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Maternity Benefit: Does That Actually Exist?

-Shrut Brahmbhatt, Assistant Professor, UWSL

'Maternity Benefit' one of the legal concept assuring privileges to women employees across India was earlier governed by independent legislation called The Maternity Benefit Act of 1961. It has now been incorporated within the Code on Social Security 2020 along with some other labour laws. Chapter VI of the Code on Social Security 2020 elucidates the entitlements of the woman employees of certain industrial establishments. The benefits include not only the absence from duty but even monetary payments for such leave which is called 'Maternity Benefit'. The law makes provisions regarding Crèches, Nursing Breaks, Disbursement of advance payment for the leaves before expected delivery date of child etc. However, the actual implementation showcases the provisions as glorified promises. Employers, alike all other aspects, enters into understanding with the woman employees and assures non-execution of the principles. Such practices are increasing across the nation, from education institutes to Multinational Companies, employers have found the windows to ensure that women employees are not taking undue advantage of the benefits enshrined, human resource is maintained, finances are balanced and only some benefits are provided to the employees.

Government Organisations or Semi-govt. or govt. aided establishment do abide by the requisites of the law on maternity benefit however controlling the actions of privates has remained a hard nut to crack. Private Sectors are good at creating paper trail of the legally necessitated documents by unrevealing the actual execution of such requirements. This

is definitely possible because of the needy employees who despite of being aware of the injustice profess to work with such organisations may be for some emoluments or other entitlements. Such instances allow employers to remain unjust in almost all legal responsibilities.

One of the tactics of employers to avoid implementation of legal principles is to hire low skilled employees with higher pay to shut their mouths in any administrative matters. Such actions can definitely assure silence and smooth running of the enterprises however it results into growth of incapability amongst the human resources. The Chapter on Maternity Benefit duty bounds employer to provide maternity leave of requisite number of days along with the payment of wages of such days at a specified rate. The Chapter also empowers Inspectors appointed for supervision/investigation of execution of its provisions to check the records of such benefits of employers, to take actions for entitlement of maternity benefit, medical bonus, etc. Employers of the establishments over which the chapter is applicable are responsible to not contravene any provisions and assure the benefits are provided to the women employees or their nominees. The execution of the maternity benefit and its provisions are expected to be executed by the industrial establishments in totality however the same is like a brown study.

The Chapter on Maternity Benefit prohibits employers from employing women employees during their maternity, no forceful work allocation can be done, no mandate on certain

types of work that are prejudicial to women's pregnancy or child be given, utmost safety of such women employees need to be taken care of. The benefits, as aforementioned, are provided in form of cash and leave. These benefits are not only ensured for maternity but even for any other related issue like miscarriage, medical termination of pregnancy, sickness arising out of such conditions etc. Such women employees cannot be terminated during the maternity duration unless if any misconduct has been conducted by such employee and that too can be appealed to the authority established by the law. Employers are responsible to accord protection to women employees without any failure in all ways.



Need For An Hour In 21st Century Is Moral Education

-Dr. Malay R .Patel, Associate Professor of Management & Assistant Dean, UWSL

Mahatma Gandhi once told that “In this earth there are sufficient resources for one's need but resources are not sufficient enough for one's greed “from above all enough for factor's one final conclusion can be drawn that today all personal, family, social, national and international, economic and environmental problem and challenge that we are facing is due to absence of morality or moral values, now what do we mean by morality or moral values. Moral values are concerned with the principles of right and wrong behaviors and the goodness and badness of human character.

The word moral comes from the Latin word mores which mean's customs or accepted ways of behavior. Moral values imply adherence to the codes of interpersonal behavior considered right or acceptable in particular society. Examples of commonly accepted moral values are fidelity, modesty, purity, non-violence, respect and non-stealing etc. So, morality is very much action conscious or moral rule is very much specific, it is action guiding. It tells you, what is the right thing which is to be done in a specific situation, Thus in all cases morality promotes judicious use of all available resources.

