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showkat@kashmiruniversity.ac.in
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Professor Law
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University of Kashmir
haddimushtaq@gmail.com
Cell: 9419085646

Prof. Tariq Ahmad Chishti

Professor Mathematics
Centre of Distance and Online Education University of
Kashmir
chishtita@yahoo.co.in
Cell: 9419033346

Dr. Showkat Rashid Wani

Assistant Professor Education
Centre for Distance and Online Education University
of Kashmir
showkatrashid@rediffmail.com
Cell: 9469490050

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Head, Deptt. Of Computer Sciences,
University of Kashmir
Email: iambjavaid@gmail.com
Cell: 7006436048

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Assistant Professor Education
Centre for Distance and Online Education
University of Kashmir
habibkashmiruniversity@gmail.com
Cell: 9419029245

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Centre for Distance and Online Education University
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ayub.eco786@gmail.com
Cell: 7889941009

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Faculty,
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Public Administration & Rural Development
drshafiaimpa@gmail.com
7006473716

Dr. Javeed Ahmad Puju

Centre for Distance and Online Education,
University of Kashmir
javeeds411@Gmail.com
Cell:7006601399

Mr. Kh. Mohmad Shafi

Assistant Professor Computer Science
Centre for Distance and Online Education,
University of Kashmir
KMShafi@kashmiruniversity.ac.in
Cell:7006504165

Dr. Aneeda Jan

Assistant Professor (Law)
Centre for Distance and Online Education,
University of Kashmir
aneedajan@gmail.com
Cell: 9419995923

Dr. Tanveer Ahmad Darzi

Assistant Professor Commerce
Centre for Distance and Online Education,
University of Kashmir
TanveerDarzi@Gmail.com
Cell: 9419086457

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Assistant Professor PGDWD
Centre for Distance and Online Education,
University of Kashmir
zubair.ixr@gmail.com
Cell: 9419031562

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Assistant Professor Education
Centre for Distance and Online Education,
University of Kashmir
drishfaq@uok.edu.in
Cell: 9906611628

Dr. Abid Sultan

Assistant Professor
(Management Studies)
SKUST Srinagar
abidsultam@gmail.com
Cell: 9906960077

**Editor in Chief: Prof. Showkat Ahmad Shah,
Editor: Dr. Aneeda Jan**

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Message from Chief Editor's Desk

Greetings and welcome to the latest edition of "The Communications," a preeminent journal in the field of Distance and Online Education.

It is with profound satisfaction that I introduce this annual volume, recognizing its consistent excellence within the realm of Open and Distance Learning (ODL) over the past years. This edition reflects its longstanding commitment to interdisciplinary dialogue, drawing upon diverse academic disciplines and professional specializations to illuminate various facets of a single topic or challenge.

Beyond its traditional strengths, this volume ventures into novel territory by exploring pressing social issues, including contemporary forms of social injustice. It serves as a platform for the unfettered exchange of ideas on matters of critical importance, ensuring open access and rigorous discussion on various contemporary issues. The research articles in this journal promote a multidimensional approach to education, and this journal embodies that vision by addressing an array of contemporary concerns: from emerging trends in information technology and distance learning to complex aspects of criminal justice, tribal and caste-related issues, and the intricate relationship between crime victims and literary works.

I am confident that the diverse array of scholarly contributions within this edition will prove invaluable to all readers. I express my sincerest gratitude to the esteemed editorial team and our dedicated contributors for crafting another exceptional volume of "The Communications." Your unwavering commitment to rigorous research and insightful analysis remains paramount to the journal's continued success.

Looking ahead, I am confident that you will continue to enrich our scholarly community with novel research endeavours. I offer my heartfelt appreciation for your tireless efforts and wish you continued success in your academic pursuits.



A handwritten signature in black ink, appearing to read 'Showkat Ahmad Shah'.

**Prof. Showkat Ahmad Shah,
(Director, CDOE)
Chief Editor; The Communications**

Editorial

The Communication, an annual Multidisciplinary Journal published by the Centre for Distance & Online Education, University of Kashmir, stands as a testament to a rich historical legacy, boasting a continuity that spans six decades. This enduring tradition is a source of immense pride as we announce the forthcoming publication of another issue under the stewardship of the Director, CDOE.

This volume of the journal epitomizes academic richness, with contributions from esteemed authors across various disciplines. Its multidisciplinary nature ensures a diverse and comprehensive array of content, promising a stimulating intellectual journey for our readers. Among its myriad offerings, this volume delves into topics such as the dynamics of distance education across different jurisdictions, the pivotal role of MOOCs in contemporary education landscapes, the integration of electronic gadgets in distance and online learning environments, and insightful research articles addressing contemporary legal issues, among others.

We are optimistic that the research presented within these pages will prove invaluable to our readership, offering profound insights and perspectives on a wide range of pertinent subjects.

On behalf of the editorial team, I extend my heartfelt gratitude to our esteemed authors for their invaluable contributions to this journal. Their dedication to scholarship and intellectual inquiry enriches the academic discourse and furthers our mission of fostering knowledge dissemination and exchange.

We welcome suggestions, comments, opinions, and observations related to this journal, and encourage our readers to engage with us by emailing us at;

communications@ddeku.edu.in,
aneedajan@kashmiruniversity.ac.in

Thank you for your continued support and patronage.



Editor

Learning Through MOOCs: The Case of Mathematics

*Firdous Ahmad Mala**

Abstract

Mathematics is an indispensable tool of all scientific research. Besides, the impact and influence of Mathematics on data sciences, social sciences and other allied subjects is as bright as daylight. Given that, on one hand, technology is influencing every part of human life, and on the other hand, the scare of epidemics such as that of COVID-19 has the potential to barricade traditional classroom teaching, we may view technology as having the potential to not only revolutionize the ways we teach and learn but also in giving access-from-distance and self-paced learning options to the learners. Teaching and learning online is gaining momentum and has picked up both pace and popularity during the ongoing pandemic. Whereas online learning may be more suitable in some subjects, the fact remains that learning Mathematics online efficiently is not as difficult as many would view it. This paper reviews and discusses the various aspects associated with teaching and learning Mathematics online. The paper elucidates how Mathematics can be taught effectively at various levels. It also demonstrates how the revolution of MOOCs is impacting education, in general, and Mathematics, in particular. The paper also discusses both the opportunities we have and the challenges we face in opting for online teaching-learning.

Keywords: *Mathematics; MOOCs; learning online; Teaching and Learning Online, revolutionize.*

Introduction

Mathematics can be viewed as a parameter of progress. The amount of Mathematics known and implemented can be linked to the progress of a society. It is a progress indicator. Acknowledging that teaching and learning Mathematics is an indispensable component of any education policy, the standards of teaching and learning Mathematics can be raised and world-class quality Mathematics stuff can be made available to the learners at the ease of distance learning and the ease of self-placed options. Massive Open Online Courses (MOOCs) have gained never-before popularity during the ongoing pandemic while, on one hand, both teachers and students are being sensitized to new opportunities such as blended learning and technology-enabled learning; on the other hand, policymakers have been made to think about the future of imparting education and that of traditional classroom teaching and learning. Though MOOCs are not new, the pandemic has given it unparalleled popularity and impetus. It seems only a matter of time when all education policies, institutional timetables and calendars will include a blend of both online and offline learning. However, switching over to an online mode of teaching and learning cannot be done without taking into consideration the pros and cons of it.

*Assistant Professor, GDC Sopore

MOOCs

Popularly known as MOOCs, the massive open online courses have opened several new gateways that had hitherto remained undiscovered or non-existent. With the advent of online learning, researchers, learners and teachers are equipped with more digital weaponry and have more options at hand. MOOCs seem to have emerged from the work of Canadian scholars Stephen Downes and George Siemens (Anders, 2015) at the University of Manitoba. Afterwards, the success of open online courses created by Stanford University and MIT (Chapman, Goodman, Jawitz, & Deacon, 2016) led to the creation of several successful online learning platforms that offer MOOCs such as Coursera, Udacity and EdX. These courses provide quizzes, peer-graded assignments, projects and exams. A striking feature of these courses is their flexibility. A student is free to choose a course of his choice, a teacher of his choice and an institute of his choice. The courses are provided on demand, and users do not necessarily have to complete a course during a defined time. All materials are provided including videos, lecture notes, and assessment materials. Critics of the MOOC movement have cited low completion rates, high development costs (Fischer, 2014), and pedagogical issues (Blaschke, 2012; Doug, 2013) as causes of concern.

MOOCs may be cMOOCs or xMOOCs, the former referred to as connectivist MOOCs, the reason being that Canadian researchers George Siemens, Stephen Downes, and Dave Cormier prepared the concept based on the principles of the theory of connectivism (Kesim& Alt, 2015). CMOOCs are designed to generate network effects for learning, facilitating self-organized patterns of collaborative learning. In it, the learners are permitted to participate using their blog sites and social media accounts. In contrast, xMOOC platforms predominantly employ a cognitive-behaviorist pedagogical approach (Anders, 2015). This same thing is exemplified by the concept of training which is content-based and is delivered at scale through various models. The coming into existence of these possibilities has been made possible due to the recent developments in software and hardware, specifically the developments in internet technologies and those in multimedia.

Inferences from several studies point out that students rated those MOOCs high in which the tutors were happy, willing and motivated to interact with students (Hew, 2016), where there was good and healthy social interaction. This means that the students could share the knowledge they gained and ideas they gathered among themselves and also the availability of online learning resources and related activities that engaged them depending on their heterogeneous learning preferences and priorities. However, some

researchers have emphasized the importance of learning design and also environmental factors. The fact remains that there is an obvious gap for studies in pedagogical studies of MOOCs. The upcoming or future design of MOOCs needs to be firmly and properly grounded in human cognition for better, lasting and effective instruction.

1. Course Design

When we consider the question or the problem of a suitable course in Mathematics, we come to understand that online cross-listed mathematics courses have the required potential to be successful in the present time's learning environments because such courses offer students greater flexibility besides allowing the course to be offered to a substantially larger audience, unlike the traditional face-to-face courses. However, to make such a course meaningful, beneficial and successful, there is a need for considerable effort and involvement on the part of the instructor as far as course design, preparation of online lectures, use of appropriate and conveniently available software, use of suitable and appropriate assessment techniques, and a willingness to be available for virtual office hours are concerned.

Though the quantum of research that has been carried out about student achievement and student perceptions of online homework is thorough, extensive and humongous, there are still several unanswered or open questions.

Besides other parameters, online discussion boards and the much-needed student accountability are pivotal and central to the success. Maximization of enforcing students' accountability highly depends on the instructor's style and also on the student group. Unfortunately, there are chances that it can be challenging, and occasionally frustrating, but ultimately a rewarding experience for the instructor to come up with the right dynamic in an online learning community.

Interestingly, online courses in Statistics make use of technology or some software that the student may not be familiar with; this means that since these are statistics courses, one would typically use the R language together with specialized R packages, or SPSS or some other similar software. This is challenging. The introduction of such kind of technology gives rise to challenges since the students can differ greatly in as far as their experience with programming in general, and that of with the R ecosystem or that of SPSS is concerned. Fortunately, several such online courses have presented various fruitful and rewarding ways to mitigate the technology challenges by making use of special packages that include all of the datasets and special functions needed for the course. Consequently, the instructor who is teaching an online statistics course should

brood over carefully the use of software, especially from the point of view of the student who is a novice, naive, inexperienced and unfamiliar with technology.

2. Student Interaction

Another extremely important thing for the success of online teaching in Mathematics is the interaction on the part of students. Odysseys2Sense (popularly known as O2S) is an online forum that is typically adapted for teaching higher-order thinking (HOT) in online and several hybrid academic courses. Students respond anonymously to the various challenges posed by the instructor, besides discussing the responses through posts. For each one of these posts, students give a number rating based on certain set criteria that reward careful higher-order thinking, clear communication, and the soft skill of civility. Such ratings profoundly affect other students' power and influence, thereby adding a game-like feel to the online forum.

Teachers play, arguably, the most important role in online learning. This is because the teaching of mathematics through the course and medium and style of communication and the learning by the students are greatly influenced by the instructor's comfort level with the tools in an online environment. Two of the most important major tools that an instructor has for helping students learn the content required are the course and communication. Caution, experience and skill in the setting up of the course and using all the tools available within the course to tactfully and judiciously cater the course to students' needs is what separates experienced and preferred instructors from the inexperienced and novice.

Several normative practices in mathematics instruction and curriculum design exist which actively encourage the cognitive appraisals and constructions that contribute to students experiencing mathematics anxiety. These are not limited by but they include a predominant focus on supporting conceptions grounded in figurative aspects of thought, the expectation that conceptual understanding depends on or emerges from procedural fluency (Kieran, 2013), a systemic inattention to the meaning and coherence of mathematical ideas (Thompson, 2013), assessment practices that emphasize performance rather than understanding (Niss, 1993), the relative absence of explicit pedagogical theories guiding mathematics instruction and curriculum development (Simon, 2013), a general failure of mathematics instruction to meaningfully build on viable models of students' mathematical thinking (Jacobs, Lamb & Phillip, 2010), and the infrequency with which instructors engender in students an affective and intellectual need for learning what they intend to teach them (Harel, 2013).

Improved tools designed precisely keeping in view the needs and requirements that best fit a student bring about better and improved student interaction with technology. The omnipresence of online and computer-assisted instructional platforms has widened the scope of student interaction with these systems. Using peer-mentoring programs is a very useful approach for supporting students in situations where student interaction with online or computer-based instruction is not low. Student anxiety related to their interaction with online systems can be quite high and can increase during the semester as they may become frustrated with systems that seem agnostic and unsure about their success. Support should be put in place that considers student progress as well as their attitudes towards the instructional systems to which they are being exposed. As indicated by Tinto (Tinto, 1990), both social and academic integration are required for student persistence, and this integrative process is driven by student attitudes towards their classroom environment. Peer mentoring, though virtual, can provide a sense of community to students, especially those of first-generation students, those who are at greater risk of departing from their academic studies prematurely.

Moreover, impactful communication is just as important in online as it is in face-to-face mathematics courses. However, there are differences too. So, instructors may have to spend time learning how to obtain fruitful discussions in an online environment. Among others, some common characteristics or features of successful prompts include some effort to personalize the course content and providing an opportunity for students to make the course content relevant to their academic or career interests. Successful prompts tend to be extremely specific, and expectations for the quantity and quality of student responses should be very non-implicit. It may be helpful to think about how the responses will be assessed when creating the prompt. For various problems where students are asked to create their examples, a sample post is usually beneficial though it is not essential.

3. Using Technology

Learning is paced down when the cognitive load exceeds working memory capacity. Mathematical cognitive load is primarily made worse by problems in symbolic decoding, computational fluency, and conceptual understanding. Chen and Wu (2015) have investigated the use of videos in sustained attention, emotion, cognitive load, and learning performance. They found that video lectures enhance performance, and that sustained attention induced by the voice-over presentation type is markedly higher than that in the picture-in-picture type. It is more meaningful to break down mathematics content into smaller segments or piece meals and also to allow the learner to control the speed or the

pace of learning. Content designers should also choose to present information using various media and preferably not a single medium, i.e. combining video, pictures, and animations. This greatly assists as far as sharing the content between the visual and the verbal channels is concerned. Non-essential music should be removed and decorative graphics from the content should be decreased for that is extraneous load. This means that instructional designers are required to be in the know of the cognitive requirements that designs impose.

Written communication plays an extremely important role in the development of mathematics. Students often practice learning challenging topics by writing about them. Writing down exercises enables them to think on a level deeper and beyond the ordinary and also in practice, learners learn using the correct notations and conventions. Furthermore, writing academic reports can benefit and help students appreciate and enjoy mathematics more, and yet so few instructors employ this tool in their course designs. As student anxiety may be a reason, many instructors choose not to explore this option.

Regarding the availability of online resources, a great tool in this connection is “Math in Action Journal (MIA)”, which was developed using a Teaching Enhancement Grant. Submissions to MIA are in the form of short video presentations, along with two-page extended abstracts. Students are incited to be creative in their endeavours of presenting their work. The journal also allows mathematics undergraduate learners to share their work with peers and academics alike. As an example, students in a geometry course could be encouraged to submit video versions of their mini-presentations to MIA, in addition, guidelines regarding how to write mathematics papers and sample video submissions are available on the MIA website for those who are motivated to submit. “Math in Action Journal” has the potential to enrich geometry course profoundly and considerably. Students who have done well on their research papers now have an authentic and legitimate platform where they can easily share their work, which they can use on their CVs as a stepping stone to academia.

Recent development in technology supports online education systems around the world. Consequently, academic institutions have begun to offer more online courses, including the much-dreaded mathematics method courses. Although there are multiple benefits, there are also issues and challenges in online learning environments and the degree of challenges vary on the basis and the nature of the content of the online courses and the group. Mathematics method courses can be challenging to teach in online learning environments. However, to wholeheartedly embrace the ongoing trend in online education systems, instructors need to find ways to overcome the challenges, if any, in

online learning environments. In this direction, instructors can make use of various “Online Education Resources” (OER) in online mathematics method courses.

In spite, of being a very recently emerging field, the increasing number of research studies reported different types of benefits of OER. For example, OER is reported to have a positive impact on learners' attitudes and perceptions of learning. It magnifies and intensifies the learning interest and is open access to every single learner. Besides, it helps in expanding teachers' roles and making them more active in sharing information and learning from each other. Another dimension of distance learning is the independence and increased responsibility for self-learning, which can be increased by integrating and making use of the appropriator. OER provides a lending hand to distance learners so that they are more independent of instructors, authors, and textbooks. More importantly, using OER in an online learning environment equips the instructor to bridge the gap between on-campus and online courses in terms of classroom activities, discussions and interaction. OER appears to be even more relevant and important to the rapidly growing online educational system. However, more research studies need to be conducted in this area. Just simply integrating OER does not necessarily enhance the learning. "There is a need to continue the development of the tools and resources to support the transition to OER" (Miller 2016).

It is evident that mathematical diagrams play a crucial role in mathematics and are highly appreciated in geometry. Geometry is one of the earliest branches of mathematics, and a visual field that keeps succinct, sketchy, rigorous, and expressive diagrams at the core of its heart. Such diagrams involve, besides other things, shapes, solids, and spatial figures and relationships, as well as their properties and relationships. Alternatively, interactive and dynamic diagrams play the most crucial role in mathematical diagramming, and hence in the endeavour of mathematizing in an online platform. Software packages such as GeoGebra and other related software tools can make the teaching and learning of Geometry joyful, productive and fun.

4. Teacher Education

As is often the case, teachers feel short of skills when they encounter next-generation students. Teachers need to evolve and for that, they require capacity building and learning of new skills. Several initiatives such as the initiative by MHRD India and Commonwealth of Learning Canada have given due emphasis to this thing. Mere up-gradation of infrastructure, equipment and technology cannot bring about the desired results. Teachers who constitute an important agency in the transmission of information

and knowledge need regular up-skilling and up-gradation. An Italian project, “Math MOOC UniTo” project for teacher education has had positive repercussions and outcomes on the professional development of the teachers who took part in it.

Conclusion

In the ongoing education systems, types of classrooms vary considerably and widely. Traditional classrooms are now giving way to web-facilitated, hybrid, and online courses as learning through technology is becoming a mainstream learning modality and option. Neither offline teaching nor online teaching can be done away with. They are not contradictory. They are complementary. A perfect blend of the two is the desired target. The role of the teacher, thus, has not been eliminated. The role of the teacher is modified. The teacher is a facilitator whose job is to make the content available and as per the needs and requirements of the learners.

Allen and Seaman (2016), share the Integrated Postsecondary Education Data System (IPEDS) definition of distance education, stating that distance education is:

“Education that uses one or more technologies to deliver instruction to students who are separated from the instructor and to support regular and substantive interaction between the students and the instructor synchronously or asynchronously”

Allen and Seaman (2016) have been very busy tracking the growth, expansion and acceptance of online learning modalities at the higher education level since the year 2003. In their 2016 report on online learning in higher education in the United States, Allen and Seaman came up with the report that 5.8 million students embarked on online courses during the fall of 2014 semester. Of these 5.8 million students, 2.85 million were simply purely online students, which meant that they were taking all of their coursework in an online format, while 2.97 million were taking parts, but not all, of their courses online.

Lastly, online learning presents several unique opportunities, experiences, and challenges for teachers and students. However, caution should not be thrown to the wind. The baby cannot be thrown away with the bath water. While we reference online education, it is important to remember that mere switching over to online does not constitute any educational experience. It has come to the notice of several experienced online teachers that different types of support and assistance are needed as learners go through various issues and problems while learning in an online environment (Burden, 2008). Courses that are taught through an online platform provide different opportunities for students and are often organized differently than traditional face-to-face courses (Moore & Kearsley, 2012). In an online environment, blending connectivity and personal learning freedom

becomes a very important focal point as content delivery and access to information concerns are built into many learning system designs (Garrison, 2011).

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Reimagining Education in India: An Analysis of National Education Policy 2020

Aasima Jan¹

Abstract

This research paper critically examines the New Education Policy (NEP) 2020, exploring its objectives, key provisions, implications, challenges, and opportunities for the Indian education system. Through a comprehensive analysis of NEP-2020 and a review of existing literature on education policies, this research paper aims to provide valuable insights for policymakers, educators and stakeholders. It discusses the potential impact of NEP-2020 on educational outcomes, socio-economic factors and marginalized communities. Additionally, the paper identifies challenges in implementation, such as infrastructural limitations and sociocultural barriers and offers recommendations to address them, including leveraging technology and enhancing teacher training. Overall, it underscores the transformative potential of NEP-2020 in shaping the future of education in India.

Keywords: National Education Policy, Early Childhood Care and Education, Educational Planning, Administration, Communication Technology, Language, Assessment.

Introduction

- **Background of the Indian education system**

The Indian education system has a rich and diverse history dating back centuries, characterized by traditional methods of learning and knowledge dissemination. Historically, education in India was imparted through Gurukuls; ancient residential schools where students lived with their gurus or teachers and received holistic education encompassing academic, moral and spiritual development. This traditional system emphasized oral transmission of knowledge, memorization and experiential learning.

During British colonial rule, the education system underwent significant changes with the introduction of formal schooling based on Western models. The British established institutions like universities and schools, primarily aimed at producing a class of clerks and administrators to serve colonial interests. This period saw the emergence of English as the medium of instruction, leading to a gradual decline in indigenous languages and traditional knowledge systems.

Post-independence, India's education system underwent several reforms aimed at expanding access to education, promoting equity and fostering national development. Policies such as the National Policy on Education (1968) and subsequent revisions

¹ Master, H.S.Binner , Baramullah; Best Teacher Awardee, 2023.

addressed issues of quality, accessibility and relevance of education. However, challenges such as inadequate infrastructure, disparities in access and rote-based learning persisted.

Today, the Indian education system comprises a vast network of schools, colleges, universities and other educational institutions catering to the diverse needs of a rapidly growing population. While significant progress has been made in terms of enrolment and literacy rates, persistent challenges remain, including ensuring quality education for all, bridging rural-urban divides and adapting to the demands of a rapidly changing globalised world.

The Imperative for a New Policy Framework:

The rationale for the need for a new education policy in India stems from various challenges and evolving socio-economic dynamics that demand a transformation in the education system. Firstly, rapid demographic changes, including a fast-growing youth population and urbanization, necessitate an education system that can cater to the diverse needs of learners and prepare them for the demands of the 21st-century economy.

Secondly, globalisation and technological advancements have reshaped the nature of work and skills required in the workforce. To ensure the employability and competitiveness of its citizens in the global arena, India needs an education policy that emphasizes skill development, innovation and entrepreneurship.

Thirdly, persistent disparities in access to quality education, particularly among marginalised communities and rural areas, highlight the need for inclusive policies that address equity and social justice in education.

Furthermore, the shortcomings of the existing education system, including rote-based learning, lack of emphasis on critical thinking and creativity and outdated curricula, underscore the urgency for reforms to enhance the quality and relevance of education.

Lastly, the emergence of new challenges such as environmental sustainability, digital literacy and mental health awareness necessitate a holistic approach to education that goes beyond academic achievement to encompass holistic development and citizenship education.

In light of these factors, a new education policy becomes imperative to address the changing needs and aspirations of learners, bridge existing gaps, and ensure the education system's alignment with national development goals and global trends.

Overview of NEP-2020 Its Significance:

The New Education Policy (NEP) 2020 is a landmark reform initiative aimed at fundamentally transforming the Indian education landscape to meet the challenges of the 21st century. It represents a comprehensive framework that addresses various dimensions of education, from early childhood care to higher education, with the overarching goal of fostering holistic development, equity and excellence.

NEP-2020 proposes significant structural changes, including the restructuring of the school system into a 5+3+3+4 format, emphasizing foundational learning, multi-disciplinary education and flexibility in curriculum choice. It places a strong emphasis on early childhood care and education, recognizing its pivotal role in laying the foundation for lifelong learning and development.

The policy also prioritises the integration of vocational education and skill development into mainstream education, aiming to make students more employable and entrepreneurial. Additionally, NEP-2020 emphasizes the importance of promoting regional languages and mother-tongue as the medium of instruction to preserve linguistic diversity and enhance learning outcomes.

Furthermore, NEP-2020 seeks to promote research, innovation and internationalisation in higher education, with measures such as the establishment of a National Research Foundation and facilitating greater autonomy and collaboration among institutions.

Overall, NEP-2020 holds immense significance as a visionary blueprint for revitalising the Indian education system, aligning it with the evolving needs of society and the economy, and ensuring that every learner has access to quality education opportunities. Its successful implementation has the potential to shape the future trajectory of India's socio-economic development and global competitiveness.

Review of existing literature on education policies in India

Existing literature on education policies in India provides a comprehensive understanding of the historical evolution, challenges and impact of various policy initiatives on the country's education system. Studies have extensively reviewed policies such as the National Policy on Education (NPE) 1968, NPE-1986 with its modifications in 1992 and subsequent revisions, shedding light on their objectives, implementation strategies and outcomes.

Researchers have analysed the strengths and weaknesses of these policies, highlighting issues such as access, equity, quality and relevance of education. They have examined the

role of government interventions, funding mechanisms, and institutional frameworks in shaping educational outcomes and addressing socioeconomic disparities.

Moreover, literature on education policies in India delves into specific thematic areas such as teacher education, curriculum development, assessment reforms and vocational education, providing insights into policy gaps, implementation challenges and best practices.

Furthermore, comparative studies with international education systems have offered valuable lessons and benchmarks for policy formulation and reform. Researchers have also explored the impact of globalization, technological advancements and socio-cultural factors on education policies and practices in India.

Overall, the review of existing literature provides a rich resource for policymakers, educators and stakeholders to inform evidence-based decision-making, identify areas for intervention and chart the course for future reforms in the Indian education system.

Comparative Analysis of NEP-2020 with Previous Policies

A comparative analysis of the New Education Policy (NEP) 2020 with previous policies in India, such as the National Policy on Education (NPE) 1968 and NPE-1986, reveals both continuities and significant departures in the approach to education reform.

NEP-2020 marks a departure from previous policies by embracing a more holistic and multidisciplinary approach to education. Unlike the NPE-1986, which focused primarily on expanding access to education and achieving universal enrolment, NEP-2020 places greater emphasis on quality, equity and inclusivity. It introduces structural reforms such as the 5+3+3+4 schooling system, early childhood care and the integration of vocational education into mainstream education, which were not prominent features of previous policies.

Moreover, NEP-2020 seeks to promote flexibility and choice in curriculum design, moving away from the rigid and centralised curriculum frameworks of the past. It also emphasises the use of technology in education delivery and assessment, reflecting a recognition of the transformative potential of digital learning.

However, NEP-2020 shares some common goals with previous policies, such as promoting universal access to education, enhancing teacher quality and fostering research and innovation in higher education. It builds upon the foundational principles laid out in earlier policies while incorporating new perspectives and strategies to address contemporary challenges and opportunities in the education sector.

Evaluation of International Best Practices in Education Reform

Evaluation of international best practices in education reform provides valuable insights for policymakers, educators and stakeholders seeking to improve educational outcomes and address the evolving needs of learners. Several countries have implemented innovative reforms in their education systems, offering lessons and benchmarks for effective policy formulation and implementation.

One prominent area of focus in international best practices is curriculum design and pedagogy. Countries such as Finland and Singapore are lauded for their learner-centred approaches, which prioritise critical thinking, problem-solving and creativity over rote memorization. Finland's emphasis on play-based learning in early childhood education and Singapore's focus on inquiry-based teaching methods have been particularly influential in shaping educational practices worldwide.

Additionally, countries like Canada and Australia have implemented inclusive education policies that prioritise diversity, equity and social justice. They have adopted measures to support students with diverse learning needs, promote multiculturalism and reduce achievement gaps among different socio-economic and cultural groups.

Furthermore, integration of technology and digital literacy are key components of educational reforms in countries like South Korea and Estonia. These nations have leveraged technology to enhance teaching and learning experiences, facilitate personalised learning pathways and expand access to education through online platforms and digital resources.

Moreover, international best practices highlight the importance of continuous professional development for teachers and school leaders. Countries such as Japan and the Netherlands invest in comprehensive teacher training programs, mentoring initiatives and collaborative learning communities to support educator growth and improve teaching quality.

Overall, the evaluation of international best practices in education reforms underscores the importance of adopting a holistic and evidence-based approach to policy development, drawing inspiration from successful initiatives while considering the unique socio-cultural context and needs of the local education system. By learning from the experiences of other countries, policymakers can identify promising strategies, avoid pitfalls and foster innovation to drive meaningful improvements in education outcomes.

Objectives of NEP-2020

Holistic development of students

Holistic development of students refers to nurturing their physical, emotional, social and cognitive dimensions. It emphasizes fostering critical thinking, creativity, empathy and resilience alongside academic achievement. Holistic education aims to prepare learners to thrive in diverse contexts, contribute positively to society, and lead fulfilling lives.

Universal access to quality education

Universal access to quality education ensures that every individual, regardless of background or circumstances, has equal opportunities to receive a high standard of education. It encompasses removing barriers such as affordability, geographical location, gender, and disability, ensuring that all learners can fulfil their potential and contribute to society.

Promoting equity and inclusion

Promoting equity and inclusion in education entails ensuring fairness and equal opportunities for all learners, regardless of their socio-economic status, ethnicity, gender or ability. It involves addressing systemic barriers, providing targeted support and creating inclusive learning environments that celebrate diversity and empower every student to succeed.

Skill development and employability enhancement

Skill development and employability enhancement initiatives aim to equip individuals with the knowledge, competencies, and attitudes needed to thrive in the workforce. These programs focus on imparting both technical and soft skills, fostering adaptability, innovation, and lifelong learning to enhance employability and promote sustainable economic growth.

Strengthening research and innovation

Strengthening research and innovation in education involves fostering a culture of inquiry, experimentation, and collaboration to generate new knowledge and improve educational practices. It entails investing in research infrastructure, promoting interdisciplinary studies, and encouraging innovative pedagogies to address emerging challenges and drive continuous improvement in the education sector.

Key Provisions of NEP-2020

1. Early Childhood Care and Education (ECCE):

ECCE emphasizes providing nurturing environments and developmentally appropriate learning experiences for children from birth to age 8, laying the foundation for lifelong learning, cognitive development, and socio-emotional well-being.

2. School Education Reform:

School education reform initiatives focus on restructuring curriculum, pedagogy, and assessment practices to promote holistic development, critical thinking, and creativity among students, ensuring quality education for all.

3. Vocational Education and Skill Development:

Vocational education and skill development programs aim to equip individuals with industry-relevant competencies, enhancing their employability and fostering entrepreneurship. These initiatives offer hands-on training, apprenticeships, and certification in various trades and professions.

4. Higher Education Reform:

Higher education reform efforts seek to improve access, equity, and quality in tertiary education, promoting research, innovation, and internationalization. Reforms include enhancing the autonomy and governance of institutions, fostering interdisciplinary studies, and aligning curricula with industry needs.

5. Language Policy:

Language policies address the medium of instruction, promotion of regional languages, and multilingualism in education. They aim to preserve linguistic diversity, promote proficiency in multiple languages, and ensure effective communication and inclusivity in learning environments.

6. Assessment and Evaluation Reforms:

Assessment and evaluation reforms aim to shift from rote memorization to competency-based learning, fostering critical thinking, creativity, and problem-solving skills. These reforms promote formative assessments, alternative evaluation methods, and feedback mechanisms to support student learning and teacher professional development.

7. Use of Technology in Education:

Technology integration in education involves leveraging digital tools, resources, and platforms to enhance teaching, learning, and assessment processes. It facilitates personalized learning, collaboration, and access to educational content, promoting innovation and addressing diverse learning needs in the digital age.

Implications of NEP-2020

1. Potential impact on educational outcomes:

NEP-2020 has the potential to improve educational outcomes by promoting holistic development, critical thinking, and skill acquisition among students, leading to better academic performance, employability, and lifelong learning.

2. Implications for students, teachers, and educational institutions:

NEP-2020 implications include fostering student-centred learning, enhancing teacher professionalism, and reshaping institutional structures to promote innovation, inclusivity, and accountability in education delivery and outcomes.

3. Socio-economic implications:

NEP-2020's socio-economic implications encompass reducing disparities, enhancing human capital development, and fostering economic growth and social mobility through equitable access to quality education, skill development, and entrepreneurship opportunities.

4. Impact on marginalized communities and underprivileged regions:

NEP-2020 aims to address the educational needs of marginalized communities and underprivileged regions by providing targeted support, enhancing access, and ensuring inclusive policies and practices to mitigate socio-economic disparities and promote social inclusion and empowerment.

Opportunities and Recommendations

1. Harnessing technology for effective implementation:

NEP-2020 emphasizes leveraging technology to enhance education delivery, facilitate personalized learning, and expand access to quality resources, necessitating investment in digital infrastructure, capacity building, and innovative solutions for curriculum delivery, assessment, and teacher professional development.

2. Strengthening public-private partnerships:

NEP-2020 encourages collaboration between government agencies, educational institutions, and private sector stakeholders to leverage expertise, resources, and innovation in areas such as infrastructure development, skill training, research, and technology integration, fostering synergies and enhancing the quality and reach of education services.

