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Chief Editor  
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## EDITORIAL

With the effect and impact of climate change, the declining democracy and upscaling autocracy, the threat of wars and its possibility in every new second, and the other routine problems, every day the researchers find the problems and its source. With the influence of this source that keeps the researcher motivated and ready for new researches, we are here with this issue with the positive attitude and commitment of the potential researchers. The current issue highlights topics related to Status of primary schools in Uttar Pradesh; Audio-visual teaching aids and teaching and learning foreign language; Dimensions of culture, gender, and society; Psychology and second language acquisition; Total productive management and production line performance improvement; Indian banking sector's development and trends; and Analysis of adultery law which represents the problems related to the students, professionals, parents, family, and the society.

To enrich the related ideas Chaubey & Bhatt conducts a critical study of the infrastructure and status of primary schools in Uttar Pradesh; Mugiziki studies the impact of audio-visual teaching aids on teaching and learning foreign language; Johri evaluates the dimensions of culture, gender, and society in Tagore's Chokher Bali; Samanta & Banerjee focusses on psychological aspects of second language acquisition; David & Mbonimana relates total productive management and performance improvement; Manoj Kumar presents the analytical study of the Indian banking sector's development and trends whereas Misra conducts the critical impact analysis of adultery law. On the whole this issue of Voice of Research presents the recent trends and issues by addressing the problems and presenting the solution to the societal issues. I am sure, this issue will add to the enthusiastic readers and researchers and Voice of Research is able to draw the necessary attention of the concerned people, authorities and departments on the related issue.

With the hope of best for mankind,

Avdhesh Jha  
Chief Editor  
Voice of Research

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**CRITICAL STUDY OF THE INFRASTRUCTURE AND  
STATUS OF PRIMARY SCHOOLS IN UTTAR PRADESH:  
WITH SPECIAL REFERENCE TO SONBHADRA  
DISTRICT**

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**Abstract**

*The progress and development of any country and society depend on the education of the citizens of that country, the purpose of education is not only to give verbal knowledge to the person but also to guide and build character as well as to make him financially capable. Literacy in India, especially adult literacy, has been a national priority since independence, to illiteracy in the country, the Government of India made various provisions, in which students from 6 to 14 years of age were given free and Compulsory Education. The Right to Education Act was passed in the Parliament of India on 4 August 2009. And was implemented in the whole country on 1st April 2010, making India one of the 135 countries to make education a fundamental right of every child. It was the responsibility of the state government to ensure the availability of compulsory and free elementary education to children of 6 to 14 years, admission in the school for the primary students, their attendance should be ensured and quality education should be provided to them. To arrange a school in the neighborhood of the students, there should be no discrimination against the children of weaker and backward classes and to arrange physical infrastructures like buildings, teacher teaching-learning material, curriculum and training for teachers, and free books, is the responsibility of the state government to provide school uniforms, mid-day meal facilities. Sarva Shiksha Abhiyan 2001 recommended opening schools at every 1 kilometer and upper primary school at 3 kilometers and teachers, Shikshamitras appointed in every school so that quality education could be provided. Despite all these efforts of the government, special progress is not being seen in the field of primary education, the increasing attraction of students and parents towards private schools is also an important component. Even after these arrangements and efforts of the government, the desired result is not being achieved, so this is a very serious and worrying topic, that the government and policymakers need to be considered, keeping this subject in mind, The research selected the topic for the critical study of the schools.*

**Keywords:** *fundamental rights, elementary education, Education Act, Literacy, the mid-day meal, Sarva Shiksha Abhiyan*

Primary education is the priority thing in the life of every nation, it is the first step, and only after successfully crossing, a nation reaches its desired goal. No other subject has a close relationship with national life as primary education, the important place in the formation of national ideology and character is of primary education, as much as any other social, political, or other educational activity. In this way, we can say that the education of the

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individual or the education of the common man is the basis of national progress. The Indian education system has been talked about in three major levels: primary, secondary, and higher education. Primary education in which there is from classes 1 to 5 and upper primary education is from classes 1 to 8, in which provision has been made for upper primary education for the age of students from 11 to 14 years. The Education Commission (1964-66) has named education from classes 1 to 5 as lower primary education and education from classes 6 to 8 as upper primary education, according to the age of the students of primary education, their mental, educational, and keeping in mind the physical characteristics, there is a need to create an environment of the school for the all-round development of the students, the idea of compulsory primary education is a product of the democratic governance system, in which the state government will make arrangements for compulsory and free education to all its citizens, The system of providing free and compulsory primary education was first made by Sweden in 1842, followed by America in 1860, Norway in 1870 and 1905 Hungary and Portugal and Switzerland made primary education is compulsory. As far as India is concerned, due to the establishment of foreign rule here, the education system was not under their authority, but the educationists here kept advocating to make primary education compulsory and free, but they could not get success. In 1882, Dadabhai Naoroji founded the Indian In front of the Education Commission (Hunter Commission), a demand was made to make primary education compulsory and free, although this demand was canceled by the British Government, In 1911 Bal Gangadhar Tilak made the demand to make primary education compulsory. Apart from this, Gopal Krishna Gokhale while presenting his bill on primary education before the Central-Dhar - Sabha on 16 March 1911, said that "the purpose of this bill is to gradually implement the principle of compulsory in the primary education system of the country." Many efforts were made to make primary education compulsory and free but without success. India sees the sunrise of independence on 15 August 1947, freed from slavery, in which various schemes and legal provisions are ensured for the people of the country, education was also one of those legal provisions which the government has given priority. And in Article 45 of the Constitution, a provision was made to make primary education compulsory and free. It said that within 10 years of the coming into force of the Constitution, the State shall provide 'an opportunity to all children of its territory to provide compulsory education up to the age of 14 years ', but the constitutional provisions of 1950 state rules and the National Education Policy announced by the Center. And despite implementation programs, the goal of making primary education successful and sending all boys and girls between the age of 6 to 14 years to school and completing primary education could not be achieved. Seeing the serious problem, the government had to make provision for education



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in the constitution and connecting education with life said that ' the more important person is to survive, the more important a person is to get an education and after 6 to 14 years. The responsibility of providing education to children was declared a fundamental duty, through the 73rd Constitutional Amendment Act, Panchayats and Municipalities were empowered to prepare and implement plans for educational development.

### **The rationale of the research study**

Like human life, the circumstances of the country also have their ups and downs, in this case, the story of India has been very interesting, from the glorious past to achieving independence after a long struggle and now becoming a country with ambitions to become a global superpower. And all this is possible only when education can be provided to all the recruits, for which the Government of India is making efforts. Various commissions, committees, and policies are included in whatever efforts have been made to improve the country's education system since independence. The fact is that we have paid late attention to the education of primary and especially rural students. Radhakrishna Commission (1948-49) was formed, for primary education, B. Yes. Kher Committee 1951 whose recommendations became part of the Mudaliar Commission (1952-53). Based on important suggestions regarding primary education, policies like University Education Commission ( 1964-66 ), National Education Policy (1968), National Education Policy 1986, National Education Mission 1988, Sarva Shiksha Abhiyan 2001, National Education Act 2010, Enacting an Act which has achieved success in the field of primary education, but primary education has not yet been accessible to all, UNESCO Global Education Monitoring Report 2016 said that 'going at the current pace, the target of universal primary education in India by 2050 can only be obtained. The infrastructure of primary education has not yet been developed properly, and quality and material resources come after this, the irony is that even after 72 years of independence, we are getting the basic needs of our education including curriculum, social, and cultural life. Key issues like attached values, all-round development of students, development of the physical, the mental ability of students, education in the mother tongue, free from fear, apprehension, and worry, and providing a free environment among students hold a special place, along with school The number of teachers, the presence of teachers, the way of teaching, the solution of the problem related to the subject, the leadership ability of the teacher affects the mind of the students studying in the school, as well as the physical structure of the school in which the students are Clean, clean, ventilated room, seating table, chair, electricity system, clean drinking water, toilets, issues such as majorly affect the school environment. The report 'Asar' by an education-focused Indian NGO (Pratham) shows that after the enactment of the Right to Education Act, there has been a huge increase in the number of schools and enrollment, but the quality of education has

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declined. According to the survey, the general public's confidence in the government school is decreasing, R. The positive effect of the T.E. Act is that there has been an increase in school enrollment of 6 to 14-year-old students, but children are not able to learn even simple skills in school. As per the ASER report (2018), only about 73 percent of Class 8 students can read at least Class II level text and a large number of first-generation students whose families have not attended school before. This situation needs to be viewed with more seriousness, in such a situation, the role of the teacher-parent association in primary schools in rural areas has to be clarified to maintain the quality of education. Keeping these reasons in mind, the research topic has been selected by the researcher.

Research Title: "Critical study of education and structure of primary school located in Sonbhadra district of Uttar Pradesh"

purpose:- To conduct a critical study of the attendance of students studying in primary school; Presence of teachers working in primary schools and critically studying numbers; To critically study the status of primary school structure and material resources; To critically study the facilities and mid-day meal scheme provided by the government to primary school students; To make a critical study of the role of the Village Education Committee and Teacher Parent Association constituted for the development and protection of primary schools.

### **Research Method**

The present study has been done based on observation and interviews. In which the following main points have been included in the overview of the school. Status of school, condition of the school building, number of rooms in the school, facility of drinking water, laboratory, electricity, playground, number of teachers, library, seating facility for students, enrollment status, computer facility, students Major issues such as the provision of toilets for Observation and data has been collected on these key points from the teachers, principals, parents associated with the school.

### **Population benchmark**

For the present study, a critical study has to be done on the education of primary schools located in the Sonbhadra district, in which 20 primary schools have been selected on an objective basis out of 1864 primary schools located in Sonbhadra for the population. In Sonbhadra, out of 10 development blocks, 5 primary schools of 4 development blocks have been selected.

Sr No	Primary school name	Name of development block	Number of students	Attendance of students	Teacher	Number of rooms
1	primary school Korat	Chopan	126	70	2	4
2	primary school Shilpi	,	102	58	2	5
3	Primary School Rijul	,	101	62	3	3
4	primary school semi a	,	226	125	3	6
5	primary school Garhwal	,	247	129	4	5
6	primary school Tarawa	robertsganj	201	113	3	4
7	primary school skirt	-	248	149	2	5

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8	primary school belahi	-	121	101	2	4
9	primary school markundi	-	146	94	2	5
10	primary school salkhan	-	156	82	3	6
11	primary school chigori	Ghorawal	102	68	2	4
12	primary school lohandi	,	123	72	4	5
13	primary school dhanwal	,	140	71	3	4
14	primary school morahi	,	154	98	5	7
15	primary school gurwal	-	230	105	4	6
16	primary school tiara ar	Chatra	102	52	2	3
17	Primary School Bhawani Gaon	-	121	54	3	5
18	primary school sirhi	-	115	59	3	4
19	Primary School Narokhar	-	143	85	4	6
20	primary school karma	-	168	103	3	5

Table numbers 1 to 20 are indicated in the form of primary schools (classes 1 to 5), in which enrollment number of students, attendance, number of rooms in the school, and number of teachers have been indicated.

### **Main Results / Conclusion**

Under the Sarva Shiksha Abhiyan, mainly 4 major points were emphasized, with the most important being enrollment. To ensure 100% enrollment of students in schools, the government has made arrangements for various government schemes, including mid-day meals, scholarships, dresses, free books, etc. The effect of all these schemes was that the enrollment number has increased but the attendance of students is very less relative to the enrollment. The researcher himself is from a rural environment, and on inspection and talking with parents, and teachers of the school, it came to light that many students are enrolled in the school, but they are studying in a private school in the city. In this situation, the condition of rural primary schools remains pathetic in terms of the attendance of students.

In the schedule of the Right to Education Act 2009, the student-teacher ratio (PTR) for primary education has been set at 30:1 respectively, but the reality is different from this, the researcher recorded the number of teachers appointed in the schools during the inspection. After analyzing and studying the data received, it concludes that the number of teachers is less in proportion to the enrollment of students in schools, the recruitment of 69 thousand teachers in the state in 2019 has overcome this problem to some extent, but now And there is a need to recruit teachers so that the number of teachers in each school can be increased. The Minister of State, Ministry of Human Resource Development (Department of School Education and Literacy) presented the state-wise data of teacher-student ratio on unstarred question number 2701 dated 12.03.2018, in which the vacant posts of teachers in Uttar Pradesh are as follows, the total sanctioned posts till 31.03.2017. The number is 759,828, in which the number of teachers appointed is 535,501, and the number of vacant posts of teachers is 224,327. This number is from 4 years ago, now the number of vacant posts of teachers has increased further, in such a situation it is a bit difficult to provide quality education in schools, but not impossible. In the above

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table, the ratio of the number of students to the number of teachers is visible in almost every school, 40:1.

In the Sarva Shiksha Abhiyan 2001, it was recommended that new primary schools should be opened in every village, in which teachers, students, seating facilities, electricity, toilets, clean drinking water, and all material resources should be provided. But even after this recommendation, the problem remains. During an inspection at many places, it can be seen that the building has been built, but due to its poor maintenance, its condition has become dilapidated. Amar Ujala's daily report was published in the newspaper on 24 October 2018, in which it was written that Karera Gram Panchayat of Sonbhadra district is such that even today electricity has not reached. Under the Saubhagya scheme in the village panchayat Kadra of Chopan development block, electricity was reached for the first time in 2017 to assess the situation. Except in some schools, students are not getting the facility to drink clean water, in some places the students are compelled to drink water from open places. The condition of the door in the toilet was pathetic. There were many such schools whose doors were broken or in dilapidated condition. During the inspection, the system of cleanliness in the school premises was also not good.

The government's most ambitious scheme of primary education is the Mid-Day Meal Scheme, in which mid-day meal is provided to primary and upper primary students of classes 1 to 8. The purpose of this was to keep the students in the school and provide quality education to the students and provide daily nutrition and energy. But the apathy of the officials of the Education Department and the low level of rice and wheat from the Public Distribution System broke the room of this scheme. Due to the intervention of the village head, this scheme became more political, and less government, due to which corruption and irregularities started having more effect. During the inspection it was shown that the cleanliness of the cooking utensils was not good, more than half of the teacher's time is spent preparing food, distributing it, and maintaining the goods. According to the menu in schools, food is not even available every day, and the free books and clothes available in the school are also not available to the students on time. After discussing this topic with the teachers, I came to know that the money starts coming in November, while the session starts in July itself.

In primary school, in the year 2005, the state government formed the village education committee and teacher-parent union to maintain the quality of the school and to look after the physical resources of the school. In the village education committee, the village head is the chairman of the education committee, and the members of the village panchayat are its members. The work of the Gram Panchayat Education Committee was to implement and maintain the schemes related to school development such as clean drinking water, construction of boundary walls, and repair of the school on the ground, but during the inspection, it was seen that both the

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Village Education Committee and the Teacher Parent Association far from his active role. There was a register of teachers' parent associations in the schools, but no subject related to the meeting was mentioned. After talking to the teachers, I came to know that whenever parents are called for a meeting in the school, their attendance is very disappointing, in such a situation, we also finish our work by doing paperwork. Due to this the Village Education Committee and Teacher Parent Association are not able to fulfill their real purpose.

### **Conclusion**

After studying and analyzing the results, it was seen that even after the government's efforts, the results of primary education are not satisfactory. Even after spending crores of rupees the government, due to the apathy of the people working, the quality of education is not coming, then it is a very thought-provoking topic. India is doing well in terms of availability and equality of education, it is getting access to primary education to almost every child. But there is still a need to improve the level of learning of students, this has also been confirmed in public studies like National Achievement Survey and SIR. Providing good and quality education to school students requires a multi-pronged strategy and initiatives at various levels, including aspects related to the quality of education, including teachers, better conduct of classrooms, assessment of learning aspects to students, school infrastructure, school leadership, and community participation are key themes. During the inspection, it was seen that there is a need to make the Village Education Committee and Teacher Parent Association more effective and aware of the development of the school and for social engagement. Apart from this, the government should make it mandatory for teachers to post in rural areas for a certain period. On analyzing the data received in the schools, it was seen that the student-teacher ratio in most of the places was also not as per the set criteria. After talking to the teachers, I came to know that their duty is used in other work besides teaching work, whereas in other countries like America, Russia, Japan, Switzerland, and Sweden it is not so. Those teachers only do the work of professional teachers, apart from this they are not engaged in other work. According to the Right to Education Act 2009, teachers are not allowed to be involved in non-teaching activities. Even after this, teachers have to spend a large part of their time in such activities - such as mid-day meal management, administrative work, work like assembly, Lok Sabha, Panchayat elections, and departmental meetings are included. Because of this also teachers are not able to concentrate on teaching their actual work. The biggest problem is that the students do not come to regular school, and the trust of the students and parents in the government schools is gradually decreasing. The reason for this is the structure of the school, the teachers present in the school, their working style, teaching-learning not being effective, and not using the subject-wise teaching-learning material

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according to the interest of the students. The qualification of teachers appointed in primary school is also more than the teachers of private schools. In this situation, the quality of education can be maintained.