In present scenarios our lure for materialistic life is growing up in leaps and bounds. Due to our affection for loaves and fishes, we collect more and more resources and finally indulge ourselves in wastage of these resources.

Wastage of all resources by us is done at apex, thus we can say that there exit's a moral lacunae in this contemporary society. The erosion of morality in the present day society is a matter of great concern for educationist. They emphasize the necessity for education in values, in order to inculcate universal and human values like truth, peace, love, justice and co-operation, UNSECO (United Nations Educational Scientific and Cultural Organization) established an international commission under the chairmanship of Jacques Delors. It included educators around the world; The Delor's report identified four pillars of education: Learning to know, learning to do, learning to be and learning to live together. The first requires intellectual ability; the second requires an acquisition of skills and third and fourth requires inculcation of values. Due to deficiency of morality corruption, bribery and nepotism are also prevalent in India from grass root levels, despite laws against them. After all what is corruption for? It is only for one purpose that we want more than we are entitled to. Corruption means to use, or be willing to use, political or social power to perform dishonest or illegal actions in return for money or some advantage.

On the subject of corruption, Justice M.N. Venkatachaliah, chairman of the National Human rights commission (1997) said, 'people think that corruption can solve their problems and fulfill their yearning for survival. But they will soon find that this is a mirage. Meanwhile, the damage done to society is immense greed is at root of this attitude corruption, use of violence, unfair and illegal practices are slow widely used to influence the results of elections and undermine the democratic process. When corruption is practiced at all levels of the state and in business, education, administration and the media it cannot be controlled by law enforcement, it can only be prevented by inculcating moral values in an individual. The concord between people and environment is also, broken due to our selfish plundering of the environment. Nature supports human life in many ways, yet the environment is increasingly abused and polluted. Great awareness is needed to sensitize people to nature and caring for the natural environment, for this purpose 'Moral Values' must be engrossed in an individual.

India has always spread the message of non-violence to the world. Democracy stresses upon the ballot not the bullet and provides the means to resolve issue through negotiations or discussion. Yet the use of violence in India continues to increase. Farmer's abuse their animals, Domestic violence is prevalent with a minimum efforts made by society to protect



women and children from being injured and sometimes killed, levels of violent crime and communal riots are rising drastically, aggravating widespread fear and insecurity voluntary self-restraint, education in moral and spiritual value can only find way out of this not the law enforcement. When Mahatma Gandhi thought about what type of country India would be after independence he dreamed of a land free from intoxicants but since independence alcohol use has been constantly increasing. Abuse of alcohol in India has reached 20 to 40 percent of the total population in many areas. In certain rural areas it reached 70 percent. The over-use of alcohol and intoxicants is mainly caused by the stress of poverty in both rural and urban environment, particularly among the youth; other causes for over-indulgence of alcohol include illiteracy, and erroneous belief that alcohol is good for health. Intoxicants give artificial feelings of pleasure which in turn temporarily numb the pain of poverty. Alcohol consuming individual loses his self control and restore to violent behavior.

Alcohol and other narcotic drugs has major contributors for domestic violence and has the severe consequence that most of the money earned by the alcoholic male or addicted male is spend on cheap liquor or drugs, and little money reaches his wife and family. Thus the greatest challenges to education in values however lie with adults and their social attitudes which include gender bias, a weakness for intoxicants, adultery and corruption.

India's Unemployment Problem

-Nityanand Jha, Assistant Professor, UWSL

Bihar elections campaign was first major election post the outbreak of the Covid pandemic. One of the major area where opposition parties campaign led by Tejaswi Yadav, younger son of Laloo Prasad Yadav inflicted concerns for the ruling NDA party was the issue of providing 10 lakh jobs if they win the elections. This aspect has been a burning issue for India for a long time, but negative economic impact due to Covid has highlighted the concern in a big way.

India's unemployment rate is a very difficult to predict as Government has not been publishing these rates like in developed economies. Politically it is a sensitive issue, hence non measurement helps for the government in not giving an opportunity to highlighting for opposition parties and other concerned agencies.