3. Enhancing teacher training and professional development:

NEP-2020 prioritizes continuous professional development for teachers to enhance pedagogical skills, subject knowledge, and classroom management practices, requiring comprehensive training programs, mentorship, and career advancement opportunities to support educator growth and improve teaching quality and student learning outcomes.

4. Promoting community engagement and stakeholder participation:

NEP-2020 recognizes the importance of involving parents, communities, civil society organizations, and other stakeholders in decision-making processes, curriculum development, and school governance, fostering partnerships, mutual accountability, and shared responsibility for improving education quality, equity, and relevance.

5. Ensuring accountability and monitoring mechanisms:

NEP-2020 emphasizes establishing robust accountability frameworks, performance indicators, and monitoring systems to track progress, identify challenges, and ensure transparency and accountability in education service delivery, resource utilization, and outcomes, facilitating evidence-based decision-making and continuous improvement efforts.

Conclusion

Summary of key findings:

The New Education Policy (NEP) 2020 represents a comprehensive reform initiative aimed at transforming the Indian education system to meet the demands of the 21st century. Key findings highlight NEP-2020's emphasis on holistic development, equity, and innovation in education. It introduces structural reforms, promotes skill development, and leverages technology to enhance learning outcomes. Challenges such as infrastructural limitations, funding constraints, and socio-cultural barriers require attention. However, NEP-2020 holds promise for fostering inclusive, learner-centred education that prepares students for success in a rapidly changing world.

Concluding remarks on the potential of NEP-2020 to transform the Indian education landscape:

NEP-2020 holds immense potential to revolutionize the Indian education landscape by promoting holistic development, equity, and innovation. Its emphasis on early childhood education, vocational training, and technology integration aligns with global best practices and addresses the critical needs of the modern workforce. While challenges exist, NEP-2020 provides a visionary roadmap for fostering inclusive, quality education that empowers individuals, drives socio-economic development, and strengthens India's position in the global knowledge economy. With concerted efforts and effective implementation strategies, NEP-2020 has the potential to transform the educational landscape and unlock opportunities for millions of learners across the country.

Glossary

1. **NEP-2020:** Abbreviation for the New Education Policy 2020, a comprehensive framework for educational reform in India.
2. **Holistic Development:** Refers to the overall growth and well-being of individuals, encompassing physical, emotional, social, and cognitive aspects.
3. **Universal Access:** Ensuring equal opportunities for education to all individuals, irrespective of background, geography, or socio-economic status.
4. **Equity:** The principle of fairness and justice in education, ensures that every learner receives the support and resources needed to succeed.
5. **Inclusion:** Involves accommodating the diverse needs and backgrounds of all learners, fostering a sense of belonging and participation in educational settings.
6. **Vocational Education:** Training programs aimed at developing specific skills and competencies for employment in various trades and industries.
7. **Higher Education:** Post-secondary education including colleges, universities, and vocational institutions offering degree and diploma programs.
8. **Language Policy:** Guidelines and regulations governing the use of languages in education, including medium of instruction and language learning objectives.
9. **Assessment and Evaluation:** Processes used to measure and evaluate student learning outcomes, proficiency levels, and educational effectiveness.

10. Technology Integration: Incorporating digital tools, resources, and platforms into educational practices to enhance teaching, learning, and assessment.
11. Public-Private Partnerships: Collaborative initiatives between government agencies and private sector organizations to address educational challenges and promote innovation.
12. Teacher Training: Professional development programs aimed at enhancing pedagogical skills, subject knowledge, and classroom management techniques among educators.
13. Community Engagement: Involving parents, communities, and other stakeholders in educational decision-making, policy development, and school governance.
14. Accountability: Ensuring transparency, responsibility, and effectiveness in education delivery, resource management, and outcomes through monitoring and evaluation mechanisms.
15. Monitoring Mechanisms: Systems and processes for tracking progress, identifying challenges, and evaluating the effectiveness of educational policies and programs.

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A Study on Research Scholars' Perception Regarding Importance of Electronic Resources to Their Work and the Adequacy of Information Located in Them

*Misbah Manzoor**

Abstract

The present study has been carried out to explore the research scholars' perceptions regarding the importance of electronic resources to their work and the adequacy of information located in them. Besides, this study has been carried out with the help of the descriptive research method. The sample for the present study consisted of 200 respondents. After executing the sampling frame, the required sample was selected with the help of a random sampling technique. In context to the same, it has been found that a maximum number of research scholars perceive that electronic resources are very important and information available in them is adequate.

Keywords: e-resources, information, electronic resources, communication technology, electronic information.

1.1: Introduction:

With the advent of the digital era, there has been an improvement in the availability and usage of electronic resources within the users' community globally (**Babu&Sivaraman, 2020**). The arrival of information and communication technology (ICT) has not only been a move from the systematic one-to-one information flow of the past to a new model in which information users and providers can relate in a many-to-many, dynamic relationship but has also proven itself as a powerful tool for conveyance of electronic information resources (**Sharifabadi, 2006**). The users no longer depend upon traditional library services but believe that the wealth of information available in electronic resources can completely satisfy their scholastic needs as a better alternative to traditional print resources. Students now can take advantage of the multifarious growth of knowledge in different subjects by using electronic media, which is not possible by moving from library to library for physical tracking of these documents. They can not only have direct access to electronic information with consistency but can also get certain advantages in accessing electronic information as well, like, quick browsing, compound access, retrieval speed, sharing, print and downloading, comprehensive information

Department of Library and Information Science, RIMT University, Mandi Gobindgarh, Punjab, India.

coverage, and more so (Swain, 2010). E-resources are emerging as an important means for the dissemination of knowledge and evidently, libraries are now moving towards digital resources, as they are found to be less expensive and more helpful. These are helpful, especially to remote learners who cannot access the libraries. Due to the increasing interest in e-resources, a lot of precious collection of scholarly texts, images and sounds now exists only in electronic form and may be accessible via the Internet only (Jebaraj, 2018).

1.2: Review of previous literature:

Alzahrani (2019) conducted a study entitled “Use and Impact of Electronic Resources at King Abdulaziz University, Jeddah, Saudi Arabia”. The study showed that the use of electronic resources is very popular among the university and most of the students are dependent on electronic materials to get the relevant information. The investigator revealed that the availability of electronic resources in the library is almost sufficient for all the existing disciplines but the infrastructure to use these resources is not sufficient and can prevent the ability to meet the requirements of users. **Mohanta&Pandey (2020)** conducted a study entitled “Emerging technology used in North Indian Central University libraries: An innovative approach”. The study revealed that universities should follow the guidelines and norms so that innovative challenges of universities are helpful to guide research scholars. It was suggested that universities should take care of their research collection so that students of these universities will benefit in the field. **Nair & TS (2020)** investigated “Awareness and use of domain-specific electronic resources among research scholars in the University of Kerala”. It was concluded that in terms of information seeking, today’s researchers seem to be comfortable with using a wide variety of sources for information. **PM (2020)** carried out a study on “Use of electronic journals by research scholars of Aligarh Muslim University, Aligarh and Jamia Millia Islamia, New Delhi”. The study concluded that science scholars as well as social science scholars of both universities were using e-journals not only for research activities but also for other types of work like for preparation of assignments and seminar presentations, writing and publishing articles, to keep their knowledge up to date, etc. **Tripathi, Sonkar&Rajbanshi (2020)** carried out a comparative study of agriculture and technology universities in Uttar Pradesh. The study was entitled “Use and impact of e-resources among research scholars: A comparative study of agriculture and technology universities in Uttar Pradesh”. The study revealed that e-resources were gradually replacing the print materials of a library, so it was suggested that in the changing library context, these e-resources should be properly managed for their wide and effective use,

otherwise a major portion of the library budget, which is spent towards this will be a waste. **Mwantimwa, Mwabungulu&Kassim (2021)** conducted a study on “Academic staff and researchers' use of electronic resources in Tanzania: A comparative study.” The study found that although users are aware of the importance of e-resources, unsatisfactory use of e-resources is made. So, steps should be taken to enhance their usage. **Olatoye, Nekhwevha&Muchaonyerwa (2021)** carried out a study on “ ICT literacy skills proficiency and experience on the use of electronic resources amongst undergraduate students in selected Eastern Cape Universities, South Africa.” The researchers concluded that usage of e-resources is improper due the lack of experience and inadequate ICT proficiency of the respondents. **Ahmad &Zaidi (2022)** carried out a study on “Awareness and use of Social Science Cyber Library among research scholars of Aligarh Muslim University, Aligarh”. They suggested that if appropriate measures are taken, optimum usage of e-resources and higher satisfaction levels of the users can be achieved. **Rani (2022)** did a study entitled “Usability of e-resources by research scholars and faculty members in selected universities of Haryana: a comparative study”. The researcher found out that in this electronic era, the users’ information needs cannot be completely satisfied with just printed sources of information, e-resources have to be used as supplements. The researcher revealed that during the COVID-19 pandemic, usage of e-resources increased and users learned to utilize e-resources in ways which they never could. **Verma (2022)** surveyed “Use of e-resources by the P.G. students and researcher scholars of Arts Faculty, Rani Durgavati Vishwavidyalaya Jabalpur, and M.P.: a study”. The researcher revealed that electronic information is one of the most important sources for humans to live a better life, though the requirements for electronic information may be different. **Gupta (2022)** carried out a study “Awareness and use of electronic resources by the research scholars and faculty member of Dr. C.V. Raman University, Bilaspur (Chattisgarh): a study”. The researcher revealed that e-resources have been used more in the last two decades so, e-resources collection should be enhanced in the universities to offer more resources to the users community’ frequently.

1.3: Statement of the Research Problem: the statement of the research problem is, “a study on research scholars’ perception regarding importance of electronic resources to their work and the adequacy of information located in them”.

1.4: Objectives of the Study: The purpose of the study is:

1. To explore research scholars’ perceptions regarding the importance of electronic resources to their work.

2. To explore research scholars' perceptions regarding the adequacy of information located in the electronic resources.

1.5: Research Assumption: The researcher presumed that most of the research scholars perceive electronic resources as very important to their work and the information located in them is quite adequate.

1.6: Methodology: The methodology and procedure are given as under:

- Study design: present study has been carried out with the help of the descriptive research method.
- Sample: The sample for the current study consisted of 200 respondents.
- Sampling technique: After executing the sampling frame, the required sample was selected with the help of a random sampling technique.

1.7: Delimitation of the Study: During the whole research process, a lot of constraints were faced by the investigator. However, the investigator made ample efforts to delimit these constraints up to a maximum extent. Consequently, the researcher delimited the present study to the Central University of Jammu and the Central University of Kashmir and the remaining universities of the union territory of Jammu and Kashmir have been excluded. This study has been delimited to the research scholars only and the remaining students have been excluded.

1.8: Analysis and Interpretation of the Data: The data has been analysed with the help of a descriptive research process. Accordingly, the analysis and interpretation of the data are given as under:

Table 1.1: Showing perception of the research scholars regarding the importance of electronic resources to their work (N=100 each).

Rate of importance of e-resources	RSCUK	RSCUJ	Composite Total	%
Very important	60.00	55.00	115.00	57.5
Moderately important	20.00	18.00	38.00	19.00
Somewhat important	20.00	27.00	47.00	23.5
Not important	0.00	0.00	0.00	0.00
Don't know/No opinion	0.00	0.00	0.00	0.00
Total	100	100	200	100

RSCUK= Research Scholars of the Central University of Kashmir

RSCUJ = Research Scholars of the Central University of Jammu

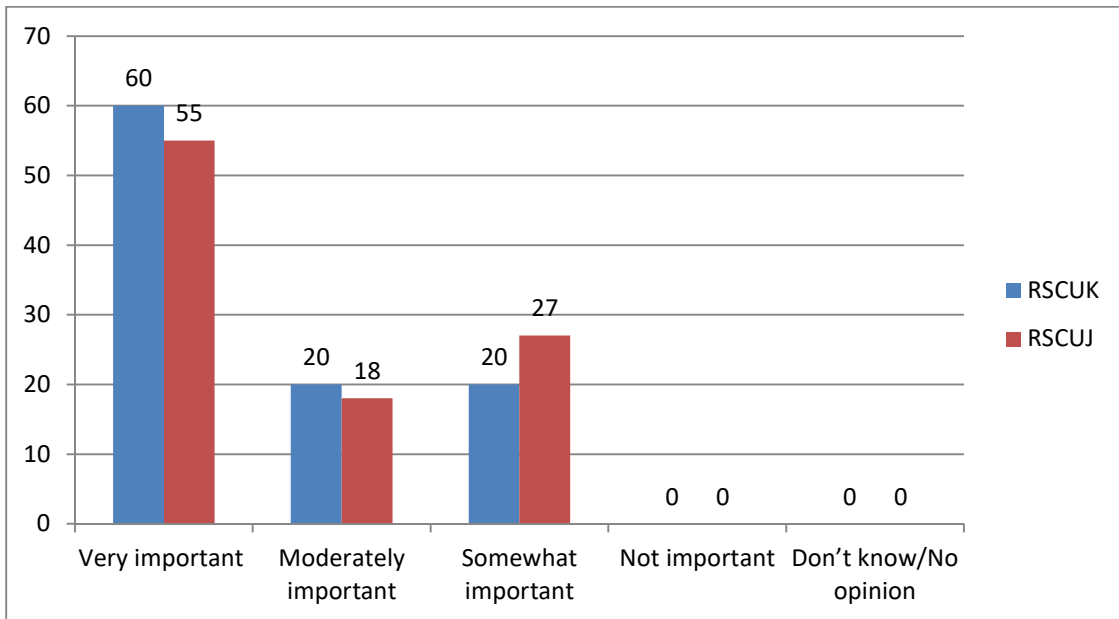


Fig.-1.1: Showing perception of the research scholars regarding the importance of electronic resources to their work (N=100 each).

The above-reported table gives the results about the perception of the research scholars regarding the importance of electronic resources to their work. The results reveal that among research scholars of the central University of Kashmir, 60 respondents argue that e-resources are very important, 20 respondents argue that e-resources have moderate importance, 20 argue that e-resources are somewhat important, and 0 respondents argue that e-resources are not important. Coming towards the research scholars of the central University of Jammu, it was observed that 55 respondents argue that e-resources are very important, 18 respondents argue that e-resources have moderate importance, 27 argue that e-resources are somewhat important, 0 respondents argue that e-resources are not important. On composite analysis, it was seen that 57.50% of respondents argue that e-resources are very important, 19.00% of respondents argue that e-resources have moderate importance, 23.5% argue that e-resources are somewhat important, 0% of respondents argue that e-resources are not important. Therefore, from the above discussion, it is evident that maximum of the research scholars consider that e-resources are very important.

Table-1.2: Showing perception of the research scholars regarding the adequacy of information located in the electronic resources (N=100 each).

Information found is adequate	RSCUK	RSCUJ	Composite Total	%
Yes	80	75	155	77.50
Undecided	10	15	25	12.50
No	10	10	20	10.00
Total	100	100	200	100

RSCUK= Research Scholars of the Central University of Kashmir

RSCUJ = Research Scholars of the Central University of Jammu

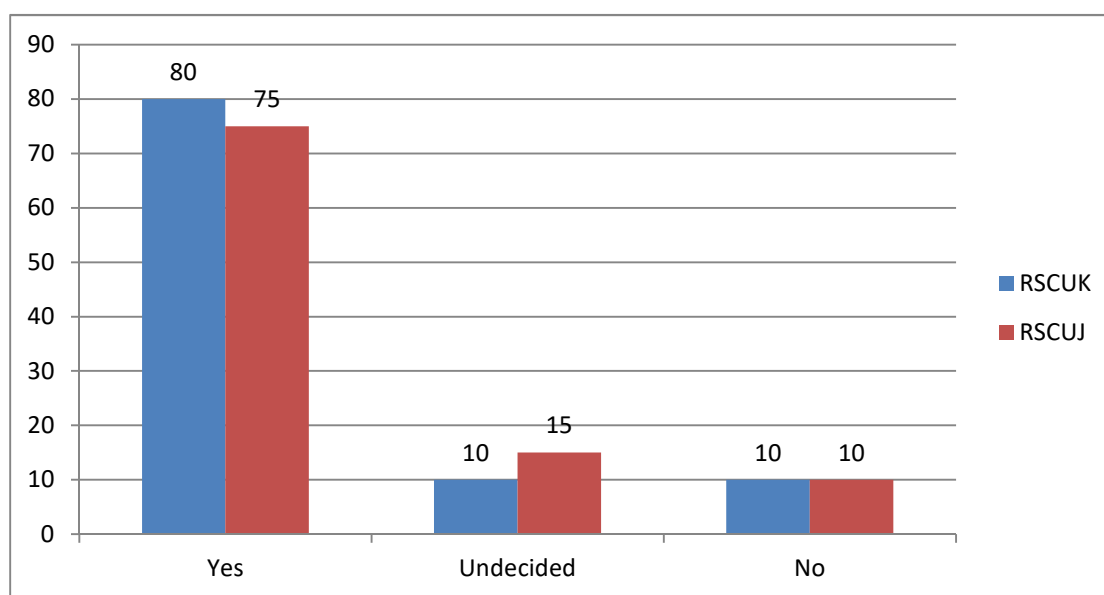


Fig.1.2: Showing graphical representation of the perception of research scholars regarding the adequacy of information located in the electronic resources (N=100 each).

According to the results analysed in the above table, 80 respondents found information available in e-resources is adequate, 10 respondents could not decide about the same and 10 respondents argued that inadequate information is located in different kinds of e-resources. Coming towards the research scholars of the central University of Jammu, it was found that 75 respondents found the information available in the e-resources was

adequate, 15 respondents could not decide about the same and 10 respondents argued that inadequate information was located in different kinds of e-resources. The composite analysis indicated that 77.5% of respondents found the information available in the e-resources adequate, 12.50% of respondents could not decide about the same and 10.00% of respondents found the information available in the e-resources inadequate.

1.9: Conclusion: The present study has been carried out to explore the research scholars' perception regarding the importance of electronic resources to their work and the adequacy of information located in them. In context to the same it has been found that a maximum of the research scholars from both universities perceive that electronic resources are very important to their work and information available in them is adequate.

Declaration of conflicting interests

The author declared no potential conflicts of interest concerning the research, authorship and/or publication of this article.

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Overcoming Obstacles: Upholding the Right to Education in India Amidst Covid-19

*Syed Wajid-ul-Zafar**

Abstract

In the wake of the unprecedented challenges posed by the COVID-19 pandemic, the imperative of ensuring the right to education has become increasingly salient, particularly in countries with vast and diverse populations like India. This paper aims to comprehensively explore the multifaceted landscape of implementing measures to safeguard the right to education in India amidst the ongoing pandemic. By examining the intricate interplay of socio-economic, technological, and policy dimensions, it seeks to provide a nuanced understanding of the strategies adopted by governmental and non-governmental entities to mitigate disruptions in education delivery. Furthermore, the paper critically evaluates the efficacy of these measures in addressing the needs of marginalized and vulnerable groups, shedding light on the persisting disparities exacerbated by the pandemic. By identifying both successes and challenges, it contributes to the ongoing discourse on the global imperative of adaptable frameworks to safeguard fundamental rights amidst unprecedented crises, thereby advocating for a more inclusive and equitable education system in India and beyond.

Keywords: *Right to Education, Covid-19 Pandemic, Children, Measures, Government, marginalized, unprecedented crises.*

Introduction:

The COVID-19 pandemic has triggered unparalleled disruptions across various sectors globally, including the education system in India. In a country where the right to education is constitutionally guaranteed, the pandemic's effects on education have been extensive and varied. With nationwide lockdowns and the closure of educational institutions, the rapid shift to remote learning methods has presented both obstacles and opportunities for ensuring the right to education for children in India. Enshrined in Article 21A of the Indian Constitution, the right to education promises free and compulsory schooling for all children aged 6 to 14. However, the pandemic has exposed existing weaknesses within the education system, amplifying inequalities in access to quality education. Vulnerable communities, particularly those from marginalized socio-economic backgrounds, rural areas, and remote regions, have borne the brunt of these disparities, facing limited or no access to digital infrastructure, devices, and reliable internet connectivity, thus widening the digital divide. Given this context, it is crucial to understand the impact of COVID-19 on children's right to education in India. This

*Lecturer, Sopore Law College, Jammu & Kashmir

research aims to introspect the various dimensions of this impact, examining the challenges encountered by different population segments, the effectiveness of government interventions, and the emergence of innovative solutions to mitigate pandemic-induced disruptions. Additionally, the study seeks to analyse the ramifications of these disruptions on the broader socio-economic landscape, including long-term educational outcomes, employment prospects, and social mobility. By shedding light on the intricacies of educational disruptions caused by the pandemic, this research aims to inform policy discussions, advocacy endeavours, and strategic interventions aimed at safeguarding and enhancing the right to education for all children in India, particularly during crises.

Originating from a virus identified in December 2019 in Wuhan, China, the COVID-19 pandemic represents a severe global health crisis. Belonging to the family of viruses known for causing respiratory infections, COVID-19 rapidly spread, leading the World Health Organization to declare it a pandemic by March 2020. The virus has caused significant devastation, with over 7 thousand reported deaths and more than 2 lakh confirmed cases worldwide by that time. Governments worldwide responded by implementing stringent lockdown measures to curb its spread. To date, the pandemic has claimed the lives of approximately 63 lakh individuals and directly affected around 560 million people. Its impact extends beyond public health to various aspects of human rights, notably the right to public health and education, both enshrined in international human rights treaties like the International Covenant on Economic, Social and Cultural Rights (ICESCR). The ICESCR asserts the right to mental and physical health for every individual, mandating state parties to undertake necessary measures for the protection, treatment, and prevention of life-threatening diseases. Simultaneously, the right to education is recognized as fundamental, with COVID-19 severely disrupting education systems globally, affecting around 1.6 billion students across 190 countries, comprising 94% of the world's student population. The closure of educational institutions aimed to contain the virus and protect the right to life, a fundamental obligation of governments. However, prolonged closures, as observed in India and elsewhere, necessitated the adoption of distance learning methods, primarily through technology. Nevertheless, this transition posed challenges, especially in countries like India where internet access and technological resources are not universally available. Consequently, many students, particularly schoolchildren, experienced academic setbacks due to difficulties in adapting to online learning. The Committee on Economic, Social and Cultural Rights (CESCR) underscores the interdependence of human rights, emphasizing that the right to health relies on other rights such as education, dignity, equality, and access to information.

Hence, even during emergencies like the COVID-19 pandemic, state parties must uphold all human rights without discrimination, including the right to education. Governments must ensure equitable access to education for all children, irrespective of their socioeconomic status or background. In addition to examining the immediate challenges posed by the pandemic, this research will also explore potential long-term consequences such as learning loss, educational inequality, and the exacerbation of pre-existing disparities. Furthermore, it will assess the roles of various stakeholders, including government agencies, educational institutions, civil society organizations, and the private sector, in addressing these challenges and fostering resilient, inclusive, and responsive education systems that cater to diverse learner needs. By critically analysing the impact of COVID-19 on the right to education in India, this research seeks to contribute to the growing literature on educational disruptions during crises, offering valuable insights for policymakers, educators, researchers, and advocates working towards ensuring equitable access to quality education for every child, regardless of their socio-economic background or geographical location.

Right to Education: International Position

Human rights are inherent to all individuals solely by virtue of their humanity. They are universal and unalienable, and nations that have ratified international human rights treaties are obligated to uphold, promote, and incorporate these rights into their domestic legislation. These rights are not bestowed by rulers but are intrinsic to every individual, establishing the fundamental standards necessary for a dignified existence. The right to education has been recognized as a significant human right in various international and regional human rights agreements. **Nelson Mandela**, a renowned champion of social reform, famously remarked, "*Education is the most powerful weapon which you can use to change the world.*" Similarly, former United Nations Special Rapporteur on the Right to Education, **Katarina Tomasevski**, stressed, *that education must be accessible, adaptable, acceptable, and available to all without discrimination.* The right to education serves as a means for individuals to assert their economic, social, civil, and political rights and to challenge violations of human rights by their respective states. State parties should promote and safeguard the right to education in their domestic laws without discrimination. For example, Article 2(1) of the **Convention on the Rights of the Child** (1989) mandates that states must ensure and respect the rights guaranteed under the Covenant to every child within their jurisdiction, irrespective of factors such as religion, ethnicity, or political affiliation. Similarly, Article 2(2) of the **International Covenant on Economic, Social, and Cultural Rights** (1966) requires state parties to implement the

rights guaranteed under the Covenant without discrimination based on factors such as religion, language, or race. The right to education, as enshrined in Article 26(1) of the **United Nations Universal Declaration of Human Rights (UDHR)**, stands as a fundamental pillar of human rights, advocating for universal access to knowledge and learning opportunities. This foundational principle emphasizes that every individual, regardless of their background or circumstance, possesses the inherent right to pursue education. It not only declares education as a basic entitlement but also underscores its critical role in shaping individuals' lives, fostering personal development, and empowering communities. Within the **UDHR** framework, Article 26(1) delineates key provisions to ensure the realization of this right. It stipulates that education should be freely accessible, particularly at the elementary and fundamental levels, thus removing financial barriers that could impede access to learning. Moreover, the declaration mandates compulsory elementary education, emphasizing the importance of ensuring that all children receive a basic level of education necessary for their intellectual and social development. Furthermore, the declaration emphasizes the significance of providing technical and professional educational opportunities widely, recognizing the importance of equipping individuals with practical skills and expertise to thrive in various fields. Additionally, it underscores the principle of equal access to higher education based on merit, advocating for a level playing field where individuals can pursue advanced studies and fulfil their potential regardless of their socio-economic status or background.

The commitment to the right to education is not confined to the UDHR alone; it has been reaffirmed and bolstered through subsequent international agreements and conventions. For instance, the 1960 UNESCO Convention Against Discrimination in Education explicitly prohibits any form of discrimination in educational settings, ensuring that education is accessible to all without prejudice. Similarly, the 1981 **Convention on the Elimination of All Forms of Discrimination against Women** recognizes the importance of ensuring gender equality in education, advocating for the empowerment of women and girls through equal access to educational opportunities. Moreover, the **African Charter on Human and Peoples' Rights** further reinforces the right to education within the African continent, affirming the collective commitment of African nations to provide quality education for all individuals, irrespective of their background or circumstances. These international instruments collectively underscore the global consensus on the indispensable role of education in promoting human dignity, fostering social progress, and advancing the principles of equality and justice. In essence, the right to education serves as a cornerstone of human rights, embodying the belief that access to knowledge and learning is not merely a privilege but a fundamental entitlement that must be upheld

and protected by societies worldwide. Through collective action and steadfast commitment to this principle, nations can work towards building a more inclusive and equitable world where every individual has the opportunity to fulfil their potential and contribute meaningfully to society.

Importance of the Right to Education in India

India, as a democratic nation, has ratified numerous international human rights treaties that recognize the right to education as a fundamental human right. This right is enshrined in Article 21-A of the Indian Constitution, making education a basic entitlement. Furthermore, elementary education is a statutory right in India, obligating the state to provide free and compulsory education to children aged 6 to 14 years. Following China, India boasts the second-largest number of schools globally, underscoring its commitment to education. Approximately 120 million children in India benefit from the Mid-day Meal Scheme, which provides a free meal to students aged 6 to 14 attending government schools. This scheme serves as a significant incentive for school attendance and educational participation. The Indian judiciary, acting as the guardian of fundamental rights, has consistently played an active role in advocating for and safeguarding the right to education (*Mohini Jain v State of Karnataka* AIR 1992 SC 1858; *Unni Krishnan v State of Andhra Pradesh* 1993 SCC (1) 645). Despite the government's earnest efforts to ensure universal education, a significant number of children in India remain out of school, posing a considerable concern. Expanding on the importance of the right to education in India, it serves as the cornerstone of societal progress, economic development, and the fulfilment of individual potential. By ensuring universal access to quality education, India can address various social and economic challenges, foster inclusive growth, and empower its citizens to contribute meaningfully to the nation's development. Moreover, education is instrumental in breaking the cycle of poverty and inequality. It equips individuals with the knowledge, skills, and abilities necessary to secure better employment opportunities and improve their socio-economic status. Additionally, educated citizens are more likely to participate actively in democratic processes, advocate for their rights, and contribute positively to their communities. Furthermore, the right to education plays a crucial role in promoting gender equality and empowering women and girls. Access to education enables girls to break free from traditional gender roles, pursue higher education and career aspirations, and make informed choices about their lives. Empowering women through education not only benefits them individually but also contributes to the overall socio-economic development of the nation. Additionally, education fosters social cohesion and promotes

tolerance and understanding among diverse communities. By providing equal educational opportunities to all segments of society, regardless of caste, creed, religion, or socio-economic background, India can bridge existing divides and build a more inclusive society. Investing in education yields long-term benefits for the economy by cultivating a skilled workforce, fostering innovation and entrepreneurship, and driving technological advancements. A well-educated population is essential for attracting foreign investment, stimulating economic growth, and enhancing global competitiveness. In conclusion, the right to education is indispensable for India's journey towards social justice, economic prosperity, and national development. By prioritizing education and ensuring its universal availability and quality, India can unlock the full potential of its citizens and pave the way for a brighter and more equitable future.

To fulfil the mandate outlined in Article 21(A), the RTE (Right of Children to Free and Compulsory Education) Act was enacted in 2009, coming into effect on April 1, 2010. The Act operates on the principles of the 4A's:

1. **Availability:** - It has been widely acknowledged that children from disadvantaged backgrounds often engage in labour to supplement family income, hindering their access to education. Availability ensures that education is universally accessible to every child, with the government bearing all financial burdens associated with schooling. Adequate infrastructure and teaching resources must be provided to facilitate this.
2. **Accessibility:** - Many students face long commutes to reach the nearest school, leading to absenteeism. Accessibility dictates that educational facilities should be easily reachable from all localities, preventing any child from being excluded due to distance barriers.
3. **Acceptability:** - Deep-rooted caste and religious divides have historically affected educational access. Acceptability mandates that education be provided without discrimination based on these factors, ensuring that all children have equal opportunities to learn.
4. **Adaptability:** - Society undergoes constant change, necessitating educational curricula that evolve with the times. Adaptability requires education to align with shifting societal needs and norms, equipping students to thrive in a dynamic environment.

The Act stipulates the following provisions:

- Every child aged 6-14 has the right to free and compulsory education, with access to a nearby school until completion of elementary education.
- No financial burden should be placed on children that could impede their access to education.
- The government must provide the necessary infrastructure and training for teachers to ensure the provision of free and compulsory education to all children.
- Local authorities are tasked with ensuring the availability of schools, providing infrastructure and training for teachers, facilitating the admission of migrant children, and monitoring school functioning within their jurisdiction.
- Teachers are responsible for completing the curriculum within a specified timeframe and maintaining regular attendance and punctuality.

Effect of COVID-19 on the Implementation of Right to Education in India

The COVID-19 pandemic has had a profound and multifaceted impact on the implementation of the Right to Education (RTE) in India, affecting various dimensions of the educational landscape. One of the most immediate and visible effects has been the widespread closure of schools as a measure to contain the spread of the virus. This sudden disruption to in-person learning has affected millions of students across the country, disrupting their educational continuity and jeopardizing their right to receive an education. With schools closed, the education system had to rapidly adapt to remote learning modalities. While online education emerged as a viable alternative for some, it unveiled the stark reality of the digital divide in India. Many students, particularly those from rural or economically disadvantaged backgrounds, lacked access to the necessary technology and infrastructure required for online learning. This digital disparity has widened existing educational inequalities, marginalizing already vulnerable groups and hindering their access to quality education. Moreover, the quality of remote education has been a subject of concern. Schools and educators, unprepared for the sudden shift to online teaching, faced challenges in effectively delivering curriculum content and engaging students in virtual classrooms. As a result, the learning experiences of students varied widely, with disparities in access to resources and teacher support further exacerbating educational inequities. The socioeconomic repercussions of the pandemic have also played a significant role in undermining the Right to Education. Economic hardships, job losses, and increased poverty have forced many families to prioritize

immediate survival needs over their children's education. This has led to higher dropout rates, particularly among marginalized communities where access to education was already precarious.

Furthermore, the health and safety concerns associated with reopening schools have complicated efforts to resume in-person learning. Many parents remain apprehensive about sending their children back to school due to fears of COVID-19 transmission. Ensuring a safe learning environment while adhering to health protocols presents a formidable challenge for education authorities and school administrators. The closure of schools has also disrupted essential support services provided to students, such as nutrition programs. For many children from low-income families, school meals served as a crucial source of nutrition. With schools shuttered, children are at risk of missing out on these meals, exacerbating issues of malnutrition and food insecurity among vulnerable populations. Addressing the impact of the pandemic on the Right to Education requires a concerted and comprehensive response from policymakers, educators, and civil society. Efforts to bridge the digital divide, provide equitable access to education, and support the holistic well-being of students must be prioritized. Additionally, targeted interventions are needed to mitigate learning loss, prevent dropout rates from escalating, and ensure that the most marginalized children are not left behind. Collaborative action and innovative solutions are essential to uphold the fundamental right to education for all children in India, even in the face of unprecedented challenges posed by the COVID-19 pandemic.

Initiatives of the Government of India for implementation of Right to Education during Covid-19

In the face of the unprecedented challenges posed by the COVID-19 pandemic, the Government of India has orchestrated a symphony of initiatives to ensure that the rhythm of education continues to play, albeit in a digital crescendo. Like a masterful conductor, these initiatives have harmonized the diverse strands of online learning, digital resources, and technological innovation to create a vibrant tapestry of educational opportunities for learners across the nation. At the heart of this orchestration lies SWAYAM, a virtual stage where the melodies of knowledge resonate freely. With its diverse repertoire of courses spanning from the melodic notes of primary education to the intricate harmonies of post-graduate studies, SWAYAM has become a beacon of learning, guiding students through the labyrinth of uncertainty brought about by the pandemic. In this digital symphony, DIKSHA emerges as a virtuoso, seamlessly weaving together the threads of e-content and QR-coded textbooks to create a seamless learning experience. Like a maestro

guiding his orchestra, DIKSHA conducts the flow of information, ensuring that every student has access to the rich tapestry of educational resources, regardless of their geographical location or socio-economic background. Under the baton of the PM e-Vidya program, a grand concerto of digital initiatives unfolds, encompassing online courses, educational TV channels, and the melodious cadence of radio broadcasts. These initiatives, akin to musical motifs, resonate across the educational landscape, providing a lifeline for students and educators alike amid the pandemic-induced turbulence. Amidst this digital symphony, the National Digital Library (NDL) stands as a majestic cathedral of knowledge, its vast repository of academic resources serving as a sanctuary for seekers of learning. Here, amidst the hallowed halls of literature and scholarship, students and educators find solace and inspiration, as they navigate the uncertain seas of online education. As the digital opus unfolds, e-Pathshala emerges as a lyrical ode to the spirit of innovation and accessibility. With its treasure trove of digital textbooks and supplementary materials, e-Pathshala becomes a guiding light for students, illuminating their path towards academic excellence even in the darkest of times. In this grand symphony of education, the government's support for institutions serves as the cornerstone, providing the financial and infrastructural support needed to orchestrate the transition to online teaching. Like a beneficent patron of the arts, the government nurtures the seeds of knowledge, ensuring that they blossom and flourish in the fertile soil of digital innovation.