The report of the 71st edition of the National Sample Survey shows that a large number of children in rural areas are getting the benefit of mid-day meals. To bring them to school through food and to make them accessible to primary education. The need is that the administrative officers related to this scheme should work considering their duty and service and try to make it more effective, if the students are provided with nutritious food according to the cleanliness and the prescribed table, then the benefits of this scheme will benefit both enrollment and quality. can be improved and primary education can be made more effective and accessible to all. Along with this, the government will have to ensure the supply of necessary infrastructure, resources, and materials related to education and it is necessary to ensure the availability of clean drinking water, toilets, tables for sitting, electricity, distribution of books, uniforms to the students in schools, By which primary education can be made accessible and effective.

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IMPACT OF AUDIO-VISUAL TEACHING AIDS ON  
TEACHING AND LEARNING FRENCH FOREIGN  
LANGUAGE

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**Abstract**

*Despite efforts made by Government of Rwanda and Organisation Internationale de la Francophonie (OIF) through Ministry of Education in order to improve teaching and learning French for English-speaking learners, they still have great difficulty in speaking and writing it. The same difficulties arise at the level of comprehension. This study investigates the effectiveness of audio-visual teaching aids to improve teaching-learning French to anglophone learners, to encourage English-speaking learners to take an interest in learning French; give our contribution to the improvement of the teaching-learning of French to English-speaking learners. To verify that we have achieved our objectives, we have distributed questionnaires to learners, observation, interview with learners and with teachers, as methods used to collect information related to our subject. The findings revealed that audio-visual teaching aids is playing major role in helping anglophone learners to take interest in learning French foreign language. After collecting the information, we analyzed it, in order to draw the conclusion on the results obtained. We recommend the Government of Rwanda through the ministry of education to supply all necessary audio-visual teaching aids for teaching French foreign language and provide many trainings to teachers about how these teaching aids should be used properly in order to enhance students' French ability.*

**Keywords:** *Investigating, French language, teaching and learning, audio visual aids*

Today, like yesterday, language plays a major role in our daily lives. It is an instrument of communication, a tool for socio-cultural development allowing people to help each other, to enrich their knowledge (technological, scientific, etc.) so that the mastery of several languages is necessary. If we then admit that language is a tool of communication, we also admit that this communication takes place when the interlocutors have a perfect command of the language in which the message is transmitted. In Kicukiro district, which is our field of investigation, courses are taught in English as the language of instruction. Learners benefit from French as a subject.

We are interested in improving teaching-learning of French to English-speaking learners, because we notice that they are not very interested in it, whereas its mastery is a wealth. Indeed, we know that in addition to official language status in Rwanda, French is a taught language. It is therefore one of the languages that must constitute our knowledge or enrichment in languages, since it has even become (at the world level) the international language after English.

Despite efforts made by Government of Rwanda and Organisation Internationale de la Francophonie (OIF) through Ministry of Education in

order to improve teaching and learning French for English-speaking learners, they still have great difficulty in speaking and writing it. The same difficulties arise at the level of comprehension. Some learners do not understand anything when the teacher explains a text in French without doing the translation in Kinyarwanda or in English and they cannot even take notes in French.

It is this observation that prompted us to choose the subject of this work entitled "Investigating audio-visual teaching aids to improve teaching-learning French to anglophone learners."

### **Guiding questions**

Such a situation led us to ask ourselves the following questions: First question of knowing the different factors that contribute to the difficulties of teaching and learning French in secondary schools; What effects do audio visual aids have on the teaching and learning process of FFL learners?; Can audio visual aids boost the learners' interest and motivation to learn actively French language?; To what extent do audio-visual teaching aids help learners to follow actively in teaching and learning environment?; What are the students and teachers' attitude toward integrating audio visual aids inside the FFL classrooms?

### **Objectives**

To properly conduct any study, you must set goals to achieve. Thus, we have chosen our topic with the intention of: encourage English-speaking learners to take an interest in learning French; -give our contribution to improving the teaching and learning of French as foreign language instead of being taught as second language to anglophone learners.

Brief literature review and theoretical framework: This research article was guided by one theoretical framework, named Cognitive domain of learning (Benjamin Bloom, 1956). If teachers adapted their teaching methods to the individual needs of each student, more children would receive the opportunity to learn better (Bloom, 1956). This leads to the topic entitled Investigating audio-visual teaching aids to improve teaching and learning French to anglophone learners.

Historical overview of teaching-learning in Rwanda: French was introduced in Rwanda at the beginning of the 20th century with the arrival and installation of the Missionaries of Africa (known as "White Fathers") whose congregation was founded in 1868 by Cardinal Charles LAVIGERIE. It was under the reign of YUHI IV MUSINGA who later gave way to the German colonizers (Richard, 2014). According to NYIRAKABERA (2004), during German colonization (1907-1916), French was not officially recognized and the preferred languages were Swahili and German. And as the power was held by the Germans, the teaching of French at that time was not privileged although most of the missionaries were French. It was during the period of Belgian colonization that French very quickly acquired the privileged status of language of expansion, as stated by



NYIRAKABERA 2004, p. 16): History having put Rwanda under Belgian domination for a certain time, French has become for Rwandans as for other French-speaking peoples, a language of international audience, a "window" which opens onto the outside world. Thus, we have seen French appropriate quite varied fields such as administration, economics and (...) education. In these different areas considered as key areas for any development, French was used because it was the language of the Belgian colonizers. They were the ones who assumed all the responsibilities, which made French a language of administration, that is to say an official language. French as a language of instruction: A language of instruction is assumed to be an enabling tool which facilitates the learning of content subjects (Kyeeyune, 2010). A language is also said to be the language of instruction when it serves as an instrument of communication between teachers and learners during the teaching learning of courses other than the language itself. In other words, it is a language used for teaching and learning.

**French as a subject:** Being one of the means of communication, French has been taught in Rwanda for a long time but for different purposes, depending on the circumstances and needs of the moment. Before 1939, French was taught to a small number of Rwandans who served French-speaking Europeans as we have already said a little above. This teaching of French to the Rwandan elite was elementary and included neither method nor appropriate manuals. From 1939 to the eve of independence, French was taught from the first year of primary school to prepare for the nascent secondary education. From 1962 to the eve of the great reform of 1979, French was a privileged language in Rwanda. It was the only language of communication with foreigners, the language of administration, the second official language after Kinyarwanda, not to mention the status of language of instruction and language taught.

**Bilingualism and its impact on the education system in Rwanda:** It is useful to define the notion of bilingualism, even if it is not easy to find a perfect definition for this term. It is the capacity of an individual to use more than one language regularly, in various situations of daily life. It develops through the need to use more than one language on a daily basis. Based on this definition, we find that bilingualism is a situation characteristic of a linguistic community where two languages are used. In this case, the speakers are called bilingual. Based on this definition of the term in question, we would like to specify that bilingualism has negative effect on French language because most of learners say that learning English language is easier than learning French and they even discourage their schoolmates who want to be active when teaching and learning French is taking place.

**Factors that contribute to French teaching-learning difficulties**

The dominance of Kinyarwanda and English over French: Kinyarwanda as a mother tongue is used in all social strata of the Rwandan population and English which has become a language of instruction. They play a major role in the weakness of good oral and written expression in French. Despite being in the fourth and fifth years of secondary school, these students want to use the mother tongue or English almost everywhere, so they even tend to use Kinyarwanda during the lesson.

Lack of motivation: Since primary school, today's teachers no longer give French the value it deserves as an official language, and forget its importance both nationally and internationally, especially in the press and in research. The majority of teachers do not encourage their students to practice French, and do not encourage them to master this language because they think that the use of English constitutes the pride of an intellectual. This is also done at the secondary level where students are not motivated to master the French language.

**Insufficient knowledge of French:** Apart from a few private schools, in the other schools, the pupils will learn French for the first time as soon as they enter secondary school and this for two hours per week. There are even schools that do not teach French in the core curriculum, which means that students begin to study French and communicate with its speakers after reaching the upper cycle.

Audio-Visual teaching aids: It focuses on the joint use of image and sound. The didactic supports are visual, oral and written. The sound support consists of a series of magnetic recordings and the written and visual supports are of the captions of dialogues or comments. Exercises of phonetic correction, structural training, and descriptions of reused images are employed. The canonical phases of the lessons according to this methodology are the following: presentation/explanation, repetition/memory, exploitation/fixation, transposition/appropriation. All the methods present in the direct methodology were used as a teaching method, in particular the direct method, in which the images were the starting point for direct understanding, that is to say without having recourse to the mother tongue. This method was applied both to the teaching of the lexicon (without translation) and to the teaching of grammar (without the intermediary of the rule, the student knew the rules intuitively). The audiovisual methodology is based on a basic dialogue document, developed to present the vocabulary and structures to be studied. In the case of the oral methodology, the audiovisual medium replaces the written medium. The interpretative way of the basic dialogue facilitated its oral exploitation in class.

Types of Audio-Visual teaching Aids: Audio visual teaching aids are classified into three types: audio aids, projected and nonprojected visual aids and audio-visual aids (Merdas,2015). The following are definitions,

activities and objectives of different forms of audio-visual materials now in use by foreign language teachers in the classrooms.

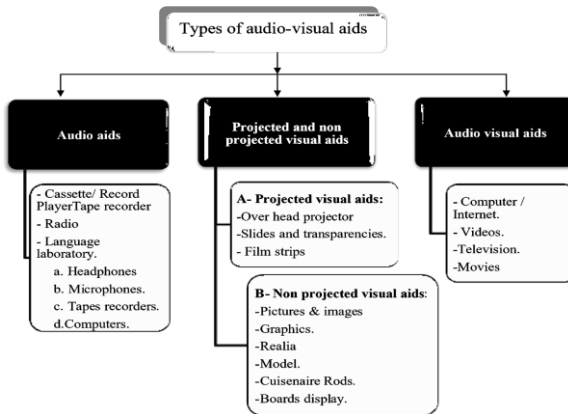
Audio Aids: Audio aids are audible materials that communicate thoughts and ideas through the ears to the mind; it includes the spoken words, recognizable sound, songs and music (Merdas, 2015). Audio aids are valuable and very essential materials **used by the teacher in the French classrooms in order to stimulate learners' attention and practice target language.**

Integrating audio aids into classrooms brings the reality directly through exposure to the native speakers' sounds. Examples of this equipment are (Audio cassettes/ tape recorder, Radio, Music/ songs and others). Teachers use audio materials on tape, CD or hard disk when they want their students to practice listening skill (Harmer,2007). He suggested a number of advantages and disadvantages of audio material precisely are:

Projected and Non-Projected Visual Aids: «Visual aids are those materials which use the sense of vision. Simply, visual aids communicate facts and ideas through the eyes to the mind. », (Merdas, 2015). It comes in two main types as: « Projected and non-projected visual aids. It can be very powerful tool to encourage active participation and enhance the presentations; visual aids such images added a powerful support to the spoken words. Examples of this equipment are pictures, chalkboard, slide projectors, PowerPoint presentations and others. Moreover, the effective use visual aids can reinforce the content of the speech, focus attention, and increase interest of the audience; those visual tools come in variety of forms such as slides, charts, maps, and others. », (Merdas, 2015).

Audio Visual Aids: Languages are dynamic, so they are used in the media such; Internet, computer, television, radio and newspaper that are extraordinarily rich sources of language in use (Çakir, 2006). The audiovisual teaching aids are electronic materials that involve the both audible and vision senses and provide vivid information such as: Computer and Internet, videos, television, movies.

The following Diagram summarizes the main common types of audio-visual aids that are used nowadays in French foreign language:



Impediments that cause the Implementation of Audio-Visual teaching aids: Using audio visual aids can be helpful for making teaching and learning easy and attractive, effective and permanent, but there are certain challenges and disadvantages that can affect negatively the process of teaching and learning.

According to Merdas, S. (2015), «Using Audio Visual teaching aids can be useful for making learning easy, effective and permanent. » But there are certain problems hinder the uses of them are: Teachers’ inability to use Audio Visual aids properly has emerged as biggest hurdle in utilizing these materials to promote learning and teaching students. This problem is because they lack of the required dedication to learn new ideas of teaching. They are hesitant about bringing new experiments and innovations in their teaching and are far behind in making use of new technology; Financial hurdles: Luck of funds in providing money in arranging and maintaining the costly audio-visual aids. Where many schools are failed to manage and obtain appropriate materials; School management and teacher has complete focus on marks obtained in examination rather than learning. Due to this attitude by consider investment in implementing audio visual aids as wastage of time and money; Need for training: inappropriate teacher trainer programs are seeming another problem which prevent the use of technological assistance such as audio-visual aids. Those existing teacher training programs are not framed properly to train them about how to use the teaching aids effectively in and outside the classroom; Time: Another drawback is that audio visual aids are time consuming in preparation; it takes time to produce one’s own video or slides. Films may be difficult to obtain, creating a PowerPoint presentation can also be time consuming. (Park, 1999); Indifference of students: The judicious use of teaching aids arouses interest but when used without a definite purpose they lose their significance and purpose (JoomlArt.com, 2015); Apathy of the Teacher: It has not yet been possible to convince the teacher that teaching with words alone is quite tedious, wasteful and ineffective (JoomlArt.com, 2015).

Data collection methodology and technique: This article attempted to answer the following research question: “What is effectiveness of using audio-visual teaching methodology to improve teaching and learning French to anglophone learners?”

**Presentation of the study population**

The study was conducted among 45 secondary students and French teachers, both in private and public schools. They were selected in five schools located in Kicukiro district as sampling technique. «While the pre-2008 language policy allowed lower primary schools to choose either French, English or Kinyarwanda or a combination of two as a medium of instruction, the participating teachers experienced the medium of either of the three at secondary school level, they then shifted to English medium in 2009. », (Niyibizi,2015). The 8 selected teachers had a long experience in teaching and had been teaching French before the shift to English medium. These participants were selected from five secondary schools, including three public and two private schools.

Instruments: In research work, the complementarity of different techniques and methods to collect data are essentials. This is why we used various techniques and methods to collect tangible, reliable and objective information that should make our job easier to find the solution to the problem identified. To have the points of view on the learning and the teaching of the French language, its current value within the Rwandan society, we tried to distribute questionnaires to the 45 pupils, to collect all the information which can contribute to the resolution of the problem identified. Fortunately, 40 out of 45 students responded to our questionnaires and returned them back to us.

In order to have also useful information to improve the problem, we interviewed various students and their teachers, in order to obtain reliable information and tangible testimonies on the difficulties of learning French for students and the effectiveness of using audio-visual teaching aids in teaching and learning French to anglophone learners.

Analysis: To make an effective analysis of the data collected, we used two essential methods, namely qualitative and quantitative analysis. In this research work, we used a qualitative analysis of the information given by the respondents and interviewees concerning “How audio-visual teaching aids help in improving the teaching learning of French to anglophone learners.”:

Question 1: Does your teacher use teaching aids such audio-visual aids in the classroom?

**Table 1 Students’ responses about use of audio-visual teaching aids**

Opinion	N° of students	Percentage %
Yes	24	60 %
No	16	40 %
Total	40	100 %

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From this table, the majority of the participants with percentage 60% reports that their teachers use audio visual aids in Oral classroom; however, 10 of the students with percentage 40% claimed that their teachers do not use teaching aids in classes. Consequently, it seems that the majority of the teachers are interested in using alternative methods and strategies to enhance students' French level as well accomplish effective teaching process whereas teachers do not use this tool; it may because of their teaching ability or lack of training.

Question 2: If it is yes, how often does your teacher use audio visual aids in the classroom?

