subjective notion of public or societal morality which discriminates against LGBT persons, and subjects them to criminal sanction, simply on the basis of an innate characteristic runs counter to the concept of Constitutional morality, and cannot form the basis of a legitimate State interest.”³²

Once again, the Supreme Court takes recourse to the principle of Constitutional morality to strike down discrimination against the LGBT community in the wake of majoritarian views on public morality. In this judgment, the Supreme Court also delineated the contours of Constitutional morality in para 111 of its judgment:

“I. Constitutional morality and Section 377 IPC

111. The concept of constitutional morality is not limited to the mere observance of the core principles of constitutionalism as the magnitude and sweep of constitutional morality is not confined to the provisions and literal text which a Constitution contains, rather it embraces within itself virtues of a wide magnitude such as that of ushering a pluralistic and inclusive society, while at the same time adhering to the other principles

of constitutionalism. It is further the result of embodying constitutional morality that the values of constitutionalism trickle down and percolate through the apparatus of the State for the betterment of each and every individual citizen of the State."³³

Thus, Constitutional morality has a teleological goal of a pluralistic and inclusive society or pluralistic inclusion. In the Indian context, Constitutional morality is to defend the goals enshrined in the Preamble. The Court thus began to specify the concrete themes within the ambit of Constitutional morality. The Court noted:

*"115. The Preambular goals of our Constitution which contain the noble objectives of Justice, Liberty, Equality and Fraternity can only be achieved through the commitment and loyalty of the organs of the State to the principle of constitutional morality."*³⁴

Further, Constitutional morality has been linked to protecting the basic human rights of not only individuals but also smaller groups. The Court noted:

*"121. In this regard, we have to telescopically analyse social morality vis-à-vis constitutional morality. It needs no special emphasis to state that whenever the constitutional courts come across a situation of transgression or dereliction in the sphere of fundamental rights, which are also the basic human rights of a section, however small part of the society, then it is for the constitutional courts to ensure, with the aid of judicial engagement and creativity, that constitutional morality prevails over social morality."*³⁵

Thus the principles enunciated in the High Court judgment on Naz Foundation were not only reiterated, but also expanded. The Apex court stipulated in clear terms that if the constitutionality of a law is justified on the back of "morality", then that "morality" must be grounded on "constitutional values", not on prevailing (or otherwise) social mores. The Court declared that the constitutional values of liberty and dignity can accept nothing less.³⁶ Further, the Court added 'autonomy' too as a constitutional value. It observed, *"In a democratic framework governed by the rule of law, the law must be consistent with the constitutional values of liberty, dignity, and autonomy. It cannot be allowed to become a yoke on the full expression of the human personality."*³⁷

Thus, Constitutional morality has been characterized as safeguarding the goals of the Preamble as well as basic human rights that includes autonomy and dignity apart from liberty. The backlash from the vanguards of majoritarianism is already in the making. Sabarimala case is keenly contested which will decide the fate of the principles of constitutional morality.

Sabarimala Case:

The matter is three decades old. A petition was filed by S Mahendran in Kerala High Court in 1990 seeking a ban on entry of women inside the Sabarimala temple. The custom followed by the Sabarimala devotees barred the entry of women between the age of 10 and 50 years since they have a menstruation cycle and menstruation is seen as taboo in several societies. The Kerala High Court upheld the restriction on entry of women of certain age inside the shrine of Lord Ayyappa at Sabarimala. Aggrieved, in 2006, a writ petition under Art 32 of the Indian Constitution was filed in the Supreme Court by Indian Young Lawyers praying for entry of women between 10 to 50 years.

