

Government Arts and Science College - Aranthangi



Value Education

BBA - First Year

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What is Value?

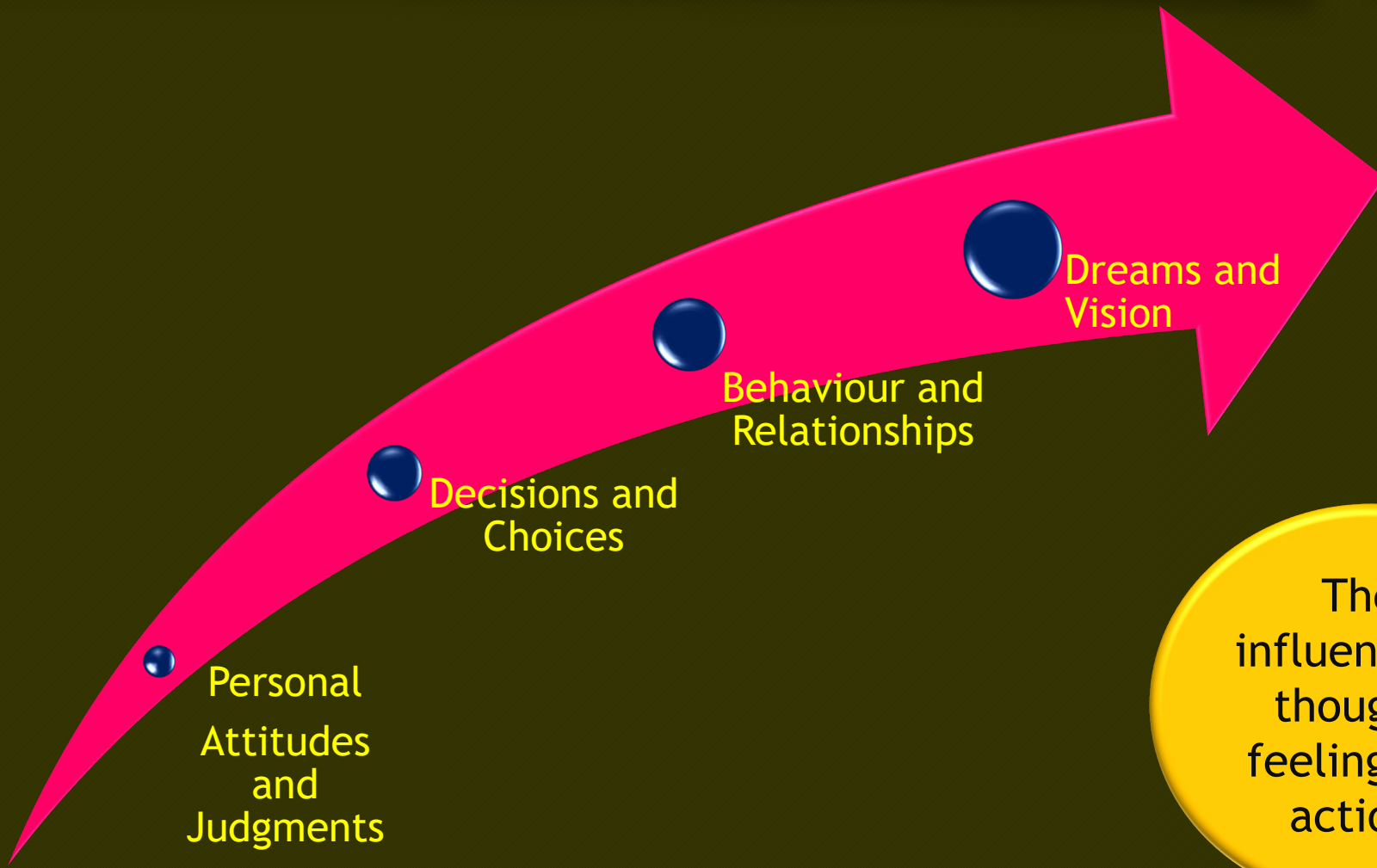
Value

- Value means primarily to prize, to esteem, to appraise and to estimate.

Value

- It means the act of achieving something, holding it and also the act of passing judgment upon the nature and amount of values as compared with something else.

Values Reflect



They influence our thoughts, feelings and actions.

Value

Values are like the rails that keep a train on the track and help it move smoothly, quickly and with direction. They bring quality to life.



Value

Activity



Thought
or
Idea

sentiment
or
emotion

Feeling

which could
promote
self-development
of the individual in
all its dimensions

Education

Education • Knowledge

Education • Values

Education • Skills

Education • Critical Thinking

Education • Problem Solving

Education • Creativity



Value Education

Value education means inculcating in the children a sense of humanism, a deep concern for the well-being of others and the nation.

மதிப்புக் கல்வி என்பது
குழந்தைகளில்
மனிதநேய உணர்வைத்
தூண்டுவது,
மற்றவர்களின் மற்றும்
தேசத்தின்
நல்வாழ்வுக்கான
ஆழ்ந்த அக்கறை.

Value Education



Need for Value Education

- Values allow the individuals to interact harmoniously with others
- Values guide our behaviors; they are part of our identity as individuals
- They show us how to behave and how not to behave when we're faced with desires or impulses, whether we're alone or with others.
- They are like a compass that helps us behave consistently, regardless of the situation
- Values guide our actions and determine for us what's good or bad

மதிப்புகள் தனிநபர்களை மற்றவர்களுடன் இணக்கமாக தொடர்பு கொள்ள அனுமதிக்கின்றன.

மதிப்புகள் எங்கள் நடத்தைகளுக்கு வழிகாட்டுகின்றன; அவர்கள் தனிநபர்கள் என்ற நமது அடையாளத்தின் ஒரு பகுதியாகும்.

நாம் தனியாக இருந்தாலும் அல்லது மற்றவர்களுடன் இருந்தாலும், ஆசைகள் அல்லது தூண்டுதல்களை எதிர்கொள்ளும்போது எவ்வாறு நடந்து கொள்ள வேண்டும், எப்படி நடந்து கொள்ளக்கூடாது என்பதை அவை நமக்குக் காட்டுகின்றன.

அவை ஒரு திசைகாட்டி போன்றவை, அவை சூழ்நிலையைப் பொருட்படுத்தாமல் தொடர்ந்து நடந்து கொள்ள எங்களுக்கு உதவுகின்றன.

மதிப்புகள் எங்கள் செயல்களை வழிநடத்துகின்றன, எது நல்லது அல்லது கெட்டது என்பதை எங்களுக்குத் தீர்மானிக்கும்.

Human Life on Earth (Kural 629)

இன்பத்துள் இன்பம் விழையாதான் துன்பத்துள்
துன்பம் உறுதல் இலன்.

மு.வரதராசன் விளக்கம்:

இன்பம் வந்திக் காலத்தில் அந்த இன்பத்தை விரும்பிப் போற்றாதவன் துன்பம் வந்த காலத்தில் அந்தத் துன்பத்தை அடைவது இல்லை.

சாலமன் பாப்பையா விளக்கம்:

தன் உடலுக்கு இன்பம் வரும்போது அதை மனத்தால் விரும்பாதவன், துன்பம் வரும்போது மனம் தளர்ந்து துன்பப்படமாட்டான்.

சிவயோகி சிவக்குமார் விளக்கம்:

இன்பமான சுழலில் இன்பத்தின் மேல் அக்கறை இல்லாதவர் துன்பமான சுழலில் துன்பம் அடைவது இல்லை.

Purpose of Life (Kural 46)

அறனென்ப் பட்டதே இல்வாழ்க்கை அஃதும்
பிறன்பழிப்ப தில்லாயின் நன்று.