Yet, amidst the digital cacophony, one theme rings clear - the promotion of digital literacy. Like a leitmotif running through the symphony, efforts to promote digital literacy resonate across the educational landscape, empowering students, teachers, and parents alike to navigate the digital realm with confidence and proficiency. In this grand symphony of education orchestrated by the Government of India, every initiative, every resource, and every effort contributes to the rich tapestry of learning, weaving together the diverse threads of knowledge into a harmonious whole. As the melody of education continues to play, it serves as a testament to the resilience, innovation, and unwavering commitment of a nation to ensure that the flame of learning burns bright, even in the darkest of times. In conclusion, the Government of India's initiatives on education during COVID-19 reflect a profound commitment to ensuring that every child has access to quality education, regardless of the circumstances. Through the strategic deployment of technology, the government has not only mitigated the disruptions caused by the pandemic but has also laid the foundation for a more inclusive and resilient education system for the future. As the symphony of education continues to play, it serves as a

testament to the power of innovation, perseverance, and collective action in times of adversity.

Conclusion and Suggestions

Conclusion:

The COVID-19 pandemic has starkly illuminated the fragility of education systems worldwide, and India has been no exception. Despite constitutional guarantees and legislative frameworks ensuring the right to education, the pandemic has revealed deep-seated disparities and vulnerabilities within India's educational landscape. From the abrupt closure of schools to the rapid shift to remote learning, the challenges have been multifaceted and daunting. However, amidst the turmoil, there have been commendable efforts by various stakeholders to mitigate the impact of the pandemic on education. Governmental initiatives such as SWAYAM, DIKSHA, and PM e-Vidya have leveraged technology to provide alternative learning opportunities. These initiatives, coupled with community engagement efforts and civil society interventions, have demonstrated the resilience and adaptability of India's education sector. Nevertheless, challenges persist, particularly in reaching marginalized and vulnerable populations. The digital divide, exacerbated by the pandemic, remains a significant barrier to equitable access to education. Economic disparities, lack of infrastructure, and social inequalities continue to impede efforts to ensure universal education.

Moving forward, several suggestions can inform policy and practice to strengthen the resilience of India's education system:

Address the Digital Divide: Prioritize initiatives to bridge the digital gap by expanding access to technology and internet connectivity, especially in rural and underserved areas. Provide subsidies or incentives for digital devices and internet services to economically disadvantaged families.

Enhance Teacher Training and Support: Invest in teacher training programs to equip educators with the skills and resources needed to effectively deliver remote education. Provide ongoing professional development opportunities and mentorship to support teachers in adapting to new teaching modalities.

Promote Inclusive Education: Develop inclusive educational practices that cater to the diverse needs of learners, including those with disabilities, language barriers, or learning difficulties. Ensure that educational materials and platforms are accessible and culturally relevant.

Strengthen Social Support Systems: Address socio-economic barriers to education by expanding social support programs, including meal provision, health services, and psychosocial support for students and families in need. Collaborate with community organizations and NGOs to reach marginalized populations.

Invest in Resilient Infrastructure: Improve infrastructure and facilities in schools to accommodate hybrid learning models and ensure safe reopening. Invest in sanitation, ventilation, and technology infrastructure to support blended learning approaches.

By implementing these suggestions and remaining committed to the principles of equity, inclusivity, and resilience, India can navigate the challenges posed by the pandemic and build a more equitable and responsive education system. While the road ahead may be fraught with obstacles, it is also paved with opportunities to reimagine and transform education for the betterment of all children in India. Together, we can ensure that every child has the opportunity to realize their right to education and unlock their full potential, regardless of the challenges they may face.

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Empowering Self-Preservation: Understanding the Right of Private Defence Under IPC

Sabreen*

Abstract

“I may help me until others come to rescue”

Human beings are one of the most wonderful creations on earth. God says, *I created man and woman from a single pair i.e., from Adam and Eve and neither made them into nations and tribes for the reason that they may recognize each other* (The Holy Quran), But living in coordination on the earth can never be imagined nor be easy under any law. Human beings by nature desire to rule over each other which ultimately brings the system into Might is right. To dilute that greed, the law has provided certain mechanisms whereby the interests of its citizens are secured irrespective of caste, creed, religion sex etc. Therefore, every law-abiding citizen has been bestowed with the right to protect his person and property against the aggressors which in legal parlance is called Self-help, the first rule of criminal law. This principle is incorporated in chapter four of the Indian Penal Code falling from sections 96- 106 generally known as the right of private defence or general exceptions. Section 96 excuses any act which is done in the exercise of the right of private defence (**Indian Penal Code, K.D Gaur**).

Keywords: Criminal Law, Section 96, Human beings, Religion and sex, Indian Penal Code, Self-Preservation.

Introduction

Why right of private defence is recognized?

It is the primary duty of the state to protect the life, limb and property of its subjects. But no state however resourceful it might be, will be in a position to appoint a policeman to every individual to guard his body and property. A state can never extend its help to all at all times and in all cases. In such a situation an individual to protect and defend his basic instinct of self-preservation will be urged to resort to all the possible means at his hand to protect himself and his property. He is neither expected to surrender nor to escape, but to defend and exercise so much of power as the situation requires or demands from him. He is entitled to stay and overcome the threat. He is expected to use force that is just required to counter the danger or until the state comes to his rescue. An unrestricted right to defend will inevitably result in the ***might is right*** rule and thereby will create serious law and order problems. Hence to prevent such disorder the restrictions on its exercise have been prescribed under the code. It states that there is no right of private defence against an act which does not reasonably cause the apprehension of death or grievous hurt if done or attempted to be done by a public servant in good faith and under the colour of his office or is done or attempted to be done by the direction of public servant acting in good faith and under

*LLM, Scholar School of Law, University of Kashmir.

colour of his office. Likewise, the right of private defence cannot be taken recourse where there is time to seek the help of public authorities. Let us take an example if X gives a threat call to Y that tomorrow I will lay you on forever. Here X has enough time (of one day) to reveal the facts of the threat before the public authorities hence X in this situation cannot take the help of private defence. Had the threat been given abruptly where he cannot have any assistance from the authorities his private defence may then even extend to the causing of death to the Y at that time if the situation so requires or if the threat arises out from section 100 (**Professor SN Mishra Indian Penal Code**) This section speaks of specific situations where the right of defence can extend even causing to the death or of any other hurt to the attacker but this section is self-controlled by the conditions itself laid down. Likewise, the right of private defence in no case extends to the inflicting of more harm than is necessary for defence. In one of the cases where two accused, having received simple injuries ran back to their house, fetched a sword and inflicted fatal blows on the head of the deceased with that sword. The court held that even assuming that the accused had inflicted simple injuries on the accused, there could be no justification for any of the accused to hit the deceased with a sword on a vital part of the body such as the head. Their acts bear a stamp of design. The right of private defence cannot therefore be availed by the accused. But where there is a reasonable apprehension of death or grievous hurt right of private defence can be embraced. A boy of twenty-one years, who was charged with murdering his father was held entitled to the right of private defence. The accused was living with his mother and father. The relations between the husband and wife were strained and his father frequently used to quarrel with his mother whom he believed to be unfaithful. On the night of the fatal incident, there was a quarrel between the accuser's father and mother. The accused's mother called out murder, murder, as the father forced her to the top of the stairs and threatened to knife her. The accused shot and killed his father, but there was no evidence to show that the father had a knife, The jury gave the verdict of not guilty because he had reasonable apprehension in respect of the death of his mother. (**Reg v. Rose**).

Hari Singh Gour observed in his criminal law: Based on the cardinal principle that it is the first duty of man to help him. It is next based on the principle that the police of the state are not ubiquitous and a person may then strike out for himself or another. But such a rule, if unqualified might encourage vendetta which would lead to social disorder. It therefore lays down the limits which must be satisfied utterly. (**P S A Pillai criminal law, 2010**)

The Supreme Court ruled that the accused who pursued the assailants running from the scene and inflicted injuries does not have the right of private defence as reasonable apprehension ceased to exist then. It is for the simple reason that after the assailants ran away from the incident there was no more reasonable apprehension of death or grievous hurt to the accused.

Bentham, in his *Principle of the Penal Code*, says the right of defence is necessary. The vigilance of Magistrates can never make up for the vigilance of each individual on his behalf. The fear of the law can never restrain bad men as the fear of the total individual resistance takes away this

right and you become in so. The right of self-defence revolves around the general adage that “Necessity knows no law” and it is the primary duty of man to first help himself. The right of self-preservation is inherent in every person but to achieve that end nothing could be done which militates against the right of another person.

The right of private defence has been recognised in the IPC starting with section 96 which states that **nothing is an offence which is done in the exercise of the right of private defence** while the remaining sections make provisions for varied forms of this right. The right provided by section 96 is not exhaustive in the sense that it has been controlled by section 99 which says that the right in no case extends to the inflicting of more harm than it is necessary for defence and forbids the application of this defence to certain circumstances which does not befit in it. However, section 100 extends the causing of death or inflicting any other harm provided there is a threat of instant death or instant grievous hurt in certain instances like Assault which may reasonably cause apprehension that death would be the consequence of such assault, an assault to commit rape, to gratify unnatural lust etc. In these situations, a person can cause the death of an assailant when there is apprehension of death or rape to his or her body. It must be kept in mind that the right of private defence is not only available to the person's own body and property but extends also to the body and property of others. For instance, when A enters his own house to which he is legally entitled, Z in good faith presumes him to be a house breaker and attacks him. Here Z under misunderstanding commits no offence but A has the same right of private defence against Z which he would have if Z were not acting under such misunderstanding or misconception. **(Section 99-100 Indian Penal Code)**

Right of Private Defence And Beyond Reasonable Doubt

It is the general principle of criminal law that where an offence is alleged to have been committed it has to be proved by the prosecution without leaving any reasonable doubt. Thus, the burden of proof lies on the prosecution to establish the guilt of the accused until then accused will be deemed innocent regardless of the seriousness of the offence. But the position changes when the accused takes recourse to general exceptions. It is very crucial here to mention section 105 of the Indian evidence to understand things in more clarity. It states that when a person is accused of any offence, the burden of proving the existence of circumstances bringing the case within the general exceptions or proviso contained in any part of the IPC is cast on him and the court must presume the absence of such circumstances. So, under section 105 burden shifts on the accused once a plea of general exception is taken by him. If the accused fails to prove his innocence, he will be held guilty. For example, A, accused of murder alleges that because of unsoundness of mind, he did not know the nature of the act or that he was wrong or contrary to the law. Now the burden of proof is on A to establish the truth of his fact that he is of unsound mind and the court will presume that A is of sound mind **(Section 84 IPC)**. A presumption will arise against the accused although he may be given the right to rebut that inference by adducing evidence to disprove such presumption and establish his innocence. This presumption is known as rebuttable presumption. The common instance of such a case is K M Nanavati's case where the court held that normally the burden of proof lies on the prosecution to prove the case beyond reasonable doubt but once the plea of general exceptions is taken the burden shifts on the accused. In the present case, the accused Nanavati alleged that he shot Ahuja in grave and sudden

provocation and the heat of the moment after he came to know about the illicit relationship of his wife with the deceased. The high court found him guilty. On an appeal to the Supreme Court by the accused, the court held that the murder was preplanned and that the defence of grave and sudden provocation does not arise in this case. Hence the murder was intentional and not in the heat of the moment. Therefore, his plea for private defence was rejected. **(Section 105 of Indian Evidence Act, 1872)**

Whether the general principle of proving the case beyond reasonable doubt equally apply to the accused with the same quantity?

Section 105 casts the burden of proving a defence or exceptions upon the accused. The law presumes such a person to be sane; it is the accused who has to prove that his case falls within the general exceptions. In **Beatty V/S Attorney General for Ireland 1961**, the accused was prosecuted for the murder of a girl by strangulating her. He had taken the defence of automatism or incapacity of forming an intention to murder. On appeal, the House of Lords confirmed the decision of the court of criminals who had found him guilty and convicted him for the murder in as much he failed to prove his defence to the satisfaction of the jury. However, where the accused takes the defence of exceptions the evidence act does not contemplate that the accused should prove his case with the same strictness and vigour but on the preponderance of probability i.e., he must sufficiently prove his case. **(Preponderance of probability)**

Reasonable apprehension

Section 99 in clear terms says that there must be reasonable apprehension of death or grievous hurt. What is reasonable apprehension court said that such apprehension must be real and not imaginary or illusionary. It must be present and immediate and not remote and distant. It is required to be judged from the subjective point of view of the accused and it cannot be subjected to microscopic and pedantic scrutiny. **(Section 99 of Indian Penal Code)**

Commencement and continuance of right of private defence

The right of private defence of the body commences as soon as a reasonable apprehension of danger to the body arises either from an attempt or threat to commit the offence though the offence may not have been committed. It continues as long as such apprehension of danger to the body continues. Similarly, private defence in respect of property commences when a reasonable apprehension of danger to the property commences in the given specific situations. What constitutes reasonable apprehension court said no straight jacket formula can be adopted rather it would depend upon the facts and circumstances of each case(**Section 102 of the Indian Penal Code)**

Guidelines in respect of the right of private defence

Darshan Singh v. State of Punjab (2010) 2 SCC 333

The Supreme Court laid down Guidelines for Right of Private Defence for Citizens. It observed that a person cannot be expected to act in a cowardly manner when confronted with an imminent

threat to life and has every right to kill the aggressor in self-defence. While acquitting a person of murder, the court said that by enacting Section 96 to 106 of the IPC, the Legislature intended to arouse and encourage the spirit of self-defence amongst the citizens, when faced with grave danger. **“The law does not require a law-abiding citizen to behave like a coward when confronted with an imminent unlawful aggression. As repeatedly observed by this court, there is nothing more degrading to the human spirit than to run away in the face of danger. Right of private defence is thus designed to serve a social purpose and deserves to be fostered within the prescribed limit”**

The Court laid down ten guidelines where a right of self-defence is available to a citizen, but also warned that in the disguise of self-defence, one cannot be allowed to endanger or threaten the lives and properties of others or to take personal revenge the Apex court concluded by saying that a person who is under imminent threat is not expected to use force exactly required to repel the attack and his behaviour cannot be weighed on “golden scales.”

The Court declared the legal position under the following 10 guidelines:

1. Self-preservation is a basic human instinct and is duly recognized by the criminal jurisprudence of all civilized countries. All free, democratic and civilized countries recognize the right of private defence within certain reasonable limits.
2. The right of private defence is available only to one who is suddenly confronted with the necessity of averting an impending danger and not of self-creation.
3. A mere reasonable apprehension is enough to put the right of self-defence into operation. In other words, there doesn't need to be an actual commission of the offence to give rise to the right of private defence. It is enough if the accused is apprehended that such an offence is contemplated and it is likely to be committed if the right of private defence is not exercised.
4. The right of private defence commences as soon as a reasonable apprehension arises and it is co-terminus with the duration of such apprehension.
5. It is unrealistic to expect a person under assault to modulate his defence step by step with any arithmetical exactitude.
6. In private defence the force used by the accused ought not to be wholly disproportionate or much greater than necessary for the protection of the person or property.
7. It is well settled that even if the accused does not plead self-defence, it is open to considering such a plea if the same arises from the material on record
8. The accused need not prove the existence of the right of private defence beyond a reasonable doubt.
9. The Indian Penal Code confers the right of private defence only when the unlawful or wrongful act is an offence.

10. A person who is in imminent and reasonable danger of losing his life or limb may, in the exercise of self-defence, inflict any harm (even extending to death) on his assailant either when the assault is attempted or directly threatened.

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Empowering Women in Saudi Arabia through Open and Distance Learning

*Dr. Roshan Ara**

Abstract

The issue of women's empowerment is a global concern. Worldwide studies have revealed that education is the most potent instrument for the empowerment of women. It is only through education and training that they prepare to play their roles in the nation's social, economic and political spheres as equal members of society. Open and distance learning (ODL) system has emerged as a tool with immense potential for creating widespread access to knowledge for women. It has been instrumental in lowering the illiteracy rate, and dropout rate, and creating accessibility and immense opportunities for Women. Women from all walks of life have continued to seize the opportunities of ODL programmes to improve their education, get better jobs and improve their standards of living. The ICT-enabled ODL System allows women to overcome the barriers of time, space and socio-economic constraints and to bring a variety of learning resources to meet their educational needs.

Saudi Arabia ranks 4th lowest in terms of political and economic empowerment of women and 5th lowest in terms of women's labour force participation in a group of 115 countries which were ranked in 2012. Saudi women are still found to be the most under-utilized resource for the Saudi economy even though 65 per cent of the Kingdom's college graduates are women 60 per cent of new stock investors and 40 per cent of new real estate investors are women. Despite being highly educated, they make up only about 5% of the labour force. Women's unemployment is estimated at 28 per cent. Without empowering women the country cannot develop, compete internationally and witness any real national economic growth.

A comprehensive, modern and open educational system is fundamental to the empowerment and prosperity of Saudi women who have limited access to formal education and training. Full-time housewives can pursue the much-craved training, skills development and education through ODL. It is a viable alternative to a large number of working women in Saudi Arabia who cannot leave their families and work to pursue better education which will enhance their career progression. ODL system has the potential to educate and train them while preserving their Islamic identity as it does not take them out of their social environments. It allows them to pursue qualitative education that will improve their sense of self-esteem without jeopardizing either the important family relationship or the relatively responsible position in their place of work. The present paper is based on an exploratory study conducted at the Arab University (AOU) on a sample of Saudi distance education students enrolled at five branches of AOU in Saudi Arabia. The study examines the place of ODL system in Saudi Arabia, the features of ODL system that make it particularly suitable to Saudi women, its role as a tool for women empowerment and various forms of ODL media to suit the conditions of women in Saudi Arabia. The results of the study would provide Saudi practitioners, policymakers and academicians with useful insights into integrating women in to the economy; upholding deeply rooted social, cultural and ethical values of the Arab-Islamic heritage.

Keywords: *Women, Saudi Arabia, Empowerment, ODL*

Introduction

Women's empowerment as gained considerable importance as an area for policy and policy intervention in most countries of the world. In the context of knowledge societies, empowerment of women is understood as building the ability and skills of women to gain

*Senior Assistant Professor, Centre for Women Studies and Research, University of Kashmir, Srinagar, J&K, India

insight of actions and issues in the external environment which influence them, and to build their capacity to get involved and voice their concerns in the external processes, and make informed decisions. It entails building up of capacities of women to overcome social and institutional barriers, and strengthening their participation in the economic and social processes for an overall improvement in quality of their lives. Women empowerment needs providing the education that is really needed; providing adequate opportunities for training women; encouraging women to take the initiative and then rewarding them; ensuring continuous support and encouragement by family members and colleagues.

To provide women access to education has received increasing attention world over since the past three decades particularly after the Jomtien Conference on “Education for All” in 1990. A major change in the last few decades has been the recognition of the centrality of education in the struggle to achieve women’s equity and empowerment. To promote gender equality and empower women, eliminate gender disparity in primary and secondary education preferably by 2005, and at all levels by 2015 was one of the Millennium Development Goals (MDG-3) adopted at UNISCO summit of world heads of states in New York in 2000. Education is indeed a weapon for fighting poverty, diseases, and ignorance and when all these are fought, an average woman becomes empowered to participate actively in issues of development in her community. Education represents the primary gateway to woman’s access to job market, higher status, personal development and self esteem. The empowering role of women’s education affects not only the lives of women, but also the lives of their children and other dependents. For the national economy, educating women has resulted in improved productivity and economic development as well as in a better quality of life, leading to a notably healthier and better nourished population (World Bank, 2001).

Despite the tremendous spread of girls’ education in Arab world in the last five decades, Arab women remain poorly prepared to participate effectively and fruitfully in public life by acquiring knowledge through education (Arab Human Development Report, 2005). Even amid signs of progress like increasing enrolment rates and better test scores for women, the Arab world remains in the lower ranks internationally in the education of women, especially at the higher levels of schooling. This deficit in education is a major factor in preventing women in the region from realising their full potential and contributing to their economies as a whole.

In Kingdom of Saudi Arabia (KSA) the successive development plans have placed greater emphasis on the potential role of women in the economy. The social attitudes have

changed in the Kingdom toward women tremendously during the last couple of decades with career women given the respect they deserve. There are more job opportunities for women, which are far more diversified with bigger and better chances for development. Saudi society has accepted the fact that women have a role to play with a second income becoming a need as well (Hamdan, 2005). Empowering women in Saudi Arabia aims at increasing their participation in various fields both within the family and at work site, maintaining Arab and Islamic values; providing better opportunities for women in decision making positions, and development of adequate approaches that lead to empowerment of women in terms of education, health and employment. Even those women pushing for change in the kingdom say that for them, liberation is not a matter of Western-style feminism and that the Islamic traditions are a vital part of their beliefs.

The advent of formal public schooling in Saudi Arabia dates to the 1960s, when the first official primary school for girls opened its doors in Riyadh. Until recently, the education of girls in the Kingdom was entrusted to the Presidency of Girls' Education which, in March 2003, was annexed to the Ministry of Education. The first girls' college was established in 1970 in Riyadh. Approximately 10 similar colleges with the same requirements were opened in the 1980s to offer courses in arts, education, general science and sciences (Al Malik, 1987). Women beyond elementary school age or old era reenrolled in adult education programs since 1973 to raise literacy rate among women. About 121,000 Saudi girls graduate from secondary schools and 44,000 from universities annually. If the number of conventional universities is taken as a parameter for the expansion of higher education in infrastructure then Saudi Arabia takes the lead in GCC countries (having 62 universities) with a maximum number of 21 universities followed by the UAE with 15 universities. KSA spends 5.7% of its GDP and 19.3% of total government expenditure on education. The Ministry of Higher Education is sending talented women abroad to finish their studies in high-demand subjects (Hamdan, 2005). Many families still send their daughters to study abroad when the fields in which they wish to specialize are closed to the Saudi institutions. As per Education for All Global Monitoring Report 2012 Saudi Arabia tops the list of eight countries that have made the greatest strides in women's literacy in the past decade. According to UNESCO statistics the adult female illiteracy in Saudi Arabia for the population aged 15 to 24 years is 73.4 per cent and the illiteracy rates for those 15 years and older are 59.2 percent (UNESCO, 2012). The youth female literacy rate is 81.3% compared to 90.4% in case of male. Saudi Arabia records a sound male-female gender parity (GPI) i.e. ratio of female to male parity in adult literacy (0.90%) and youth literacy (0.98). In the kingdom, the tertiary education enrolment rates for women are higher than those of men.

Despite the marked increase in the female literacy, women remain a largely invisible element in Saudi Arabia's strictly segregated society. Saudi women are 51 percent of the population, but represent only 20 percent of the total work force. The Government is creating additional jobs for Saudi educated women as a step to reduce the unemployment rate among women which is estimated to be 26.3 percent of the total number of working women. Saudi Arabia has made key investments in women's education but has generally not removed barriers to their participation in the workforce and thus not reaped the returns on its investment in the development of one half of its human capital. At the higher education level, Saudi women are still concentrated in the disciplines of literature, humanities and social sciences which are not in high demand in Saudi job market. The country has an educated but untapped talent pool and would have much to gain through women's greater participation in the workforce. For example 54% of Saudi women are perceived to be the most challenged in finding access to capital, while only 12 % of Bahraini women seem to experience challenge in this area (Alturki and Braswell, 2010). In terms of attitude, Saudi women seem to be the most optimistic about their business prospects (70%), followed closely by the UAE women at 60% (Alturki and Braswell, 2010). The situation has resulted in more than SR60 billion leaving the Kingdom because of expatriates being employed. KSA could save a third of this amount by increasing employment opportunities for women and then reinvesting the money to benefit our society" (Mokhtar, 2007).

Saudi women are still found to be the most under-utilized resource to the Saudi economy even though the government estimates that 56.5 percent of the Kingdom's college graduates are women. Moreover, Saudi women invest SR42 billion in the market and their bank savings amount to SR100 billion. Some estimates by local portfolio managers say up to 60 percent of new stock investors and 40 percent of new real-estate investors are women. A recent survey shows that approximately 16,390 businesses are owned by women and women own 40 percent of the nation's private wealth (Hamdan, 2005). Considering that 30 percent of accounts worth SR27 billion (\$7.2 billion) are opened by women, and that women control 21 percent of the country's private investments and a fifth of all Saudi mutual funds, the need to empower women in this sector is seen as important to the country's development (Abdullah, 2007).

Five major initiatives have been identified as vital for empowerment and success of Saudi women: providing the education that is really needed; providing opportunities for training women equal to those available for men in banks and companies such as ARAMCO and SABIC; encouraging women to take the initiative and then rewarding them; ensuring

continuous support and encouragement by family members and colleagues; having the same rights and benefits men have—equal legal rights, easy transportation, the freedom to reach official institutions and the freedom to benefit from the legal system and the law (Mokhtar, 2007). The release of energies of Saudi girls and women in the fields of knowledge and creativity would go a long way to deliver tremendous benefits that would elevate Saudi society in all branches of human endeavour. About 66 percent of Saudi university students are women, and that makes their integration into the workforce a must for progress and development. By equipping Saudi women with the necessary education and skills as contributors to their country, whilst reducing the dependency on foreign expertise, self-sufficiency will allow them to become global citizens, which is a step towards their cognition of their role in the global economy. A comprehensive, modern and open educational system is fundamental to the growth and prosperity of Saudi Arabia. A thoughtful revision of the existing system is necessary. Advancements in Saudi women's education require both educators and policy makers become aware of ODL system of education's role in educating, equipping and empowering women

Open and Distance Learning System in Saudi Arabia

Distance education has a very short history in the Arab world. The origin of distance education in the region dates back to the early 1960s when the Arab University of Beirut started with the first generation of distance education, using correspondence model (Al-Harhi, 2005). For many years it was the only University to offer distance education programmes to Arab students and is still a popular venue for distance higher education in the Arab World. Following the worldwide trend the region has witnessed the development of three modes of open and distance learning (ODL) institutions: traditional higher education institutions (dual mode) offering distance or open education programmes, open education institutions (single mode), and virtual universities (virtual mode).

Since the advent of public education in Saudi Arabia in the 1960s, the Kingdom has adhered to a traditional educational system. In Saudi Arabia distance education, especially for non-formal system, has remained marginalized from the mainstream of policy and resource allocation and failed to institutionalize or influence traditional thinking. Saudi Arabia has been slower than many nations to move into distance education and that it has a very short history of using printed, electronic, or broadcast means for students who are not physically on site (Al-Khalifa, 2012). Only bachelor's degree programs were offered through traditional universities' distance education programs for about a decade, and policies for single-mode, distance, and virtual tertiary

institutions are still under development for approval by the Ministry of Higher Education. Some public universities, such as King Abdulaziz University and Al-Imam Mohammad ibn Saud Islamic University, are dual-mode while single-mode distance education is offered by the Arab Open University. Distance education is primarily applied where gender segregation is required in tertiary education, where male teachers are only authorized to teach female students by means of closed-circuit television, one-way video and two-way audio and broadcast.

Experiencing higher education capacity issues, and anxious to improve the knowledge and skills of its citizens, Saudi Arabia now recognizes the need to adopt distance education as part of its educational and development strategies. According to Bates (2009), some of the more forward-thinking leaders of Saudi education have been exploring online education over the course of the last decade. There is great enthusiasm surrounding the emphasis of King Abdullah Bin Abdul aziz on education as a tool of empowerment. One of these innovative measures is the promotion of online learning, which is opening up teachers and students to look beyond the strictures of the traditional system of education. The Saudi Ministry of Higher Education has begun to acknowledge the need to use online technologies in order to offer opportunities to the increasing numbers of students graduating from high school. Embedded online communication in higher education courses and programs are no longer considered luxuries or mere supplements to learning but, rather, are treated as integral parts of higher education in Saudi Arabia.

Online learning, including distance education by online means, has received increasing attention among Saudi educators also as a way of increasing the accessibility of higher education. The Saudi scholars such as Alenezi (2012) and Al Seghayer (2013) have indicated that open and online learning is opening new opportunities for Saudi students to question traditional assumptions of what learning is. This type of instruction offers access to many students who aspire to study at the university level but live in remote areas or are working to earn income and therefore are unable to physically attend educational institutions. The unprecedented openness to new educational resources and cultural perspectives is leading Saudi Arabia's younger generation to become less traditional. Hamdan (2014) argues that in Saudi Arabia students learn best when they are immersed in an educational context that promotes interaction among peers.

One of the recent developments in Saudi open and distance education system is the establishment of the Faculty of Distance Learning at King Abdul aziz University in Jeddah, to provide distance learning in the country. The ODL programs launched by the

University from 2007-2008 in the disciplines of arts, humanities, economics and administration involve blended learning, the virtual class room system (CENTRA and the e-learning management system. The University conducts training and certifies faculty members and individuals outside the university in distance education as well as students using the ODL system. King Abdulaziz University is also the permanent headquarters of the Saudi Distance Learning Society. Al-Imam Muhammad ibn Saud Islamic University offers bachelor degrees programmes in distance mode in all disciplines to Saudi and non-Saudi students. In 2008, more than 6,000 students were admitted to the university, and more than 15,000 are currently enrolled in the program. At Umm Al-Qura (Mecca) and King Abdulaziz (Jeddah) Universities e-learning is used to support classroom teaching, although King Abdulaziz University has about 1,000 students taking fully online distance courses (out of a total of 26,000 distance education students). In 2011 a new electronic university was established with three colleges and an enrolment of more than 20,000 students across the Kingdom.

The launch of the Knowledge International University (KIU), the first virtual university in Saudi Arabia, offering bachelor degrees programs from the College of Shari'ah and Qur'anic studies and the College of Islamic Studies for non-Arabic speakers is a landmark development in higher education arena of the Kingdom. KIU uses a mix of PDF study materials, audio and video recorded lectures, and live lectures. Each subject consists of 25 live and recorded lectures. KIU has students from Saudi Arabia, Egypt, Jordan, and Morocco and is seeking to expand its range of courses. The Saudi government has established a well-funded National Center for E-Learning and Distance Learning in Riyadh. It aims to support in the creation of electronic educational material, and providing an electronic venue for faculty members of any local university to utilize in creating e-courses through its own LMS. Once deployed successfully the project is expected to help alleviate some pressing problems currently faced by the higher education institutions in the kingdom, such as lack of support for off-campus students and catering to the rapid growth in enrollment. It will be the epicenter of the open and e-learning wave that is expected to spread through out the kingdom.

A good number of public and private universities and colleges such as the King Fahad University for Petroleum and Minerals in Dhahran, the Prince Mohammed bin Fahad University in Dammam and Effat College in Jeddah have already taken it upon themselves to establish learning as a method for augmenting the educational experiences of their students. King Saud University has also started an ambitious plan towards the

campus/traditional universities in Saudi Arabia universities. Many universities and colleges in Saudi Arabia have over the last five years established online communication forums to supplement and reinforce face- to-face teaching.

The Ministry of Higher Education in Saudi Arabia is finalizing the rules and regulations governing open e-learning and accreditation from other Arab and international institutions. Nevertheless, there remains considerable reluctance among some stakeholders to introduce entirely online degree programs, including among leaders within the Saudi Ministry of Higher Education. The Ministry has not yet moved to accredit online distance education provided by international universities because it currently stipulates that to approve a degree from any international university, the students must be able to present evidence that their time is dedicated to studying on a full-time basis while residing in the country where the degree was earned. Like most Arab countries, Saudi Arabia has yet to authorize private ODL institutions except that of Arab Open University to function in the Kingdom. ODL is often looked upon in KSA as less scholarly, less rewarding, and offering fewer career advantages. There is still strong resistance, especially in the national accreditation agency, to fully online distance education, because of concerns about quality.

Given the increasing population rates and geographical expansion of Saudi Arabia, distance education would appear to be an obvious means of widening access and offering quality and flexibility in programs of choice. There is no dearth of finance, government commitment, and the urge on the part of women to learn. Since Saudi Arabia is a large country with many of its areas isolated from major cities and established colleges and universities, providing higher-education programs through ODL would greatly benefit the country. Through the use of distance learning and the integration of Web-based training and technology, information and knowledge can be made available to students in the King do many time and anywhere. The introduction of additional Web-based educational opportunities will help Saudi universities move from formal classroom training and education to a new way of teaching and learning that does not require classrooms. The development of online or Web-based ODL curriculum would enable women students to learn from the comfort of their own homes.

With the rapid increase in the number of students in Saudi Arabia graduating from high schools, there is a growing strain on higher-education resources. Institutes of higher education do not have the necessary resources to provide all of these students with a good education. In the past decades, many institutions of higher learning in Saudi Arabia were able to respond to the continuing pressure of the growth of the student population by

expanding existing colleges and universities or by building new ones. Some administrators believe that creating education programs that make use of modern technology, such as video and television broadcasting and the Internet, address the financial constraints and limited resources being experienced in the Kingdom. Many Arab Islamic countries and some Islamic organizations (from both Arabic and non-Arabic countries) are very interested in knowing how distance learning can be used to “make Islamic culture the basis of educational curricula at all levels and stages” and “safeguard the Islamic identity of Muslims in non-Islamic countries” (Nasser and Abouhedid, 2000).