Here, two Articles under Fundamental rights are juxtaposed. While the fundamental right of women is covered under Article 25 of the Constitution, Article 26 provides protection for the fundamental right of every "religious denomination" to manage its own affairs. Both rights are subject to restriction over the "public order, morality and health" clause. The Court had to look into whether Article 26 covers the exclusionary custom of the religious denomination. And whether this is an impediment over operation of Article 25 i.e. the women's right to exercise religious freedom. In 2008 after two years, matter was referred to a three-judge bench. In January 2016 Supreme Court of India raised questions against such restriction and said that this is not in accordance with constitutional morality. In April 2016, the Kerala government replied that it is under obligation to protect the right to practice the religion [2] of Sabarimala devotees. In 2017, Supreme Court of India referred the case to a five-judge Constitutional bench. In a 4-1 verdict, the Apex Court ruled vide judgment dated September 28th, 2018 that the custom was unconstitutional as it was against the constitutional morality.³⁸ Court specified that the term morality under Art 25 means constitutional morality, not societal or individual's morality. When there is a violation of fundamental right the word morality naturally implies constitutional morality. The exact wording of the judgment is placed below:

*"106. The term "morality" occurring in Article 25(1) of the Constitution cannot be viewed with a narrow lens so as to confine the sphere of definition of morality to what an individual, a section or religious sect may perceive the term to mean. We must remember that when there is a violation of the fundamental rights, the term "morality" naturally implies constitutional morality and any view that is ultimately taken by the Constitutional Courts must be in conformity with the principles and basic tenets of the concept of this constitutional morality that gets support from the Constitution."*³⁹

Thus, the Constitutional Bench completely decoupled term "morality" from any customary or societal pretense. Morality is purely secular and carried the values of liberty, equality, justice, dignity, autonomy, and so forth. In a way, it is a complete 180° reversal of the early stage of law when legal was fully subsumed under moral. Moral is to be seen as fully subsumed under constitutionality which is a legal framework. Vide para 107, the Court while citing *Manoj Narula v. UOI* further noted that the Commitment to the Constitution is a facet of constitutional morality.⁴⁰ Thus, Constitution has been placed on the pedestal of the divine by a series of judicial pronouncements.

Critique & Concluding Remarks

It is seen that only a few judges have been pushing for applying the principle of constitutional morality. Justice Dipak Mishra and Justice D.P. Chandrachud are major votaries of the principle. Can the principle of supremacy of Preambular values to be protected as per the principle of constitutional morality be sustained under the onslaught of majoritarianism pressure? We have seen in recent months that even Supreme Court judges become targets for cyberbullying, threats, and digital trolling for their observation during the hearing. There is no longer any bar to public criticism and sustained onslaught of character assassination of the judges themselves in the mainstream media, particularly TV News channels which run targeted campaigns against select judges for their espousal of the cause of protection of minority groups' rights. We have seen how in the Sabarimala case judgment, there was a long

dissenting note by Justice Indu Malhotra, who after her retirement is also engaged with the public cause of majoritarianism. This does not forbid well for guarding the high principles of constitutional morality if the higher judiciary themselves get at loggerheads. Then there is criticism of judges themselves for their self-assumed infallible wisdom.

Cass Sunstein notes that Dworkin's "moral reading" crusade aims to turn over to judges, who are not elected, unaccountable, and virtually irremovable, and who, "tend to be relatively well-off lawyers, and are not trained, moral theorists."⁴¹ The untested wisdom of nine 'wise men' who are old cannot become gospel truth for a fast-changing society teaming with young people.

The Supreme Court of India heard a bunch of several petitions seeking a review of its September 2018 judgment in the Sabarimala case that lifted the ban on women aged between 10-50 years from worshipping in the shrine of Ayappa at Sabarimala in Kerala. In its order dated 10 Feb 2020, the Court referred questions on the ambit and scope of religious freedom to a larger bench of nine judges.⁴² One of the seven references for the larger bench is with regard to the scope and extent of the word 'morality' under Articles 25 and 26 of the Constitution of India and whether it is meant to include Constitutional morality. The outcome of this hearing will decide the fate of the principle of constitutional morality. Though, the hearing has yet not taken place.

Constitution is a framework to address societal interest. It cannot be a self-generating, self-maintaining autopoietic system, even if it is treated as a living organism in several judicial pronouncements. After total desacralization of law, desocializing law runs counter to basic human needs which always long for transcendental support for its wandering existence for wider meaning in rudderless existence.