மு.வரதராசன் விளக்கம்:

அறம் என்று சிறப்பித்து சொல்லப்பட்டது இல்வாழ்க்கையே ஆகும். அதுவும் மற்றவன் பழிக்கும் குற்றம் இல்லாமல் விளங்கினால் மேலும் நன்மையாகும்.

சாலமன் பாப்பையா விளக்கம்:

அறம் என்று சிறப்பிக்கப்பட்டது, மனைவியுடன் வாழும் வாழ்க்கையே; துறவற வாழ்க்கையும், பிறரால் பழிக்கப்படாமல் இருக்குமானால் நல்லது.

சிவயோகி சிவக்குமார் விளக்கம்:

அறம் எனப்படுவதே குடும்ப வாழ்க்கை அதுவும் பிறர் பழிக்கும்படி இல்லாமல் இருப்பது நன்று.

Meaning and Philosophy of Life (Kural 131, 226)

ஒழுக்கம் விழுப்பந் தரலான் ஒழுக்கம்
உயிரினும் ஒம்பப் படும்.

- மு.வரதராசன் விளக்கம்:

ஒழுக்கமே எல்லார்க்கும் மேன்மையைத் தருவதாக இருப்பதால், அந்த ஒழுக்கமே உயிரை விடச் சிறந்ததாகப் போற்றப்படும்.

- சாலமன் பாப்பையா விளக்கம்:

ஒழுக்கம், அதை உடையவர்க்குச் சிறப்பைத் தருவதால் உயிரைக் காட்டிலும் மேலானதாக அதைக் காக்க வேண்டும்.

- சிவயோகி சிவக்குமார் விளக்கம்:

சுயமுன்னேற்றதிர்க்கான வரைமுரையால் சுயத்தை அறியலாம்
சுயமுன்னேற்றதிற்கான வரைமுறை உயிரை விட சிறந்ததாக காக்க வேண்டும்.

Meaning and Philosophy of Life (Kural 131, 226)

அற்றார் அழிபசி தீர்த்தல் அஃதொருவன்
பெற்றான் பொருள்வைப் புழி.

- மு.வரதராசன் விளக்கம்:

வறியவரின் கடும்பசியைத் தீர்க்க வேண்டும் அதுவே பொருள் பெற்ற ஒருவன் அப் பொருளைத் தனக்குப் பிற்காலத்தில் உதவுமாறு சேர்த்து வைக்கும் இடமாகும்.

- சாலமன் பாப்பையா விளக்கம்:

ஏதும் இல்லாதவரின் கடும்பசியைத் தீர்த்து வையுங்கள். பொருளைப் பெற்றவன் சேமித்து வைக்கும் இடம் அதுவே.

- சிவயோகி சிவக்குமார் விளக்கம்:

இல்லாதவர்களின் அழிபசி தீர்த்துவிடுதல் ஒருவர் தான் பெற்ற பொருளை வைப்பதற்கான இடமாகும்.

UNIT-V

HUMAN RIGHTS

I .The Concept of Human Rights:

Meaning:

Human beings are rational beings. They by virtue of their being human possess certain basic and inalienable rights, which are commonly known as human rights. Since these rights belong to them because of their very existence, they become operative with their birth. Human rights, being the birthrights are therefore, inherent in all the individuals irrespective of their caste, creed, religion, sex and nationality. These rights are essential for all the individuals as they are consonant with their freedom and dignity and are conducive to physical, moral, social and spiritual welfare. They are also necessary, as they provide suitable conditions for the material and moral uplift of the people. Because of their immense significance to human beings, human rights are also sometimes referred to fundamental rights, basic rights, inherent rights, natural rights and birthrights.

It is difficult to define the expression human rights, mainly because of differences in cultural background, legal systems, ideology and economic and social and political conditions of different societies or states. However it can be said that the ideal of human rights is bound up with the ideal of human dignity. Thus, all those rights, which are essential for the maintenance of human dignity, may be called human rights. The world conference on Human rights held in 1993 in Vienna stated in the Declaration that all human rights derive from the dignity and worth inherent in the human person, and the human person is the central subject of human rights and fundamental freedoms.

D.K.Basu defines human rights as those minimum rights, which every individual must have against the state or other public authority by virtue of his being a member of human family irrespective of any other consideration. Human rights are, therefore based on elementary human needs as imperatives. Some of these human needs are elemental for sheer physical survival and health. Others are elemental for psychic's survival and health. Thus, the human rights can be perceived and enumerated.

Rights being immunities denote that there is a guarantee that certain things cannot or ought not to be done to a person against his will. According to this concept, human beings, by

virtue of their humanity, ought to be protected against unjust and degrading treatment. In other words, human rights are exemptions from the operation of arbitrary power. An individual can seek human rights only in an organized community. i.e, a state or in other words, where the civil social order exists. No one can imagine to invoke them in a state of anarchy where there is hardly any just power to which a citizen can appeal against the violations of rights. Thus the principle of the protection of human rights is derived from the concept of man as a person and his relationship with an organized society which cannot be separated from universal human nature.

Human rights being essential for all-round development of the personality of the individuals in the society, be necessarily protected and be made available to all the individuals. The need for the protection has arisen because of inevitable increase in the control over men's action by the Governments which by no means can be regarded as derivable. The consciousness on the part of the human beings as to their rights has also necessitated the protection by the states. It has been realized that the functions of all the laws whether they are the rules of municipal law or that of international law should be to protect them in the interest of the humanity.

Evolution of the concept of Human Rights:

The roots for the protection of the rights of man may be traced as far back as in the Babylonian laws, Assyrian laws, Hittite laws and in the Dharm of the Vedic period in India. (Writings of Plato and other Greek and Roman philosophers also for the protection of human rights though they had a religious foundation). The city-state of Greece gave equal freedom of speech, equality before law, right to vote, right to be elected to public office, right to trade, and the right of access to justice to their citizens. Similar rights were secured to the Roman by the 'Jus civile' of the Roman law.

Thus the origins of the concept of human rights are usually agreed to be found in the Greco-Roman natural law doctrines of stoicism, which held that a universal force pervades all creation of the human conduct should therefore be judged according to the law of nature.

International Perspective:

In 1929, the worth of the human personality was realized and the Institute of International law issued a proclamation of the rights of the man against the state. However instead of enumerating the rights of human beings it laid down six duties of the states which are:

- (i) To recognise the right of every individual to life, liberty and property and to accord to all within its territory the full and entire protection of their right without distinction as to nationality, sex, race, language or religion.
- (ii) To recognize the right of every individual to the free practice, both public and private of every faith, religion or belief.
- (iii) To recognise the right of every individual both to the free use of the language of his choice and to the teaching of such language.
- (iv) To recognise that no motive based directly or indirectly on distinction of sex, race, language or religion, empowers states to refuse to any of their nationals, private and public rights.
- (v) To recognise that the equality as contemplated herein is not to be nominal, but effective.
- (vi) To recognise that except for motives based upon its general legislation, no state shall have right to withdraw its nationality from those whom for reasons of sex, race, language or religion, it should not deprive of the guarantee contemplated in this proclamation.

These duties based the conviction arrived by the President Franklin D. Roosevelt, on Jan 6, 1941 a proclamation was issued by him and was known as "Four Freedoms". The list is:

- (i) Freedom of speech
- (ii) Freedom of religion
- (iii) Freedom from want
- (iv) Freedom from fear

He also declared that: " Freedom means the supremacy of human rights everywhere. Our support goes to those who struggle to gain these rights or keep them".

Emergence of Universal Declaration of Human Rights:

The idea for the protection for human rights and fundamental freedoms was received in the Atlantic charter-1941 and the Declaration of the United Nations - 1942. Subsequent to the

discussions it was realized by many members of the United Nations that it should be an obligation of the international community to promote human rights.