**Table 2 Students' views about how often audio-visual aids is used in the classroom**

Opinion	N° of students	Percentage
Always	03	06 %
Sometimes	28	70 %
Rarely	7	20 %
Never	02	04 %
Total	40	100 %

This question is related to the previous one, it observed that the majority of the students with percentage 70% reported that their teachers sometimes use audio visual aids in teaching oral expression and 7 of the students with percentage 20% reported that these tools are used rarely. Only 3 of the students with percentage 6% argued that their teachers always use audio visual aids and 2 of the students with percentage 4% said they are never used. As a result, the percentage of 70% indicates that some teachers use audio visual aids sometimes when they found it necessary according to the subject and they are rarely as well they are quietly aware of the usefulness of these devices in FFL context. However, teachers who tend to use these devices from time to time or never, it could be that these tools are not always available and teachers cannot always have accessibility to them which means that they are interested but there are certain circumstances that prevent them from using teaching materials.

Question 3: Do you prefer to learn with audio visual aids? Justify your answer.

**Table 3 Students' views about if they prefer learning with audiovisual aids or no.**

Opinion	N° of students	Percentage %
Yes	38	94 %
No	02	06 %
Total	40	100 %

The table above shows that the majority of the participants with the percentage 94% prefer to learn with audio visual aids since it is helpful, enjoyable in many ways; it facilitates learning, simplify ideas and brings the real context into classroom whereas 2 of the students with the percentage 06% doesn't prefer to learn with audio visual aids, it may because of their personality or they don't aware of the value of this tools in learning process. Two of the participants which represents 06% respondent "No" but they didn't give any justifications. Their choice may interpret according to their characteristics and learning style.

Question 4: If yes, what kind of audio-visual aids do you prefer to learn?

**Table 4 Students' answer about which type of audio-visual teaching aids they prefer most.**

Options	N° of students	Percentage %
-Audio aids (Tape recorder...)	7	18 %
-Visual aids (Pictures,PowerPoint...)	13	32 %
-Audio-visual aids (videos, television...)	20	50 %
Total	40	100 %

This question is related to the previous one. The table above shows that 20 of the students whom represent 50% prefer to learn with audio visual aids, it may due to their nature and characteristics of combining both the audio and the visual senses. However, 13 of the students with percentage 32% indicates that they are prefer to learn with visual, it may because of their styles to learn through seeing such as PowerPoint presentation, pictures or others. In contrast, 7 of the learners with the percentage (18%) indicates that they choose to learn with audio aids since they acquire language better through hearing such as tape recorder, radio, songs and so on.

Question 5: What is your attitude toward using audio visual aids as teaching aids into French Foreign Language?

**Table 5 Students' attitudes toward using audio visual teaching aids.**

Options	Students' number	Percentage %
a. Positive	30	76 %
b. Neutral	10	24 %
c. Negative	00	00 %
Total	40	100 %

This question seeks to know the student's attitude towards using audio visual aids in teaching and learning French. Hence, the table indicates that the majority of the students with the percentage 76% have positive attitude, it may owe to their awareness of the usefulness and significance of these tools in facilitating teaching and learning language through hearing and watching whereas 10 of the students with percentage 24% have neutral attitude which means no opinion or they don't care in which way they are taught. And no one has negative attitude 0 (0%).

Question 6: Does the class become more interesting if the teacher uses audio visual aids when teaching you?

Options	No students	Percentage %
Yes	38	94 %
No	2	06 %
Total	40	100 %

Table above shows that the majority of the respondents with the percentage 94% are agreed that class became more interesting and attractive if the teacher use audio visual aids during teaching whereas only two students (6%) disagreed integrating this tool. Consequently, it is pleasing to know that audio visual materials have a positive effect on students since it brings authenticity, make class enjoyable as well as reach fulfilled outcomes for French foreign language learners.

### **Results and findings**

After collecting the data from the learners, we had the idea of interviewing the teachers of "French language".

This is why out of 3 teachers; we were able to contact 2 teachers. During our interviews with the teachers, we asked them to tell us about how they feel when they teach using audio-visual teaching aids. The answer to this question, both said that they try to use these new teaching aids regardless to ICT literacy and insufficient materials they are still facing.

The second question concerned types of audio-visual teaching aids which help learners to take interest in learning French. To answer this question, all interviewed teachers answered that most of audio-visual aids attract learners' attention but audio-visual aids is the most attractive one.

During the interview, we wanted to know also which type of audio-visual teaching aids which help learners to take interest in learning French. Many students said audio-visual aids help them to follow attentively due to the combination of sounds and image.

### **Conclusion and recommendations**

This article provides us a deep insight on the significance of using audiovisual aids in teaching and learning process in general and teaching active French foreign language to anglophone learners in specific. In this work entitled " Investigating audio-visual teaching aids to improve teaching and learning French to anglophone learners. Case study Kicukiro district", it is important to present the main part of its content. When undertaking our research, we noted that the teaching-learning of French to said learners presented difficulties. These were the basis of their poor performance in French. We then proposed to determine the factors related to this problem in order to give our contribution to the improvement of teaching-learning to these learners. We talked about different strategies that we used to solve this problem.

To obtain information on this problem, we used different techniques to collect data such as observations, questionnaires, interviews, etc. We recommend to the Rwandan government to revalue French by considering it as the other official languages, by increasing the number of periods reserved for this language on the school timetable and by encouraging the current generation to practice this language and by providing enough audio-visual teaching aids. It must also train French teachers how these materials are used in order to boost students' French ability. To help in improving teaching and learning of French, school headteachers must encourage students to practice French by forming French clubs in their schools.

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**DIMENSIONS OF CULTURE, GENDER, AND  
SOCIETY IN TAGORE'S *CHOKHER BALI***

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**Abstract**

*Chokher Bali*, (translated as 'Eyesore') by Rabindranath Tagore is said to be the first 'modern' novel written in India. Though the book was published in 1903, it is modern in its narrative technique, subject matter, and delineation of the protagonist Binodini. Through this paper, I will study the text's historical, geographical, and cultural background. The analysis of the text will engage at the level of society, gender, and history. For this purpose, the novel has been examined through the lens of Cultural Studies to explore Tagore's depiction of the Indian society that was undergoing social transformation. The study also seeks to determine whether the characters' choices were governed by the cultural and religious practices of the specific time frame within which the narrative has been woven. My goal is to examine the novel as a cultural artefact that is shaped by its context and provides insight into the nuances of the age.

**Keywords:** *Social reforms, culture, agency, representation, emancipation, identity.*

"Where the mind is without fear, and the head is held high"

Rabindranath Tagore, born on 7 May 1861, was one of the fourteen children of Debendranath Tagore. Dwarkanath Tagore, his highly progressive grandfather, was an influential force behind the Bengal Renaissance. Tagore's father was spiritually inclined and believed in the Hinduism embodied in the Upanishads and other scriptures. He ensured that his children were exposed to both the Bengali tradition and Western culture. Tagore was sent to seek higher education in Bristol, England, in 1878. By then, Tagore was already writing poems in Bengali, translating Western plays, acting in plays, composing music, sketching, and painting. His collected poems *Kanyagravhali*, came out in 1896, and his first collection of short stories, *Galpaguchchha*, in 1900. Having established himself in India as a writer in Bengali, he later launched himself in England. With translations into English, he gained a wider readership and gained international recognition as an acclaimed writer. At a time when India was still under British Rule, Tagore won the Nobel Prize in 1913 for *Gitanjali*. He was the first Asian to have won the prize. Amit Chaudhary notes in his introduction to *The Essential Tagore*: Tagore was awarded the prize mostly due to the efforts of the Swedish poet Verner von Heidenstam, who had declared on reading the English *Gitanjali*: "I was deeply moved when I read them, and I do not remember having read any lyric writing to equal them during the past twenty years or more" (p.9).

Tagore was marvellously modern in his thoughts and approach. He was a visionary, a sensitive artist at heart who broke the shackles of orthodox beliefs and created masterpieces in works such as *Chokher Bali* (1903), *Gora* (1910), *Gitanjali* (1910), his plays, short stories, songs, music, paintings and

even a whole new system of delivering education which is practiced till date through Shantiniketan and Vishwa Bharti University.

Amartya Sen offers an important observation regarding Tagore's approach in his article, *'Tagore and his India, voice of Bengal'*. Sen maintains that Tagore did not merely create a synthesis of the West and the East, rather his approach entailed a non-sectarian representation of different parts of Indian culture as well as the rest of the world. Tagore believed that lack of education was the primary cause for Indian social, economic, and cultural afflictions. Sen quotes Tagore in the article mentioned above: In my view the imposing tower of misery which today rests on the heart of India has its sole foundation in the absence of education. Caste divisions, religious conflicts, aversion to work, precarious economic conditions – all centre on this single factor.

He questioned and rejected any practice or promise of commitment in the past that did not stand to reason in the present. We find the same pursuit for excellence, liberty, and unwillingness to submit to the stereotypes imposed by society in the character of Binodini in *Chokher Bali*.

*Chokher Bali* (1903), translated as 'Eyesore', is a towering example of Tagore's foresight, zeal for social reforms, and astute understanding of the characters' psychology and consciousness. It is a blend of Western progressive thought and a representation of the cultural ethos of Indian values, family system, and moral codes.

### **Historical and Cultural Background**

The Revolt of 1857- 58 is historically believed to denote the onset of the modern age in India (Metcalf and Metcalf,2006, p.92). Apart from being the first war of Independence, it also marked the commencement of technological modernization through the establishment of railways and telegraph and the setting up of universities. English Education Act (1835) decreed the allocation of funds for education in India. The Universities of Calcutta, Mumbai, and Madras were established in 1857, followed by Universities in Aligarh (1875), Punjab (1882), and Allahabad (1887). Concurrently, a spate of social reforms such as the Abolition of Slavery (1843), Widow Remarriage Act (1856), Bengal Sati Regulation Act (1929), and Child Marriage Restraint Act (1929) were also introduced.

Tagore's lifespan from 1861- 1941 corresponded with the onset of modern thought. A sense of national pride in Indian traditions, customs, and religion accompanied British colonialism and Western education. In the article, *'Modernism and Modernity in Rabindranath Tagore'* Coquereau observes that at that time Kolkata, the capital of Bengal was of vital significance: (Kolkatta)... represents the locus of intersection of the local and the global, the traditional and the modernist, the colonial and the indigenous, the Bengali speakers and the English speakers, the international and the national. The conflicts and tensions of these different forces occurring suddenly in this single place transformed it into an important modernist city (p.84).

The nineteenth-century social reform era brought the 'woman question' into the foreground. Efforts were made to uplift women, whether education, marriage, or even the right to remarry. Savitribai Phule in Maharashtra started the first school for girls as early as 1848, Tarabai Shinde wrote the famous, *Stree Purush Tulna* in 1882. In her article, "Promotion of Female Education in Nineteenth-century Bengal", Kaberi Chatterjee notes how the Bengal Renaissance integrated the native and Western attitudes concentrated on female education to achieve social regeneration (p.767). Brahmo Balika Vidhyalaya (1890) and Mahakali Pathshala (1893) were established in Kolkatta which widened the horizons for female education. Along with education also came the ideas of *bhadralok* (respectable gentlemen who were almost always upper caste Hindus), *bhadramahila* (respectable ladies of culture) who were the privileged class distinguished from *chotolok* (lower order). There was a specific code of conduct for the members of *bhadralok*, which amounted to the exploitation of the lower class and caste, leading to discrimination (Dwyer, 2016, p.21). Tagore picked up the cause of women in his works and created strong female characters. The most memorable of them are Charulata (*A Broken Nest* 1901,) Mrinal (*A Wife's Letter* 1914), Mrinmoyee (*Sampati*), Binodini (*Chokher Bali* 1901). They are all empowered progressive women who refuse to be subdued by their male counterparts or societal norms. They fight against social injustice, seek equality, and challenge social evils like rigid caste systems, untouchability, and patriarchy. Chakravarty (2016) notes: Tagore's ideas about modernity develop through various phases in response to changing historical contexts, demonstrating that the 'modern' is not a fixed idea but always a relational one, neither confined to a single time period nor identifiable with a single geographical location, namely, the 'West'. (p.1)

*Chokher Bali*, the "eyesore": *Chokher Bali* has been hailed as the first modern novel in India. It is interesting to probe what constitutes the elements of modernity. Radha Chakravarty succinctly points out that, "In *Chokher Bali*, modernity takes the shape of a new interiority, an attempt to psychologize the modern Bengali subject" (2022, p.243). In his preface to the second edition of the novel Tagore states that the literature of the new age does not merely narrate a sequence of events but reveals "the secrets of the heart" (Chakravarty, 2022, p.243). Tagore believed modernity to be the ability to look at things objectively without any prejudice or bias.

In its treatment of forbidden love, the novel centres around Binodini, a young, attractive widow, and Ashalata, the childlike, beautiful, uneducated wife of Mahendra and Bihari, the latter's friend. Rajlakshmi, Mahendra's dotting mother, and Annapurna his aunt, are widows who live an austere life of toil and penance. The equilibrium of the household is subverted because of Binodini's relationship with Mahendra. Binodini later renounces his company and is offered marriage by Bihari. She rejects that, too and chooses to live the life of a recluse widow in Benaras. The unfolding story

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reveals intriguing aspects of Binodini's desires, her stratagems, her cleverness, and her composed renunciation of the two men. She emerges as an independent, self-possessed woman. Chakravarty recounts, "From his letters, it is apparent that he began with the working title Binodini but changed it to *Chokher Bali* not long before its publication in Bangadarshan" (p.243). She is indeed the chief protagonist of the novel. *Chokher Bali* means an eyesore, a grain of sand, an irritant in the eye. Though Ashalata and Binodini lovingly call one another "Chokher Bali", Ashalata emerges as the victim and Binodini as the 'other' woman who causes disharmony in the former's marriage. Who is the real 'eyesore', is a question left for the reader to ponder upon. Tagore's ultimate craftsmanship is evident in his presenting a thesis and an anti-thesis by pitting the opposites against each other, such as the ideas of man/woman, education/lack of it, married woman/widow, modernity/orthodoxy. He presents a compelling point and counterpoint. The reader is allowed to evaluate the characters' actions and draw deductions about the state of the widows, the importance of education for men and women, the sanctity of marriage, the issue of adultery, and the need for a woman's gratification of her bodily desires. The characters and their story are a product of the material cultural setting to which they belong.

### **Cultural Studies**

What is Culture? Raymond Williams (1985) admits that "culture is one of the two or three most complicated words in the English language" (p.87) partly because of its complex historical development and because of its distinct and diverse usage across several disciplines. In its earliest usage, it served as a noun signifying a process such as tending crops or animals. The meaning of the word has transformed over the centuries. It later evolved to describe a way of life and denoted how a community or set of people live their lives. It also became a marker to signify people's achievements in the arts field, like music, dance, and films. Habib (2008) points out that "in modern usage, culture has sometimes designated the highest achievements of a civilization in its literature, science, and arts" (p.172). These are believed to be a repository of aesthetics and refinement. Anthropologists and sociologists have used it to describe not only arts but also beliefs and practices of various segments of society, groups, and subgroups- such as women, members of LGBTQI, ethnic minorities, and people of class and colour. Regarding the mutable and dynamic nature of the concept, Simon During (2005) maintains that: Culture is not a thing or even a system: it's a set of transactions, processes, mutations, practices, technologies, institutions, out of which things and events (such as movies, poems, or world wrestling bouts) are produced, to be experienced, lived out and given meaning and value to in different ways within the unsystematic network of differences and mutations from which they emerged to start with (p.6).

The term "cultural studies" is applicable to a wide spectrum of disciplines, such as Anthropology, Sociology, Arts, History, and even Literature. Literature includes not only the texts that have been in the mainstream

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canon but also popular literature, films, shows on television, mass media, music, and the like. Everyday life serves as a “text,” bringing about democratization and breakdown of the hegemonic structuring inherent in earlier exclusionary practices. ‘Cultural studies’ is a process that aims to produce useful knowledge by appropriating ideas and principles from theories such as Marxism, Structuralism, Feminism, and Postcolonialism. Cultural Studies explain how existing practices are ‘produced’ and ‘constructed’ out of power relations, social stratification, and hegemonic structures. The aim of Cultural Studies is to deconstruct the codes of culture to understand how people live in a community and how certain practices are manufactured and gain precedence over others. Chris Barker’s observation on the subject is as follows: ...cultural studies is centrally concerned with culture as constituted by the signs, meanings and representations that are generated by signifying mechanisms in the context of human practices. Further, cultural studies is concerned with the construction and consequences of those representations and thus with matters of power since patterns of signifying practices constitute, and are constituted by, institutions and virtual structures (p. xvii).