More than 65% of the current Saudi population is that of youth (i.e., those under 35 years of age). With an increasingly young population, the demand for higher education in the Saudi Arabia far exceeds the supply. Many high-school graduates were unable to find places at the universities and approximately 100,000 are currently studying abroad on scholarships. Besides a large number of nontraditional students (older, working) are seeking further education to improve their competitiveness in the labor market. For many Saudi students who are interested in higher education from reputable international universities, and who cannot travel to other countries as a result of financial, employment and/or family obligations, distance learning is a great option. ODL offers the prospect of expanding the total number of students who can be enrolled in Saudi universities without actually requiring increases in the physical capacity of the universities and associated facilities. As the public and private higher education institutions in Saudi Arabia cannot accommodate the increasing number of high-school graduates, it is paramount that open and online learning become part of the higher education system in the Kingdom.

A perusal of ODL experiences of the Kingdom reveals many obstacles hindering the development of open and distance education. The Government is skeptical of the practice of distance education program staking it as a process of teaching and learning by correspondence and not an innovative approach to instruction. This belief has serious implications for the development of ODL mode in the country. The policy towards distance education at the governmental level is vague. Educational researchers and experts have criticized the planning and administration of ODL in Arab countries and Saudi Arabia in particular with respect to their objectives, policies, delivery systems, self-study materials, and student support services (Alsunbul, 2002; Mohamed, 2005). If the country is to benefit from ODL, these issues need to be handled both at the individual and government all levels. A more proactive approach is required to articulate policies addressing critical issues, including equity of access, curriculum relevance to labor market needs, accreditation, consumer protection, and cultural sensitivity (Al-

Harthi,2005). To overcome most of these problems, it is vital to assure high quality of ODL programs and to ensure their suitability to Saudi students. Having closer ties with distance and open universities worldwide, AOU is in a good position to offer guidance to other open learning institutions in the country endeavoring to establish their own quality assurance frameworks. AOU quality assessment is conducted by academic assessment and accreditation commissions of concerned Arab countries and OU Validation Service of UKOU that enjoys complete parity with all the universities in UK and other parts of the world.

ODL and Saudi Women

Women have constraints of time, space, resources and socio-economic difficulties. Because of its inherent flexibility in terms of entry and exit, pace and place of learning, methods of evaluation etc, ODL holds the promise of providing equitable access of education to women in view of their special circumstances, which is otherwise not possible through traditional means of education. Distance and open learning has emerged as a tool with immense potential for creating widespread access of knowledge for women. ODL can be an effective technological media for creative, cost effective teaching, while reaching a large number of students and reducing faculty utilization. ODL can, with its outreach to their homes, enable them to learn at their own pace and place to take up vocations and skills for economic and individual development. It can provide them a second chance to step into the main stream of education, enabling them to earn and learn at the same time and also fulfill their family responsibilities.

ODL is seen as globally preferred by women. Experiences across the world reveal that women have outnumbered men in accessing education through open and distance means. In India, women make up 42% of distance education students compared to 28% in the conventional face-to-face mode. In Australia 56% of distance education students are female. At Canada's Athabasca University (an open university) and Open Learning Agency, over 62% and 69% of the students respectively are women compared to about 50% in conventional universities in Canada. At UKOU's undergraduate courses about 42% of the students are women compared to just 40% in conventional British universities. At Allama Iqbal Open University, Pakistan (AIOU) female participation rate is 51%. Interestingly, there is a significant increase in female enrolment in culturally restricted areas of Pakistan where formal system offers limited access to learning for female population. In Sri-

Lanka majority of the ODL students are women. On an average 40% of total students enrolled at Arab Open University (AOU) is that of women.

The requirements and priorities of Saudi women are different from those of Saudi men because of a complex interaction of social, cultural, religious and economic conditions obtaining in the kingdom which need to be taken in to account while devising a mechanism for educating and empowering women in KSA. In Arab world in general and Saudi Arabia in particular many factors are at work for Saudi women's lower educational participation and attainment including lack of education amongst the adult of the family, distance of schools, transport hurdles, security problems, too many siblings, early marriage and motherhood. Marriage has always been a terminal point for education of a large number of Saudi women. ODL has the potential to address the gender imbalances, inequities and inequalities which the overall education sector is unable to handle. In addition to advancing their material circumstances, ODL can provide an 'empowering space' wherein women have both the time and facilities to study; and whether women acquire the skills they need for upward economic and social mobility.

Distance education would make it easier for Saudi women to participate in educational settings in the kingdom as it preserves the original idea of genders segregation in Muslim societies. They can get educated through ODL, maintaining obedience and adherence to Islamic religion practice of veil because the mode allows them to learn at a 'safe distance' from their instructor without going against the injunction of their religion practice. Most Saudi women are willing to accept the position of women in return for the guarantee of security that social and Islamic traditions provide for them. Even those who seek change want that to occur within the context of the Arab culture (Jandt 2004). Saudi Arabia has its own cultural norms which may differ from international best practices, which may have to be de- contextualized to suit the cultural situations prevailing in Saudi Arabia.

These women can be trained, exposed to knowledge and enabled to contribute their bit to nation building. Women who are full time housewives may never had access to formal education or may have given up schooling at early stages of their lives. They are usually not enthusiastic about formal education because they are required to sit at home and take care of home and the children. Through ODL, these women become learned and empowered because the mode of educational allows them to sit at home as housewives and study for a programme of their choice without jeopardizing their marriages. Distance education is a boon to career women who aspire to enhance their personal and professional competence, to about 70% out-of-school Saudi girls, to home-bound women who wish to profitably use their time and resources to satisfy their deferred academic aspirations, to the rural girls who have no access to the mainline educational system.

Distance education seems appropriate to provide opportunities of equal access to quality education at all levels to women even in cultural lyre stricted areas where women are not allowed to go out of their homes.

ODL has already been instrumental in lowering illiteracy rate, dropout rate, and furthermore creating accessibility and immense opportunities for the Women. Many Saudi women have continued to seize the opportunities of ODL programmes to improve on their education, get better job, and improve on their standard of living. The use of very small aperture terminal (VSAT) broadcasting technology and the internet to teach more than 300 masters' students in 36 Girls Colleges in the Kingdom, operating under the aegis of the Princess Noura University, amply demonstrates how ODL methods and technology can be used to enhance higher education opportunities and facilities for female students in Saudi Arabia. Had this method not been employed thousands of girls in Saudi Arabia would not had the chance to pursue their higher studies. Beginning in 2006 with the cultural, religious, and economics lectures broadcast from Riyadh to the Girls' Colleges around the Kingdom, the project is now developinge-learning curriculum being hosted on the website of General Presidency for Girls Education. ODL has played a significant role in accelerating such women's' education and subsequently their empowerment (Hamdan 2014).

On the whole, the isolation of women from the mainstream economy and their lack of access to education because of societal, cultural and market constraints have led to their distancing from the global pool of knowledge. This distance is reflected in the low levels of empowerment and equity of women and has enormously contributed to the slow pace of development in the Kingdom. According to the World Economic Forum's 2012 Global Gender Gap Report, Saudi Arabia ranked among last four in a group of 135 countries in terms of economic participation and opportunity and political empowerment. It is now a well understood fact that without empowerment of women, any attempt to raise the quality of lives of people in the country would be incomplete. Ironically, the importance of bringing a gender perspective to policy analysis and design of development tools and interventions is still not widely understood, and the lessons for development still need to be fully ingrained by the national policy makers. In the context of knowledgesphere, the issues of gender equity and empowerment of women become even more significant as women have a strategic role in the incubation and transfer of critical knowledge. The situation calls for an alternate strategy and system to address the issue providing the educationally unreached population of women the opportunities of education through flexible approach in wider context. Therefore, distance

education may be used to supplement the formal system providing learning opportunities to all through its multi-media approach and grounded in the slogan, "Education for All".

The Role of Arab Open University

The participants to the Arab States Regional Conference on Higher Education for the 21st Century held in

Beirut in 1998 proposed the establishment of an Open Arab University as a model for unifying Arab efforts in the field of distance higher education. As a result of these efforts the Arab Open University (AOU) was established in 2001 at the initiative of HRH Prince Talal Bin Abdulaziz Al-Saoud. With its main headquarters in Kuwait, AOU has branches in Lebanon, Bahrain, Jordan, Egypt, Oman, Kuwait, Yemen and Saudi Arabia and more branches are proposed to be opened in the near future. Making use of modern information and communication technologies, AOU aims to make higher education and continuing education accessible to every willing and capable Arab citizen with the aim of contributing to the training of highly qualified Arab human power in fields which are essential for national and regional development, conducting research, studies, and consultations in these fields. AOU adopts an open learning methodology to be able to accommodate larger number of students and allow a great deal of flexibility while maintaining respectable academic standards. The university intends to promote human resources development that is compatible with the demands and challenges of current and emerging information technology platforms and international socio-economic developments.

AOU is a pan-Arab non-profit institution established as an open access university providing higher education to the underprivileged irrespective of gender, ethnicity, disability, and socio-economic status particularly those who didn't have the chance to continue their higher studies for economic, social or geographic reasons. It focuses on widening access, especially for women and uses a mix of textbooks, videos, audio cassettes and educational CD-ROMs. AOU is distinct from other single mode universities in the Arab region, in terms of being established under the umbrella of the Arab Gulf Program for United Nations Development Organizations (AGFUND) and adopting broad regional educational goals. It has partnerships with the United Kingdom Open University (UKOU) and the United Nations Educational, Scientific and Cultural Organization (UNESCO) to help ensure a good quality of learning. Collaboration, partnership and licensing agreements between the AOU and the UKOU allow it to adopt UKOU learning materials for its use, be accredited by UKOU Validation Services and award its own degrees. All the seven branches of AOU have received local institutional accreditation

from Ministries of Higher Education in their respective countries. To meet concerns raised by local Ministries of Higher Education the AOU requires its students to devote 25% of study hours to face-to-face contact.

In Saudi Arabia, AOU has been accredited by the Ministry of Higher Education and National Commission for Academic Accreditation and Assessment (NCAAA). It is the first university in Saudi Arabia to use distance learning system in education. In the Kingdom, AOU has fully accredited regional centers in Ahsa, Dammam, Hail, Jeddah, Medina and Riyadh with Branch headquarters at Riyadh. It offers degree programmes in business studies; English language and literature, information technology and computing, and education. At AOU, the form of open education combines some traits and attributes of systems of virtual learning, distance education, distributed education and “blended system of open education”. Students learn via the Moodle-based learning management system, interactive multimedia lectures, face-to-face lectures and practical sessions and study texts. Computing facilities and wireless internet access are available in all of the regional centres, which are equipped with separate labs for male and female students.

The AOU-Kingdom of Saudi Arabia Branch has experienced rapid increase in student strength. With a modest beginning of 3174 (fresh and registered) students in 2002-03; the number increased to 20898 in 2006-07. In the year 2006-07, 52.33% of the students were enrolled in IT and 39.88% in Business while 7.79% were enrolled in English language. The AOU mission advocates the offering of opportunities of higher education for the marginalized groups in Saudi society, including the women especially those residing in remote areas. In 2003, women enrollment accounted for 34% of the total enrollment which increased to 40% in 2005-06 and 48% in 2006-07. The enrolment of female students in all academic programs of the University in Saudi Arabia is impressive. Providing them with flexible opportunities is a solid contribution to their empowerment. So it is quite evident that women students are increasingly approaching AOU as an alternative mode of study wherein they can adjust their professional and social commitments with the passion for study and professional development.

The Study

The present paper is based on an exploratory study conducted at Arab Open University (AOU) in Saudi Arabia on a representative sample of Saudi female distance education students enrolled at all the five branches of AOU in Saudi Arabia. The paper examines the current state of ODL system in Saudi Arabia, assesses how the ODL system of education can offer access to education to Saudi women suiting their circumstances ,and

suggests an appropriate strategy for empowering Saudi women through ODL. It points out the crucial reasons why women attend open and flexible learning programmes, analyses the relevance of ODL system to women considering their specificities, highlights the benefits of multimode delivery of ODL programmes to women, assesses the potential impact of ODL system on women, explores the obstacles hindering women's access to and participation in education through ODL. It reports on the factors they consider when they select a distance learning programme.

The study is descriptive in nature and field research, participative observation and documentary research methodology has been adopted. Stratified and convenient sampling technique was adopted for collecting data from respondents to ensure participation from all programmes and regions. A bilingual structured questionnaire developed on five point Likert type rating scale and a semi-structured interview schedules were used as research tools to collect data from the respondents. The questionnaire was tested by comparing it against selected previous research instruments for its validity and reliability. The data collected was analyzed through quantitative (mean score) as well as qualitative approaches. The SPSS statistical package was utilized in analyzing and interpreting collected data.

Two hundred female students were randomly sampled and questionnaires were sent to all of them. During the specified time 130 responses were received and analysed. The selection of women students for the study was done on the basis of a number of criteria like their programmes of study, status of program completion, age group, family status, employment status, and annual income etc. We also conducted semi-structured interviews with ten female students from each programme to find out the role of ODL through AOU in their empowerment, professional and social development and their emotional experiences in balancing different social roles and commitments while studying at AOU. All the interviews approximately one hour in length were recorded and transcribed.

Results and Discussion

The women students under study are spread over to the entire Kingdom of Saudi Arabia. Areas on ably high percentage of women under study is pursuing IT programme (45%), followed by English (28 %) and business studies (15%). Majority of them (51%) are adults (in the age group of 20-25 years of age) and only 17 % in lesser than 20 years of age. About 46% female students are married and a reasonable number are employed (63%). While a size able number of them speak English and Spanish, Arabic is

the mother tongue of a large majority of them (90%).

The study results (see for details table1) reveal that more than 86% women students under study found ODL programme of AOU meeting their requirements and circumstances. While there are several reasons for preferring ODL mode, the majority stated that they choose ODL for the convenience of being able to study at their own pace and time(74%meanscore)and for gaining much needed professional competence (65%). A good number of women choose ODL mode because they could not get a chance to study at a regular institution(62%)orhadto take careof childrenordependents.ODL at AOU is seen as a salvation by all the women students as it allows them to participate effectively in their educational endeavors while still accommodating their multiple roles. Some women had to give up their studies in face to face universities after marriage and to join AOU to complete their studies while taking care of their children. Some joined AOU forgetting a professional degree recognized in and outside KSA and for improving their employability, as AOU degrees are valued by employers in KSA.

While selecting a distance-learning program, in addition to considering the nature of the degree and the type of delivery system, women students consider the programme availability and quality, the institutional reputation and its location, the service quality and costs. Further, adult women students opt for a distance learning program because it fits in with the other demands of their lives. Some women students argued that Old-line can fulfill the peculiar requirements of women as it can lead to effective skill formation, career improvement, and development of personality. The individual case studies reveal that the first feelings women had about returning to an organized educational process were that of excitement and enthusiasm. Many saw their participation in the distance learning program as an opportunity they were long seeking to renew themselves, personally and academically, without a major upset in their lives. Some female students described their participation in ODL programmes at AOU as under:

Table1: Reasons for choosing ODL system for study

I really needed this at this stage in my life...some kind of renewal and repositioning my priorities...Ifeel that by doing this I will get a new meaning in my personal quest, I will gain new motives and move onto other things(35yearsoldschoolteacher).AOU fulfils lifelong aspirations to get more education. It was made possible because of the way the programme is delivered to the students. The ODL mode allows me to attend to my familial, professional and social responsibilities which could not be possible otherwise and this makes me feel very happy (30 years old social worker).

No.	Reasons	f	% age Mean Score	Rank
1	To learn a town pace and convenience	83	74.1	1
2	Get a recognized degree	64	57.1	5
3	Improve career prospects	54	48.2	7
4	Being married can't study as a regular student	66	58.9	4
5	Get a job	57	50.9	6
6	Gain professional competence	73	65.2	2
7	Get a promotion at work	40	35.7	9
8	Improve social status	52	46.4	8
9	Got no chance to study as a regular student	70	62.5	3
10	Can't study alongside current job	26	23.2	10

The study reveals that the career paths of women students are expected to be markedly changed after completion of their studies at AOU. Majority of the respondents are confident that their studies at AOU would go a long way in developing their self-confidence, improving their job and promotion prospectus and enabling them to pursue new goals. Various benefits have also either accrued or are expected to accrue to women because of their education through distance mode (see table 2 for details). Most of the women studying a AOU feel empowered by enhancing their employability and improving their job prospectus as among those who were unemployed prior to enrolling with AOU a clear majority is hopeful of using AOU degree in getting a job and those already employed expect to get promoted at their prior job or change to a better job. Some women had become disillusioned with their earlier jobs and they had joined the University to be educated and equipped with an internationally recognized degree so as to change for a better job after graduating from AOU. This advanced education is expected to lead women to highly desirable jobs in terms of job satisfaction, challenges, status etc. It may be difficult to measure the economic value of education for those Saudi women who work for their families and are not paid but they nonetheless contribute their bit to the Saudi economy. Mothers' education, for instance, can benefit the future educational achievements of her children and this is a highly desirable indirect economic benefit to the nation.

To Farah Serafi, 21 years married Saudi woman, pursuing business degree programme, ODL mode has helped her in planning the studies at her own place and pace which would not have been possible had she got enrolled in conventional mode. She strongly feels that studying here is more convenient because the programs are in English, cost-wise affordable as compared to other Universities, has flexibility, and does not require mandatory attendance, making it more attractive for working women. She now enjoys better status in the society and feels empowered, more mature and proud of her

awareness. She is also admired in her family, able to look at the society in a different way with a better understanding of the social issues. She can now guide and help other women friends and relatives.

Table2: Benefits of Pursuing Education through ODL

S.No	Particulars	Mean	Std. Deviation	Rank
1	Become more self confident	4.55	0.77	1
2	Develop new friendships	3.76	1.29	9
3	Improve social status	3.73	1.29	10
4	Change to a better job	4.12	1.09	3
5	Acquire new goals	4.09	1.16	4
6	Develop new interests	3.82	1.23	7
7	Become more balanced & mature	3.84	1.24	6
8	Get Promoted	4.35	1.08	2
9	Raise self esteem	4.02	1.23	8
10	Improve career prospects	3.88	1.32	5

The above results are in conformity with the arguments of Sabates (2008) that literacy would help women to be aware of new productive opportunities in the areas of entrepreneurship skills acquisition, greater income generation, better opportunities in the world of work and greater income opportunities to better their lot in the society. One of the expected outcomes of ODL is improved quality of life, increased income, improved health, greater participation, citizen awareness and gender sensitivity among those who have participated in various educational programmes at AOU.

A high percentage of women students of AOU recorded a strong preference for AOU system of blended learning to other available modes because of its high quality self instructional material, flexible but well structured face to face contact programmes, teaching through assignments, heavy reliance on online learning and very dynamic and interactive website(table3).About55%female students preferred studying at home using online resources. Student forums, study notes and summaries of their lessons are also more attractive and relevant to women students. Critical engagement of women students with ODL's multi mode embedded form of programme delivery and relating those to their own lives help women in the process of their empowerment.

For Kind a Bulk hair an employee of a bank, the ideal is a Saudi woman who plays a far broader role in societybutretains her traditions.ODL mode and LMS is convenient for planning studies and in interacting with group members and tutors and it is the reason for gradual increase in women enrolment at AOU. She feels that Business Program is more suited for seeking employment in Saudi Arabia because its necessary components are

suited to the requirements for jobs in bank, airlines etc for women. Studying and working simultaneously makes her feel empowered and her other lady colleagues also realized that they are now better equipped professionally and competent to handle issues of work life.

Another case is that of a 25 years old unmarried but working Saudi girl who is about to complete her course. She feels that as long as women “uphold modesty and Islamic principle” there should be no limits to her progress.”Any other mode of delivery would have made it impossible for me to participate as I am limited by my familial and social responsibilities. She now looks at things with a more open, proactive and different perspectives and can give her views with an academic approach. Besides, it gives her a good public image and competitive feeling for better communication skill and a foreign degree. Due to flexible time, online availability of material, interaction with the tutors and ability to coordinate with others, she is determined to complete her program of study. She now feels empowered and admired in her family, community and at her workplace for her multi-tasking roles. She strongly believes that AOU has effectively contributed to reducing the social distance experienced by women earlier in the family and the society as a whole.

Table3: Preferred modes of ODL Delivery

No.	Particulars	Mean	Std.Deviation	Rank
1	Printed self learning materials	4.39	1.05	1
2	Face-to-face counseling	4.29	1.03	2
3	Teleconferencing	3.34	1.43	9
4	Practicals/hands-on experience	3.61	1.23	8
5	Student forums	3.72	1.19	6
6	Assignments	4.08	1.10	3
7	AOU website	3.98	1.15	5
8	Study guides/keys	3.70	1.26	7
9	Internet based resources	4.05	1.01	4
10	AOU support system	3.16	1.34	10

Students ‘engagement in LMS and web based communications cultivated new experiences and interactions that not only helped to enhance written and oral communication skills but also to expand their understanding of various issues. The students understudy argued that their introduction to ODL sources enabled them to gain experience with different ways of thinking, different styles of writing, and different approaches to improving their communication skills. Students gained self-discipline and displayed their ability to work independently. They are convinced that embedded education at AOU, in combination with traditional approaches to learning, enhances their

communication abilities, academic skills, and level of self- motivation.

When students were asked about how the convergence of various media of learning influenced their learning experience, the new interaction opportunities were frequently emphasized. They argued that Saudi women students are now acquiring a new culture of learning as a result of being introduced to open learning and web-based instruction. There is a shift from unilateral communications from the teachers to the students to a multimode approach in which two-way communications flow between the teachers and the students, and students also receive opportunities to interact with each other in a classroom setting. This new approach to education is changing the culture by providing people with learning material that comes from different sources that present different perspectives and aspects of that material. The degrees of success with which female students interact, benefit, and grow with distance learning need to be explored in greater depth over an extended period of time (Hamdan,2014).

After employing the blended approach, most of the students under study demonstrated a keen interest in moving beyond the rote-learning to interactive and self-directed learning and critical thinking that enables students to reach new levels of educational attainment and personal development. Students revealed how their engagement in blended learning improved their critical-thinking skills and allowed them to think deeply about various subjects in ways that would not be possible if it were not for blended and distance learning. Students’ engagement in online learning helps them to develop greater planning and time- management skills as well as greater self-discipline.

The present education system in Saudi Arabia neither prepares women for self-employment nor for job opportunities. The traditional areas of employment like the manufacturing and governmental sectors are shrinking. Consequently the current high rate of educated unemployed will worsen. Keeping in view low literacy rate and the challenge of reaching lakhs of unreached people spread throughout the kingdom, adoption of open learning through distance mode seems to be inevitable choice. An attempt is made below to identify the areas of intervention for ODL system, the types and level of programmes to be launched through ODL for women (for details see table 4).

Table4: Areas of intervention for ODL System

Level	Area of Intervention	f	Mean	Rank
School Education	Open Schooling	73	2.83	1
	Education for special needs children	71	2.77	2
	Computer literacy	70	2.33	3
	Art and craft	66	2.17	5

	Vocational courses	68	2.20	4
Adult and Continuing Education	Fruit processing	68	2.89	3
	Multi skill vocational programmes	73	3.08	2
	Food and Nutrition	66	2.79	4
	Women Education	89	3.98	1
	Home management	60	2.27	5
Technical & Vocational Education	Tourism	74	3.63	1
	Agriculture and horticulture	69	2.81	3
	Petroleum and minerals	70	3.22	2
	Poultry farming	60	2.46	5
	Entrepreneurship development	66	2.80	4
Higher Education	Applied Sciences	79	3.32	1
	ICT based courses	66	2.30	5
	Professional Courses	69	2.65	3
	Systems management courses	67	2.36	4
	Religious Studies	75	3.03	2

Keeping in view the fact that a large number of school age children are never enrolled in schools and among those who enroll a sizable number drop out from schools, women education through distance mode of learning at the school level assumes great significance for women. There seems to be a strong case for establishing a national open school in active collaboration with similar open schools operating worldwide. The Saudi National Open School can play an important role by providing necessary technical and professional education to school age children and arrest the tendency of school drop outs. ODL can be used conveniently for meeting the special needs of children and offering literacy and vocational courses at the school level.

Adult and continuing education is an important area that did not receive adequate attention as a component of women education in KSA. A majority of Saudi adult, married and working women are seriously unrepresented in education and these women are most urgently in need of access to meaningful quality education through ODL as it is their only a venue to improve the quality of their economic, social and psychological lives. Distance mode continuing education assumes special significance for KSA because of its diversified geographical location and ODL system's flexibility to address diverse learning styles and preferences of women. Women constitute a vast reservoir of human resource for Saudi Arabia which can be turned into valuable asset, through effective distance education intervention. Some multi skilling vocational courses based on felt needs can also be developed and introduced in the areas of nutrition and child education, early childcare, food and nutrition.

It is widely believed that women mostly prefer “soft options” in languages, humanities and social sciences than professional and technical courses. But the emerging trend seems to shift the focus from conventional academic courses to more professional, vocational and job oriented courses at all levels of education. In vocational and technical education, the rate of women enrollment is much less than that of male enrollment in KSA. Some sectors have a great potential for employment generation in the country and contribute significantly to the Saudi economy. Tourism is one of the major sectors having a great potential in boosting the economy of KSA. The unique contribution that the Kingdom has made to tourism is the preservation of pilgrim centers and civilization heritage. The Kingdom may consider the establishment of distance mode institutions exclusively for education and research on tourism related subjects to cater to the educational and management needs of this sector. These have a great potential for fresh women graduates who would like to opt for tourism as their career and want to start their own tourism related business. Agricultural institutions in the Kingdom along with AOU and other distance mode institutions can provide know-how and the inputs needed for processing, packaging, promotion and marketing of agricultural and horticultural products in the rural areas. Petroleum and minerals being the backbone of Saudi economy, diversifying, marketing and human resource development in this area can be addressed through distance mode. Entrepreneurship development is an important area of intervention for ODL system which will develop confidence in women students and enable them to start small enterprises in manufacturing or service sectors based on the core competence of KSA. School and university syllabi need to be integrated with entrepreneurship courses.

The increasing demand for higher education on the one hand, and the limited output capacity of the conventional system on the other, does not allow much scope for innovation. The higher and technical education system through ODL mode has therefore to gear up to generate manpower relevant to the present day manpower requirements of the Kingdom and be sensitive to emerging global changes. The study results are indicative of the fact that the Kingdom can consider offering programmes in engineering, medicine, science and humanities in partnership with reputed open universities in the Arab World for providing quality higher education to women in these emerging areas. Due to technological advancements in education it has now become possible to offer such programmes through ODL mode. Saudi Arabia provides an excellent ground to experiment dual mode operationalization of higher education. The conventional system of higher education may concentrate its efforts in such areas which need vigorous face to face classroom/interaction/laboratory hands on practice, learning other emerging areas to

distance mode of education.

It was also fairly interesting to examine whether women students are able to cope with the pressure of study while simultaneously fulfilling their other commitments. Towards this end we examined various problems that women face while studying through the ODL system. Majority of the students (see table 5) rate the external conflicts such as work and family commitments and social pressures as main barriers. A higher percentage of older, married and working women rated these external causes very high as these had caused some of them to drop out from studies for some time or change from one course to another. Some blamed the internal factors like lack of proper study planning on their part, in adequate student support services and difficulty level of the programme of study. Language constitutes an important barrier as in open and distance learning system being followed at AOU the course material is available in English language which get accentuated due to distance. The study also reveals that women who are placed at a geographical distance and in accessible areas find it difficult to avail the educational opportunities through distance mode as they faced problems in having access to attend the tutorials. The study thus makes it amply clear that if some Saudi women have not fared well in the ODL system, it is not because of the system itself but due to their personal difficulties and conflicts.

Table5:Barriers to learning through ODL

No.	Types of Barriers	f	Mean	Rank
1	Social pressures	84	4.24	3
2	Lack of proper planning	81	4.21	4
3	Course difficulties	77	4.09	6
4	Work commitments	94	4.70	1
5	Family commitments	89	4.64	2
6	Inadequate Student support	79	4.15	5
7	Lack of interest	70	3.62	8
8	Language barriers	73	3.65	7
9	Cost of the course	69	3.54	9
10	Physical barriers	65	2.84	10

A further analysis of the data reveals that for all the years and in all the semesters, the percentage change in registered students at AOU is below 100 which show that there is significant drop out of students. Students drop the courses or entire program due to language problem, difficulty in understanding and studying the courses, lack of family support, at times professional constraints, increasing course fees, language problem, since the first language of most of the students is Arabic, not much of understanding of the

ODL system of managing ones studies and managing self -learning as most of the students are fresh from high schools. Some barriers were linked to the realities of women students' lives: a multiplicity of roles, costs of study, the importance and value attached to caring responsibilities, and time management problems. Sometimes a larger family with children, parents and parents-in-law, creates and sustains internal and external barriers to study, rein forcing gender stereotypes. Even though they try hard to combine studies with other roles and responsibilities and despite the motivation and dedication distance learners demonstrate, many feel that they are letting their families down when they try to further their education. The women students make tremendous sacrifices to balance the demands of work, family, and study, writing assignments, research etc. as mothers, female partners, employees and citizens. Taking on distance study roles often results in "double duty" and working mothers interested in furthering their education are adding a difficult "third shift" to their responsibilities (Kramarae 2000). There are some other factors hindering education of women like priority consideration for the education of male children, uneducated peer group, in adequate transport facility, high rate of drop out sat the primary level, long distance of access to educational institutions, playing multiple roles etc.

“Everything else needs to come first and we have to wait until everybody goes to bed and all the things settle at home and then we switch on the computer”, says a married secondary school teacher studying English literature at AOU. It is funny but when I talk with my male fellow-students they never seem to be mentioning things such as home, children, house work...whereas for us it is a common topic for discussion. Another 35years old student, working as a supervisor in a hospital, also notes that “I try my best to respond in the best possible way to the demands of this program. I want to participate in everything that goes on but unfortunately it is not humanly possible. Time shortage does not allow me to do that”.

It is here that ODL institutions have a pivotal role to play in developing such kind of programmes which would play a multi-dimensional role, firstly provide basic educational opportunity to all those who do not have access to education, secondly, generate awareness amongst the women on their social and economic rights and finally, imparts skill based entrepreneurial training for the upliftment and growth of Saudi women.

The problems faced by women distance education students call for attention from all distance learners, educational administrators and teachers. There is a need for focused strategies for overcoming the existing barriers in order to provide women equitable access to quality education. Some of these strategies have already been in existence for quite

some time in other countries which with minor modification can be adapted to suit the needs of KSA. The results of the study (table 6) reveal that for further enhancement of ODL as a tool for educating and empowering Saudi women a right mix of programmes needs to be offered through ODL. In order to identify the needs, aspirations and expectations of women, the first logical step would be to undertake intensive search for identifying the areas in which specific programmes need to be developed to suit the requirements of Saudi women. This would require specific programmes, professional courses etc. to upgrade their skills and competencies, which are not available in the existing traditional system.

Table6:Strategies for reaching out through ODL System

No.	Strategies	Frequency	Mean	Rank
1	Research and need analysis	83	4.73	2
2	Identification of educational requirements	85	4.89	1
3	Development of need based programmes	80	4.62	3
4	Use of local language	77	4.33	5
5	Use of appropriate technology	78	4.41	4
6	Institutional Collaboration	65	3.94	9
7	Appropriate student support service	68	4.04	8
8	Networking and resource sharing	60	3.91	10
9	Mass awareness about the role of ODL	75	4.27	6
10	Involvement of NGOs and women activists	72	4.05	7

Selection of appropriate technology is an important factor in reaching out to women. The learning environment of women also needs to be taken in to account while planning the media strategy. If an academic programme is available in one's own mother tongue or language of choice, it certainly facilitates learning. This is more pronounced in open and distance learning system followed at AOU in which course material adopted from UKOU is available only in English. The use of Arabic language is not only desirable but also imperative as it would certainly delimit the reach of education among a large section of women students who find English difficult and would like to get educated in their own mother tongue. There is still greater need for more publicity and networking. AOU can act as a nodal agency for coordinating with organizations, institutions committed to the cause of learning, education and development of women in Saudi Arabia. Committed individuals, voluntary organizations, women groups, can be tapped as instruments for skill development and capacity building of women. After attracting women to ODL, efforts need to be made to retain them as higher dropout rates have been reported among

women compared to men. They need constant reinforcement and encouragement to sustain their initial motivation.

Conclusion and Suggestions

The findings of the study have demonstrated that ODL system at AOU has benefited a good number of Saudi women. Ofcourse the inferences drawn may be limited by the size of the sample and the low response rate, but in view of the fact that the respondents represented the entire population, the findings may be reasonably valid if generalized to a larger or whole population. The findings have policy implications for Saudi conventional and ODL institutions with regard to introduction of academic specially targeted at women, design and delivery of support systems for ODL students in order to optimize the learning environment for women and specific promotional strategies to attract and sustain more women students.

Open and Distance learning mode of education is an avenue for KSA to effectively disseminate educational benefits to all its citizens economically and more effectively, especially to unreached women who were denied access for social or other considerations. This mode of education would enable women to have access to functional training and education which would empower them, make them self reliant and prepare them for the demands of the social system. It gives them a chance, hitherto unaffordable, to carry out the dual responsibilities of a second chance to education as well as fulfillment of family responsibilities. Distance learning in Saudi Arabia can be available to Saudi girls who, for one reason or another do not find a place in state or private universities or who are not able to be enrolled for study on men's campuses due to cultural considerations. In addition, there are women who are not allowed to be taught by men directly and therefore receive much of their instruction by distance learning means of remote communication, such as closed circuit televisions and phone links.

As elsewhere in the world, the development of Saudi women's self-motivation and self-directedness in any educational undertaking is important. The ODL environment is more women friendly and gender equitable. The ODL discussion is appropriate for collaborative learning and group interaction which is women favored learning styles. Connected teaching, connection between teacher, learner and the curriculum is a women friendly teaching strategy. ODL, more than any other type of educational modality, can lend itself to a higher degree of learner control, and hence illustrate its potential to democratize access to education and thus improve the lot of Saudi women, their families, and society as a whole. This is in tandem with the observations of many researchers that

‘all nations of the world desirous of a cost effective, convenient, conducive, efficient and comprehensive way to educate all its citizens particularly the disadvantaged ones have embraced open and distance learning’.