India has made significant progress on reducing poverty levels especially post 1991 liberalization. We have been successful in making significant progress economically. On the other side, being one of the youngest nations and entering a long period of Demographic dividend, we have on one side huge number of people looking for employment, but on the other side businesses complaining they are not getting good talent and have been struggling to fill vacancies.

India has a major structural challenge in increasing employment levels, as our economy have leapfrogged from agrarian economy to service economy, bypassing industrialization. Service sector cannot sustain growth in employment without a developed industrialization. Narendra Modi has been trying to give a major push for Industrialization through several initiatives like “Make in India” and the recent Atmanirbhar campaigns. But for industrialization to take off, physical and social infrastructure has to be built in a big way, which is huge challenge for Indian government with limited revenues. Revenues have not grown inspite of GST implementation. On the other hand inspite of huge workforce available, due to skills mismatch which has happened due to leapfrogging has made matters worse.

Government expenditure priorities have also not been helping improve skill mismatch issues. Education expenditure is around Rs. 95000 crores compared to defense expenditure of more than Rs. 3,00,000 crores and interest payments of Rs. 6,25,000 crores. Unless government prioritizes on improving infrastructure (both physical and social), employment generation initiatives will not achieve significant success.



Terrorism: A Global Problem with Simple Solutions

-Dr. Malay R. Patel, Associate Professor of Management and Assistant Dean, UWSL

Brief Introduction: Terrorism

In the dawn of 21st century, human race is on the threshold of new emerging civilization, information civilization, it is an extension of and successor to the agricultural and industrial civilization that has determined our social structure until now. Unfortunately man has not been able to organize himself socially economically and politically on a world scale as, demanded by the needs of information civilization. This is because people in different part of the world suffer from mutual, fear, suspicion and hatred. The period following the Second World War has seen the rise of terrorism to achieve, personal, communal, religious or regional ends. Hundred of people die, while assets worth billions are ravaged each year due to terrorist attack. Terrorism is present in one form or another in nearly every country of the world; countries that are troubled by these horrific acts have pondered upon for an answer. But, there is no universal agreement for a solution. In this day and age, the term terrorism is more than just the use of intense fear as a means of coercion but includes the use of terrorism as a means of revenge, pure sport and also means of suppression.

The word "Terrorism" was first used in reference to the Reign of Terror during the French revolution, however still today the exact definition of terrorism is yet to be finalized, but in Cindy C. Comb's book "Terrorism in the Twenty first century" she tries to define terrorism as : "A synthesis of war and theater, a dramatization of the most proscribed kind of violence- that which is perpetrated on innocent victims played before an audience in the hope of creating a mood of fear, for political purposes." In another definition of Terrorism, this is included in Encyclopedia of Britannica Terrorism, is "The systematic used of terror or unpredictable against governments, public or individuals, to attain a political objective".

In, the 20th century, terrorism underwent through a series of great changes. The use of new technology such as automatic weapons and electrically bursting explosives encouraged terrorists to act violently and provided them with an easier way of attacking. At the time, attacks were mainly from the groups just trying to undermine or overthrow existing political institutions. But, today terrorism exists with different causes and purposes in mind. It has been used in anti-colonial conflicts such as Ireland, Britain, Algeria and France. It is used when settling conflicts between different

groups in possession of Homeland such as Palestine and Israel, India and Pakistan. It is also used in religious disagreements in the case of the Catholics and Protestants. In Northern Ireland and in internal conflicts between revolutionary forces and governments, for example: Malaysia, Iran and Argentina.

Types of Terrorism

In the spring of year 1975, law enforcement assistant administration in the United States formed the National Advisor Committee on Criminal Justice Standards and Goals. Among the five volumes on was the volume that committee drafted was entitled, disorders and terrorism, under the direction H.H. A. Copper, Director of the task force staff. The task force classified terrorism in seven categories.

1. Civil Disorder A form of collective violence interfering with the peace security and normal functioning of the community.

2. Political Terrorism Violent, criminal behavior designed primarily to generate fear in the community, or substantial segment of it, for political purposes.