According to Stuart Hall culture is a site of “social action and invention where power relations are both established and potentially unsettled” (Procter, 2007, p.1). Hall believed that the study of culture could expose the power relations within a society, and it could devise a mechanism to consider how the marginalized, subordinate group could reclaim their cultural space from the dominant group. The proper service of a cultural critic and a scholar is to create awareness so that the marginalized sections are not exploited and ostracised. In this regard, During observes: The first characteristic feature of cultural studies is that it is... *an engaged study* of culture... I mean a sensitivity to the ways in which culture is (in part) a field of power relations involving centres and peripheries, status hierarchies, connections to norms that impose repressions or marginalisations. (p.9)

Cultural Studies also entails a commitment to celebrating or critiquing cultural forms, producing accounts of culture that can be fed back into cultural production to enable new exchanges between various cultural forms and people.

### **Cultural Analysis of *Chokher Bali***

Though published in 1903, it is still a popular novel that has been translated into English multiple times. The earliest translation by Surendranath Tagore appeared in 1914, followed by the 1959 translation under the title *Binodini* by Krishna Kriplani published by Sahitya Kala Akademi (Chakravarty, 2012, p.1). Radha Chakravorty’s translation in English appeared in 2012. It has also been translated into most of the regional Indian languages, into Russian (1959) and Chinese (1961) (Contributors to Wikimedia projects). It has also been adapted for the stage, the earliest example being in 1904 by the Classic Theatre in Calcutta (Chakravarty, 2012, p.1). In her review “Theatre Is

Easy” of the production at Broadway, Katherine Nedder notes, “*Choker Bali* takes on the daring task of bringing traditional Indian customs together with modern culture and female sexuality, through the medium of Greek tragedy... *Choker Bali* makes one think about the meaning of love, obsession, and longing” (2016). There have been film adaptations as well, those by Anurag Basu in 2015 on Netflix and Ritupara Ghosh in 2003 being the most popular. Despite having been written in 1901, the novel still has an abiding influence, its recent stage and film productions are a testimony to its contemporary relevance.

### **Cultural Materialism**

The term Cultural Materialism, attributed to Raymond Williams, denotes the idea that culture is born out of material processes under specific historical and geographical conditions. Barker (2004) asserts that “cultural materialism is concerned to explore the questions of how and why meanings are inscribed at the moment of production” (p.39). This approach is an extension of the Marxist theory or historical materialism, which maintains that the production and reproduction of culture is a consequence of the material conditions of life. The economic ‘base’ shapes the ‘superstructure’ of ideas, politics, arts, and ideology. The relationship between the base and the superstructure is “rather mechanical and economically deterministic” (ibid. p39), hence it was rejected in favour of the Structuralist approach through which culture came to be seen as a “set of distinct practices” (ibid.p.39) with its own internal organization. Cultural materialism, therefore, treats culture as a dynamic process born out of economic, political, and social forces within a given historical and geographical framework.

In the article, ‘Cultural Materialism - an Overview’ Tolia-Kelly (2009) states that Raymond Williams believed that Literature of any age reflects the prevailing values of that society. Artistic endeavors such as novels, paintings, and architecture are cultural products that reveal society and its culture. Regarding the value of novels as a cultural product, it is stated in the *International Encyclopaedia of Human Geography* that novels are not a mere reflection of social values but become diagnostic and political tools through which consciousness and transformation can be generated.

To sum up, Cultural Materialism considers culture neither to be a mere outcome of economic forces nor an abstract entity, rather it is constructed out of “texts” that are produced and consumed in each location at a specific time by the people of its community. It is a phenomenon that is governed both by the history and geography of the place. In my assessment, *Choker Bali* has been used as a diagnostic and political tool, through which Tagore presents the Indian ethos and enables the consumer of the novel/film/play to probe deeper into social issues, such as women’s education, man-woman relationship, marriage, sexuality, and patriarchy.

### **The ‘Woman Question in *Choker Bali***

Tagore was influenced by developments in the Western world, which had already witnessed the first wave of feminism in 1848 at the Seneca Falls Convention in New York. Apart from the demand for women's electoral rights, the activists had also raised slogans for the right to education, right over property and wages. The movement resisted female oppression and demanded equal legal rights. In an essay titled, 'The Woman Question', Janine Utell points out that in the late nineteenth and early twentieth century, the term referred to "the problem specifically of women's suffrage, and more broadly of changing political, economic, and professional roles for women and of social and sexual liberation".

Tagore's female characters embody the same spirit and progressive outlook. Binodini's search for identity, her decision to not accept subservience, and her choice to walk out of the two men - Mahendra and Bihari, is a testimony to the author's modern outlook. Radha Chakravarty's (2016) remark regarding his predisposition towards women's issues is quite pertinent, she says: For Tagore, gender is an essential component of the idea of the modern. His concern with issues of women's changing position in society is integral to his formulations of modernity. Equally pressing for him are questions of changing definitions of masculinity in a society that finds itself in a state of flux (p.17,2016)

### **Role of Education**

In *Chokher Bali*, Binodini wins over Mahendra, not only for her youthful beauty but also for her intelligence and her wit. She is educated and well-versed in music and housekeeping and has an enchanting raw charm. Binodini holds no qualms in betraying Ashalata, whom she calls 'Bali', she forgoes the codes of '*bhadramahila*' to experience fulfilment as a woman. Her transgression with Mahendra is contrasted with her relationship with Bihari in the later part of the novel. Despite their mutual love, she refuses to marry him, as she does not want her sinful past to cast its shadows on his future. Perhaps Tagore only intended to lead the readers to reexamine the possibility of widow remarriage and empathize with the widow's plight. The two older women in the novel, Rajlaxmi and Annapurna are also widows who have lived an austere life. Their orthodoxy has been contrasted with Binodini's modern outlook, which can be attributed to her education. Knowledge and education are shown to be empowering for women. The role of education is further highlighted by contrasting the naivety of Ashalata with the cleverness of Binodini.

Widow remarriage in Colonial India still had a stigma attached to it. K.M. Kapadia (1957) studied the impact of the Widow Remarriage Act (1856) in India with respect to Gujrat and Maharashtra primarily through literary texts. Kapadia writes that occasionally, widow remarriages had to be performed under police protection. Regional literature of that age documented the mistreatment of widows. Kapadia says: writers have written on the miserable lot of the widows- seduction, abortion, infanticide



and suicide as the known and fairly widespread results of enforced widowhood and condemned the apathetic attitude of the society to such a situation without the least moral qualm. (p.45)

Tagore's novel, like other literary works in Marathi and Gujrati, attempted to improve the condition of women and elicit sympathetic responses towards them. These writers rightly believed that regeneration of the society would be possible only when the condition of women improved.

### **Institution of Marriage**

*Chokher Bali* also offers a critique of the institution of marriage. Women have traditionally been confined to the household, their realm has been defined in the private sphere, unlike men who held important social positions. Child marriage was rampant until the Minimum Age for Marriage Act was passed in 1829. Girls were married at a young age. Being trained only in household duties, they had no voice as they had no education or legal rights. Ashalata, in the novel, is an example; her innocence is initially charming to Mahendra, but he later finds it repugnant. Marriage is central to the novel's theme; girls were to be 'seen' by Mahendra and Bihari and 'chosen' for marriage if 'approved'. Binodini loses her husband in six months and is condemned to live a life on the margins. Marriage was the initiation into womanhood, and widowhood was its fateful end, thus circumscribing a woman's life within the circle of power wielded by men. Tagore compels the readers to reexamine such practices.

Ashalata dutifully accepts Mahendra at the end, despite his adultery – the dalliance of men is accepted, but Binodini is condemned for the same. *Bhadramahila*, was supposed to embody virtues like, chastity, submission, devotion, and kindness – like Ashalata. Binodini flouts these norms to seek her path of liberty because of her awareness and education. She has the courage to reject both men to fulfil her destiny as a discerning, empowered woman. Though modern in outlook, she is aware of the stigma of a widow's remarriage, she says, "I am a widow, a woman disgraced, I cannot permit you to be humiliated in the eyes of the society" (Tagore, p.389).

**Patriarchy:** The period from 1860 onwards witnessed sweeping social, economic, and political changes in India. The gentlemanly class, which had hitherto ensconced itself in the feudal system, began moving to the urban centres. Cities became the centers of education, social and cultural activities. People were drawn to new professions, like medicine, engineering, and civil services. Both Mahendra and Bihari are students of Medicine, while Binodini has been given basic education by her family so that she could find a suitable match in marriage. Her husband barely teaches Ashalata to read and write, and Rajlakshmi and Annapurna are uneducated. We see how patriarchy is deeply engrained in the social system; men wield power over women and treat women as objects of ownership, and such superiority over women amounts to the latter's subjection and loss of agency. Sylvia Walby (1989) considers patriarchy to be "an essential tool in the analysis of gender

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relations” (p.213). She defines “patriarchy as a system of social structures and practices, in which men dominate, oppress and exploit women” (ibid.p.214). Men enjoy autonomy, privilege, and power, which is denied to women in *Chokher Bali*. Binodini comes across as a woman who resists the force of patriarchy and emerges as the “new woman”. Radha Chakravarty (2023) notes: When Tagore wrote *Chokher Bali*, attitudes towards widows had become less straitlaced in progressive segments of the society. Binodini is expected to lead an austere life of self-denial but is not compelled to lead an ascetic existence. (p.53-54)

**Agency:** Agency is an important concept employed in Cultural Studies. Chris Barker (2004) discusses how it is commonly associated with “notions of freedom, free will, action, creativity, originality, and the possibility of change brought about through the actions of sovereign individuals” (p.4). It refers to an individual’s ability to act, take charge and make a difference to oneself and others. This ability is determined by how men and women are constituted as subjects. Barker further explains the concept as “a culturally intelligible way of understanding ourselves, and we clearly have the existential experience of facing and making choices (p.5).

*Chokher Bali* shows the reader the contrast between men and women. Distinct gender roles are prescribed for the two sexes. Men study, pursue a profession, are the decision-makers, and function in the public sphere. In contrast, women are either illiterate or only educated to seek a husband, perform household duties, and follow men’s commands. This kind of total disempowerment of women has been a common practice in most cultures. Limiting women to the domestic sphere, depriving them of education, and building narratives of femininity around virtues such as chastity, subservience, and obedience are some social determinants that perpetrated patriarchy. Binodini, however, embodies confidence and agency- an anomaly in the social context but presented by Tagore as a desirable goal for women to aspire.

**Identity:** The concept of identity, too, is a cultural formation since it is a product of the cultural discourse. We are constituted as individuals through ‘acculturation’, and our identities are products of ‘performative’ gender roles, and these are, in turn, structured around the discursive social practices. Identity also links the “emotional ‘inside’ of persons with the discursive ‘outside’” (Barker, 2004, p.94). Barker explains:

The argument that identity is not a universal entity, but a culturally specific discursive construction is grounded in an anti-representationalist account of language whereby discourse defines, constructs and produces objects of knowledge. Consequently, what we can say about the identity characteristics of, for example, men, is culturally circumscribed (p.94).

Cultural and social codes determine the characters' identities in Tagore’s *Chokher Bali*. Women’s identities are established through their husbands, and men’s identities through their professions, the use of clothes,

deportment, and language. Observance of rituals also imparts the characters their specific identity. Widows were not supposed to wear colourful clothes or ornaments, which married women did. Women were not allowed to be professionally educated, unlike men. Ashalata whose identity is that of a daughter-in-law, requires her to be submissive. It compels her to forgive Mahendra, she is subservient not only to men but also Rajlakshmi as the identity of a mother-in-law embodies more power. Annapurna, a widow, is dependent on Mahendra's household. At the novel's end, she and Binodini move to Banaras, almost as if in exile, as the society has no place for them. Humans are known by their identities, which are products of cultural discursive practices.

### **Conclusion**

Cultural Studies democratize and break the hegemonic structure of society. It enables a researcher to expose power relations and introduce a mechanism to consider how marginalized and subordinate groups can reclaim their cultural space. Through a close reading of Tagore's *Chokher Bali*, I have attempted to unravel the cultural practices prevalent in Bengal at the turn of the nineteenth century. The novel reveals Tagore's concern for the position of women, and Binodini's character offers social criticism of the oppressive practices. As mentioned earlier, works of art and literature serve as diagnostic tools and cultural artefacts through which we can gauge the temper of the age, evaluate social aspirations, and reveal the politics which allow the predominance of certain discourses at the cost of others. Tagore championed the cause of social regeneration and believed in an ideal world order without 'narrow domestic walls' governed by the principles of reason and rationality. Tagore encouraged a debate on every issue and avoided conclusions based on redundant practices. A cultural analysis of *Chokher Bali* impels one to ask pertinent questions about issues such as education, the position of women, patriarchy, and hegemonic identities. It creates opportunities for educators and students to bring about social change through consciousness-raising and awareness.

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**PSYCHOLOGICAL ASPECTS OF  
SECOND LANGUAGE ACQUISITION**

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**Abstract**

*Language is a medium of communication. Language helps in growing human civilization. English is considered a world language. English is spoken widely; one person can survive worldwide with the help of this language. Language acquisition is a process through which human acquires the language to communicate. Language acquisition generally refers to first language acquisition and second language acquisition. First language Acquisition refers to a learner learning his native language and Second language Acquisition refers to a learner learning the second language along with the native language. Language acquisition can be successful when the learner understands the second language using tools including Phonology, Morphology, Syntax, Semantics, and Vocabulary. There is a lot of difference between the first and second languages. Whether learning a first language is a natural process, the second language should be taught. The main aim of English Language Teaching is to make the learner aware of the use of language correctly and appropriately. The Psychological aspect of second language learning depends on their maturation, locality from where they have emerged, family background, and motivational factors. One's motivation helps one to learn a second language successfully. Learners' perception of the language is needed in second language learning. This paper focuses on different psychological aspects that help learners acquire a second language.*

**Keywords:** *Second language, native language, language acquisition, motivational factors.*

Language is the medium by which humans communicate with each other. Human beings and animals also communicate with each other with the help of words, gestures, and posture. Language has syntax, phonology, morphology, and some grammatical rules for framing sentence words. Language keeps on changing from time to time. To function correctly in a society, we use language. It is used for expressing our thoughts and emotions. Without language, it is pretty impossible to retain in the community. Language is an integral part of our life that helps us make our own identity. The different forms of language and dialect reflect one's locale and identity. Good language knowledge helps get a favourable position in every field and have a bright career. A person with having a good command of language can get top place in society. Every language has its essence and specialty. As being reliable and valid, English is considered a Global language. A language is the basis of any society and any civilization. Language has its system and organized pattern of code. Language is a social factor that helps in the process of social interaction.

English as a Second Language: Second language learning means learning a new language that is not native. Acquiring a new language creates positive attitudes within oneself, and it improves analytical skills. Second language acquisition makes an individual more prepared to face international travel, business, technology, marketing, etc. Multi-language speakers are given a significant position in every sphere. Thus, learning a second language in schools and colleges is emphasized. In non-Hindi medium schools and colleges, English is taught as the second language so that learners can achieve all these goals with the English language. In rural areas, people are also eager to learn English as they consider English known people as literate and others illiterate.

Language Acquisition Vs. Language Learning: Language acquisition and Language learning are different things. In a natural process, a child learns to walk, speak, and other behavioural patterns that are part of their growth and development. They know a few languages automatically through a natural process, whereas the second language is learned in an institutional environment. A learner can learn a second language through prolonged contact with a native speaker. Some formal instruction may be needed in that case. When a child learns his first language, it does not focus on grammatical structure, linguistic form, etc. It is quite a natural process. The learner learns it subconsciously. Learning a language is a different thing. It happens consciously and formally. In a word, language acquisition occurs naturally, whereas language learning is a formal way of learning a language with effort.

### **Objectives**

To see the psychological aspects of learners' learning English as a second language; To find the relation among the psychological factors in learning English as a second language.