How pedagogy and curriculum development can become gender sensitive and reflect the interest of women need to be seriously researched by both men and women together. An important step is to conduct research into the special way in which women engage themselves in distance learning, into the types and levels of interaction between students and tutors that suit the female way of learning, as well as the documentation of the major social aspects that influence women's learning. The findings of this study support the call for course design strategies that address the specificities of women as distance learners in Saudi Arabia. More women's studies courses must be made available via distance learning programmes and a feminist perspective must be incorporated in the curriculum in other disciplines. The curriculum of distance education should at least have one general course on women development, focusing on health and family welfare, environment awareness, plan policies and programmes pertaining to women empowerment. An adequate number of empowered women need to be put at the top rungs of the educational hierarchy to sustain and implement women related issues and concerns holistically at the systemic and policy levels. More women administrators, teachers and students should be involved in the planning process for ODL courses. Efforts also need to be made to involve women voluntary groups and non-governmental organisations to initiate various kinds of activities, which would motivate girls to go for higher education by distance mode. School dropouts among girls should in particular been courage to pursue their education through ODL.

It is the duty of educationists and planners to make distance education easily available to those women who are eager to improve their quality of life. Within the Arab world the network of AOU, Education Departments and Distance and open learning centres should pool their infrastructure, finances and human resources; jointly develop relevant programmes and courses, and share material and communication technologies already available and adapt them to suit their requirements. The only way the ODL system can address the poor perception of open learning in the Arab world is to convince the stake holders as to the quality of the open or blended learning it offers which is evidenced by meeting the requirements of internationally recognized benchmarks. Arab Open University has made substantial progress in changing hearts and minds in the Arab world about ODL.

Governments and civil society organisations have still not fully absorbed the full

potential of ODL in women empowerment and therefore are far from the stage of creating enabling frame works and spaces for the growth of women. A collaborative mechanism could be established between various development agencies, research and training centres on the one hand, and distance-learning agencies such as open schools, open polytechnic and open universities on the other. Such a collaboration could be a powerful tool to make relevant knowledge and skills available to Saudi women and girls, thus enabling them to empower themselves to shape their own lives. Modality of potential partnerships between the conventional educational system and the open and distance-learning system to design, develop and deliver quality education to women need to be explored.

Educational Institutions offering ODL should be encouraged to expand the scope of the programmes to meet the needs of various categories of women in rural and urban areas, nursing mothers, workingwomen, and semi-literate women. The general areas that should be addressed by distance-learning programmes for Saudi women are capability building, skill enhancement, integrating literacy skills with functional knowledge in the field of family education, economic and income generation, health education and civic consciousness. Organize short term programs on business communication skills, personality and self development. ODL can be used to contribute in professional development of women by conducting short term programs on translation, basic health care, managing small business, entrepreneurship, banking, finance and accounts, CV writing and interview skills and confidence building and personality development which would increase job prospectus of Saudi women. AOU has contributed towards these areas tremendously for the professional development and competency enhancement of women in the country. However, it needs to improve upon the present system so as to provide a better platform for augmenting access to lifelong learning for professional and social development of women in Saudi Arabia.

There is well established technological infrastructure but less supportive social and cultural environments for ODL in KSA. To counter this ineffectiveness, we propose establishment of an indigenous Open University and an Open School model for the kingdom to provide meaningful and continuing education to underserved populations and regions through advanced technologies, upholding deeply rooted social and ethical values of the Arab-Islamic heritage and an appreciation for other human cultures and heritages. The Open school can provide basic education to thousands of disadvantaged girls of the country. If special courses, non-formal programmes and vocational courses for the girl students could be introduced at the school level, no doubt the Open School in Saudi Arabia would fulfill its goals of inclusive education. Opportunities for school education,

vocational training and tertiary education can also be provided through ODL.

Saudi Arabia has enormous resources for distance learning which could be effectively used for the benefit of women and girls in the kingdom. Bates (2009) believes that the future of Saudi higher education, and especially the successful implementation of e-learning, will be driven by women faculty in view of their great determination and a commitment to seeking knowledge and improvement. Women will be the driving force in e-learning in Saudi Arabia and for using technology to improve the quality of teaching and learning in KSA.

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Unveiling User Insights: Exploring Over-The-Top (OTT) Platforms in Kashmir through Quantitative Analysis

*Manzoor Ahmad Dar**
*Ranbir Singh**
*Balbir Kumar**

Abstract

This research paper presents a comprehensive study on user perspectives of Over-the-Top (OTT) platforms in Kashmir, based on a quantitative analysis of data collected from a diverse sample of respondents. The study reveals significant insights into the current state and potential future of OTT platforms in the region.

The data analysis unveils key trends and preferences among the respondents concerning their usage of OTT platforms. Among the various platforms available, Netflix emerges as the most preferred, with over half of the users selecting it as their favourite, followed by Amazon Prime and Hotstar. The majority of respondents spend 1-2 hours daily on OTT platforms, indicating significant engagement with the services, while a notable proportion watches content for less than an hour per day.

The preferred time for content consumption on OTT platforms is during the early night, indicating users' preference for unwinding and relaxing with digital content during this time. Most users access OTT platforms for free, but a considerable proportion are willing to invest in content consumption, with a majority spending between 201 to 400 rupees per month.

Movies are the most preferred content type, suggesting that cinematic experiences remain popular among the audience, followed by web series and live sports events. Urdu is the most preferred language on OTT platforms, highlighting the importance of regional language content to cater to the linguistic diversity in Kashmir.

The study identifies ease of use as the most compelling reason for watching content on OTT platforms, followed by on-demand content convenience and cost-effectiveness. The majority of respondents believe that OTT applications are changing their television and movie-watching habits, showcasing the disruptive influence of these platforms on traditional media consumption.

Additionally, a substantial proportion of users believe that OTT applications are changing the Indian television and film industry, reflecting the transformative effect of digital streaming on content production and distribution. Respondents express optimism about the future of OTT platforms in Kashmir, attributing this belief to factors such as smartphone penetration, digital quality, cost-effectiveness, and international collaboration.

Overall, this research provides a valuable resource for industry stakeholders, content creators, and policymakers seeking to understand user preferences and capitalize on the growing digital entertainment market in Kashmir. The study offers important implications for the future development of OTT platforms and media consumption patterns in the region. As the landscape of OTT platforms evolves, this research lays the foundation for further investigations into the dynamic and ever-changing media consumption habits in Kashmir.

Keywords: *Over-the-Top (OTT) Platforms, Kashmir, User Perspectives, Media Consumption, Content Preferences*

*Department of Journalism and Mass Communication KG Punjab Technical University Jalandhar, Punjab

Introduction:

The advent of Over-the-Top (OTT) platforms has significantly transformed the landscape of media consumption, revolutionizing the way people across the globe access and enjoy entertainment content. These digital streaming platforms have emerged as a disruptive force in the entertainment industry, offering users unparalleled convenience and flexibility to access a vast array of movies, TV shows, web series, documentaries, and live events on-demand. Over the past decade, the proliferation of high-speed internet connectivity, the widespread adoption of smartphones, and the increasing availability of affordable data plans have propelled the rapid growth of OTT platforms, ushering in a new era of content consumption.

Among the regions embracing this digital transformation is Kashmir, a picturesque and culturally rich region situated in the northern part of the Indian subcontinent. Nestled amidst the stunning Himalayan landscapes, Kashmir has a unique sociocultural fabric and has been historically renowned for its art, literature, and traditional forms of entertainment. With advancements in digital technology and changing user preferences, the region has witnessed a growing adoption of OTT platforms as a primary medium for entertainment consumption. This research paper seeks to explore and analyse the user perspectives on Over-the-Top (OTT) platforms in Kashmir through a comprehensive quantitative analysis.

Background of OTT Platforms in Kashmir:

The traditional mode of television broadcasting and movie screenings has undergone a significant paradigm shift with the rise of OTT platforms. Unlike conventional cable and satellite television, OTT platforms utilize the internet to deliver content directly to users, allowing them to access content at their convenience, irrespective of time and location. The popularity of OTT platforms stems from their diverse content offerings, personalized recommendations, and the ability to watch content on multiple devices, including smartphones, tablets, smart TVs, and laptops.

In the context of Kashmir, where access to traditional entertainment mediums may have been limited due to geographic challenges and political unrest, OTT platforms have emerged as a viable alternative for users to indulge in a wide range of entertainment content. The region's population, especially the youth, has embraced the digital revolution, leveraging smartphones and high-speed internet connections to explore the world of entertainment on OTT platforms. Furthermore, the multilingual and multicultural nature of Kashmir has led to a demand for diverse content in different

languages, making OTT platforms a valuable resource for content diversity and accessibility.

Literature Review

The advent of Over-the-Top (OTT) platforms has transformed the media landscape worldwide, offering users an unprecedented level of convenience and flexibility in accessing entertainment content. These platforms have gained immense popularity, allowing users to stream movies, TV shows, web series, and documentaries on-demand through internet-connected devices. As the popularity of OTT platforms continues to grow, researchers have taken an interest in understanding user perspectives and behaviours to inform content curation, platform design, and industry strategies. This literature review examines relevant studies and research on user perspectives on OTT platforms, with a specific focus on the region of Kashmir, where OTT adoption is on the rise.

OTT platforms have experienced explosive growth globally. Studies have found that OTT adoption is influenced by factors such as internet penetration, smartphone ownership, and the availability of compelling content (Schwartz, 2017). In India, the adoption of OTT platforms has witnessed significant growth due to affordable data plans, increased smartphone penetration, and diverse content offerings (Arora&Sabharwal, 2019). Users in India appreciate the freedom to consume content at their convenience, leading to a shift away from traditional television viewing (Chauhan et al., 2019). As OTT platforms continue to gain traction worldwide, understanding user perspectives becomes crucial to catering to diverse preferences and sustaining growth.

In India, OTT platforms have witnessed rapid growth and have become an integral part of the media landscape (Kapoor&Nimbalkar, 2019). A study on the preferences of OTT platforms in India found that users in different regions have distinct content preferences and language choices (Arora&Sabharwal, 2019). The study revealed that regional content plays a crucial role in attracting and retaining users in specific geographic areas.

The region of Kashmir, with its unique sociocultural and geopolitical context, presents an interesting case for the adoption and use of OTT platforms. In a study examining internet usage patterns in Kashmir, it was found that the region has witnessed increased internet penetration, with a significant number of users accessing the internet via smartphones (Koul& Mir, 2018). This trend suggests the potential for the adoption of OTT platforms, as smartphones are the primary devices for accessing such content.

As Kashmir is a multilingual region with diverse cultural influences, understanding content consumption patterns becomes essential to curate relevant and appealing content on OTT platforms. A study on content consumption in India found that regional content, including content in regional languages, is gaining popularity (Shrivastava et al., 2020). This finding underscores the significance of offering regional content on OTT platforms in Kashmir to cater to the preferences of the local population.

As OTT platforms continue to gain prominence, there is a growing concern about their impact on traditional media, such as television and cinema. A study on the impact of OTT platforms in India found that the availability of OTT content leads to a reduction in television viewership (Mangal&Yadav, 2020). However, this impact is not uniform across all regions, as regional content on OTT platforms may complement rather than compete with traditional media.

Understanding user perspectives on OTT platforms is essential for identifying factors that drive adoption and usage. Research on user preferences for OTT content found that users appreciate the freedom to choose what, when, and how they watch (Manvi&Shivalingaiah, 2019). Moreover, ease of use and personalized content recommendations were identified as crucial factors contributing to user satisfaction and loyalty (Prasad &Ranjitha, 2020). Such insights are invaluable for OTT platforms looking to enhance user experiences and improve customer retention.

While OTT platforms have gained popularity globally, there are challenges and limitations to consider. Studies have highlighted issues related to piracy, data privacy, and digital literacy (Patil&Kamble, 2021). Additionally, the impact of OTT platforms on local content production and employment opportunities in the entertainment industry requires further investigation.

The literature reviewed highlights the global growth of OTT platforms and the factors influencing their adoption. In the context of India, the preferences for regional content and the impact on traditional media are noteworthy. For regions like Kashmir, where digital connectivity is expanding, the adoption of OTT platforms presents opportunities and challenges. Understanding user perspectives and content consumption patterns is essential to tailor content offerings to the preferences of Kashmiri viewers. This quantitative analysis seeks to bridge the existing gaps in the literature by providing valuable insights into user perspectives on OTT platforms in Kashmir. By analysing user preferences, content choices, and the impact on traditional media, this research aims to

contribute to the broader understanding of media consumption patterns in the region and offer recommendations for content curation and platform development.

Research Objectives:

The primary aim of this research is to delve into the user perspectives on OTT platforms in Kashmir using a quantitative approach. The study focuses on four key objectives:

- To evaluate the adoption and usage patterns of OTT platforms among Kashmiri users.
- To identify the most popular content genres and languages preferred by users.
- To analyse the challenges faced by OTT platform users in the region.
- To assess the impact of OTT platforms on traditional media consumption in Kashmir.

Significance of the Study:

The findings of this research hold considerable significance for various stakeholders within the media and entertainment industry. Understanding user perspectives and preferences is crucial for OTT platform providers, content creators, and distributors to curate content that resonates with the diverse Kashmiri audience. Moreover, insights into the impact of OTT platforms on traditional media consumption can inform media houses and broadcasters about evolving consumer behaviours, aiding them in adapting their strategies accordingly.

Methodology

Research Design:

The research design for this study employs a cross-sectional quantitative approach. This approach allows for the collection of data from a diverse sample of OTT platform users in Kashmir, enabling a comprehensive analysis of user perspectives. The quantitative method involves structured data collection, statistical analysis, and numerical interpretation, offering precise and measurable results to address the research objectives effectively.

Sampling:

- a. Population:

The population for this study comprises users of Over-the-Top (OTT) platforms in the region of Kashmir. As the study aims to explore user perspectives in this specific

demographic, the population is defined as individuals aged 18 years and above who actively use OTT platforms for content consumption.

b. Sample Size:

The sample size is determined to ensure adequate representation of the population and sufficient statistical power for reliable analysis. A sample size of 130 respondents is deemed appropriate for this study, considering the available resources and time constraints.

c. Sampling Technique:

A combination of convenience and stratified random sampling techniques will be employed. The researchers accessed respondents through online platforms, social media groups, and in-person contacts, ensuring a diverse sample from various geographic locations and demographic backgrounds.

Data Collection:

I. Questionnaire Design:

Data from the individuals was gathered using a standardised questionnaire. Closed-ended questions and Likert-scale items were included in the survey, providing measurable replies and assuring consistency in data collecting. The questions were developed to align with the research objectives, covering areas such as OTT platform preferences, content consumption patterns, reasons for usage, and impact on traditional media consumption.

II. Pilot Testing:

Before the main data collection, a pilot test was conducted on a small group of respondents to assess the clarity, relevance, and effectiveness of the questionnaire. Necessary adjustments were made based on feedback received to ensure the questionnaire's validity and reliability.

III. Data Collection Process:

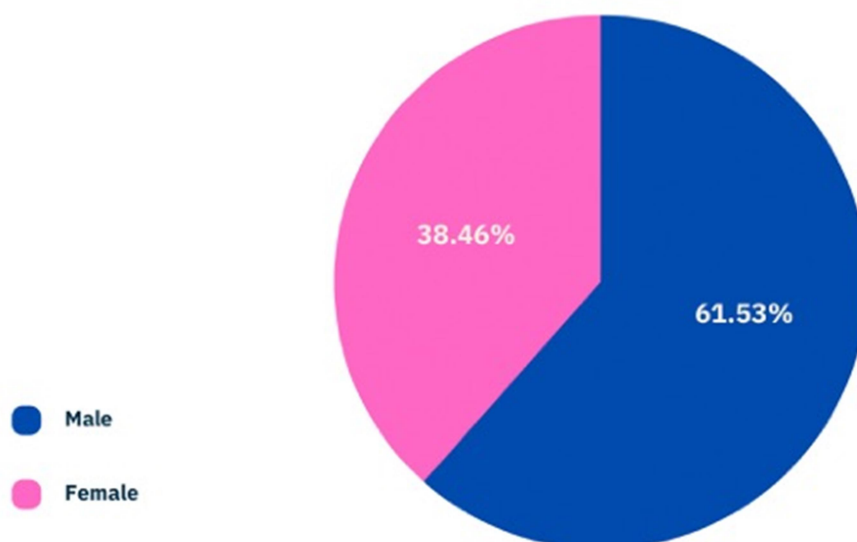
Data collection was conducted through both online and offline methods. For online data collection, the structured questionnaire was distributed via email, social media, and relevant online platforms. For offline data collection, the researchers conducted face-to-face surveys in various colleges and universities of the valley.

The quantitative research methodology employed in this study provided comprehensive insights into user perspectives on OTT platforms in Kashmir. Through structured data

collection and statistical analysis, the study uncovered prevailing trends and preferences among OTT platform users, offering valuable implications for industry stakeholders, content creators, and policymakers in the region.

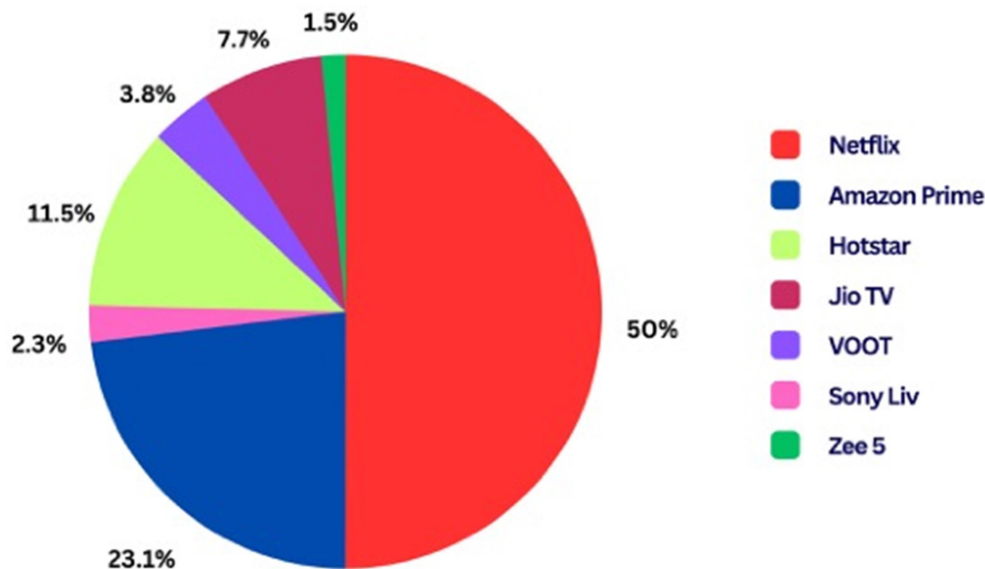
Data Analysis

The advent of Over-the-Top (OTT) platforms has revolutionized the entertainment industry, providing users with easy access to a plethora of content on demand. This research paper delved into the user perspectives on OTT platforms in Kashmir through a quantitative analysis of the data collected from a survey. The study focuses on various aspects such as gender distribution, preferred OTT platforms, time spent on OTT, preferred content, language preferences, reasons for using OTT, and the impact of OTT on television and film industry in India. Additionally, the study examines the future potential of OTT platforms in Kashmir based on user opinions.



Gender Distribution:

Out of the 130 participants surveyed, 80 were male and 50 were female. This indicates a slightly higher representation of males in the study, which is consistent with broader trends in digital media consumption, where male users have historically dominated the viewership.



Preferred OTT Platforms:

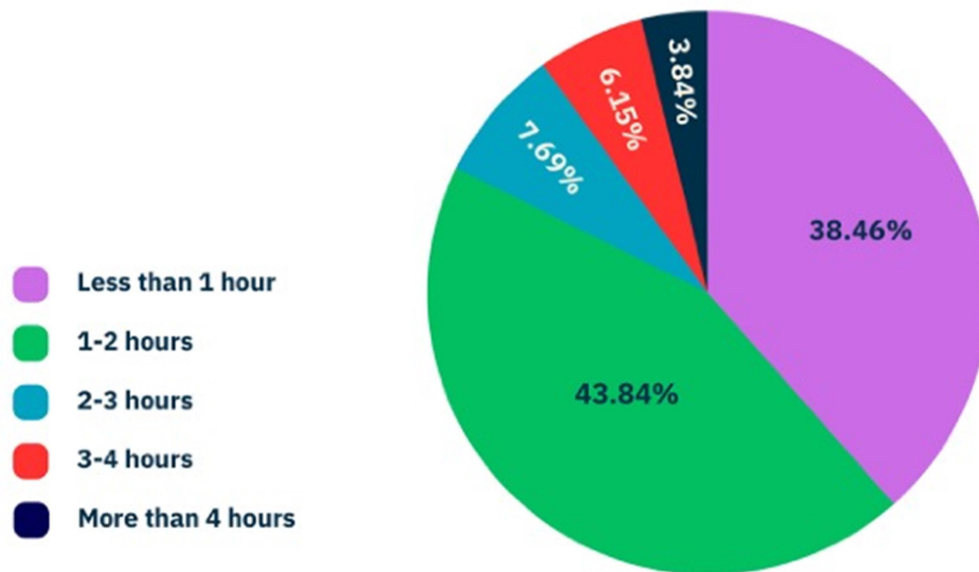
The participants were asked about their most preferred OTT platforms from a list of options. The results are as follows:

Netflix: Netflix emerged as the most favoured OTT platform, with 65 respondents (50% of the total participants) selecting it. The popularity of Netflix can be attributed to its vast and diverse content library, including a wide range of international movies, TV shows, and original series.

Amazon Prime: Amazon Prime ranked second, with 30 respondents (23% of the total participants) favouring it. Amazon Prime's extensive collection of movies, web series, and exclusive content, along with additional benefits like free shipping on Amazon products, might have contributed to its popularity.

Hotstar: Hotstar, known for live sports streaming and popular TV shows, was the choice of 15 respondents (11.5% of the total participants). Its emphasis on sports content and regional programming might have appealed to the users in Kashmir.

Jio TV, VOOT, Sony Liv, Zee 5: These platforms received relatively lower preference, with 10, 5, 3, and 2 respondents, respectively. Jio TV's inclusion of live TV channels and VOOT's focus on reality shows and regional content might have contributed to their moderate popularity. Sony Liv and Zee 5's limited content offerings may have affected their rankings.



Time Spent on OTT:

Participants were asked about the amount of time they spend watching content on OTT platforms daily. The responses were as follows:

Less than one hour: 50 respondents (38.5% of the total participants) indicated spending less than one hour on OTT daily.

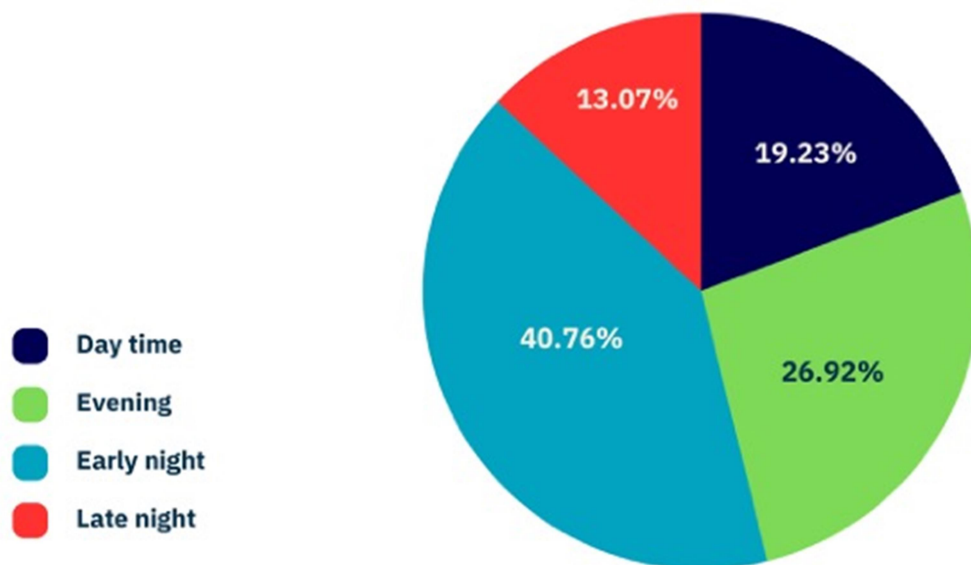
1-2 hours: 57 respondents (44% of the total participants) reported spending 1-2 hours daily on OTT.

2-3 hours: 10 respondents (7.7% of the total participants) stated spending 2-3 hours daily on OTT.

3-4 hours: 8 respondents (6.2% of the total participants) mentioned spending 3-4 hours daily on OTT.

More than 4 hours: 5 respondents (3.8% of the total participants) reported spending more than 4 hours daily on OTT.

The data indicates that a majority of participants spend around 1-2 hours daily on OTT, showcasing the platform's popularity as a source of entertainment.



Preferred Time for Watching Content on OTT:

Participants were asked to specify their preferred time for watching content on OTT platforms. The results were as follows:

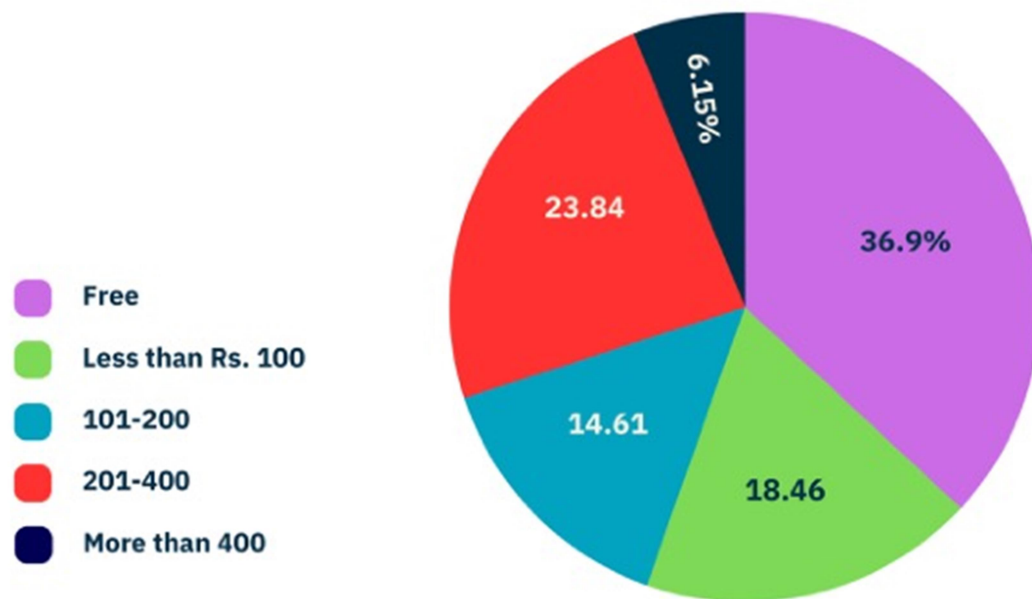
Daytime: 25 respondents (19.2% of the total participants) preferred watching content during the daytime.

Evening: 35 respondents (26.9% of the total participants) indicated their preference for the evening as the viewing time.

Early Night: 53 respondents (40.8% of the total participants) favoured early night as their preferred viewing time.

Late Night: 17 respondents (13.1% of the total participants) mentioned late night as their preferred time to consume content on OTT platforms.

The data shows that early night is the most preferred time for OTT content consumption among the respondents.



Monthly Expenditure for Watching Content on OTT:

Participants were asked about their monthly expenditure on OTT platforms. The responses were as follows:

Free: 48 respondents (36.9% of the total participants) reported using free OTT platforms.

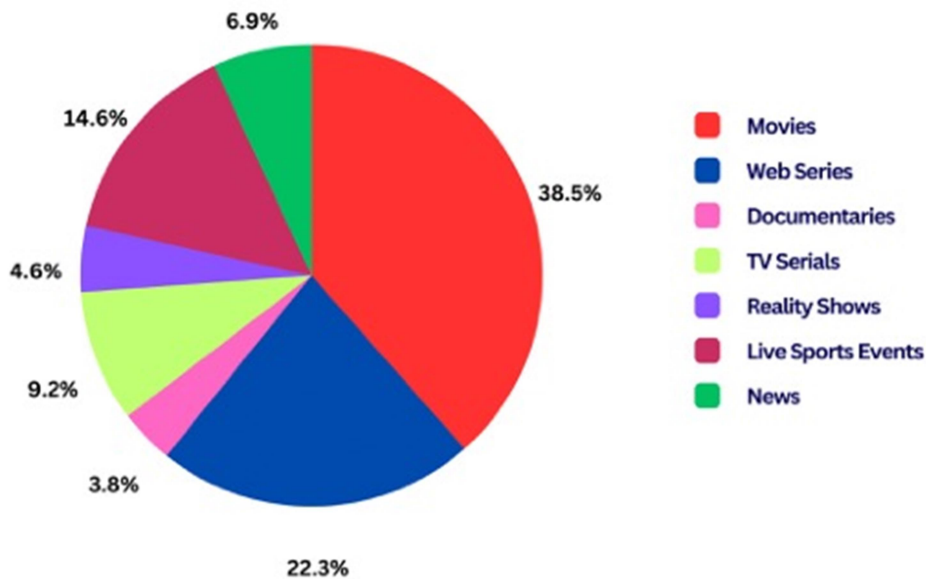
Less than 100 Rupees: 24 respondents (18.5% of the total participants) stated spending less than 100 Rupees monthly on OTT.

101 to 200: 19 respondents (14.6% of the total participants) indicated spending between 101 to 200 Rupees monthly on OTT.

201 to 400: 31 respondents (23.8% of the total participants) mentioned spending between 201 to 400 Rupees monthly on OTT.

More than 400: 8 respondents (6.2% of the total participants) reported spending more than 400 Rupees monthly on OTT.

The data reveals that a significant number of participants use free OTT platforms or have a modest monthly expenditure, which suggests cost-consciousness among users.



Preferred Content on OTT:

Participants were asked about their preferred content on OTT platforms. The responses were as follows:

Movies: 50 respondents (38.5% of the total participants) favored movies as their preferred content on OTT.

Web Series: 29 respondents (22.3% of the total participants) indicated web series as their preferred content.

Documentaries: 5 respondents (3.8% of the total participants) preferred documentaries.

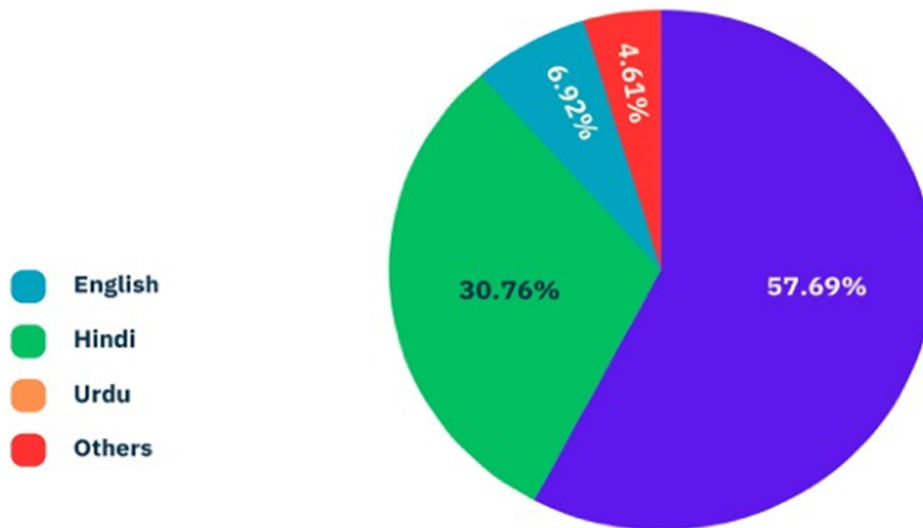
TV Serials: 12 respondents (9.2% of the total participants) favored TV serials.

Reality Shows: 6 respondents (4.6% of the total participants) indicated a preference for reality shows.

Live Sports Events: 19 respondents (14.6% of the total participants) preferred live sports events.

News: 9 respondents (6.9% of the total participants) indicated news as their preferred content on OTT.

The data suggests that movies and web series are the most preferred content choices among the participants.



Preferred Language on OTT:

Participants were asked about their preferred language on OTT platforms. The responses were as:

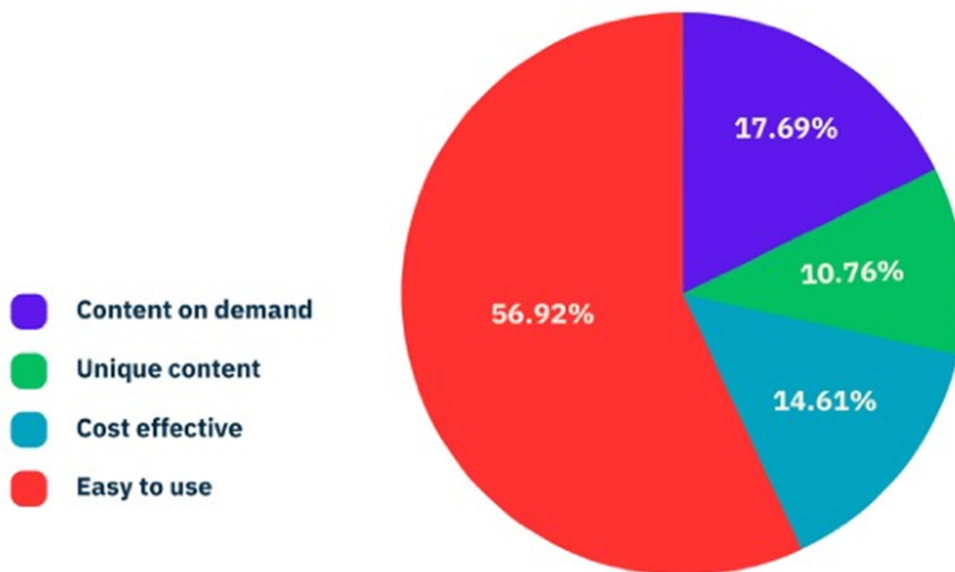
English: 9 respondents (6.9% of the total participants) favoured English content on OTT.

Hindi: 40 respondents (30.8% of the total participants) preferred Hindi content.