3. Non-political terrorism: Terrorism that is not aimed at political purposes, but which exhibit conscious design to create and maintain high degree of fear of coercive purposes, but the end is individual or collective gain rather than the achievement of a political objective.

4. Quasi Terrorism: The activities incidental to the commission of crimes of violence that are similar in form and method to genuine terrorism, but which nevertheless, lack its essential ingredient. It is not the main purpose of the Quasi-terrorists to induce terror in the immediate victim as in the case of genuine terrorism, but the Quasi terrorism uses the modalities and techniques of the genuine terrorist and produces similar consequences and reaction.

5. Limited political terrorism: Genuine political terrorism is characterized by a revolutionary approach, limited political terrorism refers to "acts of terrorism which are committed for ideological or political motives but which are not part of a concerted campaign to capture control of the state.

6. Official Terrorism: Referring to nations whose rule is based upon fear and oppression that reach similar to terrorism.

7. Religious terrorism: Violent terrorism that is committed in the name of a religion, usually by religious extremists.

Terrorism a worldwide Problem

Today terrorism is a menace that requires a global response because in reality there is no country in the world where terrorism has not spread its tentacles. Terrorist groups like “Al-Qaida”, “Jaishe Mohammad”, LTTE, “Harkat-ul-Mujaidin” has spread their terrorist links very wide.

Although some terrorist acts are home born while some are imported from outside, but magnitude of the problem is not the same everywhere. In advanced countries of the world there exists a liberal social and political environment, where it is difficult to draw large number of people to the extremist fold. But, countries which are infested with social backwardness, abject poverty, deficient modern liberal and scientific education, rendering of reverential allegiance to the sayings and teachings of the half-literate educated clerics by a large section of the populace present a common scenario, portraying an altogether grim picture. Because of slow progress in social and economic fields many people get frustrated and disgruntled and turn towards militancy in their fancy to get over their material woes overnight.



With the alluring prospect of free food and shelter and a guarantee for heavenly bliss, on the completion of their sacred mission, in these cases, people propagating the glory of sacrifice in the name of religion, find it convenient to fire the imagination and burning religious enthusiasm of the disgruntled youth to join the extremist war-camp for their assigned noble cause. The out-moded religious schools and institutions in which the new recruits are ordinarily accommodated and trained are obviously ill equipped to impart any modern and humane education to them. Instead, they are made to be submerged into dogmatic and restricted vision of the world. These religious institutions riding on glorified fiery rhetoric are widely believed to be the breeding

grounds for religious extremism and terrorism.

The danger from dreaded terrorists who are willing to kill themselves to kill others for what they consider “religious ordained” is all too real for creating havoc of unprecedented scale and magnitude, where religious extremism is glorified and globalized. Taking September 11, 2001 in to consideration, when two air planes were hijacked and crashed into the World Trade Center and another into the Pentagon; in only two hours, families were torn apart, courage was tested and the world was shaken forever. The hijackers had probably believed that they were dying on that plane for their country, but sadly they did not know the exact reason for their presence for that matter under the tragic circumstances. Countering the terrorists attack, empathy is the only human response is needed during these violent times. Moreover, emotions and anger are only human traits, which we express during terrorist attack. But, we need a great deal of collective reflection and wisdom to establish a rational and far-sighted response. This response should focus not only on this horrific crime, but on terrorism in general. More, importantly, it must deal with the roots of injustice and exclusion that is largely exploited by demagogues to inflict so much harm on innocent human beings.

Terrorism is a heinous product of an outdated paradigm of international relations. That paradigm was founded on the “will to power” and the arrogance associated with it. In other words, it was founded on the proposition that “might makes right” As the “mighty” ruler is ruling by injustice and thus hatred flourished. We must eradicate terrorism by changing the prevalent mentality that provides a fertile ground for the growth of this menace. Everyone who is serious about fighting terrorism, especially those in a position of global power, would be well advised not to resort to statements and policies emanating from emotions intertwined with the arrogance of power that could only further entrench the mentality that produce terrorism.