Research Questions: What are the prominent factors that affect learning English as a second language?; Is there any effect of psychological factors in learning English as a second language?; What is the correlation between these psychological factors in learning English as a second language?

Method: For the Research, the researchers have reviewed some papers related to learning English as a second language. Based on the evidence, they tried to establish some related psychological factors in learning English as a second language.

Psychological Factors Affecting Language Acquisition: Psychological factors play a vital role in the language learning process. These are the factors that inspire and motivate learners to learn. The mental process is deeply connected with language learning—psychological factors affect both positively and negatively. Sometimes, psychological barriers work as obstacles to learning and speaking a second language. Learners got afraid of learning and speaking up a new language. Language learners generally feel anxious about learning a new language and using them. They often get

frightened and nervous over the new language and express themselves in a new language in front of others. Self-esteem of a new learner seems to be low, which affects negatively. There are so many other factors that affect a new learner's language learning. Most of the students consider English the most challenging subject. Psychological hindrances like anxiety, fear, and confusion occur among learners, who start thinking the language cannot be learned quickly. Whenever anyone starts speaking any foreign language, they feel anxious whether they are talking right or wrong. Sometimes mocked by someone or any other negative reinforcement stops them from using this language, which leads to an inferiority complex. This leads them towards an inferiority complex. Training an individual in a multilingual country like India is tough. Some of the psychological aspects are discussed here regarding second language learning. L.E. Wallace., (1963), *Psychological Approaches to the Study of Language* find in his paper that the parents of bilingual children are believed by their children to hold the same strongly sympathetic attitudes in contrast to the parents of monolingual children, as though the linguistic skills in a second language, extending to the point of bilingualism, are controlled by family-shared attitudes toward the other linguistic cultural community.

**Social Fear:** Social fear is a significant hindrance in learning a second language. When a learner does not get an excellent chance to interact with others, a kind of fear comes into his mind of not being able to talk in that language, which negatively affects him. Providing the learner with good social opportunities helps him overcome the social fear, and more practice in using language helps overcome that fear. So whenever a youngster fails to communicate or hesitates to talk in a new language, he should not be discouraged; reinforcement should be given, and proper channelization is needed.

**Learning Method:** Learning a new language always depends on the way of learning. Most teachers or instructors consider English as a subject instead of a language. They fail to connect emotionally with students but rather teach in a very mechanical way. They are always in a hurry to finish the syllabus without stressing a proper understanding.

**Learning Disability:** Learners from rural areas face issues in learning languages. As the parents are uneducated, they are not concerned about their education. Students coming from well-to-do families face fewer problems in comparison to rural areas. Children from educated families can quickly learn a language as their background is vital. On the other hand, children from uneducated families face difficulty learning a new language.

**Economic Status:** The financial status of students is another psychological issue that affects language learning. Students from wealthy families get quality education and training regarding language education. This financial status prompts the poor students to feel inadequacy among them.

**Lack of Practice:** Learners will learn a language in a better way when will be practiced. The students should rehearse more and more for more fluency and better understanding. The absence of training fails to improve their aptitude, ability, and fluency. The instructors must correct this issue during language teaching. If the activity is not continued, language proficiency will evaporate from learners' brains.

**Mother Tongue Influence:** The mother's tongue influences language learning. A child from birth gets connected to the first language or mother tongue. The impact of the first language is always there in learning the second language. Students find it hard to remove the effects of the first language and use some new vocabulary in their life. The impact of local language and mother tongue dominates the learning of English.

**Nature of the Learning Procedure:** The nature of the learning procedure is also an element in language learning. Understanding language becomes easy when the learner is self-motivated and eagerly learns different things. If they understand their responsibility for learning, second language learning becomes an easy task.

**Goals of the Learning Procedure:** The ultimate goal of any learning procedure is to achieve particular objectives. With the teacher's help of proper instruction and direction, learners can achieve these. To become objective and goal-oriented is the learning expectancy of a student. So with appropriate aim and guidance, the learners could learn a second language.

**Construction of Information:** Students accumulate new knowledge with the existing one. Associating any piece of information with current knowledge helps develop any concept. If the teacher could adequately channel the learner, he could learn the new piece of information quickly. Right direction, association, and mapping can help students learn a second language promptly.

**Context of Learning:** Learning of a language happens in a suitable condition. It does not occur in a vacuum. Some factors like inspiration and direction towards learning are noted elements of better understanding. A classroom with a better environment is crucial for learning a language.

**Motivational and Enthusiastic Impacts on Learning:** Inspiration from within a person helps one to learn any new thing. Positive feelings, encouragement, and beliefs encourage a student to achieve his goals more. On the other hand, negative emotions and reduced inspiration lessen the motivation. Dörnyei, Z., & Skehan, P. (2003). 18 Individual Differences in Second Language Learning. *The handbook of second language acquisition*, 589. Find that there is a potential connection between motivation and learning strategies.

**Intrinsic Inspiration to Learn:** The student's inventiveness, shared interest in aspiring and learning, individual interests, and reasoning ability helps one to learn. Teachers can inspire students' inherent capacities and possibilities and take care of students' learning abilities.



## **Result & Discussion**

Based on the above reviews and discussions, it is found that psychological factors play a prominent role in the learning of a language. Learning any language except the mother tongue needs constant support, motivation, and inspiration. A learner could know better when the new language has some similarity in structure, syntax, and other aspects to their mother tongue. Also, the psychological factors are correlated with each other in learning English as a second language. The more these factors are associated, the easier it will be for the learner to learn the new language.

### **Implication of the Study**

The present study clearly shows that language learning is impossible without psychological factors. From childhood, parents and teachers must take care of these psychological factors into consideration of a child and treat them accordingly. If these are taken care of, students will face fewer challenges in learning any foreign language.

### **Conclusion**

In the end, it can be concluded that there are so many factors that help as well as hinder language learning. A learner can learn any language when his inner fear and anxiety are removed. Teachers of English should take extra care while dealing with the language in a classroom. The psychological factors can be a better weapon to deal with the difficulties in learning a foreign language if it is practiced better.

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**EFFECT OF TPM (TOTAL PRODUCTIVE  
MANAGEMENT) IMPLEMENTATION ON  
PRODUCTION LINE PERFORMANCE  
IMPROVEMENT: A CASE OF BRALIRWA PLC.  
RUBAVU SITE 2019-2020**

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**Abstract**

*The purpose of this research project is to assess the effect of Total productive management (TPM) implementation in manufacturing companies in Rwanda to improve the production lines performances; we will focus on BRALIRWA plc as our case study. Manufacturing companies in Rwanda and round the world pay huge amount of money for purchasing new equipment to improve their production output however nothing or little is done to achieve full output from their current installations, small losses in time or deviations from planned or calculated capability are taken as usual line performances. Nevertheless, currently because of improved capability levels and demand of quality product at lower prices, purchasing latest production line is not a solution, unless the current installations is fully used and optimized. TPM is a method that involve everybody from top management to all workers, it is a systematic approach to eliminate waste associated with production equipment and machinery, minimize machine downtime resulting from unexpected breakdowns, fully utilizing a machine's capabilities. The implementation of TPM can lead to significant manufacturing cost reductions, improvement in production efficiency and allow manufacturing organizations better placed to survive in increasingly competitive regional and global markets. The researcher used primary and secondary data; questionnaires were given to 14 employees of BRALIRWA Plc, working in logistics, maintenance and production departments. BCS data for the company were used to evaluate the lines performance and volume development. After analysing the data, the researcher found indeed a positive trend of the line performance (OPI) and volume from the period 2019 to 2020. implementing TPM at BRALIRWA Plc has supported in a steady improvement year by year of operational performance, with increased performance lead to increased volume thus increasing the company profitability, much more involvement of employees in the program as well as consistent use of reward and recognition system were recommended. On the other side, this research has proven that using TPM in production activities supports in a sustainable lines improvement, thus recommended to other manufacturing companies in Rwanda.*

**Keywords:** TPM, BRALIRWA, BRALIRWA PLC., RUBAVU

During the last decades, we saw an increased number of manufacturing companies; this has increased competition level in the market. hence a battle to increase the market share of their portfolio, Rwanda beer market is price sensitive; in the fight to boost companies

profit, increase the product price will be the last option therefore a lot of efforts is put on increasing productivity and reducing losses throughout production chain. Automation has played a good role in increasing productivity however, it fails if the production line is not maintained properly. There are seven types of waste (Muda) that were identified by Taiichi Ohno, the Chief Engineer at Toyota, as part of the Toyota Production System (TPS). Commonly referred to as 'The 8 Wastes' - Transportation, Inventory, Motion, Waiting, Overproduction, Over processing and Defects - an 8th element of waste known as "TIMWOOD" was introduced in the 1990s with the implementation of Toyota's Manufacturing System in Western nations. At shop floor level, material wastage and time loss can often be attributed to factors such as unskilled or unqualified personnel, processes and components not being available when required; additional quality wastage; machinery sitting idle; and workers waiting without purpose. This is true for many organizations (Eti et al., 2004). There are some unseen losses like when operating the machines against their specifications (e.g. low speed, speed losses), minor stoppages, startup losses, within the method and breakdown of the equipment. To avoid the discussed losses, a new idea of TPM has been considered by several industries across the world. The main concept is to achieve ZERO losses, zero breakdowns, zero accident, zero incident, zero defects etc. This can be achieved by implementing TPM methodology by the manufacturing company (Total productive management) (Venkatesh, 2015).

The outcome of this thesis has shown the improvement in the processes of the company and its objective to realize positive results. It also proves that TPM is not just some production tools rather than the implementation and maintenance of TPM needs to be a long run methodology to prove its huge improvement and enhancement, (Bamber et al, 1997). In the end, there will be generalization of the results and suggestion of implementation in other manufacturing companies in Rwanda.

**Research Questions:** What is total productive management?; How total productive management is generally implemented?; How is Total productive management implemented at BRALIRWA Plc, Rubavu Site?; What are the effects of TPM methodologies implementation on a production line performance?

### **Methodology**

In carrying out this study, primary data were collected through structured interview and self-administered questionnaire. In designing questionnaires addressed to the BRALIRWA staff in the specified departments, the researcher used Likert scale to measure the staff's appreciation level on working capital management and their appreciation on performance level. Using Likert Scale, the staff

indicated whether they actually strongly agreed (SA), agree (A), undecided (U), disagree (D), or strongly agree (SD). The items for the said scale are gathered for related research studies (Bhuiyan and Alam, 2004; Casadesus and Karapetrovic, 2005; Haversjo, 2000; Psomas (2010) where all those authors used Likert Scale to measure such variables mentioned above.

Secondary data, which was mostly collected from the company's different but relevant reports, were used to measure the company's lines performances comparing the past results and the present.

**Findings:** The findings of the study and highlights the results of the findings as set out in the research methodology are presented as follow:

View on first and second research objective: General TPM implementation and specific TPM implementation at BRALIRWA PLC, Rubavu site

Two questions was derived from the first and second objective of the research study about how is Total productive management generally implemented and specifically implemented at BRALIRWA Plc, Rubavu site. The questions delivered to the respondents were aimed at investigating their response towards the stated research objective.

**What is TPM?**

	Frequency	Percent	Valid Percent	Cumulative Percent
Valid Total Productive Management	14	100.0	100.0	100.0

Source: Primary data (2021)

From table 4.2, Indicates that all the respondents 100% were able to define well what is TPM, this shows that TPM is known in the organization and Bralirwa has worked to ensure awareness of the program among his staffs.

TPM Training

**Have you attended at least one TPM related training?**

	Frequency	Percent	Valid Percent	Cumulative Percent
Valid Strongly Agree	9	64.3	64.3	64.3
Agree	4	28.6	28.6	92.9
Neither agree nor disagree	1	7.1	7.1	100.0
Total	14	100.0	100.0	

Source: Primary data (2021)

From table 4.3, 92.9% of respondent agreed that, they have attended at least one TPM related training, This shows that there is frequent TPM related training organized by Bralirwa plc, to ensure their staffs understand and they have a good insight of the program as a tool of a way of working for the company. Employee training and development programs are essential to the success of businesses worldwide. Not only

had it offered opportunities for staff to improve their skills, but also for the company, Bralirwa plc. In this case to enhance employee productivity and improve company culture. Training can also reduce employee turnover – A 2020 Work Institute study has demonstrated the significance of employee learning and development to a business's financial performance. The report unveiled that voluntary worker turnover incurs U.S. organizations more than \$630 billion every year. It is clear that personnel who are regularly given chances to learn, progress and grow are more likely to remain working with an organization. Bob Nelson, author of 1,001 Ways to Engage Employees, observed that learning and growth are some of the primary variables in staff engagement.

TPM methodologies knowledge

**Do you have a good knowledge of TPM methodologies?**

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Strongly Agree	5	35.7	35.7	35.7
	Agree	8	57.1	57.1	92.9
	Disagree	1	7.1	7.1	100.0
	Total	14	100.0	100.0	

Source: Primary data (2021)

From Table 4.4, 35.7% of respondents strongly agree to have a good knowledge of TPM methodologies, 57.1% agreed, Thus 92.9% of respondents are favorable to this question.

The above indicates that on top of the TPM trainings and development programs, the latter have been also effective. In fact, Bralirwa defines their learning strategy in terms of 70-20-10 philosophy, with 70% representing on the job training, 20% representing next to Nely training (coaching) and 10% representing formal classroom training. This has supported to increase the overall knowledge and skills of Bralirwa Employees in regards of TPM. They have formal trainings and evaluation, then follow on the job trainings, which comes in terms of leading or participating in a TPM improvement team, a coach and a trainer is assigned to the improvement team.

Where is TPM implemented?

**Where is TPM implemented?**

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Production, Logistics and Maintenance	9	64.3	100.0	100.0
Missing	System	5	35.7		
	Total	14	100.0		

Source: Primary data (2021)

From table 4.5, shows in which department TPM is implemented, TPM is implemented in Supply chain departments namely Production, logistics and maintenance. In the production department you have Brewing

department, in charge of brewing, beer production (fermentation and beer filtration); there is also packaging department in charge of putting the beer into primary, secondary and tertiary packaging materials; There is support functions departments as well as Safety, Quality and TPM departments. Each department follows a set of related KPIs to support driving the results.

**Table 4.6 TPM a strategic pillar in Supply chain department**  
**Is TPM a strategic pillar in Supply Chain department?**

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Strongly Agree	6	42.9	42.9	42.9
	Agree	7	50.0	50.0	92.9
	Strongly disagree	1	7.1	7.1	100.0
	Total	14	100.0	100.0	

Source: Primary data (2021)

Strategic pillars are simply your strategic battlefields that your business needs to win in, no matter what else happens. Strategic pillars truly represent the essential dimensions around the company’s long-term success. These are the most strategic battlefields that you need to win on, they may also be defined at a set of high-level objectives that defines the areas of activities and initiatives that directs the organization achieve its long-term goals. 92.9% of respondents agree that TPM is a strategic pillar for Bralirwa, TPM has been defined as Bralirwa supply chain way of working, the TPM ways of working has been embedded in the day-to-day operations.

**Table 4.7 TPM age in the company**  
**What is the age of TPM in the company?**

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Above 8years	11	78.6	84.6	84.6
	Between 5-8 years	1	7.1	7.7	92.3
	Between 3-5 years	1	7.1	7.7	100.0
	Total	13	92.9	100.0	
Missing	System	1	7.1		
Total		14	100.0		

Source: Primary data (2021)

**Table 4.8 TPM embedded throughout the years**  
**TPM ways of working are being embedded throughout the years.**

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Strongly Agree	6	42.9	42.9	42.9
	Agree	7	50.0	50.0	92.9
	Neither agree nor disagree	1	7.1	7.1	100.0
	Total	14	100.0	100.0	

Source: Primary data (2021)

From Table 4.7 and 4.8, indicates that TPM has been in Bralirwa for more than 8 years, throughout the years, TPM methodologies have found time to really sink in the supply chain department and in the ways of working of its departments. As every change management program, it always start by dependent mindset to independent then later on interdependent as last stage.

It starts with dependency; I will use this methodology because I am requested to do so, and if I am not using it will face consequences; to the level of I understand the effect of using TPM and I am fully convinced to use the methodologies (independency). The last maturity stage will be of influencing the others to also use the TPM ways of working (Interdependency).