Urdu: 75 respondents (57.7% of the total participants) indicated Urdu as their preferred language on OTT.

Others: 6 respondents (4.6% of the total participants) preferred other languages.

The data indicates that Urdu is the most preferred language for content consumption on OTT platforms in Kashmir.



Reasons for Watching Content on OTT:

Participants were asked about the reasons behind their preference for OTT platforms. The responses were as follows:

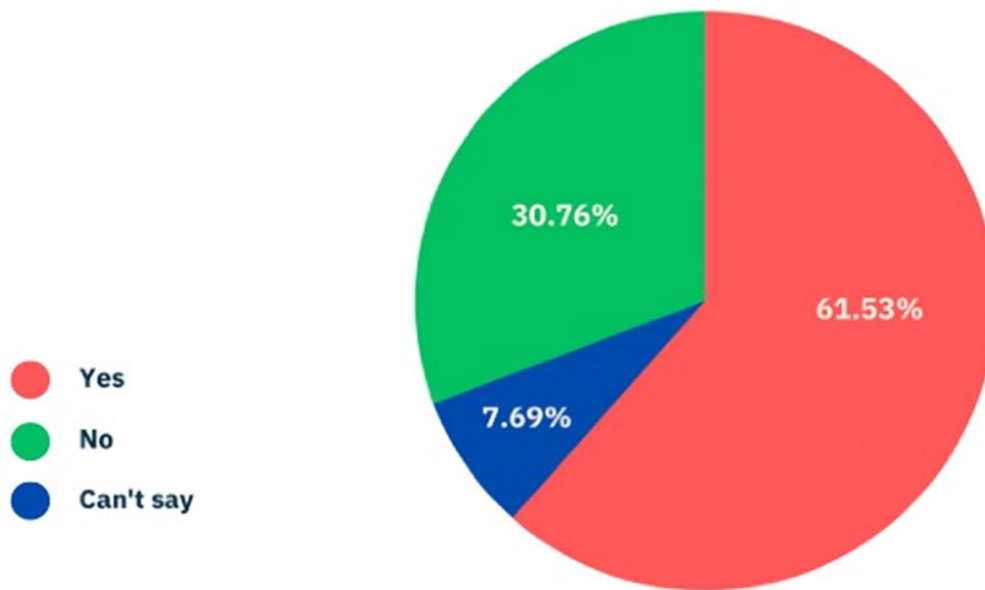
Content on Demand: 23 respondents (17.7% of the total participants) cited the availability of content on demand as their primary reason for using OTT platforms.

Unique Content: 14 respondents (10.8% of the total participants) indicated that unique and exclusive content attracted them to OTT platforms.

Cost-Effective: 19 respondents (14.6% of the total participants) mentioned that cost-effectiveness was a major factor influencing their choice of OTT platforms.

Easy to Use: 74 respondents (56.9% of the total participants) stated that the ease of use and user-friendly interfaces of OTT platforms were the reasons behind their preference.

The data highlights that ease of use is the most significant factor attracting users to OTT platforms.



Impact of OTT on Television and Film Industry in India:

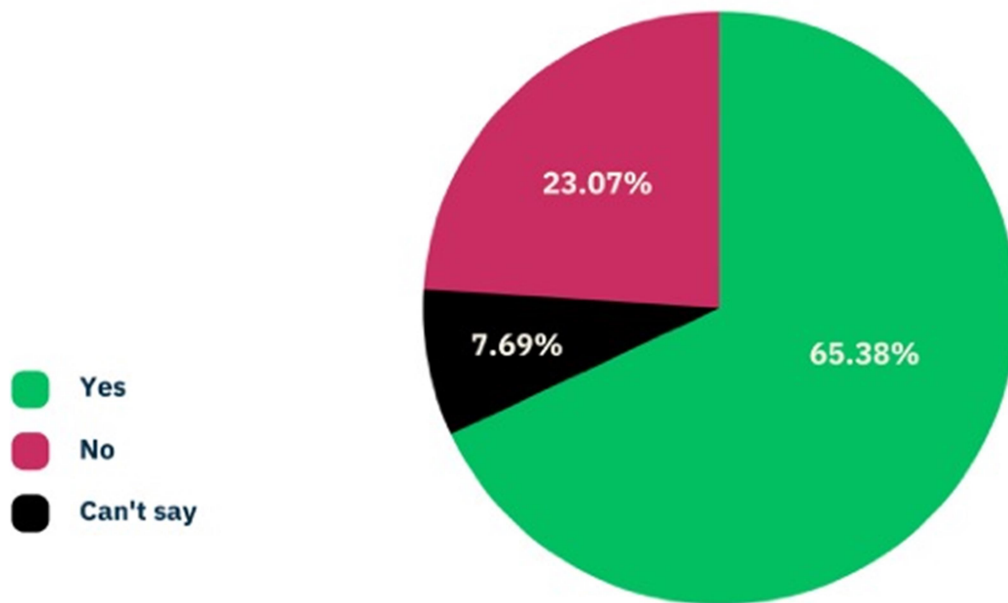
Participants were asked about their views on whether OTT applications were changing their television and movie watching habits. The responses were as follows:

Yes: 80 respondents (61.5% of the total participants) believed that OTT applications were changing their television and movie watching habits.

No: 40 respondents (30.8% of the total participants) did not perceive any change in their habits due to OTT applications.

Can't say: 10 respondents (7.7% of the total participants) were unsure about the impact of OTT on their viewing habits

The data indicates that a majority of respondents acknowledge the transformative influence of OTT platforms on their television and movie watching habits.



Impact of OTT on the Indian Television and Film Industry:

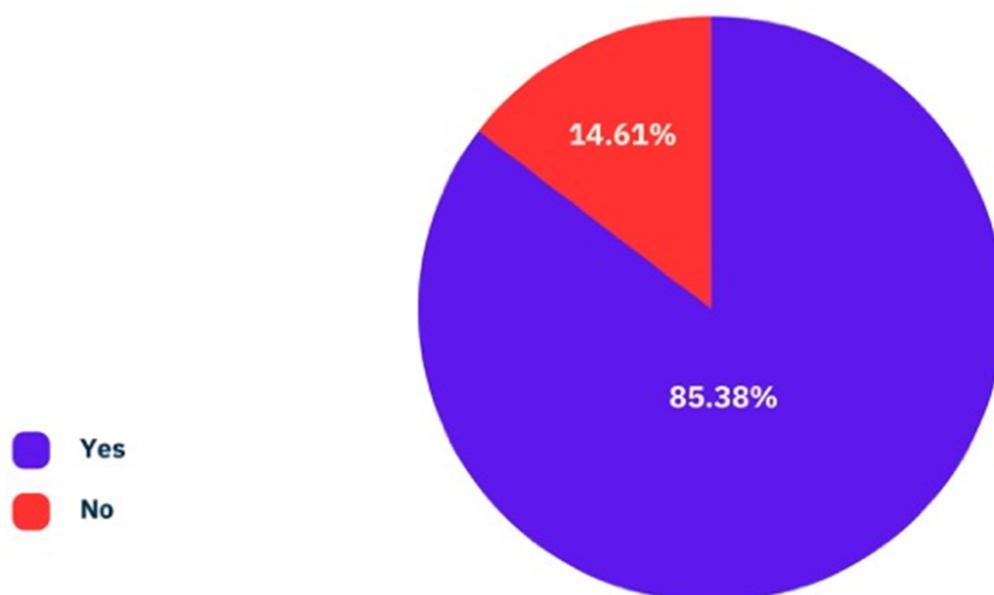
Participants were asked about their opinions on whether OTT applications were changing the Indian television and film industry. The responses were as follows:

Yes: 85 respondents (65.4% of the total participants) believed that OTT applications were changing the Indian television and film industry.

No: 15 respondents (11.5% of the total participants) did not perceive any significant change in the industry due to OTT applications.

Can't say: 30 respondents (23.1% of the total participants) were unsure about the impact of OTT on the Indian television and film industry

The data suggests that a majority of respondents believe that OTT platforms have a transformative effect on the Indian television and film industry.



Future Potential of OTT Platforms in Kashmir:

Participants were asked about their views on whether OTT platforms have a future in Kashmir. The responses were as follows:

Yes: 111 respondents (85.4% of the total participants) were optimistic about the future potential of OTT platforms in Kashmir.

No: 19 respondents (14.6% of the total participants) were skeptical about the future of OTT platforms in the region.

Those who answered 'Yes' were further asked to define the reasons behind their belief:

Smartphone Penetration: 70 respondents (63% of respondents who answered 'Yes') cited the widespread Smartphone usage in Kashmir as a reason for the future potential of OTT platforms. The increasing availability and affordability of smart phones have facilitated access to OTT content.

Digital Quality: 20 respondents (18% of respondents who answered 'Yes') emphasized the improvement in digital quality as a reason for the future growth of OTT platforms. As digital infrastructure continues to improve, the streaming experience is becoming more seamless and enjoyable.

Cost-Effective: 14 respondents (12.6% of respondents who answered 'Yes') highlighted the cost-effectiveness of OTT platforms as a driving factor for their future prospects in

Kashmir. OTT subscriptions often offer a more affordable alternative to traditional cable or satellite TV packages.

International Collaboration: 7 respondents (6.3% of respondents who answered 'Yes') believed that international collaborations and partnerships in the entertainment industry would boost the growth of OTT platforms in Kashmir.

Conclusion

In conclusion, this study provides valuable insights into user perspectives on Over-the-Top (OTT) platforms in Kashmir, based on a quantitative analysis of data collected from a diverse sample of respondents. The findings shed light on the prevailing trends and preferences among OTT platform users in the region, offering significant implications for industry stakeholders, content creators, and policymakers.

The study reveals that among the various OTT platforms, Netflix stands out as the most preferred platform, chosen by 54.2% of respondents. Amazon Prime and Hotstar also enjoy considerable popularity, with 25% and 12.5% of users selecting them, respectively. The results indicate that OTT platforms have successfully penetrated the market in Kashmir, with Netflix emerging as the leading choice among users.

Regarding content consumption patterns, the majority of respondents spend 1-2 hours daily watching content on OTT platforms, signifying significant engagement with these services. Additionally, a notable proportion of users spend less than one hour per day, indicating that OTT platforms cater to individuals with varying time availability. However, a smaller percentage of respondents watch content for 2-3 hours daily or more, suggesting that some users are highly invested in digital content consumption.

The study also reveals insights into users' preferred time for content consumption, with the early night emerging as the most preferred time, followed by evening and daytime. Late night is the least preferred time, suggesting that users prefer to consume content during their leisure hours and unwind with digital entertainment.

The findings on expenditure patterns show that a significant proportion of users access OTT platforms for free, possibly through trial offers or shared accounts, among those who spend on OTT services, a majority falls into the 201 to 400 rupees per month spending bracket, indicating a willingness to invest in content consumption. However, only a few users spend more than 400 rupees monthly on OTT platforms.

Movies are the most preferred content type, reflecting the enduring popularity of cinematic experiences among the audience. Web series and live sports events also enjoy

significant popularity, while other content types like documentaries, reality shows, and news have relatively lower preferences.

Regarding language preferences, Urdu is the most preferred language on OTT platforms, highlighting the importance of regional language content to cater to the linguistic diversity in Kashmir. Hindi and English follow as the second and third most preferred languages, respectively, while a smaller group of respondents prefers other languages.

The study highlights that the ease of use is the most compelling reason for watching content on OTT platforms, followed by the convenience of on-demand content and cost-effectiveness. The results suggest that users value the user-friendly nature of OTT platforms and the ability to access content at their convenience.

Regarding the impact on traditional media consumption, a significant majority of respondents believe that OTT applications are changing their television and movie-watching habits. However, a notable proportion either does not perceive this impact or is unsure about it, indicating that traditional media still holds relevance for some users.

Moreover, a considerable proportion of users believe that OTT applications are changing the Indian television and film industry, indicating the transformative effect of digital streaming on content production and distribution. Nevertheless, a significant number of respondents remain uncertain about the impact or do not believe that OTT platforms are changing the industry, suggesting the need for further awareness and analysis.

In conclusion, the overwhelming majority of respondents express optimism about the future of OTT platforms in Kashmir. Factors such as smartphone penetration, digital quality, cost-effectiveness, and international collaboration are cited as reasons for this belief. The results indicate a positive outlook for the growth of digital content consumption in the region, offering significant opportunities for content creators, industry stakeholders, and policymakers to capitalize on the potential of OTT platforms in Kashmir.

Overall, this research contributes valuable insights into user perspectives on OTT platforms in Kashmir and offers a foundation for future studies exploring the dynamic media consumption landscape in the region. The findings serve as a valuable resource for industry stakeholders seeking to cater to user preferences and capitalize on the growing digital entertainment market in Kashmir.

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Access to Justice in Environmental Matters: A Critical Assessment of Working of National Green Tribunal in India

Saqib Ayoub
Insha Imtiyaz*

Abstract

Access to justice is an essential element of rule of law and therefore of democracy. To ensure the realization of rights, it is necessary. A person requires a mechanism that can provide him with relief or allow him to right the wrong when his rights are violated. Without access justice is merely an illusion. To ensure that everyone has access to justice, the state must set up institutions that can administer justice. The Supreme Court of India in various cases as well as Law Commission of India in its 186th report highlighted the need to establish a specialized body equipped with the necessary expertise to handle environmental disputes involving multi-disciplinary issues. To serve this purpose the National Green tribunal was established courtesy of National Green Tribunal Act, 2010 to fulfil the long felt need of alternative forum to deliver speedy and inexpensive justice.(1) The philosophy of public interest litigation is echoed in the legislation, a welcome direction for the class of victims who are unable to knock the doors of judiciary. This article tries to critically assess the working of National Green Tribunal in its decade of existence and how it has revolutionized the adjudication in environmental matters. Also, it tries to analyze year wise details of institution, disposal and pendency of cases at the principal bench, Delhi and other zonal benches.

Keywords: Environmental Justice; Adjudication; Governance; Environmental Courts and Tribunals

1. Introduction

Access to justice is a foundational pillar for environmental protection and appropriate court structures are required to provide such protection. In this regard the current proliferation of specialized environmental courts and tribunals (ECTs) around the world is dramatically changing the playing field for environmental justice. It is driven by the development of new international and national environmental laws and principles, by recognition of the linkage between human rights and environmental protection, by the threat of climate change, and by public dissatisfaction with the existing general judicial forums.(1) In India, National Green Tribunal (herein after as NGT) was established in 2010 under Article 21 of the Indian Constitution which guarantees the citizen of India the right to healthy environment.(2) India is the third country following Australia and New Zealand to have such system.(3) The NGT as a specialised body was created with the promise of not only speedy, effective, decentralised dispensation of environmental justice but also with appropriate expertise and knowledge in environmental matters.

¹LL.MScholar, SchoolofLaw,Universityof Kashmir

²B.EdStudent(Batch2020),Directorate of DistanceEducation, Universityof Kashmir

2. Environmental Courts and Tribunals (ECTs) - Global Perspective

2.1. Ongoing Explosion of ECTs

The global "explosion" of specialist courts and tribunals for handling environmental disputes is fundamentally altering the rules of the game for environmental justice. One of the most significant developments in environmental law and institutions in the twenty-first century is the rapid global growth of these ECTs.

In the words of Justice Antonio Herman Benjamin, High Court of Brazil, "Environmental conflicts require quick action or response, which is incompatible with the slow pace of the court system that, due to its bureaucracy and technical rituals, eventually becomes an obstacle to effective protection of the environment and to economic progress."(4)

In the 1970s, only a handful of these specialized environmental courts and tribunals (ECTs) existed – primarily in Europe. In 2009, when the first global study of ECTs was done, 350 ECTs could be documented. Today, a mere 7 years later, there are over 1,200 ECTs in at least 44 countries, at the national and state/province levels, including local/municipal ones that are part of a national or state/province ECT system. (6)

2.2. Reasons for Explosion of ECTs

The 1970s was a time of growing public awareness and concern about environmental quality, human health and the natural world, and this led to increased public advocacy for more effective actions by governments. In response, international organizations and many nations rapidly developed a body of environmental standards, laws, regulations, policies and institutions. In addition, environmental NGOs including the Sierra Club, Greenpeace, and International Union for the Conservation of Nature, World Wildlife Fund and many others emerged urging governments to be environmentally proactive. The spread of information technology (IT), such as the internet and social media, increased people's knowledge, concern and communication about environmental problems locally, nationally and internationally, and IT continues to fuel society's demands for accountable and effective environmental action.(5)

2.3. International Legal Framework in Support of ECTs

International environmental law (IEL) also strengthened in the 1970s and began influencing countries' domestic environmental laws and institutions. The pioneering 1972 Stockholm Declaration, while non-binding, laid the foundations for modern IEL. The UN Environment Programme (UNEP) was created that same year, as the leading global environmental authority.

“Environmental issues are best handled with the participation of all concerned citizens, at the relevant level. At the national level, each individual shall have appropriate access to information concerning the environment that is held by public authorities ... and the opportunity to participate in decision-making processes. States shall facilitate and encourage public awareness and participation by making information widely available. Effective access to justice and administrative proceedings, including redress and remedy, shall be provided.”(6)

This was followed by such significant international environmental law instruments as the 1982 World Charter for Nature, the 1992 Rio Declaration on Environment and Development, the 1998 Aarhus Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters, and UN Environment’s 2010 Guidelines for the Development of National Legislation on Access to Information, Public Participation and Access to Justice in Environmental Matters (Bali Guidelines) among others. These international environmental law instruments provided international standards of best practice for countries’ environmental governance and gave rise to the 3 environmental “Access Rights” – people’s rights of access to information, access to public participation and access to justice in environmental matters – now considered the “3 Pillars” of the environmental rule of law.(6) UN Environment’s and other authorities’ development of international standards for environmental access rights has had a profound effect on countries’ national law development, for many reasons:

Access rights are central to more representative, equitable, and effective environmental decision-making. Access to information empowers and motivates people to participate in a meaningful and informed manner. Access to participation in decision-making enhances the ability of a government to be responsive to public concerns and demands, to build consensus, and to improve acceptance and compliance with environmental decisions. Access to justice allows people to hold government agencies, companies and individuals accountable. (7)

The third “pillar” of access rights – access to justice – as articulated in Principle 10 of the Rio Declaration and refined in the Bali Guidelines is now seen as the primary driver of new ECTs. Current steps by national governments to create a Regional Agreement on Access to Information, Public Participation and Access to Justice in Environmental Matters (Aarhus Convention) for Latin America and the Caribbean and similar movements in other regions are occurring as a result.

3. NGT: Historical Background

In India, the higher judiciary is loaded with excessive weight with a large backlog of cases. It may be appreciated that in order to have effective prevention of environmental pollution environmental complaints should be decided in an efficient manner which is not possible in the present context of judicial administration. Therefore urgent need was felt for an alternative forum so that environmental cases were resolved without much delay. India's Environmental Court is a result of the need repeatedly expressed by the Constitutional Courts on the need to have a specialized judicial body to deal with complex environmental questions. The trigger for setting up Environmental Courts was the Supreme Court of India which in its judgment highlighted the difficulties faced by Judges in adjudicating on the Environment.

The Supreme Court in *M. C. Mehta v. Union of India*(8) observed that "Environment Court"(9) must be established for expeditious disposal of environmental cases and reiterated it time and again. As a sequel to it the National Environment Tribunal Act, 1995 and National Environment Appellate Authority Act, 19974 were passed by the Indian Parliament. But both the Act proves non-starter. They could not cut much ice and there was a growing demand that some legislation must be passed to deal with environmental cases more efficiently and efficaciously. Ultimately the Indian Parliament passed The National Green Tribunal Act, 2010 to handle all the cases relating to environmental issues. The Supreme Court of India in its judgment referred to the need for the establishment of an environmental court which would have the benefit of expert advice from environmental scientists and technically qualified persons as a part of the judicial process, after an elaborate discussion of the views of jurists in various countries. The Supreme Court has also opined that as environmental cases involve assessment of scientific data it would be desirable to have the setting up of "environmental courts on a regional basis with a professional judge and two experts keeping in view the expertise required for such adjudication.

In the *Indian Council for Enviro-Legal Action v. Union of India*. The Supreme Court observed that an environmental Court having Civil and Criminal jurisdiction must be established to deal with environmental issues speedily. In *Charanlal Sahu v. Union of India*(13) the court opined that "under the existing civil law damages are determined by the civil Courts, after a long drawn litigation, which destroys the very purpose of awarding damages so in order to meet the situation, to avoid delay and to ensure immediate relief to the victims, the law should provide for the constitution of tribunal regulated by the special procedure for determining compensation to victims of industrial

disaster or accident, appeal against which may lie to this Court on the limited ground of questions of law only after depositing the amount determined by the tribunal.”

Law commission while drafting its 186th law report was guided by the model of environmental court established in New Zealand and the Land and Environmental Court of New South Wales and also the observations of the Supreme Court in four judgments, namely, *M.C. Mehta v. Union of India*, *Indian Council for Environmental – Legal Action v. Union of India*, *A.P. Pollution Control Board v. Nayudu*. The Commission also considered the reference made in the *Nayudu* case to the idea of a “multi-faceted” Environmental Court with judicial and technical/scientific inputs as formulated by Lord Woolf in England recently and to Environmental Court legislations as they exist in Australia, New Zealand and other countries. The report also adopted the practice of the Environmental Courts in Australia and New Zealand which function as appellate Courts against orders passed under the corresponding Water Acts, Air Acts and Noise Acts and various Environmental related Acts and also have original jurisdiction. They have all the powers of a Civil Court. Some have even powers of a Criminal Court.(14)

The Act is also an endeavour of the Parliament under Article 253 of the Constitution read with Entry 14 of List I of Schedule VII to fulfil the obligation of India towards Stockholm Declaration, 1972 in which India participated, calling upon the States to take appropriate steps for the protection and improvement of the human environment and Rio Declaration, 1992, in which India participated, calling upon the States to provide effective access to judicial and administrative proceedings, including redress and remedy and to develop national laws regarding liability and compensation for the victims of pollution and other environmental damage. The act was also a response to implement the apex court’s pronouncement that the right to healthy environment is a part of the right to life under Article 21 of the Indian Constitution.

4. NGT: Structure, Procedure and Jurisdiction

4.1. Structure

Following the enactment of the said law, the Principal Bench of the National Green Tribunal has been established in the National Capital – New Delhi, with regional benches in Pune (Western Zone Bench), Bhopal (Central Zone Bench), Chennai (South Bench) and Kolkata (Eastern Bench). Each bench has a specified geographical jurisdiction covering several States in a region. There is also a mechanism for circuit benches. For example, the Southern Zone bench, which is based in Chennai, can decide to have sitting in other places like Bangalore or Hyderabad. The chairperson of the National Green Tribunal is a retired Judge of the Supreme Court, headquartered in Delhi. Other Judicial

members are retired Judges of High Courts. Each bench of the National Green Tribunal will comprise of at least one Judicial Member and one Expert Member.(15) Expert members should have a professional qualification and a minimum of 15 years' experience in the field of environment/forest conservation and related subjects.(16)

4.2. Procedure

The National Green Tribunal has a simple procedure to file an application seeking compensation for environmental damage. If the party is not satisfied with the decision can file an application before tribunal against an appeal, an order or any decision of the Government. If no claim for compensation is involved in an application / appeal, a fee of Rs. 1000/- is to be paid. In case where compensation is being claimed, the fee will be one percent of the amount of compensation subject to a minimum of Rs. 1000/(17)

4.3. Jurisdiction of the tribunal

The National Green Tribunal has power to hear all civil cases relating to environmental issues and questions that are linked to the implementation of laws listed in Schedule I of the NGT Act, 2010. These included the following(18)

1. The Water (Prevention and Control of Pollution) Act, 1947;
2. The Water (Prevention and Control of Pollution) Cess Act, 1947;
3. The Forest (Conservation) Act, 1980;
4. The Air (Prevention and Control of Pollution) Act, 1981;
5. The Environment (Protection) Act, 1991;
6. The Public Liability Insurance Act, 1991;
7. The Biological Diversity Act, 2002;

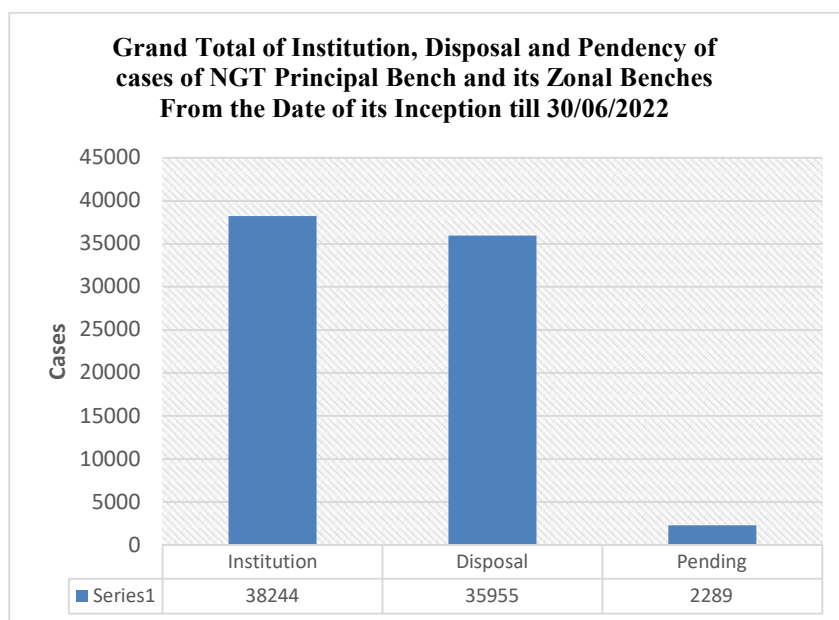
This Act confers on the Tribunal, the jurisdiction over all civil cases where a substantial question relating to environment (including enforcement of any legal right relating to environment) is involved and such question arises out of the implementation of the enactments specified in Schedule I to the Act.(19) It further provides a time-limit of six months within which the applications for adjudication of dispute under this section shall be entertained by the Tribunal.(20) It also empowers the Tribunal to allow such applications to be filled within a further period not exceeding sixty days, if it is satisfied that the application was prevented by sufficient cause from filing the application within the said period.(21)

The term 'substantial question relating to environment' (22) is defined under the act shall include an instance where:-

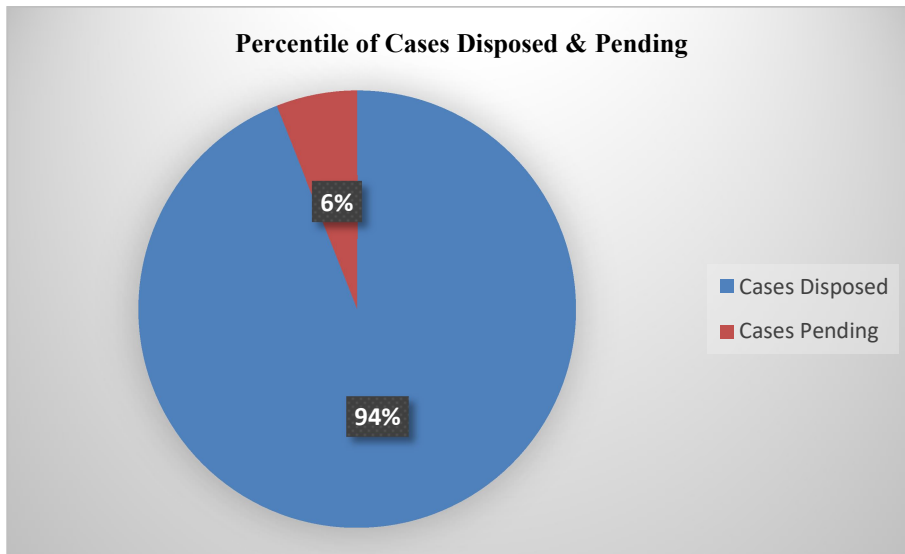
1. There is a direct violation of a specific statutory environmental obligation by a person by which:
 - A. The community at large other than an individual or group of individuals is affected or likely to be affected by the environmental consequences; or
 - B. the gravity of damage to the environment or property is substantial; or
 - C. the damage to public health is broadly measurable;
2. The environmental consequences relate to specific activity or a point source of pollution.

5. Critical Assessment of Working of NGT

The efforts of the National Green Tribunal in dispensation of environmental justice and spreading awareness are commendable. The working of National Green can be traced by the rate of Institution, disposal and pendency of cases in NationalGreen Tribunal. As of 30-06-2022 the total number of cases instituted in principal bench and its zonal benches from the date of its inception is 38,244. The number of cases disposed is 35,955. 2,289 cases are still pending before the principal bench and its zonal benches. The rate of disposal of cases is very high. It is almost 94.01% percent of cases instituted. This is very speedy and commendable in nature, when we compare it with other institutions working in the field of administration of justice. Only a minimal 5.98% of cases instituted are still pending. The below graphs/charts reflect the same data. (23)

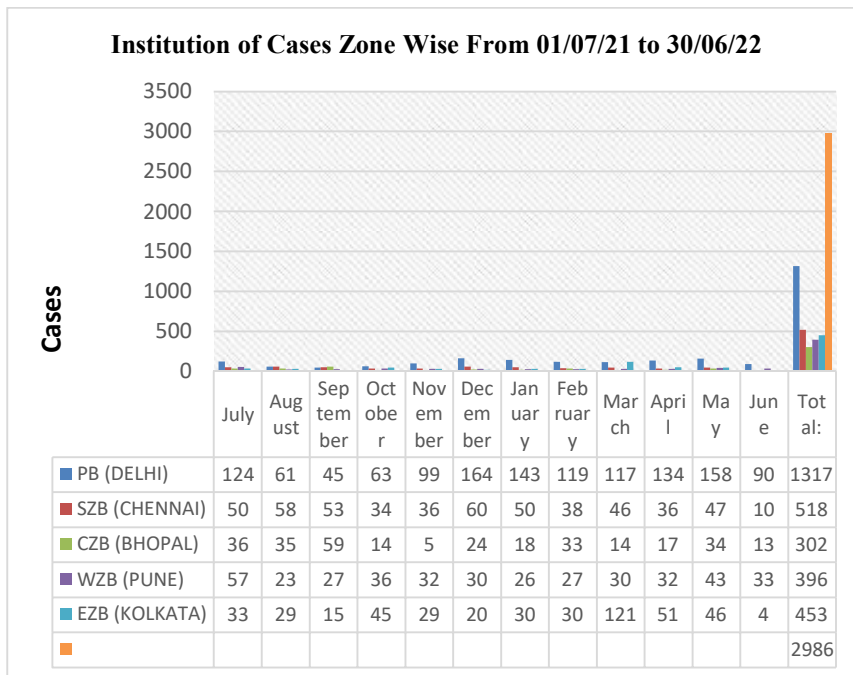


Source: Official Website of National Green Tribunal (July 2022)(26)

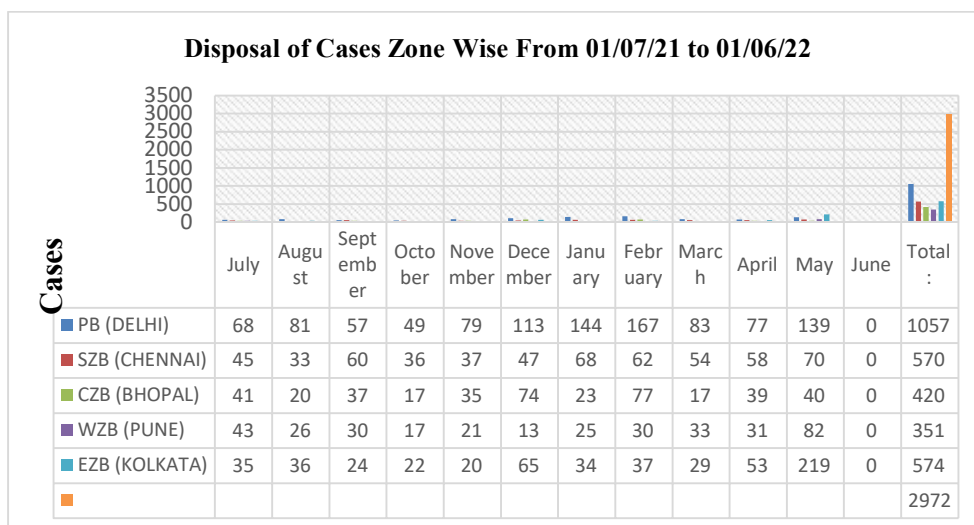


Source: Official Website of National Green Tribunal (July 2022)(27)

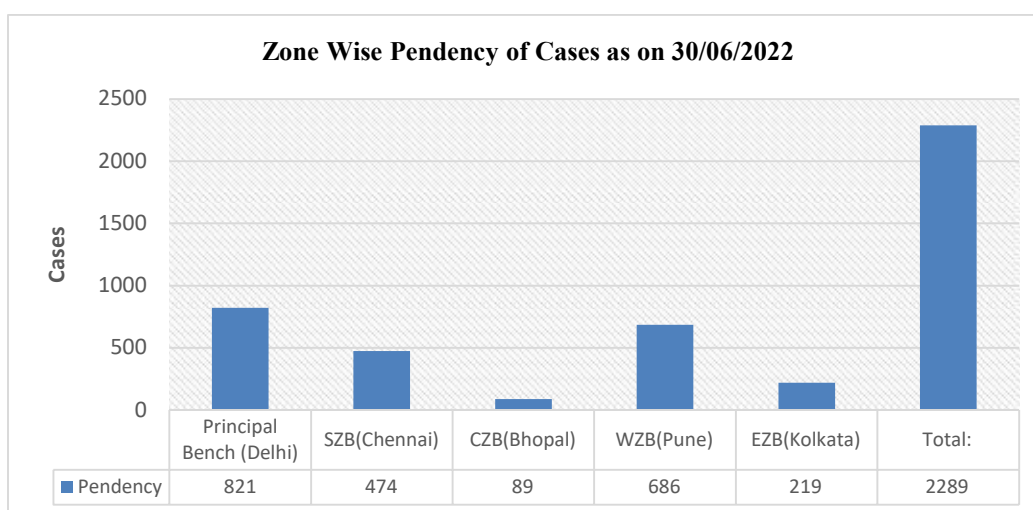
Assessment will primarily focus on the Bench wise Institution, disposal and pendency of the cases of National Green Tribunal Principal Bench and all Zonal Benches from 01/07/2022 to 30/06/2022.