Simple solutions to counter Terrorism

To successfully meet the challenge of terrorism of all hues we must profess and practice peaceful co-existence, inter-religious harmony and tolerance cutting across races, castes and communities. The spiritual and religious leaders who command almost ready audience and get reverential treatment from the common people have greater role to play by bringing home all the real message and true spirit of religion by forging unity amongst all people focusing more on human dignity, good neighborliness and universal brotherhood.

It must be clearly understood by all that there is no magic prescription at hand to exterminate the menace of terrorism. Religious frenzy leading to terrorism is a deep-rooted psychological malady that needs well-coordinated and sustained treatment. Immediate tasks before the world community is to openly discuss, debate and deliberate on the multifaceted impact of terrorism on the human society.

Suspicion and mistrust is everywhere, the first and fore-most task before us is confidence building. Unless confidence is build, which has already been shaken by extremist overtures; so, we must first restore this lost confidence to normal shelf. Then we must make a bold transition to create an environment where mistrust is converted to trust, we should move further from discord to concord, from hatred and tension to love, peace and progress.

Lastly, the renowned Iranian poet, Saadi, eloquently articulated the fundamental under spinning on such mentality shifting 700 years ago.

“The descents of Adams and limbs of each other, having been created of one essence, when the calamity of time afflicts one limb. The other limbs cannot remain at rest. If you have no sympathy for the troubles of other you are unworthy to be called human.”

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Sports as means for Conflict Prevention and Resolution

-Dr. Ramdhass Perumal, Assistant Professor, UWSL

Sports existed among humans as rituals and to keep oneself fit to fight other ethnic groups in a gypsy society. The ancient notion of survival was that one who loses war would be a slave and the winner would be the master. Either to come out of slavery or to defend a mastership, one needs to be fit forever and the sport provided this necessary fitness for survival. On the other hand, sports were also played to enhance the hunting skills of humans over their prey. For instance, when we consider the ancient Olympics (776 AD) and the sport events included such as wrestling, jumping, discuss throw, javelin throw, foot and chariot races, etc. are all related with hunting games. However, at a later point of time sport was also played for resolving enmity through sport and became a primary means of peace making or peace building among nations.

But sometime sport becomes a fertile ground to spread enmity among nations as well. For instance, the Berlin Olympics of 1936 was used to showcase Nazi propaganda stirring significant conflict among nations that resulted in countries calling for boycott. Similarly, the Munich Olympics of 1972 witnessed the killing of 11 Israeli athletes and coaches by Palestine based terrorist groups causing enmity between the nations. Even in this twenty-first century such unfortunate events continue to occur. For instance, in third test match between Australia and India (2021) at the Sydney Cricket Ground, a section of the crowd spitted racial comments against Indian Cricketers. Later the Australian players like Tim Paine and David Warner apologized for unruly behavior of the spectators.

Though India is also a party to the International Convention against Apartheid in Sports, 1985 but the racial segregation or racial discrimination is still in practice. But Australia is not a party to the above said convention; will it be a license for them to do racial discrimination against foreign

players? Whether the Apartheid Convention in relation to sports is legally binding to the non-party state? Because as per article 34 of the Vienna Convention on Law of Treaties, 1969 states that, “a treaty does not create either obligations or rights for a third State without its consent”. Now the sovereign state of Australia is non-party to the Convention on Apartheid in sports and if Australia do not want to give its consent; how those discriminated players will get justice from the convention's point of view? Whether the government of Australia is accountable for their citizens (spectators') fault against the Indian Cricketers? Still in Football, many referee, players as well as spectators are brutally segregated by way of racial discrimination either by co-referees or co-players or co-spectators. There are several enactments passed internationally as well as domestically but those affected victims neither protected by laws nor protected by the specific sport governing body itself. Irrespective of laws and code of conduct in sports, the self-realization is important for every human being against racial discrimination to eradicate this social segregation. Sports build relationships and connect individuals and it can be used as a means for conflict prevention and peace building among nations.





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