**Table 4.9 All employees involved in TPM implementation**

**Are all employees involved in the TPM implementation?**

	Frequency	Percent	Valid Percent	Cumulative Percent
Valid Strongly Agree	3	21.4	21.4	21.4
Agree	9	64.3	64.3	85.7
Neither agree nor disagree	2	14.3	14.3	100.0
Total	14	100.0	100.0	

Source: Primary data (2021)

From Table 4.9; it indicates that 85.7% agree that all employees are involved in the TPM implementation. From its definition, the first T stands to Total; which means involving everyone and everything. Involving everyone from shop floor people to senior managers; with that, we have an improvement that goes from bottom- up not only up down. this helps a lot; in the sense that if you want to improve the performance of a line, you will start with improving the individual machines performance and people who knows and masters their machines are called the machines operators, hence you need to talk to them and based on their inputs improve the performance and culture. Most respondents lies in the agree side... 64.3%, and only 21.4% strongly agree, here Bralirwa has an opportunity to move much more of their staff in the strongly agree area.

**Table 4.10 Use of TPM as ways of working**

**Do you often use TPM in your work?**

	Frequency	Percent	Valid Percent	Cumulative Percent
Valid Strongly Agree	7	50.0	50.0	50.0
Agree	7	50.0	50.0	100.0
Total	14	100.0	100.0	

Source: Primary data (2021)

From Table 4.10, 50% of respondents strongly agree that they use TPM as ways of working in their day-to-day job, 50% others agree; it is good that all employees agree that they use TPM in their day-to-day job, which



means that TPM has been a culture and a way of working. On the other hand, in order to gain full advantage of TPM methodologies, there is an opportunity to maximize the usage of TPM and move the 50% agree population to strongly agree.

4.2.2 View on third research objective: Effect of TPM methodologies implementation on improving production lines performance at BRALIRWA PLC, Rubavu site

A question was derived from the third objective of the research study about what are the effects of TPM methodologies implementation on production lines at BRALIRWA Plc, Rubavu site. The questions delivered to the respondents were aimed at investigating their response towards the stated research objective.

**Table 4.11 OPI (OEE) measurement of line performances**  
**Do you think OPI (OEE) is a good measurement for your line performances?**

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Strongly Agree	8	57.1	57.1	57.1
	Agree	6	42.9	42.9	100.0
	Total	14	100.0	100.0	

Source: Primary data (2021)

From Table 4.11, indicates that all the respondents agree that OPI (OEE) is a good measurement for their line performances, OEE measures the difference between ideal production and current production. When a production line operates 24 hours each day, delivers perfect quality and works at top speed, we get an idea of the ideal line production. Bralirwa is measuring the line performance by calculating the OPI, we cannot improve something we are not tracking, and we cannot track if we are not measuring. From this calculation a driving results system is in place that helps to deploy the losses on OPI which comes in terms of speed loss and Minor stop, Breakdown loss(failure in equipment), External stop (lack of water, power, steam, air, Co2 etc.), Planned down time loss, Reject and Rework. From these components, a deep dive is being done in order to deploy up to the failure mode, which is an attackable loss. Then improvement team is being launched using dedicated improvement route.

**Table 4.12: OPIs before TPM implementation**

**What were your OPIs before TPM implementation?**

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Between 65%-75%	3	21.4	21.4	21.4
	Between 55%-64%	3	21.4	21.4	42.9
	Between 44%-54%	8	57.1	57.1	100.0
Total		14	100.0	100.0	

Source: Primary data (2021)

**Table 4.13: OPIs after TPM implementation**  
**What are your OPI (lines performance) after TPM implementation?**

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Above 75%	2	14.3	14.3	14.3
	Between 65%-75%	12	85.7	85.7	100.0
	Total	14	100.0	100.0	

Source: Primary data (2021)

**Table 4.14: TPM implementation supporting lines performance improvement**  
**Do you think TPM implementation has supported improved line performances?**

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Strongly Agree	8	57.1	57.1	57.1
	Agree	6	42.9	42.9	100.0
	Total	14	100.0	100.0	

Source: Primary data (2021)

**Table 4.15: TPM supporting increased in volume**  
**Do you think TPM implementation has supported increased in volume?**

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Strongly Agree	8	57.1	61.5	61.5
	Agree	4	28.6	30.8	92.3
	Disagree	1	7.1	7.7	100.0
	Total	13	92.9	100.0	
Missing	System	1	7.1		
Total		14	100.0		

Source: Primary data (2021)

From table 4.12, 4.13 & 4.14, It clearly shows that most of respondents agree that there is an improvement on the lines performance after TPM implementation compared to before TPM implementation in the company, This shows that the respondents have a strong belief in TPM, and that implementing TPM has supported the lines performance improvement.

Also from Table 4.15, 92.9% agree that TPM implementation has supported on the volume increase, the volume is the sales volume and by increase the volume we are improving the company profitability.

**Table 4.16: Reward and Recognition**

**Do you believe the Reward and Recognition system supports the TPM adoption by the employee?**

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Strongly Agree	5	35.7	38.5	38.5
	Agree	5	35.7	38.5	76.9
	Neither agree nor disagree	2	14.3	15.4	92.3
	Disagree	1	7.1	7.7	100.0
	Total	13	92.9	100.0	
Missing	System	1	7.1		
Total		14	100.0		

Source: Primary data (2021)

From Table 4.17, it indicates that 71.4% agree that reward and recognition system supported the TPM adoption by the employees. With TPM implementation employees will have difficulty to buy in and will consider TPM as an extra work, Bralirwa PLC has implemented a Reward and Recognition initiative designed to incentivize employees to incorporate TPM in their daily routine. Through this system, which can involve both intrinsic and extrinsic rewards, employees are recognized and appreciated for their efforts in a timely and equitable manner.

**Table 4.17: Next Steps with TPM**

**Do you think that discipline of execution, Knowledge of TPM concept and theories, Top management involvement, strong TPM pillar involvement and Closing the loop can be used to gain further advantages of TPM implementations?**

		Frequency	Percent	Valid Percent	Cumulative Percent
Valid	Strongly Agree	5	35.7	38.5	38.5
	Agree	7	50.0	53.8	92.3
	Neither agree nor disagree	1	7.1	7.7	100.0
	Total	13	92.9	100.0	
Missing	System	1	7.1		
Total		14	100.0		

Source: Primary data (2021)

From Table 4.17, 85.7% think that discipline of execution of actions, a good knowledge and skills of TPM concept and theories; Top management involvement, strong TPM Pillar involvement and closing the loop can be used to gain further advantages of TPM implementation. As every change management program after quick wins you will need to keep the momentum, do not let it go and try to sustain the improvement.

A PDCA (Plan, Do, Check, Act) approach is used intensively to ensure closing of the loop on all the initiatives, ending all the discussions with concrete actions; and we followup their disciplined on time in full execution.

### **Conclusion**

This research inquired whether the effect of TPM (Total productive management) implementation on production line performance improvement with reference to BRALIRWA Ltd. Not only it does add to the extensive literature, but also contributed in terms of evaluating TPM implementation in industries to improve their production lines performances.

Based on a sample of 14 employees and review of BCS (Business comparison system) and other reports, all specific objectives were achieved as indicated in the previous sub section. The TPM methodologies and lines performance analysis were studied fully and the findings indicated that BRALIRWA have implemented all the methodologies and they are fully supported under their specific activities that are tackled both tactically and strategically

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**ANALYTICAL STUDY OF THE INDIAN BANKING  
SECTOR'S DEVELOPMENT AND TRENDS**

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**Abstract**

*Today, we have a tendency to area unit having a reasonably well-developed banking industry with completely different categories of banks public sector banks, foreign banks, personal sector banks, each recent and new generation, regional rural banks and co-operative banks with the banking company of Republic of India because the fountain Head of the system. within the banking field, there has been associate degree unprecedented growth and diversification of industry has been thus prodigious that it's no parallel within the annals of banking anyplace within the world. In most rising markets, banks' assets comprise spill eightieth of total monetary sector assets, whereas these figures area unit considerably lower in developed economies. In most rising market economies, the 5 largest banks (usually domestic) account for over common fraction of bank assets. These figures area unit abundant lower in developed economies. Another distinction within the industry in developed and rising economies is that the degree of internationalizations of banking operations. Internationalization outlined because the share of foreign-owned banks as a share of total bank assets, tends to be abundant lower in rising economies. This pattern is, however, not uniform inside world regions. The industry has intimate with a series of great transformations within the previous couple of decades. Among the foremost necessary of them is that the modification within the style of organizations that dominate the landscape. Since the eighties, banks have redoubled the scope and scale of their activities and several other banks became terribly giant establishments with a presence in multiple regions of the country. The paper examines the Trends and progress of Indian industry. The Indian banking system consists of 12 public sector banks, 22 private sector banks, 44 foreign banks, 43 regional rural banks, 1,484 urban cooperative banks and 96,000 rural cooperative banks in addition to cooperative credit institutions. As of September 2021, the total number of ATMs in India reached 213,145 out of which 47.5% are in rural and semi-urban areas. As of July 29, 2022 bank credit stood at Rs. 123.69 lakh crore (US\$ 1,553.23 billion). As of July 29, 2022 credit to non-food industries stood at Rs. 123.36 lakh crore (US\$ 1.54 trillion).*

**Keywords:** *Indian Banking Sector, rising Trends & Progress and rising Economies.*

Banks plays a crucial role within the economic development of developing countries. Economic development involves investment in varied sectors of the economy. The banks collect savings for investment in varied comes. In traditional banking the banks perform agency services for his or her customers and helps economic development of the country. the acquisition and sales securities, shares, build payments, receive subscription funds and collect utility bills for the govt. department. There for banks save time and energy of busy peoples. Bank arranges exchange for the business transactions with alternative countries. Banking sector

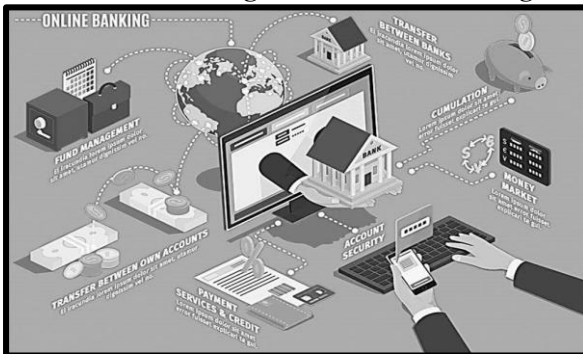
## INDIAN BANKING SECTOR'S DEVELOPMENT AND TRENDS

don't seem to be merely assembling funds however additionally function a guide to the client concerning the investment of their cash. Current banking sector has come back up with plenty of initiatives that familiarized to providing a much better client services with the assistance of latest technologies. Banking sector mirrors the larger economy its linkages to any or all sectors build it proxy for what's happening within the economy as a full. Indian banking sector nowadays has an equivalent sense of pleasure and chance that's proof within the Indian Economy. The going developments within the international markets supply numerous opportunities to the banking sector. Within the competitive banking word improvement day by day in client services is that the most useful gizmo for his or her higher growth. Bank offers numerous changes to access their banking and alternative services.

In 2020-2022, bank assets across sectors increased. Total assets across the banking sector (including public and private sector banks) increased to US\$ 2.67 trillion in 2022. In 2022, total assets in the public and private banking sectors were US\$ 1,594.51 billion and US\$ 925.05 billion, respectively.

RBI has decided to set up Public Credit Registry (PCR), an extensive database of credit information, accessible to all stakeholders. The Insolvency and Bankruptcy Code (Amendment) Ordinance, 2017 Bill has been passed and is expected to strengthen the banking sector. Microfinance industry's gross loan portfolio (GLP) by 10% in FY22 to Rs. 2.85 trillion (US\$ 36.42 billion).As of June 01, 2022, the number of bank accounts—opened under the government's flagship financial inclusion drive 'Pradhan Mantri Jan Dhan Yojana (PMJDY)'—reached 45.60 crore and deposits in the Jan Dhan bank accounts totaled Rs. 1.68 trillion (US\$ 21.56 billion).

### 'Conventional banking to convenience banking'



Source: ICAI,

Rising income is expected to enhance the need for banking services in rural areas, and therefore, drive the growth of the sector. India is the world's largest market for Android-based mobile lending apps, accounting for ~82% of all online lenders worldwide. India currently has 887 active

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lending apps. The digital payments revolution will trigger massive changes in the way credit is disbursed in India. Debit cards have radically replaced credit cards as the preferred payment mode in India after demonetization. In May 2022, Unified Payments Interface (UPI) recorded 5.95 billion transactions worth Rs. 10.41 trillion (US\$ 133.46 billion).

### **Objectives of study**

Describe recent trends in changing banking scenarios; Explore the potential of banks in changing banking scenarios.

Developing Patterns: DDD: It's even a lot of thus these days, after we are a unit undergoing a amount of the foremost fast acceleration of what's alluded to as 'creative destruction' within the history of the money sector. within the method of inventive destruction, new constructs emerge. it's here that 'new generation' managers could have a task a lot of rigorous than that of the managers of yesteryears. a task that involves over simply 'probity and prudence' that characterized the banker of yesteryears and progressively focuses on managing 'competing imperatives'.

While historians will slice the past into unnumbered slices, in terms of transformational amendment, there are solely a number of grammatical relation points in post-independence banking in India. the primary was the enactment of the Banking Regulation Act, 1949 that brought in an exceedingly comprehensive and formal structure of bank regulation and management in India. The nationalization of banks in our country marked the second such purpose. It generated forces that took banking from Associate in Nursing elite category to the lots. It semiconductor diode to the institution of a awfully substantial infrastructure across the geographical expanse of the sub-continent and was therefore a vital trigger for money reach of establishments and management of the individual. The third grammatical relation purpose in banking was the money sector reforms initiative that was launched within the early Nineteen Nineties.

These reforms publicized a dramatic shift within the method banks functioned and operated in India. The modified setting and also the internal compulsions arising from larger competition and also the ought to improve their market share / gain gave rise to the search for larger potency and also the ought to reposition them given the realities of the setting and their internal strengths and weaknesses.

These challenges concern a replacement, a lot of dynamic, aggressive and difficult work culture to fulfill the strain of client relationships, product differentiation, complete values, reputation, company governance and restrictive prescriptions. Understanding and coping with tough transitions is that the key for the new managers to coming up with methods for his or her organizations.

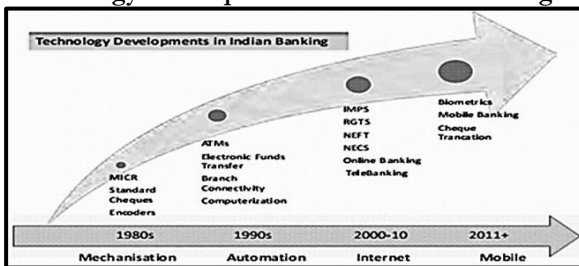
Indian economic surroundings are witnessing path breaking reform measures. The monetary sector, of that the industry is that the largest player, has conjointly been undergoing a metamorphic amendment. these

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days the industry is stronger and capable of withstanding the pressures of competition (Binija, 2015). whereas internationally accepted prudent norms are adopted, with higher disclosures and transparency, Indian industry is bit by bit moving towards adopting the most effective practices in accounting, company governance and risk management. Interest rates are deregulated, whereas the pains of directed loaning area unit being more and more reduced. In 1991, the govt opened the doors for foreign banks to start out their operations in Asian nation and supply their wide selection of facilities, thereby providing a robust competition to the domestic banks, and serving to the shoppers in availing the most effective of the services. The banking concern in its bid to maneuver towards the most effective international banking practices can any sharpen the prudent norms and strengthen its supervisor mechanism. Current banking sector has return up with variant initiatives that orientating to supply a far better client services with the assistance of recent technologies. it's helped the industry to influence the challenges the new economy poses. Technology has displayed new markets, new product, new services and economical delivery channels for the industry (Bhosale et al., 2013).

Few examples area unit like on-line Banking, Mobile Banking and net Banking. The progress of technology and development of worldwide have considerably reduced the value of worldwide fund transfer. The IT revolution has set the stage for alone raise in monetary activity across the world. it's IT that allows the banks in meeting such high expectations of the shoppers. The Indian Banking has finally aroused to the competitive dynamics of recent Indian market and its relevant problems regarding the assorted challenges of globalisation (Uppal, 2007). Banks that use IT solutions area unit appeared to be artistic movement and proactive players capable of meeting the varied necessities of huge client base. Indian industry goes through a section of metamorphosis and has witnessed dynamic ways by completely different banks to adapt to the embryonic competitive surroundings. This shift from standard social banking to profit banking, execution of prudent norms relating Capital Adequacy norms, financial gain appreciation, plus classification, exposure norms etc. have given rise to exaggerated competition and thrown bigger challenge in banking sector.