The Universal Declaration of Human rights was adopted in 1948 and two International covenants were adopted in 1966. The two international covenants, together with the Universal Declaration and optional protocols, comprise the International Bill of Human Rights. Thus, International Bill of Human Rights is a collective term applied to five major international instruments. These documents have laid the foundations from which other treaties and declarations have been adopted. Fundamental rights and freedoms contained in the International Bill of Human Rights have been further elaborated in over sixty human rights treaties concerning slavery, genocide, humanitarian law, the administration of justice, social development, religious tolerance, cultural cooperation, discrimination, violence against women, and the status of refugees and minorities.

Enumeration of Rights in the Declaration:

The Universal Declaration enumerated the basic postulates and principles of human rights in a most comprehensive manner. It dealt not only with civil or political rights, but with social and economic rights as well.

Civil and Political Rights as per the Declaration:

Articles 2 to 21 deal with those civil and political rights, which have been generally recognised throughout the world. These are:

1. Right to life, liberty and security of persons.(Art.3)
2. Freedom from slavery or servitude (Art.4)
3. Prohibition against torture, inhuman or degrading treatment or punishment (Art.5)
4. Recognition as a person before Law (Art.6)
5. Equality before the law and equal protection of the law without any discrimination. (Art.7)
6. Effective remedy before the national tribunals (Art.8)
7. Freedom from arbitrary arrest, detention or exile. (Art.9)
8. Right to a fair and public hearing by an independent and impartial tribunal. (Art.10)

9. Presumption of innocence until proved guilty in a public trial with all guarantees necessary for defense in criminal cases. (Art.11-I)
10. Freedom from ex-post facto laws (Art.11-II)
11. Right to privacy, family, home and correspondence. (Art.12)
12. Right to freedom of movement and residence within the borders of a state. (Article 13, I)
13. Right to leave any country, including his own and to return to his country. (Art.13)
14. Right to seek and to enjoy in other countries asylum from persecution (Art.14)
15. Right to a nationality (Art.15)
16. Right to marry and to find a family. (Art.16)
17. Right to own property.(Art.17)
18. Right to freedom of thought, conscience and religion (Art.18)
19. Right to freedom of opinion and expression (Art.19)
20. Right to freedom of peaceful assembly and association (Article 20)
21. Right to participate in the Government of his country (Article 21)

Economic and Social Rights

1. Right to social security (Art.22)
2. Right to work and free choice of employment (Art.23)
3. Right to rest and leisure (Art.24)
4. Right to a standard of living for the health of himself and of his family (Art.25)
5. Right to education (Art.26)
6. Right to participate in cultural life (Art.27)
7. Right to good social and international order (Art.28)

Limitations:

Though the rights have been enumerated to safe guard human rights, the declaration also had laid down under Art.29 certain limitations to these rights and freedoms. By providing that everyone has duties to the community in which, the final and full development of his personality alone is possible. Art.29 Para 2 provides that the rights shall be provided to the individuals, subject to just requirements of morality, public order and the general welfare in a democratic

society. Therefore it is to be considered that the rights provided in the Declaration are not absolute.

India and the Universal Declaration:

India was a signatory to the Declaration. The Indian constitution adopted by the constituent Assembly on Nov.26, 1949 came into force from Jan 26, 1950 was greatly influenced by the Declaration. A number of fundamental rights guaranteed to individuals in Part III of the Indian constitution are similar to the provisions of the Declaration is clear from the following:

Classifying Human Rights

Comparative Table

Name of the Rights:	Universal Declaration	Indian Constitution
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1. Equality before law	Art.7	Art.14
2. Prohibition of		
discrimination	Art.7	Art.15(1)
3. Equality of opportunity	Art.21(2)	Art.16(1)
4. Freedom of speech		
and expression	Art.19	Art.19(1)(a)
5. Freedom of peaceful		
assembly	Art.20(1)	Art.(1)(b)
6. Right to form		
associations or unions	Art.23(4)	Art.19(1)(c)
7. Freedom of movement	Art.13(1)	Art.19(1)(d)
within the border		
8. Protection in respect	Art.(11)(2)	Art.20(1)
of conviction for offences		

9. Protection of life and		
personal liberty	Art.3	Art.21
10. Protection of slavery	Art.4	Art.23
and forced labour		
11. Freedom of conscience	Art.18	Art.25 (1)
and religion		
12. Remedy for enforcement	Art.8	Art.32
of rights		

The above-mentioned comparative table shows that the Universal Declaration has provided the model for the Indian Constitution's human rights guarantees.

II. Human Rights and Constitutional Provisions:

Right to Life and Liberty:

Art.21 lays down that no person shall be deprived of his life or personal liberty except according to 'procedure established by law' which means in a simple way that, a person could not be deprived of his life or personal liberty merely by an executive fiat without there being a valid law to support it.

The basic principles of this right are that personal liberty makes for the worth of the human person.

Present View:

Right to life includes the right to live with human dignity and all that goes along with it, Viz. the bare necessities of life such as adequate nutrition, clothing reading, writing and expressing oneself in diverse forms, freely moving about and mixing and co-mingling with fellow human beings. Thus it is construed that, the term 'Life' mentioned in Art.21 of the Indian constitution is not only restricted to the mere animal existence of a person.

Fundamental Right's growth in India:

During the British rule in India, human rights were violated by the rulers on a very wide scale. Therefore, the framers of the Indian constitution, who had suffered long incarceration during the British regime, had a very positive attitude towards their rights.

Secondly, the Indian society is fragmented into many religions, cultural and linguistic groups and it was necessary to declare fundamental rights and to give to the people a sense of security and confidence. Then it was thought necessary that people should have some rights which may be enforced against the government which may become arbitrary at times.

Articles 12 to 35 of the constitution pertain to Fundamental Rights of the people. They have been grouped under seven heads as follows:

- (i) Right to Equality comprising Articles 14 to 18, of which Art.14 is the most important.
- (ii) Right for Freedom comprising Articles 19 to 22 which guarantee several freedoms.
- (iii) Right against Exploitation consists of Art.23 & 24.
- (iv) Right to Freedom of Religion is guaranteed by Art.25 to 28.
- (V) Cultural and Educational Rights are guaranteed by Art.29 & 30.
- (vi) Right to constitutional Remedies is secured by Art.32 to 35.

III. Human Rights of Women and Children:

The advancement of women has been a focus of the work of the United Nations since its creation. The General Assembly of the United Nations on November 7, 1967 adopted a Declaration on the Elimination of Discrimination Against Women, and in order to implement the principles set forth in the Declaration, a convention on the Elimination of All forms of Discrimination Against Women was adopted by the General Assembly on December 18, 1979.

Discrimination against Women:

Although the International Bill of Human Rights laid down a comprehensive set of rights to which all persons, including women are entitled, additional means for protecting the human rights of women were seen as necessary because the mere fact of their 'humanity' has not been sufficient to guarantee women the protection of their rights.

The convention under Art. 1 defines the term discrimination against women as any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their

marital status, on a basis of equality of men & women of human rights & fundamental freedoms in the political, economic, social, cultural, civil or any other field.

The fields were steps that are to be taken to eliminate discrimination against women are:

(1) ***Education***

The convention under Article 10 provides that women shall be provided same conditions for Careers & Vocational guidance as to that of men. They shall be provided same access to studies for the achievement of diplomas in educational establishments of all categories in rural as well as in all types of vocational training. Women shall have access to the same curricula, the same examinations, teaching staff with qualifications of the

same standard and school premises and equipment of the same quality as to that of men. Women shall be provided same opportunities as to men in matters relating to scholarship and other study grant. They shall have same opportunities for access to programme of continuing education including adult and functional literacy programmes. They shall have same opportunities to participate actively in sports and physical education.