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THE FUTURE OF URDU JOURNALISM: OPPORTUNITIES & CHALLENGES

*Hassina Jamiel**

ABSTRACT

Urdu journalism, in India, began from the publication of Jam-e-Jahan Numa. There was extensive growth in Urdu journalism from 1850s till independence in 1947. Urdu journalism, however, suffered heavily during and after partition. At the time of partition there were 415 Urdu newspapers including dailies, weeklies, fortnightlies and monthly magazines. After partition, only 345 remained in India as owners of 70 newspapers migrated to Pakistan. There was a gradual decline in number of publications and readership of Urdu newspapers after 1980s as a number of new newspapers and television channels entered the media landscape. The growing use of digital media over the past many years has influenced the communication channels of society across the globe. It has not only made things easier but the content can be easily accessed from any part of the world. The digital media holds a bright future for Urdu Journalism as well. A large number of audience has chosen Urdu language to create content for their digital platforms, which experts believe is a good sign for the future of Urdu journalism. The focus of this research paper is to understand the broad perspective of communication in Urdu journalism and to be familiar with the transformation of Urdu journalism from print to digital media.

Keywords: Communication, Digital media, Newspapers, Society, Urdu journalism.

INTRODUCTION

Urdu media has a huge audience and in a country with diverse linguistic spectrum, language binds together different communities. There are many factors involved in the development of any language but the role of communication is the most important factor in promoting the language or making it popular at the public level. Therefore, Urdu language also requires various fields for the promotion and publication. The role of Urdu journalism is significant in opinion making. Journalism is always bound to have some goals as it has to shape the public opinion, so its language cannot be the same as the language of literature but it is the language accessible to public. Urdu journalism is both, a source of

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information for the people as well as entertainment. Urdu journalism has proven its worth and importance in South Asian society.

Urdu newspapers and journals have always served as significant medium for social, political and national movements. During India's independence war and on several other occasions, Urdu newspapers have showed courage and truthfulness and have lit lamp in the darkness. Similar to newspapers in other languages, the contribution of Urdu language newspapers and journals have been immense in its glorious history.

During the revolt of 1857, Urdu newspapers acted as a medium in provoking Indians to revolt against the British. The services of Urdu newspapers were very important in relation to country and the people. Some of prominent newspapers were "*Jam-e-Jahan Nama*", "*Sadaq Al Akhbar*", "*Delhi Urdu Akhbar*", "*Hindustan*", "*Tahzebul Akhilaq*", "*Humdard*", "*Humdum*". After the quelling of the war of Independence in 1857, Urdu newspaper played a major role in overcoming the disappointment and sense of defeat from the peoples' mind. It created new vigor, freshness and special kind of energy in the life of Indian activists through articles and poetry. New India adopted a secular profession and Urdu journalism soon regained its courage and dedication. Within a few years, not only well-known newspapers like "*Pratab*" and "*Milap*" were established, but new newspapers like "*Hind Samachar*" (Punjab), "*Azad Hind*" (West Bengal), and "*Azad*" (UP) etc. were also published from different parts of the country. These newspapers carved the prestige for Urdu journalism.

Since the beginning of the 21st century, the scenario of Urdu journalism is becoming alarming. In the recent years, the overall circulation of Urdu press has decreased and this has happened in the prominent states where Urdu media was quite strong. Urdu journalists need to pay serious attention to its consequences. Today when the Urdu journalism and printing is in the era of offset printing and computer typesetting, the new generation of readers are not familiar with the difficulties of the past era from which Urdu journalism was suppressed for almost a century. The new technologies have opened up the doors for new opportunities. That is why digital media is the future of Urdu journalism. It is quite clear that the golden age of Urdu print journalism is gone and Urdu digital media is the future.