Source: Official Website of National Green Tribunal (July 2022)(28)



Source: Official Website of National Green Tribunal (July 2022)(29)



Source: Official Website of National Green Tribunal (July 2022)(30)

5.1. Summary of Findings

- The total number of cases instituted in this span (i.e. 01-07-2022 to 30-06-2022) are 2,986;
- Highest number of cases i.e. 1,317 are filled at principal bench New Delhi and the lowest number of cases i.e. 302 are filled in central zone bench, Bhopal in this span of time;

- Total number of cases disposed in this span are 2,972, which are almost equivalent to the number of cases instituted;
- Highest number of cases have been disposed by principal bench, New Delhi i.e. 1,057 cases and the lowest number of cases disposed in west zone bench, Pune i.e. 351 cases in this span;
- The total number of cases that are pending as of 30-06-2022 in principal and zonal benches are 2,289;
- Principal bench, New Delhi has highest number of cases pending before it i.e. 821;
- Central zone bench, Bhopal has lowest number of cases pending before it i.e. 89 cases. (24)

5.2. Bench wise Assessment

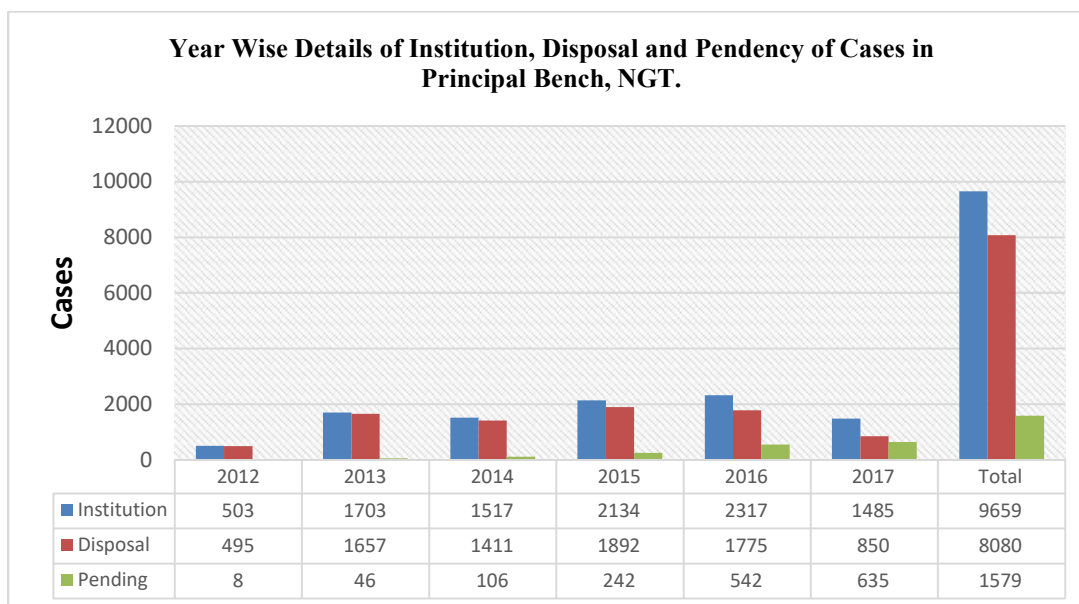
After the incorporation of The National Green Tribunal Act, 2010; one principal bench was established in New Delhi and other zonal benches were created for convenience of public at large. All of them became functional on different dates. If we look at the year wise performance of all these benches including principal bench, we get to know whether the purpose for which The National Green Tribunal Act, 2010 was incorporated is fulfilled or not. The year wise data available in this regard is only up to 2017. (25)

5.2.1. Principal Bench, New Delhi

The Principal bench of NGT became fully operational in the month July, 2011 in New Delhi. The Principal benches of NGT, exercises jurisdiction in Uttar Pradesh, Punjab, Uttarakhand, Himachal Pradesh, Haryana, and National Capital Territory of Delhi and Union Territory of Chandigarh. (26)

Summary of Statistical Analysis (2012-2017)

- By the end of 2017 almost 9,659 cases were instituted before this bench;
- In the same period 8,080 cases were disposed by this bench;
- 1,579 cases were still pending before this bench by the end of this period;
- Rate of disposal of cases is 83.65% of the total number of cases instituted in this tenure;
- Rate of pendency of cases is 16.34% of the total number of cases instituted in this phase.(27)



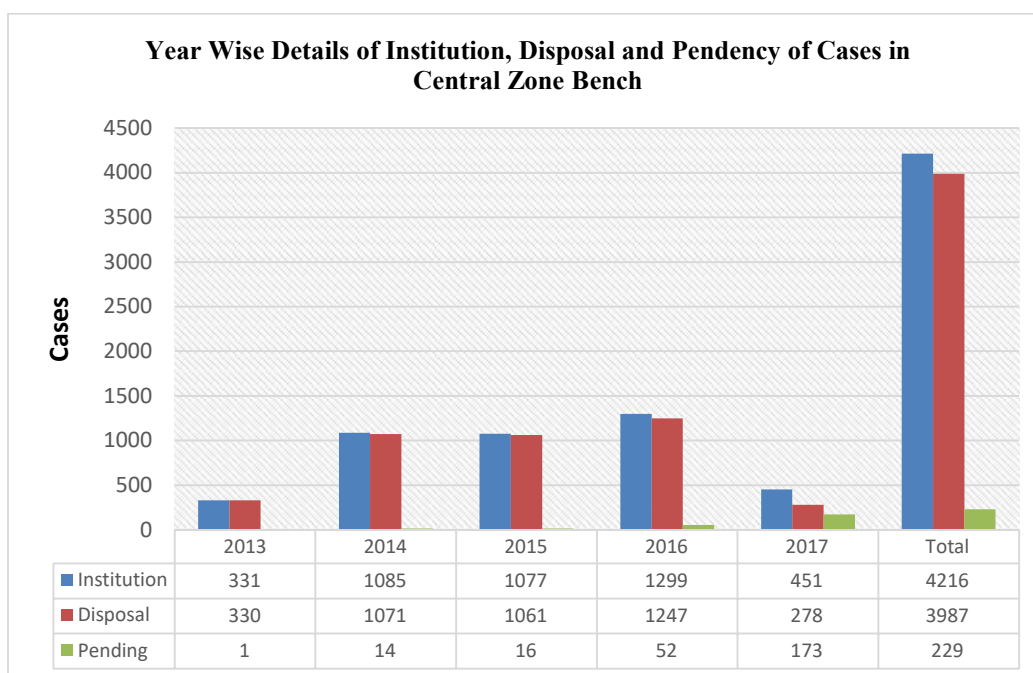
Source: National Green Tribunal International Journal on Environment Vol. 2 (2017)

5.2.2. Central Zone Bench at Bhopal

The Central Zone Bench at Bhopal has become functional w.e.f. 7th April 2013. The jurisdiction of Central Zone Bench of National Green Tribunal is Madhya Pradesh and Chattisgarh.

Summary of Statistical Analysis (2013-2017)

- By the end of 2017 almost 4,216 cases were instituted before this bench;
- In the same period 3,987 cases were disposed by this bench;
- 229 cases were still pending before this bench by the end of this period;
- Rate of disposal of cases is 94.56% of the total number of cases instituted in this tenure;
- Rate of pendency of cases is 5.43% of the total number of cases instituted in this phase.



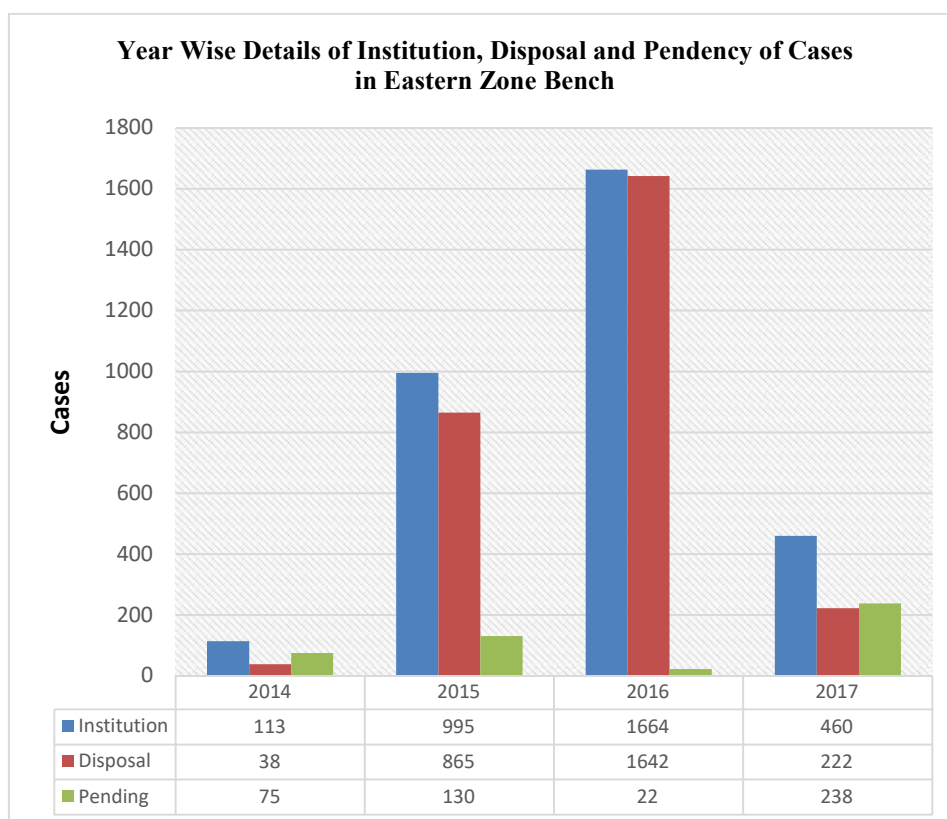
Source: National Green Tribunal International Journal on Environment Vol. 2 (2017)

5.2.3. Eastern Zone Bench at Kolkata

As per the Ministry of Environment and Forest notification dated 17th August, 2011, Eastern Zone Bench at Kolkata has become functional with effect from 24th May, 2014. Presently there is only one Bench functioning at Kolkata. The jurisdiction of National Green Tribunal, Eastern Zone Bench is West Bengal, Orissa, Bihar, and Jharkhand, seven sisters State of North-Eastern Region, Sikkim, Andaman and Nicobar Islands.(27)

Summary of Statistical Analysis (2014-2017)

- By the end of 2017 almost 3,232 cases were instituted before this bench;
- In the same period 2,767 cases were disposed by this bench;
- 465 cases were still pending before this bench by the end of this period;
- Rate of disposal of cases is 85.61% of the total number of cases instituted in this tenure;
- Rate of pendency of cases is 14.38% of the total number of cases instituted in this phase.



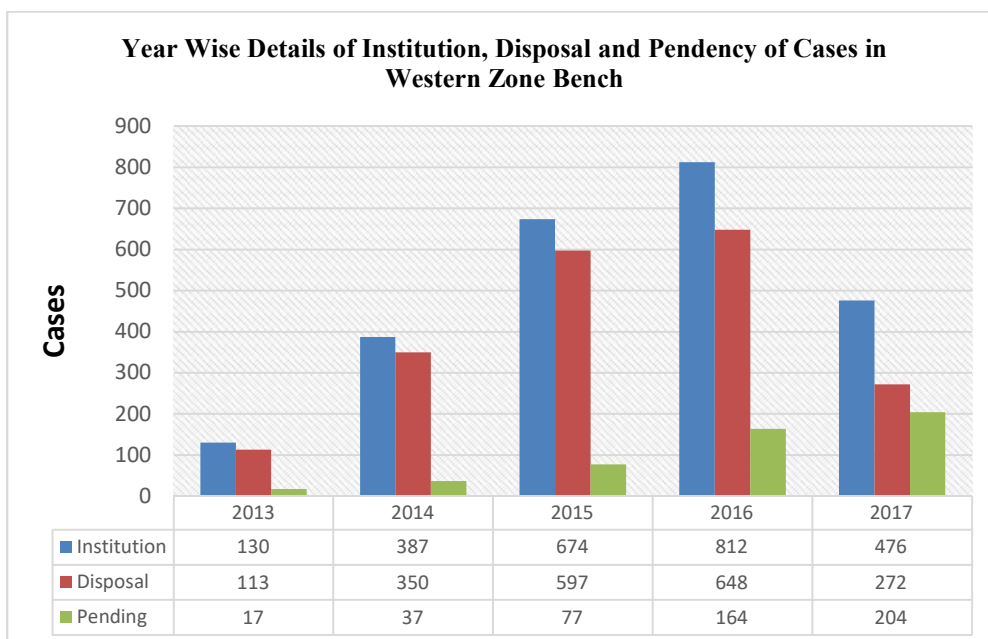
Source: National Green Tribunal International Journal on Environment Vol. 2 (2017)

5.2.4. Western Zone Bench at Pune

The Western Zone Bench at Pune has become functional w.e.f. 25th August, 2013. Presently there is only one Bench functioning at Pune. The jurisdiction of National Green Tribunal, Western Zone Bench is Gujarat, Maharashtra, Dadar and Nagar Haveli and Goa with Union Territories of Daman and Diu.(28)

Summary of Statistical Analysis (2013-2017)

- By the end of 2017 almost 2,479 cases were instituted before this bench;
- In the same period 1,980 cases were disposed by this bench;
- 499 cases were still pending before this bench by the end of this period;
- Rate of disposal of cases is 79.87% of the total number of cases instituted in this tenure;
- Rate of pendency of cases is 20.12% of the total number of cases instituted in this phase.



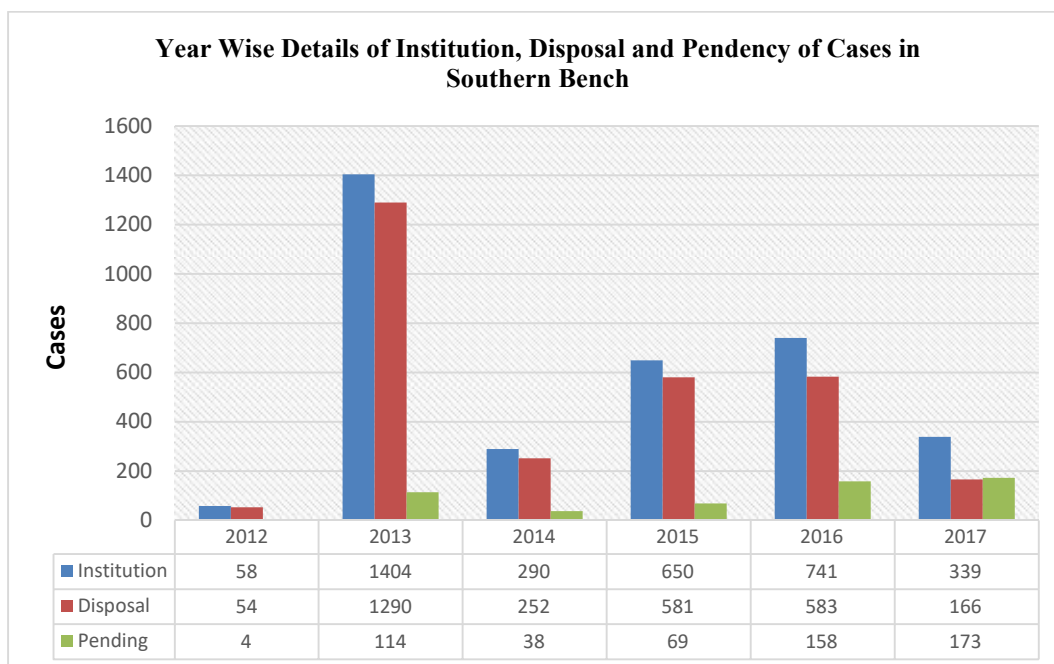
Source: National Green Tribunal International Journal on Environment Vol. 2 (2017)

5.2.5. Southern Bench at Chennai

The Southern Zone Bench at Chennai becomes functional w.e.f. 30th October, 2012. Presently two courts are functioning at Chennai. The jurisdiction of National Green Tribunal, Southern Zone Bench is Tamil Nadu, Kerala, Karnataka, Andhra Pradesh, Union Territories of Pondicherry and Lakshadweep.(29)

Summary of Statistical Analysis (2012-2017)

- By the end of 2017 almost 3,482 cases were instituted before this bench;
- In the same period 2,926 cases were disposed by this bench;
- 556 cases were still pending before this bench by the end of this period;
- Rate of disposal of cases is 84.03% of the total number of cases instituted in this tenure;
- Rate of pendency of cases is 15.96% of the total number of cases instituted in this phase.



Source: National Green Tribunal International Journal on Environment Vol. 2 (2017)

6. Conclusion and Suggestions

Environmental justice is a concept which aims at protecting nature and strives to achieve a more reasonable balancing of cost and benefits of environment protection across the human societies. At International Level the laws dealing with environmental justice are mostly in the nature of conventions, treaties, protocols, decisions of International Courts which are binding only for the states who are signatories to such treaties, protocols etc. The environment justice comprises different statutory enactments regulating and controlling water, air, noise and land pollution which has deleterious effects on human lives and other living organism. The Indian Constitution is the first constitution in the world which contains specific provisions for the protection and improvement of the environment. The Indian judiciary has played an important role for providing environmental justice. The concept of environmental justice from Article 21 of the Constitution emanates by observing that the environmental justice covers maintenance of health, preservation of sanitation and environment as it adversely affects the life of the citizens and it amounts to slow poisoning process which reduces the life span of citizens because of the hazards if remains unchecked. Indian Judiciary has provided environmental justice by exercising its writ jurisdiction and enhanced the scope of Public interest litigation under Article 32 of the Constitution. The creative role of judiciary has

been significant and laudable. Cases related to environmental pollution, environmental pollution, ecological obliteration and its clash over natural resources include evaluation and advancement of scientific data and therefore a vital need was felt for involvement of expert in the management of environmental justice. To tackle with these techno-scientific issues in the environment litigation the National Green Tribunal Act was passed. NGT has become one of the foremost environmental courts globally with a wide and comprehensive jurisdiction.⁽³⁰⁾ It played significant role for imparting the environmental justice in speedy rate and less expensive manner. It has disposed of nearly 82% of the instituted cases within a year of their institution. The total institution of cases before National Green Tribunal and its regional benches from its inception to till 30/06/2022 is **38244**. Out of these cases as many as 35955 cases stand disposed of, leaving the pendency of 2289 cases in all the Benches of National Green Tribunal. The total disposal of cases at National Green Tribunal at present is 94.01%. In spite of optimistic support for the preservation of environment, the level of pollution has been constantly rising over the years and it happens due to ineffective support from government. Delays in implementing the tribunal's decision and inefficiency of Central and State pollution control boards are the reasons for it. National Green Tribunal is not able to have vigilance throughout the country due to its limited capacity and staff and without sufficient support from the government.

Following suggestions are forwarded for better access to justice in environmental matters especially in relation to National Green Tribunal Act, 2010:

1. The present Act is titled as The National Green Tribunal Act, 2010 having a limited scope, because it covers only those matters which are covered under Ministry of Environment and Forest and does not cover laws related to wild life protection and forest Act within its ambit although these acts also falls within the ambit of environment. So the act should also cover the all issues related to environment as in the case of Environment Protection Act, 1986. This Act should be renamed as National Environment Tribunal Act for the purpose of covering wider area of environment law.
2. The National Green Tribunal Act was passed with an object to remove the burden of the courts. Although this Act has wider discretionary powers but the decision of the tribunal is not final. The appeal against the Tribunal can 223 is filed to Supreme Court. It is suggested that the decision of the Tribunal should be final and must have the binding force.

3. In the Act the jurisdiction of National Green Tribunal described as “substantial question relating to environment”, but it is not clear that what would be a uniform method to observe and what would be the criteria to determine the substantial question relating to environment. It limits the jurisdiction to substantial questions relating to environment and only includes occasions where the population at large is affected but the act leave out individuals or groups of individuals. The environment question cannot be left to the subjective assessment of an individual to judge as to what is substantial or not. So the jurisdiction of the tribunal must be reframed clearly. (30)
4. There is no provision in this Act to stop the causes resulting in environment pollution beforehand. One can approach the Tribunal after an incident has already taken place. The Act does not provide for any anticipatory power. It shows that the tribunal can have a kind of post mortem but cannot prevent any incident from occurring. Therefore, it is not only a major lacuna in the jurisdiction and powers of the Tribunal, but also goes against international and domestic case law, in particular “the precautionary principle”. So there must be an appropriate authority to decide and implement the measures for prevention of environment pollution.
5. National Green Tribunal is located in only five big cities across India. Once the Tribunal started operating, lower courts were barred from taking up environmental cases. It means that poor and disadvantaged communities living in remote parts of the country have to go to NGT Benches in their respective zones to get justice. For someone seeking justice from the UT of Jammu and Kashmir one has to approach Principal Bench New Delhi. It would be a welcome move if the number of Benches could be increased and located in affected areas thus ensuring access to justice to everyone.
6. In order to implement the order and decisions of National Green Tribunal, it should be endowed with the power of contempt of court otherwise the decisions of the tribunal will not be followed and implemented effectively.
7. Suomotu jurisdiction should be an integral feature of National Green Tribunal for better and effective functioning of the institution.

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Marital Rape: An Analysis

*Fiza Mehraj**

Abstract

The objective of this research is to analyse the legal framework surrounding marital rape in India. The study aims to examine the existing laws, judicial decisions, and legal discourse related to marital rape, with a focus on understanding the gaps and challenges in addressing this issue. Most of the legal Scholars in India consider marital rape as one of the most heinous crimes. It presents a distinct form of rape and poses a significant obstacle to achieving gender equality. This problem has persisted in Indian society for a long time, causing unrest. Historically, marital rape has not been acknowledged as a pressing issue in India, and opposition to addressing it is not uncommon for various reasons. Even the Indian Legislature, responsible for enforcing laws for the safety and development of the Country, has shown little interest in eradicating this problem. While Judges in India offer some hope, their ability to address the issue is limited as lawmaking is within the legislature's Jurisdiction. Currently, India lacks specific laws that address marital rape.

Keywords: *marital rape, Indian Legislature, heinous crimes*

Introduction

It has long been believed that the wife's role in a marriage is to care for her husband, to bear children, to care for household matters, to cook, and to provide for the husband's emotional and physical needs. It was first noted in the Manu Smriti which is considered to be the oldest official document in India and has been used to draft Hindu Law.

Women were not given the same status as their male counterparts and, before marriage, were considered the property of their fathers, and after their marriage, they were regarded as possessions of their husbands. The father could marry his daughter to anyone he saw fit. A woman was required to give her husband physical satisfaction with or without her consent and to make sure that her husband's family line continued by giving birth to offspring. This led a woman to believe that being available for her husband is always a necessity and a responsibility. But these laws were written long ago when they were all widely accepted.

Women were considered slaves of men and heinous practices like Sati and child marriage were rampant in the country but the situation changed due to the efforts of Raja Ram

*LLM scholar, University of Kashmir Hazratbal Srinagar

Mohan Roy and people realised the terrible impact of said social evils on the society. Even Mahatma Gandhi took a big step towards improving the social conditions of women because it was the first time in the Indian Liberation struggle that women shared the same and equal status to their male counterparts. The outcome of these initiatives was that the Constitution provided equality to women and almost all the rights granted to men be it; either the Right to Vote or the Right to stand for election. After independence, there was much progress in almost every field and the focus on women's rights was also supposed to be improved however Instead of it, they were discriminated against again on the basis of their sexual orientation. Women have always fought for their rights and this has been one of the reasons why the status of women and men is equal in the Indian Constitution. There have been many legal changes made after national independence to empower women and improve their status in the country so there is no discrimination based on gender. With the introduction of the Constitution, women are given equal social and political rights as men. Women have been given all the freedoms and support from the Constitution to help shape the future of our country. Mangalyaan's latest example should be cited here because the team included mostly female scientists. Although women have achieved high marks and have struggled in almost every field, whether education, law, or science and technology yet there are many areas where the status of women in our country still takes a beating.

Research Objective:

The objective of this research is to analyze the legal framework surrounding marital rape in India. The study aims to examine the existing laws, judicial decisions, and legal discourse related to marital rape, with a focus on understanding the gaps and challenges in addressing this issue.

Research Questions:

1. What is the legal definition of marital rape in India?
2. What are the prevailing attitudes and societal perceptions towards marital rape?
3. What are the effects of marital rape?
4. What are the existing legal provisions and their effectiveness in addressing marital rape?
5. What are the key judicial decisions and their impact on the recognition and prosecution of marital rape cases?

Research Methodology:

This research will adopt a doctrinal research design, which involves an analysis of existing legal sources, including statutes, case law, legal literature, and scholarly articles. The research will primarily rely on secondary sources to gather and analyze relevant information.

Data Collection:

1. **Statutory Analysis:** The study will involve an in-depth examination of relevant statutes, such as the Indian Penal Code, the Protection of Women from Domestic Violence Act, and other relevant legislations, to understand the legal provisions related to marital rape.
2. **Case Law Analysis:** Judicial decisions related to marital rape will be analyzed to identify the trends, interpretations, and legal precedents established by the courts.
3. **Legal Literature Review:** Scholarly articles, books, reports, and other legal literature will be reviewed to gain insights into the legal discourse surrounding marital rape in India.

By adopting a doctrinal research design, this study aims to provide a comprehensive analysis of the legal framework surrounding marital rape in India. The findings of this research can contribute to the ongoing discourse on addressing marital rape effectively and inform potential legal reforms or policy interventions to protect the rights of survivors.

WHAT IS MARITAL RAPE?

In layman's terms, marital rape is when a spouse engages in sexual activity with their spouse without their consent.

According to Section 375 of the Indian Penal Code –

“Rape means unlawful sexual intercourse or any other sexual penetration of the vagina, anus, or mouth of another person, with or without force, by a sex organ, other body part, or foreign object, without the consent of the victim.”(1)

However, there is an exception provided which says that if non-consensual sexual intercourse takes place between a married couple, in that case, it will not amount to rape(1). Domestic violence refers to the violent or aggressive behaviour within the home which involves the violent abuse of a spouse or partner (2) which takes place with a woman because the husband in all the circumstances is powerful and most males comprehend that marriage gives them the right to have sexual intercourse with the wife at

any point of time whether she is willing or not. This is the face of the patriarchal society; this action damages the marriage arrangement. IPC, 1860 provides for rape and punishment for rape under sections 375 and 376, respectively. (2)

Marriage is a form of social bond between two parties and everything in this institution requires the consent of both parties;

Justice Ahmad in the case of **BodhisattwaGautam vs. SubhraChakraborty** said that **“this cruel act, in turn, destroys the entire psychology of a woman and pushes her into deep emotional crises”** (4). Rape in Marriage is a crime in almost every country in the world today as they have made amendments to their existing laws or by adding new laws for criminalizing marital rape. In the United States, for example, marital rape is a crime and in the United Kingdom, the highest legal sentence for rape is life imprisonment. Countries such as the United Kingdom, and Fiji declared it a serious crime as a result of the decision brought by the courts, in some countries like Brunei the case is openly criminalized. In India, the law on marriage does not exist because women are considered to be the property of men and the state does not interfere with the establishment of the marriage.

Many laws have been enacted in the country to investigate sexual abuse of a woman, such as bribery, domestic violence, or cruelty, but among them is the unprecedented rise in marital rape in the country. Marital Rape is inhuman and the woman knows she has to live her whole life with the perpetrator which has a negative physical and psychological impact on her. It is a rare crime in the country because most of these women know that going to the authorities will be in vain as there are no laws against rape in marriage; also, they cannot deal with public outcry.

Laws must be updated in the twenty-first century, as society becomes more aware of its rights and needs. Sexual intercourse with a wife who is under the age of 15 is illegal, according to the Indian Penal Code of 1860. This circumstance does, however, have a flaw. Child marriage is merely voidable and not void in India, according to the Prohibition of Child Marriage Act, 2006, which means it is not immediately unlawful. When the minor party reaches the majority, he or she has one year to seek a divorce; otherwise, the marriage is considered valid. However, until the party reaches legal age, and because there is no provision for males to seek consent from their wives aged 15-18 years, this allows husbands to have sexual relations with their wives until they reach the age of majority. Non-consenting intercourse between a 50-year-old man and a 16-year-

old girl is permitted, while consensual intercourse between a 17-year-old male and a 17-year-old girl is illegal.

Under the Protection of Women from Domestic Violence Act, 2005, the definition of domestic violence is given under Section 3(a) which says that “*harms or injures or endangers the health, safety, life, limb or well-being, whether mental or physical, of the aggrieved person or tends to do so and includes causing physical abuse, sexual abuse, verbal and emotional abuse and economic abuse*”.(3) Sexual abuse mentioned under this definition includes any conduct of a sexual nature that abuses, humiliates, degrades or otherwise violates the dignity of woman(3), which in turn gives a chance to wives to initiate legal proceedings.

The drawback of this act is that it is more civil than criminal. It does not provide for a period of imprisonment. Rather it provides for compensation, monetary gain, restraining and protective orders

EFFECTS OF MARITAL RAPE

Marital Rape leaves scars on a woman's life; which includes physical, psychological and emotional problems damaging women's emotional well-being over time. This section is broadly divided into psychological and health issues a woman may encounter during or after a rape.

▪ **PSYCHOLOGICAL EFFECTS**

Women who have had encounters relating to Marital rape have had cases of depression, PTSD, fear, self-esteem issues, rape trauma syndrome and also being sexually unstable, unavailable or dysfunctional.(11)

When a woman marries, she is expected to satisfy her husband's sexual desires right away. Any female must have been shocked the first time she encountered this, that such a thing could be necessary without her agreement. Any subsequent events must appear horrible yet numb to her, but she understands that resisting or refusing to obey her lover is futile. The woman is concerned that her family's reputation may be harmed. As a result, she feels compelled to keep her family's name.

Rape Trauma Syndrome is the medical term given to the response that survivors have to rape and it is the natural response of a psychologically healthy person to the trauma of rape (3). This may be immediate or may occur after months or even years. The victims may feel humiliated or degraded. The victims may also feel confused as to why this happened and how could they not help themselves during the incident. Some victims may

also blame themselves for being weak not to stop it or for not wanting sexual intercourse as their husbands want them to (3). Self-blame is a common psychological after-effect of rape, and it causes the victim to develop Post-Traumatic Stress Disorder as a result of their helplessness in not being able to prevent themselves from being raped and then blaming themselves to excuse it. Because this isn't even considered a problem, victims may feel shame and embarrassment if they inform anyone. They believe this is a forbidden subject, and that discussing it with others will elicit stares and questions.

The case of **BodhisattwaGautam v. SubhraChakraborty**(12), a criminal complaint was filed based on a consensual affair and a questionable finding of rape due to failure to marry. Also, in a hearing for criminalizing marital rape, Hon'ble Delhi High Court in 2018 said that: *“Force is not a pre-condition for rape. If a man puts his wife under financial constraint and says he will not give her money for household and kids expenses unless she indulges in sex with him and she has to do it under threat.”*(13)

All of these circumstances impose mental strain on the person and any children they may have. This can lead to a major mental breakdown or clinical depression in the children. As a result, it becomes clear that such crimes not only harm a mother and her life, but also have serious consequences for the children's health, resulting in a vortex effect.

▪ **HEALTH ISSUES**

Although the Protection of Women from Domestic Violence Act of 2005 includes provisions, but it solely covers civil culpability for sexual abuse. (5)The purpose for the violent behaviour could be to demonstrate control and instill fear that if they do not achieve what they want, they would turn to violence. Due to numerous rapes, the majority of women have chronic pain. Broken ribs, knife wounds, body marks from the assault, and black eyes are all possible outcomes. These are just a handful of the problems that women face. The majority of sufferers have complained of vaginal soreness and bleeding. The vaginal lining is ruptured, which causes bleeding. Bleeding, pain, and irritation are common complaints among those compelled to have anal sex. If they are reminded of the incident of abuse, they may feel nauseated. Unwanted pregnancies can occur as a result of this, putting the person under additional mental and psychological strain. Particularly if the victim is between 15 -18 years, this may necessitate early birth, which can have major consequences for the child. Vaginal rupture can also result in infertility, resulting in the victim's inability to produce children. If the victim ever wants to start family planning, this can have a major negative impact on their future. It's possible that they'll be permanently scarred. Victims may be compelled to commit suicide as a result. Because of

the perceptions surrounding marital rape and the victim's inability to inform anybody about the abuse, the victim may consider suicide to be the only alternative.

EXAMINING THE RECENT CONTRASTING DECISIONS OF THE CHHATTISGARH HIGH COURT AND KERALA HIGH COURT ON THE EXCEPTION TO SEC 375 OF THE IPC FOR MARITAL RAPE.

Due to inconsistent court verdicts on marital rape, activists have revived their calls to criminalise rape within marriage. The Chhattisgarh High Court ruled that "sexual intercourse or any sexual act by a husband with his wife would not constitute rape even if it was by force or against her wish" in a criminal case brought by a woman accusing her husband of "unnatural sex" and raping her with objects.

The court based its decision on an exception outlined in Section 375 of the Indian Penal Code, which states that any act of sexual intercourse between a man and his wife if the wife is not under the age of 18, does not constitute rape; thus, the court ignored the elements of the women's will, consent, and health. It is only a criminal if the woman is under the age of 18 or if she is separated from her husband judicially; other factors are ignored. (14)

In a civil case, the Kerala High Court declared that "a husband's licentious disposition neglecting the autonomy of the wife is a marital rape, even though such behaviour cannot be penalised." However, as proclaimed in Sec. 13(1) (IA) of the Hindu Marriage Act, physical and mental cruelty can be a legal reason for divorce.

In a 2017 affidavit to the Delhi High Court, the Union Government declared that sexual intercourse during marriage should not be added as an extra cause for women to apply for divorce.