(2) ***EMPLOYMENT:***

The convention under Art.11 provided that states shall take all appropriate measures to eliminate discrimination against woman in the field of employment, in particular (a) the right to work (b) right to same employment opportunities (c) right to free choice of profession and employment (d) right to equal remuneration including benefits and equal treatment in respect or work, of equal value as well as equality of treatment in the education of quality of work (e) the right to social security, particularly in cases of retirement, unemployment, sickness invalidity, old age and other incapacity to work, as well as the right to paid leave (f) right to protection of health and to safety in working conditions. There shall be no discrimination against women on grounds of marriage or maternity.

(3) ***HEALTH CARE:***

The convention under Art.12 provides that states shall take steps to eliminate discrimination against women in the field of health care, access to health care services, including those related to family planning.

(4) ***ECONOMIC AND SOCIAL LIFE:***

Art.13 of the convention provides that women shall be provided the same rights as to that of men in particular (a) the right to family benefits (b) the right to bank loans mortgages and other forms of financial credit the right to participate in recreational activities, sports and all aspects of cultural life.

(5) ***Women in Rural Areas:***

Article 14 provided elimination of discrimination against rural areas. States are required to ensure such women the right to

- (a) Participate in the elaboration and implementation of development planning at all levels
- (b) Have access to adequate health care facilities, including information, counseling and services in family planning
- (c) Benefit directly from social security programmes.
- (d) Obtain all types of training and education, formal and non-formal, including, that relating to functional literacy, as well as, inter alia, the benefit of all community and extension services, in order to increase their technical proficiency.
- (e) Organize self-help groups and cooperatives in order to obtain equal access to economic opportunities through employment or self-employment.
- (f) Participate in all community activities.
- (g) Have access to agricultural credit and loans, marketing facilities, appropriate technology and equal treatment in land and agrarian reform as well as in land resettlement schemes and
- (h) Enjoy adequate living conditions.

(6) Equality before law:

Art 15 of the constitution provides that states shall accord to women equality with men before the law. Women shall have equal rights to conclude contracts and to administer property and states shall treat them equally in all stages of procedure in courts and tribunals. States agree that all contracts and all other private instruments of any kind with a legal capacity of women shall be deemed null and void. States shall accord to men and women the same rights with law relating to the movement of persons and the freedom to choose their residence and domicile.

(7) Marriage & Family Relations:

Art.16 provides that states shall take all measures to eliminate discrimination against women in all matters relating to marriage and family relations. Women shall be provided

- (a) The same right to enter into marriage.
- (b) The same rights and responsibilities during marriage and at its dissolution
- (c) The same rights and responsibilities as parents, in matters relating to their children. In all cases the interests of children shall be paramount.
- (d) The same rights to decide freely and responsibly on the number and spacing of their children and to have access to the information, education and means to enable them to exercise their rights.
- (e) The same rights and responsibilities with regard to guardianship, ward ship, trusteeship and adoption of children.

- (f) The same personal rights as husband and wife, including the right to choose a family name a profession and an occupation.
- (g) The same rights for both spouses in respect of ownership, acquisition, management, administration, enjoyment and disposition of property whether free of charge or for a valuable consideration.

Status of Women in India:

India has given equal status to women. Women in India enjoy right to equality.

Constitutional Safeguards:

Indian Constitution under Art.14 provides that “ The state shall not deny to any person before the law or the equal protection of the laws within the territory of India”. The above provision clearly shows that women in India enjoy right to equality and any discrimination against them shall be violation of equality of right and respect for human dignity.

The Indian Constitution also provides under Art.15 that every female citizen has a right to access to shops, public restaurants, hotels and places of public entertainment and no restriction can be imposed on female citizens with regard to the use of wells, tanks, bathing ghats, roads and places of public resort maintained wholly or partly by state funds.

Art.16 of the constitution provides that there shall be equality of opportunity for all citizens (including women) in matters relating to employment or appointment to any office under the state.

In order to improve the status of women further the constitution provides under art.15 (3) that state may make special provisions for women. Consequently, a number of legal provisions aimed at securing equal status for and removing discrimination against women have been made. For instance, the constitution was amended in 1992 to reserve 33 percent of the seats in their favour in panchayats and municipalities. The amendment is regarded as a major step for socio economic empowerment of the women in India. The constitution has also cast the duty on every citizen to renounce practices derogatory to the dignity of women.

India and International Convention:

India has ratified the convention on the elimination of all forms of discrimination against women on July 9 1993. Ratification of the convention obliges India to honour the obligations

imposed by the convention, which include adapting various measures to uphold human rights with regard to women.

Physical assault and harassment of women:

Gender equality is also a basic human right. It could be effectively safeguarded at work places specifically if at all there are said principles and laws for the enforcement of those principles.

The Indian Supreme Court has formulated the guidelines to guarantee the effective implementation of the rights of women against sexual exploitation at work places; in the case Vishaka & others Vs State of Rajasthan; it is observed that:

(i) Each incident of sexual harassment of women at work places results in violation of fundamental rights of “ Gender Equality” and the “Right to life and liberty”.

(ii) It shall be the duty of the employer or the responsible persons in work places or other institutions to prevent or deter the commission of acts of sexual harassment and provide the procedures for the resolution, settlement or prosecution of acts of sexual harassment by taking all steps required.

(iii) All employers or persons in charge of work place should take following steps to prevent steps to prevent sexual harassment.

(a) Express prohibition of sexual harassment a defined at the work place should be notified, published and circulated in appropriate ways;

(b) The rules/regulations of Government and public sector bodies relating to conduct and discipline should include rules/regulations prohibiting sexual harassment and provide for appropriate penalties in such rules against the offender.

(c) As regards private employers steps should be taken to include the aforesaid prohibitions in the standing orders under the Industrial Employment (Standing Orders) Act. Appropriate work conditions should be provided in respect of work, leisure, health and hygiene to further ensure that there is no hostile environment.

(iv) Where such conduct amounts to a specified offence under the Indian Penal Code or under any other law, the employer shall initiate appropriate action in accordance with laws. It should ensure that victims, or witnesses are not victimized or discriminated against while dealing with complaints of sexual harassment. The victims of sexual harassment should have the option to seek transfer of the perpetrator or their own transfer.

(v) Appropriate disciplinary action should be initiated by the employer if the conduct amounts to misconduct as per relevant conduct rules.

(vi) An appropriate complaint mechanism should be treated in the employer's organization for redress of the complaint made by the victim. Such complaint mechanism should ensure time bound treatment of complaints.

(vii) It should be adequate to provide, where necessary, a complaints committee, a special counselor or other support service including the maintenance of confidentiality. The committee should be headed by a woman and not less than half of its members should be women. In order to prevent the probability of any undue pressure or influence from senior levels, such complaints committee should involve a third party, either NGO- Non Governmental Organisation or other body who is familiar with the issue of sexual harassment. The complaints committee must make an annual report to the Government and the action taken by it.

(viii) Employees should be allowed to raise issues of sexual harassment at workmen's meeting and in other appropriate forum and it should be affirmatively discussed in Employer –Employee meeting.

(ix) Awareness of the rights of female employees in this regard should be created in particular by prominently notifying guidelines in a suitable manner.

(x) Where sexual harassment occurs as a result of an act or omission by a third party or outsider, the employer and person in charge will take all steps necessary and reasonable to assist the affected persons in terms of support and preventing action.

(xi) The Central/State Governments are requested to consider adopting suitable measures including legislation to ensure that the guidelines are also observed by the employers in the private sector.

The Supreme Court further stated that the 'above guidelines' and norms would be strictly observed in all work places for the preservation and enforcement of the right to gender equality of the working women.

Human Rights as to Children:

The Universal Declaration of Human Rights had stipulated under Art.25 (2) that childhood is entitled to special care and assistance. Following the same, the convention on the

rights of the child was adopted by the General Assembly by consensus, on the 30th Anniversary of the Declaration on Nov 20, 1989 which came into force on Sep 2, 1990.