### Technology Development in the Indian Banking Sector



Source: ICMAI, Jan 2017



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**Present banking scenario:** Bank accounts opened under GoI Pradhan Mantri Jan Dhan Yojana are over 450 Mn with deposits of over ~\$22 Bn in beneficiary accounts. Investments stood as the 2nd largest component in the assets side of the total banks' balance sheets after loans and advances, driven primarily by Government securities. As of 2020, the capital adequacy amongst Indian banks remained above regulatory requirements with RBI also further relaxing the leverage ratio for banks to boost lending. RBI has taken steps to enable mobile payments key enablers to growth, by removing the transaction limit of \$745 and allowing banks to set their own limits. Recovery of stressed assets improved during 2019-20 through the IBC, 2016 and Securitisation and Reconstruction of Financial Assets and Enforcement of Security Interests (SARFAESI) Act, 2002.

The Top 5 banks in India banking assets are ~\$ 1.3 Tn: State Bank of India, ICICI Bank, Punjab National Bank, Bank of Baroda, and Bank of India. On a y/y basis, loans and advances were up by 6% in Q1 FY2022 suggesting a generally better lending activity compared to Q1 FY2021 which was at the height of the pandemic. Total Loans and Deposits are projected to grow at CAGRs of 8.77% and 8.48% respectively from 2020-2025 with Total Loans expected at ~ \$ 4 Tn by 2025 and Deposits at \$3.7 Tn. Gross bank credit by commercial banks was up by 6.7% in August 2021, after expanding by 5.6% in 2020/21, and 6.8% in 2019/20.

Lending to industry growing by 2.3% and to services up by 3.5%. Credit to infrastructure—a major segment of industrial credit—rose by 5.9%. (FY 2021); Industries make up about 30% of the commercial banks' loan book, followed by personal loans (29%) and the services sector (27%) (June 2021); Citibank (US) is the largest foreign-owned lender in India, followed by HSBC (UK), Standard Chartered (UK) and Deutsche Bank (Germany). In recent years, Singapore's DBS has been aggressive in expanding its presence in India.

The Indian banking system is set to involve into a totally new level. It will help the banking system to grow in strength going into future. Due to liberalization banks are operating on reduced spread main focus is highlighted on consumerism and how to customers linked and remain attached with the bank. Therefore banks are entered these days in non-banking products such insurance in which area there are tremendous opportunities.

### **Recent Trends in Banking:**

Large consumption market - India will become the 3rd largest consumer economy by 2030, driven by a young population comprising 65% population below the age of 35 years

Rural Digitization - Digital adoption continues to be propelled by rural India – clocking an 8% YoY growth to 333 Mn internet users (37% of rural population). Rural consumption accounts for 45% of all data

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consumption in India. Now there are 7 Rural Internet Subscriber, for every 10 Urban Internet Subscribers.

Number of Smartphone Users - India already has the 2nd highest number of smartphone users globally, and is the 2nd largest Internet user market.

Digital Push - Mobile banking internet banking, neo-banking and rise in digital products and solutions by private and Government of India support: 93% digital payments (by volume) done via mobile (2021) and over 1 Bn cards are in circulation.

Machine (ATM) - Automatic Teller Machine is that the most well liked device in India, that permits the shoppers to withdraw their cash twenty four hours every day seven days per week. it's a tool that enables client United Nations agency has associate degree ATM card to perform routine banking transactions while not interacting with a person's teller. additionally to money withdrawal, ATMs will be used for payment of utility bills, funds transfer between accounts, deposit of cheques and money into accounts, balance enquiry etc.

Tele Banking - Tele Banking facilitates the client to try to to entire non-cash connected banking on phonephone. below this device Automatic Voice Recorder is employed for less complicated queries and transactions. for sophisticated queries and transactions, manned phone terminals area unit used.

Electronic Clearing Service (ECS) - Electronic Clearing Service may be a retail payment system which will be wont to create bulk payments/receipts of an identical nature particularly wherever every individual payment is of a repetitive nature and of comparatively smaller quantity. This facility is supposed for corporations and government departments to make/receive massive volumes of payments instead of for funds transfers by people.

Electronic Funds Transfer (EFT) -Electronic Funds Transfer (EFT) may be a system whereby anyone United Nations agency desires to form payment to a different person/company etc. will approach his bank and create money payment or provide instructions/authorization to transfer funds directly from his own account to the checking account of the receiver/beneficiary. Complete details like the receiver's name, checking account variety, account sort (savings or current account), bank name, city, branch name etc. ought to be supplied with to the bank at the time of requesting for such transfers so the number reaches the beneficiaries' account properly and quicker. run is that the service supplier of triton.

Real Time Gross Settlement (RTGS) - Real Time Gross Settlement system, introduced in India since March 2004, may be a system through that natural philosophy directions will be given by banks to transfer funds from their account to the account of another bank. The RTGS system is maintained and operated by the run and provides a method of economical and quicker funds transfer among banks facilitating their monetary

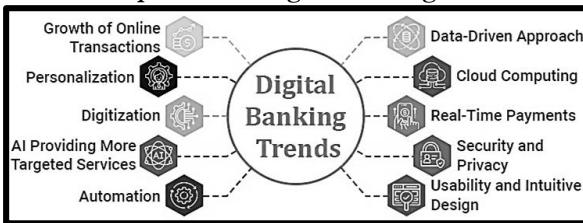
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operations. because the name suggests, funds transfer between banks takes place on a 'Real Time' basis. Therefore, cash will reach the beneficiary in a flash and also the beneficiary's bank has the responsibility to credit the beneficiary's account at intervals 2 hours.

purpose of Sale Terminal -Point of Sale Terminal may be a laptop terminal that's connected on-line to {the laptop|the pc}ized client info files during a bank and magnetically encoded plastic group action card that identifies the client to the computer. throughout a group action, the customer's account is debited and also the retailer's account is attributable by the pc for the number of purchase.

We have highlighted higher than a number of the new rising trends. Currently I highlights the opportunities that new trends brings within the growth and development of banking sector in our country

### The top trends in digital banking services



### Opportunities

Internet Banking: It's clear that on-line finance can devour and there'll be increasing convergence in terms of product offerings banking services, share commerce, insurance, loans, supported the info reposition and data processing technologies. Anytime anyplace banking can become common and can get to upmarket, such up scaling might embody banks launching separate net banking services excluding ancient banking services.

Offering numerous Channels: Banks can give such a large amount of channels to access their banking and different services like ATM, native branches, Telephone/mobile banking, video banking etc to extend the banking business.

Retail Lending: Recently banks have adopted client segmentation that has helped in customizing their product folios well. therefore retail loaning has become a spotlight space notably in respect of finance of durable goods, housing, cars etc., Retail loaning has additionally helped in risks dispersion and in enhancing the earnings of banks with higher recovery rates.

smart client Services: Good client services area unit the most effective whole ambassador for any bank for growing its business. each engagement with client is a chance to develop a client religion within the bank. whereas increasing competition client services has become the backbone for decision making the performance of banks.

Rural space customers: causative to seventieth of the whole population in India may be a mostly untapped marketplace for banking sector. all told

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urban areas banking services entered however solely few massive villages have the banks entered. so the banks should reach in remaining all villages as a result of majority of Indian still living in rural areas.

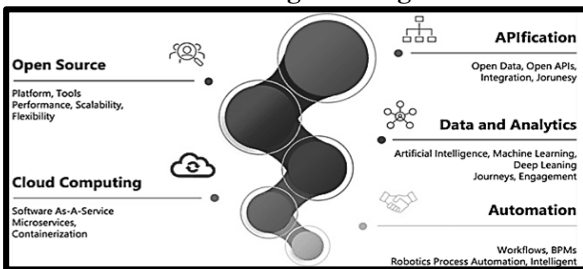
**Indian Customers:** The largest chance for the Indian banking sector these days is that the Indian customers. The Indian customers currently obtain to meet his mode aspirations at a younger age with associate degree optimum combination of equity and debt to finance consumption and quality creation. He represents across cities, cities and villages i.e. in rural areas. trade goods corporations area unit already sound this potential it's for the banks to form the foremost of the chance to deliver solutions to the current market.

**Other Opportunities:** there area unit several different opportunities in future within the field of Indian banking sector e.g. to enter new business and new markets, to develop new ways in which of operating, to enhance potency, to deliver high level of client services.

**Conclusion of the Study:** Addressing the health issues of the Indian banking system has been a slow and difficult task – and one that has been significantly curtailed by the pandemic. However, the progress made prior to early 2020 has allowed the banking system to weather the COVID-19 storm, despite significant outbreaks and stringent lockdowns.

Despite some improvements, the health of the Indian banking system is likely to constrain its ability to extend credit and support the economic recovery. Efforts are underway to strengthen bank balance sheets further, although banks will need to continue to absorb additional government bond issuance as they do this.

### Trends In Banking -The Digital Fifth

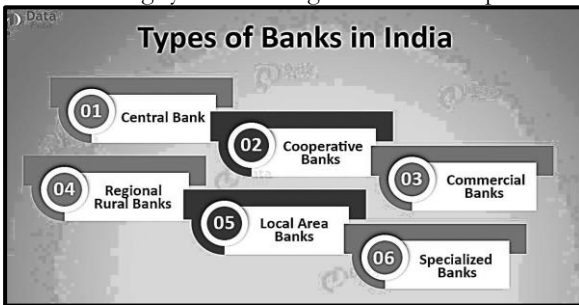


It is during this overall situation, the policy about the money services, and above all banking, should be thought-about. it's attention-grabbing to notice that world organization negotiations on money services are cautious and therefore the commitments of the many larger economies within the banking sector ar rather significantly restricted. In alternative words, within the context of issue of national possession of economic intermediaries, banks seem to possess a singular place publicly policy. There ar many noteworthy options of possession and management of banks altogether major economies - no matter whether or not they ar

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developed or rising. In the majority cases, banks are either wide command or have substantial State possession. moreover, there are special conditions governing the extent of possession, the character of possession and management, and transfers of such possession or management through statutory backing. These are even since the banks are avowedly special. The discussions in world organization on Commitments about gap of domestic banking sector to foreign banks/ownership mirror these considerations in most of the key economies.

knowledge clearly indicates that banks still play a pre-dominant role in money mediation in developing countries. this can be graspable for many reasons viz. the savers' avidness for assured income; inadequate capability to manage money risks and therefore the indisputable fact that the banking establishments in some sense and in numerous degrees, fancy deposit insurance and either implicit or specific guarantee of presidency. it's vital to notice that banking crisis invariably ends up in significant prices to the govt., whether or not they are publically owned, in camera owned, domestically owned or foreign owned. The commercial enterprise prices of banking crises are ownership-neutral. a crucial question during this context is whether or not the role of banks in money integration in developed countries is totally different from that within the rising market economies. it's helpful to assess the many variations within the structure of the banking system in rising vis-à-vis developed markets.



In most rising markets, banks' assets comprise over eightieth of total money sector assets, whereas these figures are considerably lower in developed economies. In most rising market economies, the 5 largest banks (usually domestic) account for over simple fraction of bank assets. These figures are a lot of lower in developed economies. Another distinction within the banking system in developed and rising economies is that the degree of group action of banking operations. group action outlined because the share of foreign-owned banks as a proportion of total bank assets, tends to be a lot of lower in rising economies. This pattern is, however, not uniform inside world regions.

Finally, a big feature of banking in developed versus rising economies, particularly in recent years, has been the method of consolidation. the

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foremost notable distinction between the consolidation method in developed and rising markets is that the overwhelming cross-border nature of mergers and acquisitions within the latter. above all, cross-border merger activity in continental Europe associated additionally between United States and European establishments has been a lot of of an exception instead of the rule. In distinction, there has been a pointy increase in foreign possession of some rising market banks because of method of privatization usually related to crises.

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**A CRITICAL IMPACT ANALYSIS OF ADULTERY LAW  
DECLARED IN THE CASE LAW BY THE APEX COURT  
IN JOSEPH SHINE V UNION OF INDIA ON 27  
SEPTEMBER, 2018 WRIT PETITION (CRIMINAL)  
NO. 194 OF 2017**

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**Abstract**

*Offence of Adultery Law has been decriminalized in India, by the Supreme Court's Judgment in the above mentioned verdict. Now the Concept of Adultery remains in civil law only. It is a ground for Divorce in various personal laws. Judge makes law interstitially, and fills in the gap(s) left by the legislature. They decide the Constitutionality of a particular legal provision and declare the law as per the changing time and State Policy. Adultery, abrogated from the Statute book, actually affect the overall personality of the young children as in absence of an integrated family, their overall growth gets stunted. To have a flourishing State, there should be an orderly community consisting of peaceful, nurturing, supportive families. Thus an offence like Adultery should not be totally abrogated but be kept in continuation and changes like, Gender-neutrality, equality, applicability to the living together Couples, even if they are not lawfully married; should be initiated.*

**Keywords:** *Adultery, Constitution, Offence, Civil Liability, Children.*

The Adultery law mentioned in the Chapter XX of the Indian Penal Code has recently gone through a sea change. Section 497 of the Indian Penal Code, the substantive provision was in the following form-

“Whoever has sexual intercourse with a person who is and whom he knows or has reason to believe to be the wife of another man, without the consent or connivance of that man, such sexual intercourse not amounting to the offence of rape, is guilty of the offence of adultery, and shall be punished with imprisonment of either description for a term which may extend to five years, or with fine, or with both. In such case the wife shall not be punishable as an abettor.”

The Constitutionality of the Section 497, the Indian Penal Code, was challenged as early in 1951 in the Yusuf Aziz case<sup>1</sup>. The Apex Court held that section 497 is not infringing the Article 14, Article 15(1) and 21 of the Indian Constitution. The grounds of challenge(read should be) in this case were-This Criminal law provision used to give protection to a married woman only. (Under lined); If husband provides consent or connivance, it will not amount to Adultery. (Under lined); The wife can't be punished as an Abettor. (Under lined).

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<sup>1</sup> AIR 1951 Bom 470.

Thus all these grounds where wife is treated as property of the husband or wife's no culpability (Wife is not an Abettor) in the crime of Adultery and the protection given to a married woman only, were challenged.

This challenge was negated by the Court citing Article 15(3) of the Indian Constitution, where State shall make Special Provisions for women and Children.

Once a substantive provision is challenged, the related procedural provision also comes under scrutiny.

Section 198 CRPC provides- "Prosecution for offences against marriage.

(1) No Court shall take cognizance of an offence punishable under Chapter XX of the Indian Penal Code (45 of 1860 ) except upon a complaint made by some person aggrieved by the offence: Provided that-

(a) Where such person is under the age of eighteen years or is an idiot or a lunatic, or is from sickness or infirmity unable to make a complaint, or is a woman who, according to the local customs and manners, ought not to be compelled to appear in public, some other person may, with the leave of the Court, make a complaint on his or her behalf;

(b) where such person is the husband and he is serving in any of the Armed Forces of the Union under conditions which are certified by his Commanding Officer as precluding him from obtaining leave of absence to enable him to make a complaint in person, some other person authorised by the husband in accordance with the provisions of sub-section (4) may make a complaint on his behalf;

(c) where the person aggrieved by an offence punishable under section 494 or section 495 of the Indian Penal Code (45 of 1860) is the wife, complaint may be made on her behalf by her father, mother, brother, sister, son or daughter or by her father's or mother's brother or sister or with the leave of the Court, by any other person related to her by blood, marriage or adoption].

(2) For the purposes of sub- section (1), no person other than the husband of the woman shall be deemed to be aggrieved by any offence punishable under section 497 or section 498 of the said Code: Provided that in the absence of the husband, some person who had care of the woman on his behalf at the time when such offence was committed may, with the leave of the Court, make a complaint on his behalf."

Thus we examine the above mentioned procedural section and find that women cannot be the complainant of the crime- Adultery and any person on her behalf related by blood, adoption and marriage can make criminal Complaint.