The profession of journalism consists of three basic components: administration, publication and trade. Most people consider it as a problem of administration and publication and forget that publishing a newspaper is also a source of income, it is a business in which capital is invested and profit is expected. The main source of income from newspaper is through advertisement. Advertisements are profitable. Publishing a newspaper without advertisement would be a losing business. However, in present scenario, advertising through print newspaper is not as profitable because print advertisement requires lot of staff as well as money too. In this digital era, people prefer to advertise online or through e-newspaper. The e-newspapers also provide subscription to their daily customers and take care of their needs. The organization also generates revenue through subscription. Subscription revenue is built upon establishing long-term relationships with customers and companies. Subscribers with active subscription will stay connected to what is happening

in community and this source of information is highly reliable.

Role of Urdu Journalism in Development of Society

Development of journalism in the society started after the advent of printing press. By the invention of printing press, magazine and newspaper started. In Asia, Urdu Journalism started in nineteenth century. Since its existence, Urdu journalism has showcased its strength and significance in the society. The prominent newspapers of nineteenth century -*Sadiq-Ul-Akhbar*, *Delhi Urdu Akhbar*, *Zamindar*, *Humdard*, etc. are very noteworthy. The impressions of these newspapers are still in the hearts of common people. *Sadiq-ul-Akhbar* and *Delhi-Urdu-Akhbar* have been famous for their boldness in speaking the truth and criticizing the mismanagement of the government. Because of their boldness these newspaper were banned for few years. "*Tahzeeb-Ul-Akhilq*" was a magazine, published during the period of Sir Syed Ahmed and its purpose was to open up the minds and outlook of Indian Muslims. This magazine had great impact on the politics, literature and religion. Newspapers and magazine have played a great role in awakening the suppressed feelings and emotions of masses.

Urdu journalism plays a very important role in societal life. Newspapers of all eras have made contemporary issues as their subject, and besides these, knowledge about, history, civilization, religion, society, laws and regulations have been disseminated that creates condition for mental, emotional and intellectual training.

AIM OF STUDY

The aim of the paper is to understand and analyze different phases of Urdu journalism. From the beginning of Urdu journalism to its peak phase when Urdu newspapers got popularized all over the Asian continent and the present scenario of Urdu journalism when the Urdu journalism is struggling for their identity will be covered in this paper.

REVIEW OF LITERATURE

Numbers of studies have been conducted on Urdu journalism. Most of the studies relate to historical background of Urdu journalism, comparative studies of English and Urdu dailies, growth and development of Urdu press, the changing role of Urdu press in digital communications, emergence of Urdu Press, impact of politics on journalism and many more. Some of the studies are briefly summarized.

Naim (2011) made an overview of Urdu education in India. Several prominent Urdu researchers such as Athar Farooqui and Ibn-e-Farid stated that since 1947, Urdu has become an exclusive language for Muslims in India. Yet, according to this paper, Urdu is not the language of Muslims. According to the 1981 census, it is clear that there is a large number of Urdu speaking people in India but on the other hand there are very few people who know Urdu as a subject. Therefore, there is no national weekly publication as far as Urdu journalism is concerned. Urdu journalism as a whole is at its worst, especially in what has been described as the "*Urdu heartland*". There is not a single flourishing Urdu newspaper in Delhi, UP or Bihar, certainly nor the types found in Kolkata and Bombay.

Emiko (2013) analyzed the development of the print media in South Asia, especially in the Urdu language and its impact on readers. He discussed the formation and development of the printing industry in South Asia, from the eighteenth century to the 1980s in Pakistan and India. Its aim was to redefine understanding of printing in South Asia and to reveal the systems that support the print media. Exploring the tastes and demands of the reader in Pakistan by using different surveys conducted by different organization such as *Bengali Academy* and *UNESCO* 1980, the paper found that in East Pakistan, more newspaper readers tend to be male and those of magazines and journals female. In 1980, *UNESCO* reported that there was lack of reading among the literate population. It further observed that a complicated relationship exists between publishers, writers and readers (*UNESCO*, 1980).

Adnan *et al* (2020) observed that during the past decades, western world has make a great benefit from immense development in information communication technology. The research work explored how effects of fast spreading technological means have affected traditional modes of Urdu news. It also explored the phenomenon of adoption of information technology and role played by media in this digital age to address the global audience. The paper analyzed news collection, influence of internet and extent of freedom of expression and its great impact on today's media in accessing and delivering information. People with Urdu language and digital communication can express their concerns and get information related to them.