Who is a child?

The convention under Article 1 states that a child means every human being below the age of 18 years. Unless under the law applicable to the child, majority is attained earlier.

Rights of the Child:

A number of rights have been stipulated in the convention which includes the following:

- (i) Right to life (Article 6 (1))
- (ii) Right to acquire nationality (Art 7)
- (iii) Right to freedom of expression (Art. 13 (1))
- (iv) Right to freedom of thought, conscience and religion (Art 14(1))
- (v) Right to Freedom of association and to freedom of peaceful assembly (Art 15(1))
- (vi) Right to Privacy
- (vii) Right to family environment (Art.20)
- (viii) Right to education (Art.28 (1))
- (ix) Right to benefit from social security (Art.26 (1))
- (x) Right to a standard of living adequate for the child's physical, mental, spiritual and social development (Art.27 (1))
- (xi) Right to the enjoyment of the highest attainable standard of health and to facilities for the treatment of illness and rehabilitation of health (Art.24 (1)).
- (xii) Right to the protection of the law against arbitrary or unlawful interference with his or her privacy family, home or correspondence (Art.16 (1))
- (xiii) Right against exploitation of child labour (Art.32)
- (xiv) Right against sexual exploitation (Art.34).
- (xv) Right against abduction, sale or traffic (Art.35)
- (xvi) Right against other forms of exploitation on prejudicial to any aspect of the child's welfare.

Child Labour in India:

The Indian constitution under Art.24 provides that no child below the age of fourteen years shall be employed in any factory or mine or engaged in any other hazardous employment.

The above provision was made in order to protect children from exploitation and to provide them education so that they may develop their personality and may live a dignified life.

Art.45 provides that the state shall Endeavour to provide free and compulsory education for all children until they complete the age of 14 years. Despite the above constitutional prohibition on child labour, children are working in a large number in hazardous as well as non-hazardous work.

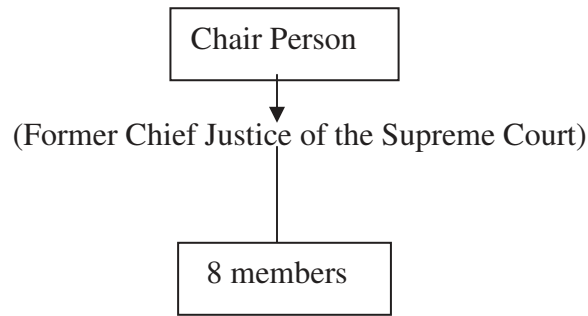
India has the population of more than 380 million children – the largest population of children in the world. A large number of them are between the age group of 6 to 14 years. It is a difficult task to provide free education to them; similar task is to prevent child labour. It has to be seen that the tender age of children are not abused and that children are not forced by economic necessity to enter avocations unsuited to their age or strength and that children should be given opportunities and facilities to develop in a healthy manner and in conditions of freedom and dignity. Childhood is required to be protected against exploitation and against moral and material abandonment. The only way by which t can be prevented is to provide education to the children. Indian Government has estimated that the financial expenditure to implement the free education to child would be nearly forty thousand crore rupees. The Government alone is not responsible to incur such expenditure. It is also the duty of the parents and guardians to provide education to their wards as per Art.51 (A)(k) of the Indian constitution.

IV. Institutions for implementation of Human Rights:

National Human Rights Commission:

Constitution:

The Constitution of Human Rights commission is dealt with under section 3 of the protection of Human Rights Act. It provides that the commission be constituted by the Central Government as under;



- (I) Sitting or retired Judge of the Supreme Court.
- (II) Serving or a retired Chief Justice of the High Court.
- (III) Two prominent persons having knowledge or practical experience in the sphere of human rights.
- (IV) The chairpersons of the National commission for minorities, the scheduled castes and scheduled tribes and women.

The chairperson and the members shall be appointed by the President and they shall hold office for a period of 5 years from the date on which they enter upon their office.

Powers and function of the Commission:

Section 12 of the Protection of Human Rights Act deals with the powers:

- (i) The commission shall inquire ‘suomotto’ or on a petition presented to it by a victim or any person on his behalf, into complaints of
 - (a) Violation of human rights or abetment thereof.
 - (b) Negligence in the prevention of such violation by a public servant.
- (ii) The commission may intervene in any proceeding involving any allegation of violation of human rights pending before a court with the approval of such court.
- (iii) The commission shall visit, under intimation to the state govt. any jail or any other institution under the control of the state govt. where persons are detained or lodged for purposes of treatment, reformation or protection to study the living conditions of the inmates and make recommendations thereon.
- (iv) The commission shall encourage the efforts of non-governmental organizations and institutions working in the field of human rights.

(v) The commission may perform any other function, as it may consider necessary for the promotion of human rights.

Human Rights Courts:

Human Rights Courts are to be established in every district u/s 30 of the Protection of Human Rights Act. These courts ensure the speedy trial of the offences relating to human rights violations.

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**Value Education - Human Rights
Questions for Unit V - Human Rights**

1. How can a victim of Domestic violence get redressal?
2. What are the provisions in law to ensure ‘education for all’?
3. Elucidate how demand for dowry can be eradicated, citing few examples
4. Explain why and how children can be protected against ‘Child Labour’.
5. Highlight with examples any five ‘Rights of the Child’.
6. Elucidate the initiatives taken, with examples, to protect women against physical assault and harassment of women.
7. What are the various ways and means by which discrimination against women are taken care of.
8. Elucidate with examples, any two rights each of the following, as per the Universal Declaration of Human Rights:
 - a) Civil and Political Rights
 - b) Economic and Social Rights
9. Explain with examples how women in rural areas can have equal rights to perform
10. Explain briefly how women in India can enjoy equal status.

THE CONSUMER PROTECTION ACT, 1986

ARRANGEMENT OF SECTIONS

CHAPTER I PRELIMINARY

SECTIONS

1. Short title, extent, commencement and application.
2. Definitions.
3. Act not in derogation of any other law.

CHAPTER II CONSUMER PROTECTION COUNCILS

4. The Central Consumer Protection Council.
5. Procedure for meetings of the Central Council.
6. Objects of the Central Council.
7. The State Consumer Protection Councils.
8. Objects of the State Council.
- 8A. The District Consumer Protection Council.
- 8B. Objects of the District Council.

CHAPTER III CONSUMER DISPUTES REDRESSAL AGENCIES

9. Establishment of Consumer Disputes Redressal Agencies.
10. Composition of the District Forum.
11. Jurisdiction of the District Forum.
12. Manner in which complaint shall be made.
13. Procedure on admission of complaint.
14. Finding of the District Forum.
15. Appeal.
16. Composition of the State Commission.
17. Jurisdiction of the State Commission.
- 17A. Transfer of cases.
- 17B. Circuit Benches.
18. Procedure applicable to State Commissions.
- 18A. [Omitted.]
19. Appeals.
- 19A. Hearing of appeal.
20. Composition of the National Commission.
21. Jurisdiction of the National Commission.
22. Power and procedure applicable to the National Commission.
- 22A. Power to set aside *ex parte* orders.
- 22B. Transfer of cases.
- 22C. Circuit Benches.
- 22D. Vacancy in the office of the President.
- 22E. Qualifications, terms and conditions of service of President and Member.
23. Appeal.
24. Finality of orders.

SECTIONS

- 24A. Limitation period.
- 24B. Administrative control.
- 25. Enforcement of orders of the District Forum, the State Commission or the National Commission.
- 26. Dismissal of frivolous or vexatious complaints.
- 27. Penalties.
- 27A. Appeal against order passed under section 27.

CHAPTER IV

MISCELLANEOUS

- 28. Protection of action taken in good faith.
- 28A. Service of notice, etc.
- 29. Power to remove difficulties.
- 29A. Vacancies or defects in appointment not to invalidate orders.
- 30. Power to make rules.
- 30A. Power of the National Commission to make regulations.
- 31. Rules and regulations to be laid before each House of Parliament.