If this procedural section 198CRPC<sup>2</sup> is examined, we find, according to the Court that legislative judgment of the status of women is a bit parentalistic in nature; despite women having their autonomy. The

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<sup>2</sup> Criminal Procedure Code.



procedure of making a complaint by woman under section 198 CRPC is curtailed and she is classified with minor and lunatic; who need a Guardian.

The Apex Court, in this case law says that Provision of Section 497 Indian Penal Code and Section 198 CRPC cannot be saved by Article 15(3) of the Indian Constitution, because Constitution provides for power of the State to make affirmative law in future after the Constitution has come into existence.

State as defined by the Court means Parliament, State Legislature, Executives, Court and Local and other authorities, as per Article 12 of the Indian Constitution.<sup>3</sup>

But the Apex Court omitted to stress on the fact that in one hand a married woman can't be prosecuted for the crime of Adultery but she also has no right to prosecute or lodge complaint against a Man or Woman. Thus what law takes away in one hand, gives in by another hand. We have to remember the statement of famous Jurist Aristotle that- treat like people alike and treat different people differently. Women are different from Men and the yardstick of difference is not only Male standards. Men are different from Women too.

But we have to examine that State namely India, is a body corporate and it had presence even before the Constitution came into existence. As for example, India was a party to UN Charter even in 1945. India was party to Universal Declaration of Human Rights.<sup>4</sup> The fundamental rights in the Constitution were heavily influenced by the Natural rights recognized in the U.D.H.R and the structures like legislative lists and formation of federal and provincial legislature under the Indian Government Act, contributed to the existing quasi- federal frame work of the Constitution of India.

The transfer of power from British India was through Indian Independence Act, 1947 passed by the British Parliament. There was creation of two dominions- India and Pakistan, and their Constituent Assembly were given the power to create Constitution.<sup>5</sup> The Bengal

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<sup>3</sup> See A.R. Antulay v R.S. Nayak AIR 1988 SC 1531. Court cannot pass an order or issue a direction which would be violative of fundamental rights of citizens, it can be said that the expression "State" as defined in Article 12 of the Constitution includes judiciary also.

<sup>4</sup> In *Kesavananda v. State of Kerala* (AIR 1973 SC1461), As per Justice Sirci, (AIR 2011 Jour171)-Article 51(d) of the Indian Constitution has been relied upon to introduce and implement various international instruments particularly the U.D.H.R. And the two covenants on the Political and Civil Rights and the Economic, social cultural Rights in the interpretation of the fundamental rights. The Court have held that by virtue of this Article international instruments, particularly those to which India is a party, become part of Indian Law so long as they are not inconsistent with it. Therefore they can be very well relied upon and enforced.

<sup>5</sup> Indian Independence Act, 1947. - Legislation.gov.uk  
<https://www.legislation.gov.uk/1947/pdfs/uk>

Sec. 1-(i) As from the fifteenth day of August, nineteen hundred and forty -Seven, two independent Dominions shall be set up in India, to be known respectively as India and Pakistan.

Province was divided in two provinces, East-Bengal and West- Bengal. The State, West-Bengal Continued as a full- fledged State of Union of India even today.

Though by the provision of Article 395, Indian Constitution, Independence Act and Indian Government Act,1935 were repealed (Apart from the Abolition of Privy Council Jurisdiction Act, 1949), still some law enacted and declared by Competent Authorities continued its existence through Article 372(1)<sup>6</sup> and Article 13(1)<sup>7</sup> of the Constitution, as they were not against Part –III of The Indian Constitution. As for example, in the case law -Dharmodas Ghose v MohoriBibee <sup>8</sup>(Decided by the Privy Council), the declaration “Minor’s Contract is Void” is still valid and persuasive in nature for the Indian Courts.

During the rule of British India, some laws were in existence, like Widow Remarriage Act, Hindu Women Rights to Property Act,<sup>9</sup> which were nothing but special ameliorative legislations in favour of Women. These laws were continued as they were not against part III of the Constitution. Thus Article 15(3) is nothing but an enabling provision and a continuous process followed from the past, directing the State to “ENACT” laws which are Women Friendly. As for example, The Sexual Harassment of Women at Workplace Act, 2013, Equal Remuneration Act etc which were “ENACTED” after the Indian Constitution came into place.

Union of India as defined in the Indian Constitution is nothing but a “State Succession” from British India. It means substitution of one State by another over a territory. It signifies transfer of rights and duties from one international artificial personality to another in consequence of the territorial change. The Vienna Convention on Succession of States in Respect of likewise Treaties 1978 defines State succession likewise by

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Sec-8. (1) In the case of each of the new Dominions, the powers of the legislature of the Dominion shall, for the purpose of making provision as to the Constitution of the Dominion, be exercisable in the first instance by the Constituent Assembly of that Dominion and references in this Act to the legislature of the Dominion shall be construed accordingly.

(3) Any provision of the Government of India Act, 1935, which, as applied to either of the new Dominions by subsection (2) of this section and the orders therein referred to, operates to limit the power of the legislature of that Dominion shall, unless and until other provision is made by or in accordance with a law made by the Constituent Assembly of the Dominion in accordance with the provisions of subsection (1) of this section, have the like effect as a law of the Legislature of the Dominion limiting for the future the powers of that Legislature.

<sup>6</sup>Article 372- Continuance in force of existing laws and their adaptation(1) Notwithstanding the repeal by this Constitution of the enactments referred to in Article 395 but subject to the other provisions of this Constitution, all the laws in force in the territory of India immediately before the commencement of this Constitution, shall continue in force therein until altered or repealed or amended by a competent Legislature or other competent authority.

<sup>7</sup> Article 13(1) All laws in force in the territory of India immediately before the commencement of this Constitution, in so far as they are inconsistent with the provisions of this Part, shall, to the extent of such inconsistency, be void

<sup>8</sup> ILR(1903)30 Cal 539(PC)

<sup>9</sup> As per Section 3 of the Act, the widow will have a limited interest in her estate.

stating under Article 2(1) (a) as the replacement of one State by another in the responsibility for the international relation of territory.<sup>10</sup>

### **Impact of Adultery in the Society**

Family is a unit of the State<sup>11</sup>. If family gets affected, State also become weak. Till now Women's economic capacity is lesser than their male counterpart in India.<sup>12</sup> Thus a family impacted because of the earning male has a promiscuous affair, the children get affected (Their Education, Psychology, values are affected). The Penal Law of Adultery should be either gender neutral or should take in its ambit the third sex, married, unmarried-Man and Woman, Widow, Widower as offender or abettor. The children of Void and voidable Marriage have to face various social and legal challenges in their life.

Though illegitimate children will be protected as legitimate as provided in the Hindu Marriage Act, Sec-16. (Legitimacy of children of void and voidable marriages.—(1) Notwithstanding that a marriage is null and void under section 11, any child of such marriage who would have been legitimate if the marriage had been valid, shall be legitimate, whether such child is born before or after the commencement of the Marriage Laws (Amendment) Act, 1976 (68 of 1976), and whether or not a decree of nullity is granted in respect of that marriage under this Act and whether or not the marriage is held to be void otherwise than on a petition under this Act.

But in reality they (Children of Void and Voidable marriage) face a cynical attitude of the society. They suffer from inferiority complex. They also will not have the right to inherit ancestral property of a family.<sup>13</sup>

Section 13 of the Hindu Marriage Act, provides- Divorce.—(1) Any marriage solemnized, whether before or after the commencement of this Act, may, on a petition presented by either the husband or the wife, be dissolved by a decree of divorce on the ground that the other party— 1 (i) has, after the solemnization of the marriage, had voluntary sexual intercourse with any person other than his or her spouse; XXXXX

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<sup>10</sup> Dr. H.O. Agarwal, The International Law and Human rights. Chapter 13, State Succession , P-190.

<sup>11</sup> Article 16, Universal declaration of Human Rights- 1. Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution. 2. Marriage shall be entered into only with the free and full consent of the intending spouses. 3. The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.

<sup>12</sup>[http:// m.economicstimes.com](http://m.economicstimes.com). Visited on 31/1/2022.

Indian women earn 19% less than Indian Men. The share of Women's participation at work was around 36% in 2021, compared to 64% by men.

<sup>13</sup> Hindu Marriage Act, Section 16(3) Nothing contained in sub-section (1) or sub-section (2) shall be construed as conferring upon any child of a marriage which is null and void or which is annulled by a decree of nullity under section 12, any rights in or to the property of any person, other than the parents, in any case where, but for the passing of this Act, such child would have been incapable of possessing or acquiring any such rights by reason of his not being the legitimate child of his parents.

This is a civil liability of a Man or Woman causing Adultery; it is same in other personal laws also. As for example, Under Indian Divorce Act, Section 10, Adultery is the ground of Divorce for Christian Community. However Adultery has not been defined by the legislature. The Christian law of inheritance in India is regulated by the Indian Succession Act, 1925. The Indian Succession Act (ISA) only recognizes kinship,<sup>14</sup> therefore adopted and illegitimate children are excluded from the ambit of the Act. (Other than Testamentary Succession)<sup>15</sup> Christian law provides for equal inheritance rights to sons and daughters only if they are born from a valid marriage. 'Child' under Indian Succession Act does not include illegitimate child. The Personal Laws Amendment Act, 2019 is also silent about the Christian Illegitimate child's proprietary right.

However, The Central Adoption Resource Authority enables prospective Indian Parents and Couples to adopt abandoned Child or Child in conflict with law or child in need of Care and Protection, under the Juvenile Justice Act. Thus the Adopted Child will get all the rights of the biological child. Thus the Married Parents/ Couples need to look after such child, without engaging in promiscuous behavior.

Under Section 32(d) of the Parsi Marriage and Divorce Act, Adultery is also a ground of Divorce. But here also Adultery is not defined. Under section 3 of the Act it is provided that, "(1) No marriage shall be valid if— (a) the contracting parties are related to each other in any of the degrees of consanguinity or affinity set forth in Schedule I; or (b) such marriage is not solemnized according to the Parsi form of ceremony called "Ashirvad" by a priest in the presence of two Parsi witnesses other than such priest; or (c) in the case of any Parsi (whether such Parsi has changed his or her religion or domicile or not) who, if a male, has not completed twenty-one years of age, and if a female, has not completed eighteen years of age. (2) Notwithstanding that a marriage is invalid under any of the provisions of sub-section(1), any child of such marriage who would have been legitimate if the marriage had been legitimate if the marriage had been valid, shall be legitimate."

There is no existing provision in the Indian Succession Act, about the Illegitimate Parsi Children born out of the adulterous relationship, the right to succeed the property.<sup>16</sup> As per the provision of the Section 3(2) of the Parsi Marriage and Divorce Act, the Illegitimate Children (Other than

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<sup>14</sup> Section 24 of the Indian Succession Act, (Kindred and consanguinity-Kindred or Consanguinity is the connection or relation of persons descended.

<sup>15</sup> See section 76 of the Indian Succession Act. Illustration (iii) The testator bequeaths his property "to A and B, the legitimate children C". C has no legitimate child, but has two illegitimate children, A and B. The bequest to A and B takes effect, although they are illegitimate. (Part-VI, Testamentary Succession, Chapter VI, Of the Construction of Wills, Indian Succession Act, 1925.

<sup>16</sup> See Indian Succession Act, Part- V (Intestate Succession), Chapter III, Special Rules for Parsi Intestate.

Children born out of Adulterous relation) shall have equal Right to succeed as per right of the legitimate child. The illegitimate Parsi children can be given, property by implementing Part VI, Testamentary Succession, Chapter- VI (Of the Construction of Wills).

The Amendment of Personal Law Act, 2019 is also silent about the Parsi Illegitimate child's proprietary right.

Adultery in Muslim Personal Law and its impact:- There is compatibility of the punishment of zina (adultery or fornication), with modern ideas concerning personal freedom, and in particular sexual freedom. From various verses of the Qur'an it is inferable that punishment for zina was at first a sort of tazir that is deterrence and it became a "hadd," that is fixed punishment. Later, the form of fixed punishment started to vary according to the marital status of the culprit. This is agreed upon by all the Muslim jurists with the exception of the kharajite group of al-Azariqa, and some contemporary jurists, who denied that stoning to death was the punishment for married offenders claiming that stoning had been amended by the revelation of the Qur'an (24:2).<sup>17</sup>

The Muslim Personal Law Shariat Application Act, 1937 in section 2, provides various types of Divorce illa, zihar, lian ,khula and mubaraat and it can be enforced by the Husband and Wife on fault grounds (read Adultery) of each other. The triple talaq is abrogated by the law "ENACTED" by the Indian Parliament (THE MUSLIM WOMEN (PROTECTION OF RIGHTS ON MARRIAGE) ACT, 2019.) The Supreme Court, on 18<sup>th</sup> May, 2017, had declared Triple Talaq as unconstitutional.

In Muslim law, an illegitimate child is considered as a child of nobody. The father's right of guardianship extends only to his minor legitimate children. He is not entitled to the guardianship or the custody of his illegitimate minor children. The mother is also not a natural guardian, even of her illegitimate minor children but she is entitled to their custody.<sup>18</sup> It seems that Muslims too, like other communities can adopt a child under the provisions of Juvenile Justice Act,( Central Adoption Resource Authority), and irrespective of existing personal law.

Under the Special Marriage Act, 1954, any Indian Citizen can marry another as per section 4 of the Act. Adultery is a ground of Divorce under this Act,<sup>19</sup> but not covered under section 24 (Void Marriage) and 25(Voidable Marriage) of the Special Marriage Act. Thus a child born out

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<sup>17</sup> The punishment for adultery in Islamic law and its application ..<https://www.tandfonline.com/doi/pdf>

<sup>18</sup> <https://blog.ipleaders.in/General> visited on 29/1/2022.

<sup>19</sup> Section 27 of the Special Marriage Act, 1954.

2 [(1)] Subject to the provisions of this Act and to the rules made there under, a petition for divorce may be presented to the district court either by the husband or the wife on the ground that the respondent— 3 [(a) has, after the solemnization of the marriage, had voluntary sexual intercourse with any person other than his or her spouse; or

of the Adulterous relation is illegitimate.<sup>20</sup> As per section 26(3) of the Special Marriage Act, illegitimate children will get the property of their parents. But enabling provision of the Section 26(1) and (2) of the Special Marriage Act is not applicable for a child born out of Adulterous relation. This civil liability should be included in the Penal- Adultery law also. We know that civil liability can be included in the Penal law, as per Section 43 in The Indian Penal Code- “Illegal”, “Legally bound to do”. —The word “illegal” is applicable to everything which is an offence or which is prohibited by law, or which furnishes ground for a civil action; and a person is said to be “legally bound to do” whatever it is illegal in him to omit. The institution of Marriage was further diluted by section 2f of the Protection of Women from Domestic Violence Act, 2005, where relationship in the “Nature of Marriage”<sup>21</sup> was recognized. These gave recognition of rights of living-together partners, but the application of Adultery concept should also be impliedly recognized in such cases. A partner having sexual intercourse with a person other than the partner causes infidelity and thus should be punished by the Penal law and liability in the nature of damages and separation of the tie between them. The Child of such tie called as relationship in the nature of the marriage should get some economic protection from the economically strong partner. Ideally a pre-nuptial registered agreement/Civil contract related to every important aspects of life including maintenance of children should be thrashed out. Infringement of the conditions may evoke damages and separation.

### **Conclusion**

Human being lives in a community. To protect the moral fabric of the community, family, - institutions like marriage or other marriage like associations should be protected. Children as immature Human, the future resource of the State, need nurturing parents. The concept of intergenerational equity of care and protection provide sound and thriving Human race.<sup>22</sup> If offences against marriage or marriage like institutions take place, apart from the Quarreling spouses/couples, the child gets affected. Their mental and physical growth gets stunted. Though in many Countries, Penal provisions for Adultery are abrogated, but it can be assumed, that for benefit of a child, institution like Marriage should exist. Society recognizes individual’s rights but it should be balanced with duty to the community and State also.

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<sup>20</sup> Not covered under section 26 of the Special Marriage Act, which give illegitimate children the status of legitimate children.

<sup>21</sup> See CRLJ March 2017 Vol. 123 Part 1407, Journal-61. (For the test of relationship in the “Nature of Marriage.”

<sup>22</sup> Young Parents look after the Children and in old age they are looked after by their Children. This Practice continues in almost every culture.



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