Hussain and Shabir (2020) explored the development of journalism in Pakistani and Indian newspapers (*Daily Dawn*, *Daily Jang*, *Daily Times of India* and *Daily Sahafat* during 2012 to 2014). The findings showed that all the selected newspapers mostly covered the government related developmental issues, events, problems and activities as all selected newspapers are more focused on health, education, and infrastructural development related governmental activities, issues and problems. In short, media, especially newspapers of both countries are trying to use development journalism for the betterment of society. However, due to financial problems of media organizations, pressure groups, lack of awareness, lack of training of staff about positive journalism etc., they are not paying full attention to this concept.

Most of the research work cited above focused on the historical approach of Urdu journalism and the growth and development of Urdu newspapers in certain parts of the world and its declining trend in India. However, this research paper focuses on the future of Urdu journalism and the challenges and opportunities in digital age.

OBJECTIVES

The specific objectives of the research paper are as follow:

- Analyze the scope and future of Urdu journalism
- Explore the opportunities and challenges faced by Urdu journalism

The researcher adopted qualitative techniques to evaluate the collected data. The data was collected using secondary sources and analyzed through content analysis.

ANALYSIS AND DISCUSSION

The following sub-sections explain the challenges and opportunities faced by Urdu journalism especially in the 21st century.

Urdu Journalism: A Unique Medium For Mass Appeal

Urdu journalism has become an important profession in the present era. Urdu news organizations provide news and continue to attract the government and people towards the societal issues that can be political, social and economic. In contemporary times, Urdu newspapers have circulation not only in Pakistan and India, but also in the western and Persian Gulf countries. Urdu journalism is reviving the traditional way of writing Urdu columns and making digital blogs. Technologically, Urdu journalism is at par with other vernacular journalism. The advent of web technology has helped Urdu journalism to make it global. Broadcasting is the best medium for expressing public opinion on any issue. In this era, Urdu journalism has gained familiarity and popularity among the masses and Urdu journalism has succeeded in leaving its mark in regional language press as well. People prefer to consume media content in their native languages, or at least in the languages they are more familiar. During this period, Urdu journalism has also played an important role in the growth and development of Indian society.

Urdu Journalism: Role in Disseminating Scientific, Creative and Technological Information

Urdu journalism provides wider perspective in communication especially in editorial writing and translations. Urdu is one of the broad languages of the world, which has the ability and power to express the thoughts and concepts of other languages. Urdu newspapers and journals are publishing across the world and attract the commoners, writers and poets alike in many parts of world.

Urdu journalism plays a very important role in disseminating the information through editorials. In Urdu newspapers, editorial written on extraordinary news story convey the newspaper's opinion about the particular event to the readers. Editorials in Urdu newspapers such as "*Delhi Urdu Akhbar*", "*Oudh Panch*", and "*Akbar Jamboor*" had great impact during the war of independence. In present scenario, now editorial writing in electronic media has been started by "*Voice of America Urdu Services*" and its title "*Aaj Ka Idharia*" based on US-government policy. There is an undeniable soft power of Urdu that extends far beyond its formal popularity.

Urdu Journalism and Digital Inclusion

With the advancement of technology much of journalism has changed over the years, the fundamental or the core principles of the profession remain unaltered. The basic rules related to on spot reporting, stories from the field, investigation are still the same. GD Chandan, who is also known as the 'Mobile Encyclopedia of Urdu Journalism', said that according to statistics, there has been a decline in the publication of Urdu newspapers and this trend is continuing (*Milli Gazette*, 2005). Interestingly, to attract a large audience some popular print publications including *Siasat*, *Inquilab*, *Hind Samachar*, *Kashmir Uzma* and

others have chosen to create content for their digital platforms, which experts believe is a good step for the future of Urdu journalism. The daily *Siasat* launched its e-paper on 30 October 2004. It was the world's first Urdu newspaper to enter the age of internet editions. The digital media has fast become a new reality. Urdu always had a tradition of radio transmission medium, which ought to be revived. This changing scenario has opened up greater opportunities for journalists and media organizations. They can now reach out to their audiences through the digital route. The invention of digital platforms has made things easier. People all over the world can access online news portals. If the stories are of high standard, relevant and interesting they will undoubtedly attract readers.