THE CONSUMER PROTECTION ACT, 1986

ACT NO. 68 OF 1986

[24th December, 1986.]

An Act to provide for the better protection of the interests of consumers and for that purpose to make provision for the establishment of consumer councils and other authorities for the settlement of consumers' disputes and for matters connected therewith.

BE it enacted by Parliament in the Thirty-seventh Year of the Republic of India as follows:—

CHAPTER I

PRELIMINARY

1. Short title, extent, commencement and application.—(1) This Act may be called the Consumer Protection Act, 1986.

(2) It extends to the whole of India except the State of Jammu and Kashmir.

(3) It shall come into force on such date¹ as the Central Government may, by notification, appoint and different dates may be appointed for different States and for different provisions of this Act.

(4) Save as otherwise expressly provided by the Central Government by notification, this Act shall apply to all goods and services.

2. Definitions.—(1) In this Act, unless the context otherwise requires,—

²[(a) “appropriate laboratory” means a laboratory or organisation—

(i) recognised by the Central Government;

(ii) recognised by a State Government, subject to such guidelines as may be prescribed by the Central Government in this behalf; or

(iii) any such laboratory or organisation established by or under any law for the time being in force, which is maintained, financed or aided by the Central Government or a State Government for carrying out analysis or test of any goods with a view to determining whether such goods suffer from any defect;]

³[(aa) “branch office” means—

(i) any establishment described as a branch by the opposite party; or

(ii) any establishment carrying on either the same or substantially the same activity as that carried on by the head office of the establishment;]

(b) “complainant” means—

(i) a consumer; or

(ii) any voluntary consumer association registered under the Companies Act, 1956 (1 of 1956) or under any other law for the time being in force; or

(iii) the Central Government or any State Government,

who or which makes a complaint;

1. 15th April, 1987, *vide* notification No. S.O. 390(E), dated 15th April, 1987 in respect of Chapters I, II and IV, *see* Gazette of India, Extraordinary, Part II, sec. 3(ii).

1st July, 1987, *vide* notification No. S.O. 568(E), dated 10th June, 1987 in respect of Chapter III, *see* Gazette of India, Extraordinary, Part II, sec. 3(ii).

2. Subs. by Act 50 of 1993, s. 2, for clause (a) (w.e.f. 18-6-1993).

3. Ins. by s. 2, *ibid.* (w.e.f. 18-6-1993).

- ¹[(*iv*) one or more consumers, where there are numerous consumers having the same interest;]
²[(*v*) in case of death of a consumer, his legal heir or representative;]
(c) “complaint” means any allegation in writing made by a complainant that—
³[(*i*) an unfair trade practice or a restrictive trade practice has been adopted by ⁴[any trader or service provider];]
(*ii*) ⁵[the goods bought by him or agreed to be bought by him] suffer from one or more defects;
(*iii*) ⁶[the services hired or availed of or agreed to be hired or availed of by him] suffer from deficiency in any respect;
⁷[(*iv*) a trader or the service provider, as the case may be, has charged for the goods or for the services mentioned in the complaint, a price in excess of the price—
(a) fixed by or under any law for the time being in force;
(b) displayed on the goods or any package containing such goods;
(c) displayed on the price list exhibited by him by or under any law for the time being in force;
(d) agreed between the parties;
(*v*) goods which will be hazardous to life and safety when used are being offered for sale to the public,—
(a) in contravention of any standards relating to safety of such goods as required to be complied with, by or under any law for the time being in force;
(b) if the trader could have known with due diligence that the goods so offered are unsafe to the public;
(*vi*) services which are hazardous or likely to be hazardous to life and safety of the public when used, are being offered by the service provider which such person could have known with due diligence to be injurious to life and safety;]

with a view to obtaining any relief provided by or under this Act;

- (*d*) “consumer” means any person who,—
(*i*) buys any goods for a consideration which has been paid or promised or partly paid and partly promised, or under any system of deferred payment and includes any user of such goods other than the person who buys such goods for consideration paid or promised or partly paid or partly promised, or under any system of deferred payment when such use is made with the approval of such person, but does not include a person who obtains such goods for resale or for any commercial purpose; or
(*ii*) ⁸[hires or avails of] any services for a consideration which has been paid or promised or partly paid and partly promised, or under any system of deferred payment and includes any beneficiary of such services other than the person who ⁸[hires or avails of] the services for consideration paid or promised, or partly paid and partly promised, or under any system of deferred payment, when such services are availed of with the approval of the first mentioned person ²[but does not include a person who avails of such services for any commercial purpose].

1. Ins. by Act 50 of 1993, s. 2 (w.e.f. 18-6-1993).

2. Ins. by Act 62 of 2002, s. 2 (w.e.f. 15-3-2003).

3. Subs. by Act 50 of 1993, s. 2, for clause (*i*) (w.e.f. 18-6-1993).

4. Subs. by Act 62 of 2002, s. 2, for “any trader” (w.e.f. 15-3-2003).

5. Subs. by Act 50 of 1993, s. 2, for “the goods mentioned in the complaint” (w.e.f. 18-6-1993).

6. Subs. by s. 2, *ibid.*, for “the services mentioned in the complaint” (w.e.f. 18-6-1993).

7. Subs. by Act 62 of 2002, s. 2, for sub-clauses (*iv*), (*v*) and (*vi*) (w.e.f. 15-3-2003).

8. Subs. by 50 of 1993, s. 2, for “hires” (w.e.f. 18-6-1993).

¹[*Explanation.*—For the purposes of this clause, “commercial purpose” does not include use by a person of goods bought and used by him and services availed by him exclusively for the purposes of earning his livelihood by means of self-employment;]

(e) “consumer dispute” means a dispute where the person against whom a complaint has been made, denies or disputes the allegations contained in the complaint;

(f) “defect” means any fault, imperfection or shortcoming in the quality, quantity, potency, purity or standard which is required to be maintained by or under any law for the time being in force or ²[under any contract, express or implied, or] as is claimed by the trader in any manner whatsoever in relation to any goods;

(g) “deficiency” means any fault, imperfection, shortcoming or inadequacy in the quality, nature and manner of performance which is required to be maintained by or under any law for the time being in force or has been undertaken to be performed by a person in pursuance of a contract or otherwise in relation to any service;

(h) “District Forum” means a Consumer Disputes Redressal Forum established under clause (a) of section 9;

(i) “goods” means goods as defined in the Sale of Goods Act, 1930 (3 of 1930);

³[(j) “manufacturer” means a person who—

(i) makes or manufactures any goods or parts thereof; or

(ii) does not make or manufacture any goods but assembles parts thereof made or manufactured by others; or

(iii) puts or causes to be put his own mark on any goods made or manufactured by any other manufacturer;]

Explanation.—Where a manufacturer despatches any goods or part thereof to any branch office maintained by him, such branch office shall not be deemed to be the manufacturer even though the parts so despatched to it are assembled at such branch office and are sold or distributed from such branch office;

²[(jj) “member” includes the President and a member of the National Commission or a State Commission or a District Forum, as the case may be;]

(k) “National Commission” means the National Consumer Disputes Redressal Commission established under clause (c) of section 9;

(l) “notification” means a notification published in the Official Gazette;

(m) “person” includes,—

(i) a firm whether registered or not;

(ii) a Hindu undivided family;

(iii) a co-operative society;

(iv) every other association of persons whether registered under the Societies Registration Act, 1860 (21 of 1860) or not;

(n) “prescribed” means prescribed by rules made by the State Government, or as the case may be, by the Central Government under this Act;