Section 375's exception for marital rape reflects deep-seated prejudice and centuries of discrimination, oppression, and objectification of women at the hands of patriarchal society. Arguments have been made for the repeal of this draconian rule, claiming that it violates numerous aspects of the Indian Constitution's spirit, including equal protection, freedom of expression, and the right to life and liberty clause, as embodied in Articles 14 and 21 of the Indian Constitution. (15)

Equal Protection Clause (Article 14)

Article 14 of the Indian Constitution ensures that all citizens are treated equally before the law. To pass the Article 14 test, any classification must meet two requirements:

1. It must have a rational connection to the goal it seeks to achieve; and

2. The classification criteria must be based on Intelligible Differentiation.

No rational nexus with the object sought to be achieved

Section 375's purpose is to safeguard every woman's bodily integrity, dignity, and privacy from being violated. Despite this, it exempts forcible sexual intercourse within a marriage from criminality. While married women have a legal remedy in the instance of rape by a stranger under Section 376 of the IPC, they have none in the case of rape by their husband.

The Government of India argued in front of the Delhi High Court that criminalising marital rape would undermine the sacred institution of marriage. A marriage in which a woman has no say, on the other hand, is not worth preserving, and establishing marital rape as a crime will operate as a check on men's control in conjugal relationships. As a result, the government cannot use this as a pretext to conceal sexual cruelty and brutality within marriage. As a result, the exception set forth in section 375 has no reasonable connection to the goal sought, namely physical liberty and safety.

No intelligible differentia

The classification assumes that when a woman marries, she implicitly irreversibly consents to sexual intercourse, echoing the traditional view of women's non-agency. At any age, one's bodily integrity must be respected. As a result, section 375's exemption 2 creates an arbitrary and unjustifiable distinction between married and unmarried women, in violation of Article 14 of the Constitution, and therefore must be repealed.

Article 21 of the Constitution guarantees the right to life and liberty.

Every individual has the right to life and personal liberty under Article 21 of the Constitution. It has been profoundly interpreted by the judiciary from time to time, making it more comprehensive and inclusive, including a slew of other essential rights, including the right to bodily self-determination, the right to sexual privacy, and the right to health, among many others, all of which are grossly violated by the exception provided in section 375.

Right to dignity

Rape, according to the Supreme Court, is an act of "**deathless shame and the gravest offence against human dignity.**" However, in the instance of a married woman, the law now views rape as a crime against her husband's dignity rather than a crime against her own. This is because a stranger can be prosecuted for infringing on a married woman's

dignity.' When the same woman is raped by her husband, however, it does not constitute a violation of her right to live in dignity.

Right to sexual privacy

According to the Supreme Court, Article 21 of the Indian Constitution guarantees liberty. The Supreme Court has ruled that a woman should not be considered a commodity with no physical autonomy or right to refuse sexual relations with her spouse on her own. While deciding on the scope of section 375 of the IPC's applicability in the case of a minor wife, the Supreme Court stated in Independent Thought that sexual violence is an invasion of a woman's right to privacy. This privilege, which every woman has, ensures that she is not a man's toy and that no one can infringe on her private.

In addition, the Supreme Court recently held in

Joseph Shine v. Union of India (2018) that a woman is not a chattel or property of males and that every woman, regardless of marital status, has the intrinsic right to sexual autonomy, the Supreme Court slammed the notion that when a woman marries, she relinquishes her sexual agency to her husband, arguing that sexual autonomy is an inalienable part of human dignity. The union government, on the other hand, has tried to rationalise that sexual intercourse between a man and his wife is private and that any intrusion would be an invasion of their privacy. In terms of the privacy of a husband and wife's relationship, there are already laws in place in India that deal with a variety of intimate and private issues connected to the marital sphere.

A similar point was made in the landmark **Puttaswamy decision of 2017**, in which the Supreme Court recognised that the privacy argument should not be used as a cover for women's maltreatment and patriarchal attitude statement.

Furthermore, the right to privacy encompasses the ability to be left alone without being bothered by others. Marital rape deprives a married woman of her right to life by forcing her to engage in a sexual connection against her will.

Right to good health

Another important argument to support the repeal of the marital rape exception provision is that it is harmful to one's health. The challenged exemption deprives the victim of their right to good health by exposing them to substantial physical injury such as miscarriages, infertility, bladder infections, and serious injuries to their private parts. It may also cause anxiety, despair, shock, post-traumatic stress disorder, low self-worth, and suicidal thoughts. This is much more dangerous when the non-consensual sexual act is coerced

and can result in the transmission of sexually transmitted diseases. As a result, the marital exemption theory essentially deprives a married woman of her right to good health, making it illegal.

WHY DO SOME PEOPLE ADVOCATE MARITAL RAPE?

The majority of individuals believe that marital rape should not be criminalised. This shapes public perception and paints a picture of the country that is unchangeable. These views have gained traction since the majority of Indians are culturally engaged and feel that the laws that governed India a thousand years ago still apply now. Furthermore, these arguments are irrelevant in today's world because the exception is discriminatory. Here are several counter-arguments and their counter-arguments.

- **Matrimonial Institutional Sanctity**

The primary reason for not criminalizing marital rape is that it would jeopardize the marriage's integrity, which would then jeopardize the family. The holy link that exists between a husband and a wife would be shattered, and the purpose of marriage would be lost. Criminalizing marital rape would indicate that the state is straddling the line between home and law, putting the judiciary in a difficult position. The state would be crossing borders and going beyond its jurisdiction if it passed legislation enabling this. Marriage is a contract between two people, and any decision that crosses this boundary may be viewed with hostility.

- **Marriage is consent**

Marriage is the legal formation of a human connection between two people. Persons have also argued that since these people entered into this contract voluntarily, the woman has already consented to the marriage. If she does not want to marry, her parents must match the matrimonial relationship, which is considered consent. The practice of not seeking the consent of the lady is common. While consenting to marriage or having their marriage set by their parents, the husband is regarded to offer his assent to a sexual relationship. Marriages that are arranged and those that are forced are two different things.

When both parties choose to marry after meeting one other, it is referred to as an arranged marriage, whereas forced marriage occurs when one or both parties refuse to marry.

- **Cultural boundaries**

From childhood, people have been educated to follow particular traditions, conventions, and ideals. These values have been imprinted on one's mind, and anything that deviates from them or does not fit the frequency is considered prohibited. People have been taught

that it is natural for a guy to expect his wife to meet his sexual wants as a result of these socio-cultural standards. Culture is what gives a country its identity.

- **False Cases**

A vast majority of individuals have also argued that if marital rape legislation is passed, some wives will use it to walk out of their marriages or to bully their spouses into doing anything by threatening to use the legislation. **In Arnesh Kumar v. State of Bihar**, the Supreme Court ruled that unhappy women are using Section 498A as a weapon rather than a shield. It would then be the men who would be scrutinised by the courts every second.

- **Preexisting legislations**

Marital rape is supposed to be addressed by the Protection of Women from Domestic Violence Act of 2005. Arguments are made that if this legislation is already in effect, the state does not need to pass its legislation. (6) Section 3 can be used to prosecute rape in the home (a) “harms or injures or endangers the health, safety, life, limb or well-being, whether mental or physical, of the aggrieved person or tends to do so and includes causing physical abuse, sexual abuse, verbal and emotional abuse and economic abuse”. There is already a measure in place to protect the wife from the husband's sexual and verbal abuse.

WHY ARE PEOPLE IN SUPPORT OF ITS CRIMINALISATION?

- **Sanctity is Distorted**

The sacredness of matrimony is already tarnished when a man has sexual intercourse with his wife without her consent. There is no going back and claiming that marital rape is excluded because it crosses the line between a man's and his wife's concerns. Similarly, the Gujarat High Court, in the instance of **NimeshbhaiBharatbhai Desai v. State of Gujarat**, it was held that the “non-consensual act of marital rape violates the trust and confidence within a marriage and the prevalence of marital rape in India is what has damaged the institution of marriage”. When the concept of sanctity has been contradicted, this argument becomes ethically flawed.

- **Consent is Important**

Child marriage is now voidable rather than void under the 2006 Prohibition of Child Marriage Act. Parents can marry off their young children to anybody they want, and the children cannot divorce or dissolve their marriage until they reach the age of majority, which is 18 years old. Section 375 of the Indian Penal Code (IPC) of 1860, on the other

hand, prohibits a man from having sexual relations with a wife who is under the age of 15 years. For people between the ages of 15 and 18, however, this provides a loophole. They must live with someone who may or may not compel them to engage in sexual activity against their will.

▪ **A Criminal Liability**

In exchange for civil liability, the Hindu Marriage Act and the Domestic Violence Act provide women with a way to remove themselves from a dangerous circumstance. People have claimed that if there is already a domestic violence law in place that includes 'sexual abuse,' why do Indian women want a new law? Only civil culpability is provided by the Protection of Women Domestic Violence Act of 2005. Furthermore, in civil liability, the criminal might simply compensate the victim. The culprit of this atrocity must be held accountable.

CONCLUSION AND SUGGESTIONS

CONCLUSION

Marital rape refers to non-consensual sexual acts committed by a spouse against their partner within the institution of marriage. In India, the legal framework surrounding marital rape is complex and controversial. As of now, marital rape is not explicitly recognized as a criminal offence under Indian law. The Indian Penal Code (IPC) provides an exception to rape within marriage under Section 375, which states that sexual intercourse by a man with his wife, who is above the age of 15, is not rape. (16) This exception is based on the belief that marriage implies consent to sexual relations, regardless of the circumstances. However, it is important to note that this provision is inconsistent with the principles of gender equality and bodily autonomy. Several arguments have been put forth both in favour of and against criminalizing marital rape in India. Supporters of criminalization argue that it is a violation of a woman's fundamental rights, including her right to live with dignity and bodily integrity. They argue that the exemption in the law perpetuates gender inequality and fails to protect women from sexual violence within the confines of marriage. Opponents of criminalization often cite cultural and societal factors, such as the sanctity of marriage and the potential for misuse of the law. They argue that criminalizing marital rape could undermine the institution of marriage and lead to false accusations against husbands. Some also contend that existing laws, such as domestic violence legislation, are sufficient to address the issue. Despite ongoing debates, there has been a growing recognition of the need to address marital rape in India. The Justice Verma Committee, formed in the aftermath of the 2012 Delhi gang

rape case, recommended criminalizing marital rape. Additionally, the Supreme Court of India has acknowledged that marital rape is a form of violence and a violation of a woman's rights. However, progress towards criminalizing marital rape has been slow. The Indian government has expressed reservations, citing concerns about societal backlash and the need for further societal consensus. Activists and women's rights organizations continue to advocate for legal reform, emphasizing the importance of consent, gender equality, and the protection of women's rights.

In conclusion, the issue of marital rape in India remains a complex and contentious topic. While there is a growing recognition of the need to criminalize marital rape, legal reform and societal change are necessary to ensure the protection of women's rights and promote gender equality within the institution of marriage.

SUGGESTIONS

Marital rape is a serious issue that deserves attention and action. It refers to any unwanted sexual activity forced upon a spouse without their consent. Despite its prevalence, it remains largely underreported and often dismissed due to societal norms and misconceptions surrounding marriage. However, it is crucial to recognize that consent is a fundamental aspect of any sexual relationship, including within marriage.

- A. Raise awareness: Educate the public about the concept of marital rape, its impact on victims, and the importance of consent within a marital relationship. This can be done through public campaigns, workshops, and media platforms.
- B. Legal reforms: Advocate for legal reforms that recognize marital rape as a criminal offence. Many countries still do not have specific laws addressing marital rape or have laws that provide insufficient protection for victims. Encourage lawmakers to revise legislation to ensure that marital rape is treated with the same severity as any other form of sexual assault. (17)
- C. Support services: Establish and promote support services for victims of marital rape. This includes helplines, counselling centres, and safe shelters where victims can seek assistance, guidance, and protection.
- D. Education and prevention: Implement comprehensive sex education programs that emphasize consent, healthy relationships, and gender equality. By educating individuals from a young age, we can help prevent the perpetuation of harmful attitudes and behaviours related to marital rape.
- E. Changing societal attitudes: Challenge societal norms and beliefs that perpetuate the idea that a spouse is entitled to sex without consent. Encourage open

discussions about consent, gender roles, and power dynamics within relationships to foster a culture of respect and equality.

Support for survivors: Provide adequate support and resources for survivors of marital rape, including medical care, legal aid, and counselling services. It is essential to create a safe and non-judgmental environment where survivors can heal and rebuild their lives.

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Use of ICT in Teaching Mathematics at the Secondary Level

Javiad Ahmad Khan*

Abstract

In present times, technology has cast its control in almost every field. If we talk about the educational field, here is also a very important role of technology as such we can say that nowadays education is almost impossible without the latest technology. Keeping in view all the above importance we have conducted a field survey to know to how many schools are using technology during the teaching process and how many schools have proper facilities to provide teaching integrated with technology, especially mathematics subject. This study will talk about Information and Communication Technology (ICT). This study is based on secondary schools in which we tried to find out how many schools use ICT in teaching mathematics at the secondary level. The data was collected by observation and questionnaire methods. The study is based on secondary schools of Kashmir division, district Budgam. The researcher has selected 22 secondary schools by simple random sampling method. In these schools, there were 49 mathematics teachers. The data was collected from these schools and these mathematics teachers. Findings indicate that only 27% secondary schools in district Budgam have ICT facilities properly. It was also found that 61% of mathematics teachers are aware of ICT. Also, the important finding was that no one of the mathematics teachers was using ICT for teaching mathematics subjects in secondary schools.

Introduction

Without education, things can be imagined. But in present times we see that most of the students of school age are not interested in education, especially In mathematics subject. The reasons are many but one and perhaps the most influential reason is that the teaching methods are not up-to-date. In almost every school our teachers are using traditional methods to teach students. But the need of the hour is different. We must use different technologies to teach students especially when we are talking about mathematics subjects we cannot compromise the future of students. We must use information and communication technology (ICT) to teach students every subject especially mathematics subject is incomplete nowadays without the integration of ICT. Mathematics education research tells us that success in mathematics requires more than lessons. McLeod stated in his research in 1988 that students can fully absorb mathematical concepts only if they can change their attitude towards learning mathematics. He also said that the more students are taught through ICT the more their understanding increases and the longer it imprints on their minds (McLeod, 1988). This research has also shown that computer-based education brings conceptual change in

* Research Scholar, Department of Education

students' understanding of scientific concepts. The government of India has laid stress from time to time on using ICT in the teaching process, especially for mathematics subjects. If we mention some, it was RAMSA in 2009 and RUSA in 2013. In both of these schemes, there was high importance given to the use of ICT in the teaching process.

Rashtriya Madhyamik Shiksha Abhiyan (RAMSA), a program focused on secondary education, focused on ICT-aided education. Under the National Reporting of Open Education Resource (NROER) programme, CIET has carried out a study on teachers in a changing era. Efforts have been made to make them aware of the use of ICT and at the same time to make them experts so that they can participate in the preparation of OER (rmsaindia.gov.in).

The National Council of Teachers of Mathematics (NCTM), the world's largest association of mathematics teachers, has identified technology as one of the six principles for mathematics in schools. It said that technology is very important in learning and teaching mathematics. It enhances the learning ability of the students (NCTM, 2000, P.11).

In the National Policy on Education (NPE, 1986), although computer education in schools has not been given clear importance, the provision of computers in schools has been indicated. The policy states that computers are a part of education, especially in vocational education. The 1992 Plan of Action (POA) also gave clear instructions that computers should be used in mathematics classes. To increase computer literacy on a large scale, it should be taught in schools for a specified period.

In 1998, the Government of India set up a National Task Force on Information Action Plan and Software to increase computer literacy on a large scale. It was called the ICT Action Plan. This computer literacy and ICT proved to be an important step in the development of ICT skills. Various projects were made under this. The ICT Action Plan (1998) recommended computer education in schools on a large scale to promote computer literacy in schools. Under this plan, the Computer Literacy & Studies in School (CLASS) program was run which was created in the year 2000. Some of the main objectives of this program were:

- Providing computer education in 10,000 schools.
- Providing computers to 1000 schools.
- To introduce computer-based education in standard school

The National Council of Teacher Education (NCTE) also recommended including ICT in the education system. As a result, educational technology is taught as a compulsory or optional subject in B.Ed. colleges of many universities today.

Jean Piaget's (1973) statement that "every normal child has within him the ability to learn mathematics" has placed a great responsibility on mathematics education providers to be unselfish and impartial when teaching students, in this current age of science and technology, conventional methods of teaching cannot create interest in students and their mental, psychological and emotional needs cannot be met. Therefore, it has become necessary to change the teaching and learning methods and the inclusion of new technology in the teaching system is indispensable.

In mathematics teaching, the use of ICT instils a spirit of collaboration among students and helps them gain knowledge together and build self-confidence by building relationships with each other. With the help of ICT, positive motivation is created in the students. It also has the advantage that students develop the ability to focus on their lesson and understand it better. Because of this ICT, their precious time is saved a lot which they otherwise have to waste in solving difficult questions.

Research by Chien, Wu and Hsu (2014) has shown that students in school have high expectations for ICT integration in the classroom as the new generation is born and grown with technologies and could be defined as a digital-native phenomenon. The younger the students, the higher their expectations are on ICT integration in the classroom. ICT integration aims to improve and increase the quality, accessibility and cost-efficiency of the delivery of instruction to students, it also refers to the benefits of networking the learning communities to face the challenges of current globalization (Albirini, 2006, p.6). There is a positive relationship between students' Learning and the use of ICT (Harrison et al., 2002)

Because students are familiar with Technology and will learn better within the technology-based environment, the issue of ICT integration in schools, specifically in the classroom is vital. This is because, the use of technology in education contributes a lot to the pedagogical aspects in which the application of ICT will lead to effective learning with the help and support from ICT elements and components (Jamieson-Procter et al., 2013)

ICT is the combination of information processing and delivery technology. Generally, Information and Communication Technology (ICT) is also synonymous with Information Technology (IT). But ICT is a combination of many technologies including

telephone, computer, various software, audio-visual tools, internet etc. In ICT (Information and communication technology), three words are seen: Information, Communication and technology. A brief explanation of these words is as follows:

Information

Information is data or facts that become information with the addition of acquisition. In other words, information is the acquisition of facts or acquisition of data.

Communication

The word “communication” is derived from the Latin word “communis” which means transmission. This means that conveying messages and information from one place to another through verbal, visual, symbolic, written etc., is called communication.

Technology

The word Technology is derived from the Greek word Technologia. Technology itself is a combination of two words “Technique” and “Logia”.Technique means skill, art or craft and Logia means study. That is, technology means the study of a skill, art, or craft.

In this way, by combining these three words, It can be said that getting the information correctly by asking someone, or from books, magazines, pictures, photography, watching a movie, listening to the radio, from the internet, etc., and organizing this information in the right way by using some tools or technology is called Information and Communication Technology (ICT).

In ICT there are various devices such as computers, smart boards, Internet, Notebook, Digital cameras, CDs, printers, scanners, projectors, Wi-Fi, and different applications for mathematics etc. But in this study, we have taken some limited tools for observation and these are computers, the Internet, projectors, Wi-Fi connections, smart boards and different applications for mathematics subjects.

Objectives of the study

The given study was conducted to achieve the following objectives:

- 1) To study the availability of ICT in schools at the secondary level.
- 2) To study the awareness of mathematics teachers about ICT.
- 3) To identify the ICT applications used by mathematics teachers in the teaching process at the secondary level.

Research Design

In this study, survey methodology was used to collect data. The researcher has used observation and questionnaire methods to collect data from secondary schools and mathematics teachers teaching there. The researcher developed the questionnaire and finalised it before being distributed to the targeted group of respondents.

Population and Sampling

In the present study, the researcher has selected secondary schools and mathematics teachers of these secondary schools of Budgam district as the population. The researcher has selected mathematics teachers of secondary schools of one educational zone i.e. Soibugh zone among the different educational zones of Budgam district of Kashmir division who are teaching mathematics to ninth and tenth-grade students. First of all, one zone was selected from the total 13 educational zones of Budgam district which has been done by simple random sampling method. Which has come to the educational zone Soibugh. The number of secondary schools and their mathematics teachers in this educational zone is given in Table 1 and this is the researcher's sample:

Table 1: No. Of Mathematics Teachers In 22 Secondary Schools Of Zone Soibugh District Budgam (Teaching 9th and 10th Class Students).

No. Of Secondary Schools In Educational Zone Soibugh.	22
No. Of Mathematics Teachers.	49

Source: Internet and personal survey

Analysis and Interpretation of Data

In this research, the researcher has tried to achieve three objectives. Objectives 1:- To study the availability of ICT in schools at the secondary level. The analysis of data collected for this objective is given in Table 2.

Table 2: List of schools having the following ICT facilities.

S/No.	ICT facility	No. of schools having these tools	No. of schools not having these tools
1.	Smart Boards	0.0	22
2.	Projectors	2.0	20
3.	Wi-Fi connections	6.0	16
4.	Computers	6.0	16

Source: Questionnaire and observation

From the above table, it is clear that only 27% of secondary schools in district Budgam have the availability of ICT facilities. Here it is worth to mention that none of these schools are having smart boards.

Objective2:-To study the awareness of mathematics teachers about ICT.

The analysis and result of data collected for this objective is given in the table3.

Table3: List of mathematics applications and number of mathematics teachers having knowledge of these applications.

S/No.	Mathematics Applications	No. Of teachers having knowledge of These apps.	No. Of teachers not having knowledge of These apps.
1.	Word Processing Packages.	30	19
2.	Graphic Calculators.	30	19
3.	Simulation Program.	28	21
4.	Databases Application.	29	20
5.	Portable Application.	28	21
6.	Spread Sheet.	30	19
7.	Drill/ Practice Tutorial.	27	22
8.	Graphic Application.	28	21
9.	Flash Presentation.	30	19

Source: Questionnaire

Form the above table it is clear that 39 mathematics teachers out of 49 are aware about different applications used in teaching mathematics subject. But there are 19 teachers also who do not have knowledge about applications that can be used in teaching mathematics. That means 61%ofmathematicsteachersareawareand have knowledge of different applications that can be used in teaching mathematics subject.

Objective 3:- To identify the ICT applications used by mathematics teachers in teaching process at secondary level.

The analysis and result of data collected for this objective:

After collecting data for this objective we found that none of the mathematics teachers were using ICT in teaching mathematics in this educational zone (Soibugh). So there were also no applications used by them.

Findings of the study

The findings from the present study are explained as under:

- In district Budgam educational zone Soibugh there are 27% secondary schools in which the ICT facility is available to some extent but not as much as should be.
- There are 61% of mathematics teachers in these schools who are aware and have knowledge about ICT.
- In the selected educational zone there were none of the mathematics teachers who are using ICT in teaching mathematics subjects to the students of class 9th and 10th standard.

Conclusions

The present age is the age of technology. Every country is on the path of this development and technology. India is a developing country but educationally it is a backward country. The development and survival of every country and nation depends on its education system and science and technology. Therefore, it is very important to make education of global standard nowadays. Therefore, there is a need to re-evaluate the educational system and educational process and align the educational process with modern technology. Research has shown that the availability of new technology i.e. ICT in schools is negligible. And besides, even where this facility is available to some extent, teachers do not use it in the classroom. Educationists and even the government are emphasizing that education should be imparted to students with the help of technology as much as possible so that they can forget the traditional methods and get new-age education and high-quality education. Therefore, it should be emphasized that education should be taught with the help of ICT in schools so that students can understand well and their inclination towards learning will increase.

Suggestions for further research

1. The current study consists of the education zone Soibugh of Budgam district. Further study can also be done from other education zones of Budgam district.
2. The present study has been conducted on secondary schools of district Budgam zone Soibugh, further studies can be conducted on colleges and other institutions.
3. The present study is only on mathematics teachers, further study can be done on teachers of other subjects also.
4. This study did not make any comparison between the availability of ICT between public and private schools, further study could do this comparison.
5. In the present study researcher has not studied the problems or barriers to using

ICT in teaching mathematics subjects, further research can be done to find such problems.

Educational Implications

To make the education process better new teaching aids can be used and are being used in the field of education. These teaching aids also include ICT. It is obvious that if ICT is used in teaching, the teaching will be effective because the more senses the students are included in the teaching, the more effective and stable the teaching will be.

Despite the importance of new technology, not all schools in India today have access to computers, internet, etc. The researcher visited 22 schools to collect data for his research paper but not all of them had access to computers, internet etc. Some computers were in schools but lying idle. In some schools, computers were kept only to enhance the glamour of the principal's office.

This research provided an opportunity to know the school conditions where there is nothing in the name of ICT and other technologies and thus in today's modern age without computers, the internet etc., we cannot imagine educational development. Therefore, this research will help our educational policymakers, educators, administrators and the government to facilitate the provision of ICT facilities in schools and to develop mechanisms to ensure its use.

The government and administration should make at least basic ICT facilities available for teaching in each school so that teaching is effective and stable and ensure the appointment of trained teachers in each school. In addition, all teachers should be given basic ICT training so that they can use ICT in their classrooms. Teachers should encourage and ensure the use of ICT as much as possible.

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Education of Disabled in the Light of Sura Al-Abasa

*Ashiq Hussain Mir**

Abstract

This paper aims to provide an overview of the inclusive concept of education in Islam in the light of Sura al-abasa. It will highlight the formal and informal ways of educating disabled people. How and why Islam emphasises the education of these people. Its significance is also to be highlighted in the present educational system around the Globe. Islamic inclusive education is to eliminate discrimination based upon race, colour, sex, region, religion, mental retardness, socio-economic status etc. As mentioned in Sura al-abasa on one side the Prophet ^(PBUH) gave dawah to a Non-Muslim and on the other hand, was a specially disabled Muslim.

Key words: *Al-abasa, Islam, Inclusive education, Disability, blind person etc*

Introduction:

The first and foremost thing on which Quran stresses is the dignity of the children of Adam and Hawa (A.S). Quran provides a vast concept of education that enlightened the whole humanity. The God of Quran is not only the God of Muslim community; but the God of all the humanity. Education as a right has been enshrined for children's in the numerous international declarations, since the 1948 declaration of human rights, inclusive education is one dimension of human rights based quality education which emphasis equity in access, participation and respond positively to the individual learning needs and competencies of all children. Inclusive education is pupil centred and places the responsibility of adaptation on the education rather than the child. It actually works to ensure that every child irrespective of gender, language, ability, religion, nationality or other characteristics is supported to meaningfully participate and learn alongside his or her peers and develop full potential. Whenever we talk about the Islamic concept of education, it should be keep in mind that Islam does not confine education to religious or spiritual, but encompasses the entire scientific, modern and secular education. Islamic civilization bears testimony to that laying the foundations of scientific knowledge, the Muslim scientists carried out the Prophetic injunctions contained in this tradition." Seek knowledge (education) even (you have to go) to China. This aspect takes us to the inference that Islam doesn't confine knowledge seeking ventures only to the Quran and Sunnah, etc it also includes all the modern sciences and technologies in the quest of knowledge.

*Research Scholar, Shaikh ul Aalam Centre for Multidisciplinary Studies

According to the Quranic injunctions, there is a strong basis of inclusive education in Islam. Quran provides a strong model for ensuring that education is inclusive and responsive. In Sura al-abasa (He frowned), there is an elaborated concept of inclusiveness of education to all irrespective of caste, creed, colour, designation, intellectuality, religion, region, ethnicity etc. Quran says:

“A feeling of uneasiness came upon his (holy) face, and he turned aside his (radiant) face. Because a blind man approaches him (who interrupted his discourse) and what do you know? Perhaps he would be purified (further owing to you attending him) or would accept your advice which would provide him benefit (more and more) but the one who disregards (the Din {Religion}). You administer great care (for his acceptance of Islam). Whereas there is no (burden of) responsibility on you, even if he does not adopt purification (i.e., faith) and as for him who has himself) come to you exerting (in pursuit of piousness), and he fears (his Lord) as well, But you are not focussing attention on him. (O My Esteemed Beloved! Not so indeed! These (Verses of the Holy Quran) are but advice.”¹

This verse states that we have to develop a positivistic attitude towards those people, who are being ignored by society. We have to look at their needs; social, educational, economical and other etc. Why the Prophet ^(PBUH) turned his radiant face, from a blind person during dawah, needs due consideration. Almighty said: Disabled will be given preference in knowledge and education. So Islam emphasizes on the inclusiveness of education of especially abled people. The purpose of his education was to sanctify his self in the companionship of the Prophet ^(PBUH). This sanctification is what we call Sufism. Second more things are to receive advice and guidance from the Prophet, which would benefit him here and hereafter. These verses explicate the inner of blind person. From verse five Allah talks about the person from Non-Muslims, who have a social prestige, but Islam neglects that prestige and stressed on the urge of seeking knowledge of blind person. Non-Muslim neither accepts, nor do you have a burden of his responsibility. And the one who came with the intention to seek knowledge of purification and wisdom from, make a rapport with him and quell his thirst of knowledge, He is a God feared person also, and you are neglecting him. O My beloved, I have revealed this Quran on you, for advice of humanity only. So, it depends upon the seeker how much thirst he has for advice.

What was the reasons behind that Prophet of Islam ^(PBUH) did not paid kind and due attention to a disabled (blind) person? Despite being a Muslim he did not provide positive

response to an especially abled person. At that time, a feeling of uneasiness came upon the radiant face of the Prophet ^(PBUH) and he turned his face to other side. This unusual response hurts him and the mentioned verses got revealed. By taking a holistic approach of the actual event, the Prophet as a teacher of mankind was addressing to Non- Muslims of Mecca and on the other hand blind man was a Muslim. Thus inclusive education, does not considers religion, region, colour, sex, but emphasis upon the participation, equity in access and provides a positive response to a recipient of education. Imam Suyuti in his master piece *Durr al-manthur* that IbnMardudia quotes from Hazrat Ayesha about this very verse:

“This verse revealed about a blind man UmmiMaktoom, he asked “O Prophet of Islam ^(PBUH), educate me by your knowledge which Almighty have taught to you”. He uttered the same many times, he was not aware that the Prophet ^(PBUH) is giving dawah of Islam to people of Mecca (Rabiah and Utbah). “There was uneasiness in the radiant face of Prophet ^(PBUH) and he turned his face from the Muslim (UmmiMaktoom) because he was inviting the Non-Muslims of Mecca towards Islam, the Prophet ^(PBUH) said these words, “Do you have any difficulty about my dawah, he replied no”! Allah revealed these verses in the meantime.”²

Imam Suyuti quotes another tradition:

“The Prophet ^(PBUH) slightly turned his face from a blind person, without uttering any word to him, and replied to Ummaya bin Khalaf.”³

This is the Prophet ^(PBUH) wisdom that he does not speak words because he will not hear it. The Prophet ^(PBUH) provided a negative reinforcement so that the irrelevant behaviour of the blind person can be shaped. Hence, it is clear that the concept of inclusiveness of education gave the Prophet of Islam ^(PBUH) to mankind by paying positive response to infidels of Mecca, even the blind was Muslim before 1450 years. The prophet does not discriminate between them on any socio-economic, religious and other basis, but provides opportunity of access to all people. The following features of inclusive education can be inferred from the verses:

1. There is enough scope in Islamic traditions that infidels can be provided access to get advice, knowledge and education for their worldly and hereafter benefits.
2. There is a positive approach towards disabled; so that they may they may receive educational guidance. By imparting education of good and virtue, these people can prosper in life.

3. The above verse emphasises upon the psychological phenomenon interests, motive, action, readiness of a learner for the seeking of knowledge, to purify his soul and heart.

4. These verses have sociological relevance aspect that poor and needy people should be fairly treated, because the Quraysh of Mecca were rich and the disabled was from poor background. This is an apex of inclusive education.

5. The words when UmmiMaktoom came to you, emphasises upon the provision of equal educational opportunity of education and positive response to the pupil, it elaborated the concept of universalisation of education; universal access, to education equal treatment and universal retention etc. Quran again talks about their exceptionality in day today life:

“There is no restriction on the blind , nor any blame on the lame, nor is there any sin on the sick, nor (any harm) for you ,if you eat (food) from your houses or from the houses of your fathers, or the houses of your mothers, or the houses of your brothers, or the houses of your sisters, or the houses of your father brothers, or the houses of your father sisters, or the houses of your brothers, or the houses of your mothers sisters or the houses whose keys are in your charge (i.e., whose owners have permitted you for any use. Nor is there any harm to eat food) from your friends houses. There is no sin on you whether you all eat together or separately. Then, when you enter the houses, greet (the members of) your (family) with the greeting of peace and security. (This) is a blissful and pure greeting from Allah. Thus Allah makes His verses clear for you so that you may understand (the commands of the shariah and the manners of life).”⁴

There is exceptionality, while dealing with rights and duties or obligations of disabled person. When we talk of right to educate or inclusive education There will be no discrimination in preaching education of Islam on the basis of simplicity of work, rich and poor, servant and free slave, men and women, elder and younger. Everyone is equal and equality of educational opportunities should be provided to all. Everyone should be advised equally, it is inclusive education. Quran emphasises upon the provision of equal opportunities and positive response to disabled person as mentioned in Sura al-Abasa. On the other hand, when there is an obligation or duty of disabled, they are made exceptions by performing war fight.

Conclusion:

Thus, it is the Quranic teachings that provides equal rights of receiving education to all irrespective of intellectual capacity, knowledge, region, religion, ethnicity, rich and poor background, but rather stresses more attention and care of the disabled. After this event

the Prophet ^(PBUH) used to say these words to UmmiMaktoom: “welcome to you (you are one about whom Allah has counselled me)”. Even the Prophet ^(PBUH) used to put his blanket for UmmmiMaktoom. In short, the Prophet ^(PBUH) used to pay attention to him; do you want to say something? Do you have any need? Do you seek anything etc? This is a respect and veneration of disabled in the Prophetic era. Allah addresses the Prophet ^(PBUH) by using third person pronoun, besides second (He frowned). So that the Prophet ^(PBUH) does not get hurt this is belovedness, veneration, of the Prophet ^(PBUH) which is obvious in this verse. Another thing neither he saw uneasiness, nor turning of face, it was just for creating a situation that the verses of inclusiveness education got revealed to mankind.

References:

1. Quran 80:1-11
2. Suyuti, Imam Jalal ud din. *TafsīrDurr al-Manthūr*, Trans. By PīrKaram Shah Azharī. Vol. 6, Delhi: AdabiDunyā, 2009. P. 874
3. Ibid., p.875
4. Quran 24:61