The first Urdu newspaper to start web-edition was Hyderabad based "*Siasat*". This newspaper attracts huge audience all over the world. Now Urdu is not limited to a particular community. It is a universal language. Some Urdu news YouTube channels have also started such as "*News18 Urdu*", "*DD Urdu*", "*24/7 Urdu News*", "*BBC Urdu Radio*", and many more. These channels provide ongoing access to content like video and audio and provide the high quality content to attract the viewer's attention. There are also numbers of YouTube channels where one learns Urdu and enhance one's communication skills. Some of the channels are "*UrduPod101*", "*Urdu Fairy Tales*", "*Urdu Kids*" etc. These channels are helpful to hone language skills and offer different types of programs. Their distinctive way of Urdu narration allows learning and analyzing certain unique Urdu words, phrases and sentences. This combination of elements will bring loads of entertainment and information. These YouTube channels polish Urdu Language skills and keep up-to-date especially on news and politics.

CAUSES OF DECLINE IN URDU JOURNALISM

Urdu's importance has been declining steadily since a mass of Urdu speakers and writers migrated to Pakistan from northern India and erstwhile state of Hyderabad after partition. Since 1947, Urdu has become a language exclusive to Muslims in India, and that the questions concerning the "development" of Urdu and Urdu education is considered only with reference to the Muslims. This is one of the primary reasons for the decline in the readership of Urdu media. It is true that most of the Urdu daily, weeklies, fortnightlies and monthlies largely reflect the mind of the Muslims in general. Another reason is that now people pay attention to English instead of Urdu. Urdu journalism in terms of quality of its content, professional standards and credibility is poor in comparison with English journalism. There are no specific training institutes for Urdu journalism. The foremost reason for the decline of Urdu journalism is lack of finance and government biasness.

Urdu journalism has seen many ups and downs and has left a deep imprint on the history, politics, economics and sociology of the entire subcontinent (India, Pakistan, Bangladesh, Myanmar and Afghanistan). Urdu journalism has suffered and fallen quite a lot, yet not everything is lost. With financial assistance and prominent people getting involved with its rejuvenation, it can get back upon its strong feet again.

CONCLUSION

Urdu journalism is facing innumerable problems and challenges. The challenges started with the closure of many small Urdu newspapers due to lack of support from

the government and a decline in the content and quality of Urdu journalism. Readers of Urdu have decreased in North India and new readers have emerged in South India like Maharashtra. Urdu dailies still have their famous monochromatic and spotty news writing. Today private TV channels in Urdu are garnering an audience, state-owned TV channels also need to live up to its social responsibilities and promote progressive news and views. Doordarshan and the entire Urdu TV media needs to live up to its social responsibilities and promote progressive news and views.

Urdu as a language is not limited to a particular community; it is a universal language. Urdu journalism has seen many ups and downs and has left a deep imprint on the entire South Asian sub-continent. Despite passing through declining phase in terms of quality of writing and standard of language, the importance and status of Urdu journalism remain significant.

RECOMMENDATIONS

Following recommendations are proposed:

- Urdu knowing population is decreasing as Urdu is not a compulsory subject in schools. To reverse the trend, Urdu should be promoted as a subject at primary level of school education.
- Different digital media platforms such as *Netflix*, *Hotstar*, *Amazon Prime*, *YouTube* etc. need to promote Urdu language.
- Government should frame proper policies to establish institutions where proper and adequate training in accordance with the needs be imparted for the development of Urdu journalism.
- Journalists should use different kinds of Urdu dialects and it is time for Urdu press to reinvent itself by using Roman script to attract attention of the youth.

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