1. Subs. by Act 62 of 2002, s. 2, for the *Explanation* (w.e.f. 15-3-2003).

2. Ins. by Act 50 of 1993, s. 2 (w.e.f. 18-6-1993).

3. Subs. by Act 62 of 2002, s. 2, for clause (j) (w.e.f. 15-3-2003).

¹[(*nn*) “regulation” means the regulations made by the National Commission under this Act;

(*nm*) “restrictive trade practice” means a trade practice which tends to bring about manipulation of price or its conditions of delivery or to affect flow of supplies in the market relating to goods or services in such a manner as to impose on the consumers unjustified costs or restrictions and shall include—

(*a*) delay beyond the period agreed to by a trader in supply of such goods or in providing the services which has led or is likely to lead to rise in the price;

(*b*) any trade practice which requires a consumer to buy, hire or avail of any goods or, as the case may be, services as condition precedent to buying, hiring or availing of other goods or services;]

(*o*) “service” means service of any description which is made available to potential ²[users and includes, but not limited to, the provision of] facilities in connection with banking, financing, insurance, transport, processing, supply of electrical or other energy, board or lodging or both, ³[housing construction,] entertainment, amusement or the purveying of news or other information, but does not include the rendering of any service free of charge or under a contract of personal service;

⁴[(*oo*) “spurious goods and services” mean such goods and services which are claimed to be genuine but they are actually not so;]

(*p*) “State Commission” means a Consumer Disputes Redressal Commission established in a State under clause (*b*) of section 9;

(*q*) “trader”, in relation to any goods means a person who sells or distributes any goods for sale and includes the manufacturer thereof, and where such goods are sold or distributed in package form, includes the packer thereof;

⁵[(*r*) “unfair trade practice” means a trade practice which, for the purpose of promoting the sale, use or supply of any goods or for the provision of any service, adopts any unfair method or unfair or deceptive practice including any of the following practices, namely:—

(*I*) the practice of making any statement, whether orally or in writing or by visible representation which,—

(*i*) falsely represents that the goods are of a particular standard, quality, quantity, grade, composition, style or model;

(*ii*) falsely represents that the services are of a particular standard, quality or grade;

(*iii*) falsely represents any re-built, second-hand, renovated, reconditioned or old goods as new goods;

(*iv*) represents that the goods or services have sponsorship, approval, performance, characteristics, accessories, uses or benefits which such goods or services do not have;

(*v*) represents that the seller or the supplier has a sponsorship or approval or affiliation which such seller or supplier does not have;

(*vi*) makes a false or misleading representation concerning the need for, or the usefulness of, any goods or services;

(*vii*) gives to the public any warranty or guarantee of the performance, efficacy or length of life of a product or of any goods that is not based on an adequate or proper test thereof:

1. Subs. by Act 62 of 2002, s. 2, for clause (*nn*) (w.e.f. 15-3-2003).

2. Subs. by s. 2, *ibid.*, for “users and includes the provisions of” (w.e.f. 15-3-2003).

3. Ins. by Act 50 of 1993, s. 2 (w.e.f. 18-6-1993).

4. Ins. by Act 62 of 2002, s. 2 (w.e.f. 15-3-2003).

5. Subs. by Act 50 of 1993, s. 2, for clause (*r*) (w.e.f. 18-6-1993).

Provided that where a defence is raised to the effect that such warranty or guarantee is based on adequate or proper test, the burden of proof of such defence shall lie on the person raising such defence;

(viii) makes to the public a representation in a form that purports to be—

(i) a warranty or guarantee of a product or of any goods or services; or

(ii) a promise to replace, maintain or repair an article or any part thereof or to repeat or continue a service until it has achieved a specified result,

if such purported warranty or guarantee or promise is materially misleading or if there is no reasonable prospect that such warranty, guarantee or promise will be carried out;

(ix) materially misleads the public concerning the price at which a product or like products or goods or services, have been or are, ordinarily sold or provided, and, for this purpose, a representation as to price shall be deemed to refer to the price at which the product or goods or services has or have been sold by sellers or provided by suppliers generally in the relevant market unless it is clearly specified to be the price at which the product has been sold or services have been provided by the person by whom or on whose behalf the representation is made;

(x) gives false or misleading facts disparaging the goods, services or trade of another person.

Explanation.—For the purposes of clause (1), a statement that is—

(a) expressed on an article offered or displayed for sale, or on its wrapper or container; or

(b) expressed on anything attached to, inserted in, or accompanying, an article offered or displayed for sale, or on anything on which the article is mounted for display or sale; or

(c) contained in or on anything that is sold, sent, delivered, transmitted or in any other manner whatsoever made available to a member of the public,

shall be deemed to be a statement made to the public by, and only by, the person who had caused the statement to be so expressed, made or contained;

(2) permits the publication of any advertisement whether in any newspaper or otherwise, for the sale or supply at a bargain price, of goods or services that are not intended to be offered for sale or supply at the bargain price, or for a period that is, and in quantities that are, reasonable, having regard to the nature of the market in which the business is carried on, the nature and size of business, and the nature of the advertisement.

Explanation.—For the purpose of clause (2), “bargaining price” means—

(a) a price that is stated in any advertisement to be a bargain price, by reference to an ordinary price or otherwise, or

(b) a price that a person who reads, hears or sees the advertisement, would reasonably understand to be a bargain price having regard to the prices at which the product advertised or like products are ordinarily sold;

(3) permits—

(a) the offering of gifts, prizes or other items with the intention of not providing them as offered or creating impression that something is being given or offered free of charge when it is fully or partly covered by the amount charged in the transaction as a whole;

(b) the conduct of any contest, lottery, game of chance or skill, for the purpose of promoting, directly or indirectly, the sale, use or supply of any product or any business interest;

¹[(3A) withholding from the participants of any scheme offering gifts, prizes or other items free of charge, on its closure the information about final results of the scheme.

Explanation.—For the purposes of this sub-clause, the participants of a scheme shall be deemed to have been informed of the final results of the scheme where such results are within a reasonable time published, prominently in the same newspapers in which the scheme was originally advertised];

(4) permits the sale or supply of goods intended to be used, or are of a kind likely to be used, by consumers, knowing or having reason to believe that the goods do not comply with the standards prescribed by competent authority relating to performance, composition contents, design, constructions, finishing or packaging as are necessary to prevent or reduce the risk of injury to the person using the goods;

(5) permits the hoarding or destruction of goods, or refuses to sell the goods or to make them available for sale or to provide any service, if such hoarding or destruction or refusal raises or tends to raise or is intended to raise, the cost of those or other similar goods or services];

¹[(6) manufacture of spurious goods or offering such goods for sale or adopting deceptive practices in the provision of services.]

(2) Any reference in this Act to any other Act or provision thereof which is not in force in any area to which this Act applies shall be construed to have a reference to the corresponding Act or provision thereof in force in such area.

3. Act not in derogation of any other law.—The provisions of this Act shall be in addition to and not in derogation of the provisions of any other law for the time being in force.

CHAPTER II

CONSUMER PROTECTION COUNCILS

4. The Central Consumer Protection Council.—(1) ²[The Central Government shall], by notification, establish with effect from such date as it may specify in such notification, a Council to be known as the Central Consumer Protection Council (hereinafter referred to as the Central Council).

(2) The Central Council shall consist of the following members, namely:—

(a) the Minister in charge of ³[consumer affairs] in the Central Government, who shall be its Chairman, and

(b) such number of other official or non-official members representing such interests as may be prescribed.

5. Procedure for meetings of the Central Council.—(1) The Central Council shall meet as and when necessary, but ⁴[at least one meeting] of the Council shall be held every year.

(2) The Central Council shall meet at such time and place as the Chairman may think fit and shall observe such procedure in regard to the transaction of its business as may be prescribed.

6. Objects of the Central Council.—The objects of the Central Council shall be to promote and protect the rights of the consumers such as,—

(a) the right to be protected against the marketing of goods ⁵[and services] which are hazardous to life and property;

(b) the right to be informed about the quality, quantity, potency, purity, standard and price of goods ⁵[or services, as the case may be,] so as to protect the consumer against unfair trade practices;

1. Ins. by Act 62 of 2002, s. 2 (w.e.f. 15-3-2003).

2. Subs. by s. 3, *ibid.*, for “The Central Government may” (w.e.f. 15-3-2003).

3. Subs. by Act 50 of 1993, s. 3, for “the Department of Food and Civil Supplies” (w.e.f. 18-6-1993).

4. Subs. by s. 4, *ibid.*, for “not less than three meetings” (w.e.f. 18-6-1993).

5. Ins. by s. 5, *ibid.* (w.e.f. 18-6-1993).

(c) the right to be assured, wherever possible, access to a variety of goods ¹[and services] at competitive prices;

(d) the right to be heard and to be assured that consumers' interests will receive due consideration at appropriate forums;

(e) the right to seek redressal against unfair trade practices ¹[or restrictive trade practices] or unscrupulous exploitation of consumers; and

(f) the right to consumer education.

7. The State Consumer Protection Councils.—(1) ²[The State Government shall], by notification, establish with effect from such date as it may specify in such notification, a Council to be known as the Consumer Protection Council for(hereinafter referred to as the State Council).

³[(2) The State Council shall consist of the following members, namely:—

(a) the Minister incharge of consumer affairs in the State Government who shall be its Chairman;

(b) such number of other official or non-official members representing such interests as may be prescribed by the State Governments;

⁴[(c) such number of other official or non-official members, not exceeding ten, as may be nominated by the Central Government.]

(3) The State Council shall meet as and when necessary but not less than two meetings shall be held every year.

(4) The State Council shall meet at such time and place as the Chairman may think fit and shall observe such procedure in regard to the transaction of its business as may be prescribed by the State Government.]

8. Objects of the State Council.—The objects of every State Council shall be to promote and protect within the State the rights of the consumers laid down in clauses (a) to (f) of section 6.

⁵[**8A. The District Consumer Protection Council.**—(1) The State Government shall establish for every district, by notification, a council to be known as the District Consumer Protection Council with effect from such date as it may specify in such notification.

(2) The District Consumer Protection Council (hereinafter referred to as the District Council) shall consist of the following members, namely:—

(a) the Collector of the district (by whatever name called), who shall be its Chairman; and

(b) such number of other official and non-official members representing such interests as may be prescribed by the State Government.

(3) The District Council shall meet as and when necessary but not less than two meetings shall be held every year.

(4) The District Council shall meet as such time and place within the district as the Chairman may think fit and shall observe such procedure in regard to the transaction of its business as may be prescribed by the State Government.

8B. Objects of the District Council.—The objects of every District Council shall be to promote and protect within the district the rights of the consumers laid down in clauses (a) to (f) of section 6.]

1. Ins. by Act 50 of 1993, s. 5 (w.e.f. 18-6-1993).

2. Subs. by Act 62 of 2002, s. 4, for “The State Government may” (w.e.f. 15-3-2003).

3. Subs. by Act 50 of 1993, s. 6, for sub-section (2) (w.e.f. 18-6-1993).

4. Ins. by Act 62 of 2002, s. 4 (w.e.f. 15-3-2003).

5. Ins. by s. 5, *ibid.* (w.e.f. 15-3-2003).

CHAPTER III

CONSUMER DISPUTE REDRESSAL AGENCIES

9. Establishment of Consumer Disputes Redressal Agencies.—There shall be established for the purposes of this Act, the following agencies, namely:—

(a) a Consumer Disputes Redressal Forum to be known as the “District Forum” established by the State Government ^{1***} in each district of the State by notification:

²[Provided that the State Government may, if it deems fit, establish more than one District Forum in a district.]

(b) a Consumer Disputes Redressal Commission to be known as the “State Commission” established by the State Government ^{1***} in the State by notification; and

(c) a National Consumer Disputes Redressal Commission established by the Central Government by notification.

10. Composition of the District Forum.—³[(I) Each District Forum shall consist of—

(a) a person who is, or has been, or is qualified to be a District Judge, who shall be its President;

⁴[(b) two other members, one of whom shall be a woman, who shall have the following qualifications, namely:—

(i) be not less than thirty-five years of age,

(ii) possess a bachelor’s degree from a recognised university,

(iii) be persons of ability, integrity and standing, and have adequate knowledge and experience of at least ten years in dealing with problems relating to economics, law, commerce, accountancy, industry, public affairs or administration:

Provided that a persons shall be disqualified for appointment as a member, if he—

(a) has been convicted and sentenced to imprisonment for an offence which, in the opinion of the State Government, involves moral turpitude; or

(b) is an undischarged insolvent; or

(c) is of unsound mind and stands so declared by a competent court; or

(d) has been removed or dismissed from the service of the Government or a body corporate owned or controlled by the Government; or

(e) has, in the opinion of the State Government, such financial or other interest as is likely to affect prejudicially the discharge by him of his functions as a member; or

(f) has such other disqualifications as may be prescribed by the State Government;]]

⁵[(IA) Every appointment under sub-section (I) shall be made by the State Government on the recommendation of a selection committee consisting of the following, namely:—

(i) President of the State Commission —Chairman,

(ii) Secretary, Law Department of the State —Member,

(iii) Secretary, incharge of the Department dealing with consumer affairs in the State —Member:]

⁶[Provided that where the President of the State Commission is, by reason of absence or otherwise, unable to act as Chairman of the Selection Committee, the State Government may refer the matter to the Chief Justice of the High Court for nominating a sitting Judge of that High Court to act as Chairman.]

1. The words “with the prior approval of the Central Government” omitted by Act 50 of 1993, s. 7 (w.e.f. 18-6-1993).

2. Ins. by s. 7, *ibid.* (w.e.f. 18-6-1993).

3. Subs. by s. 8, *ibid.*, for sub-section (I) (w.e.f. 18-6-1993).

4. Subs. by Act 62 of 2002, s. 6, for clause (b) (w.e.f. 15-3-2003).

5. Ins. by Act 50 of 1993, s. 8 (w.e.f. 18-6-1993).

6. Ins. by Act 62 of 2002, s. 6 (w.e.f. 15-3-2003).

¹[(2) Every member of the District Forum shall hold office for a term of five years or up to the age of sixty-five years, whichever is earlier:

Provided that a member shall be eligible for re-appointment for another term of five years or up to the age of sixty-five years, whichever is earlier, subject to the condition that he fulfils the qualifications and other conditions for appointment mentioned in clause (b) of sub-section (1) and such re-appointment is also made on the basis of the recommendation of the Selection Committee:

Provided further that a member may resign his office in writing under his hand addressed to the State Government and on such resignation being accepted, his office shall become vacant and may be filled by appointment of a person possessing any of the qualifications mentioned in sub-section (1) in relation to the category of the member who is required to be appointed under the provisions of sub-section (1A) in place of the person who has resigned:

Provided also that a person appointed as the President or as a member, before the commencement of the Consumer Protection (Amendment) Act, 2002 (62 of 2002), shall continue to hold such office as President or member, as the case may be, till the completion of his term.]

(3) The salary or honorarium and other allowances payable to, and the other terms and conditions of service of the members of the District Forum shall be such as may be prescribed by the State Government:

²[Provided that the appointment of a member on whole-time basis shall be made by the State Government on the recommendation of the President of the State Commission taking into consideration such factors as may be prescribed including the work load of the District Forum.]

11. Jurisdiction of the District Forum.—(1) Subject to the other provisions of this Act, the District Forum shall have jurisdiction to entertain complaints where the value of the goods or services and the compensation, if any, claimed ³[does not exceed rupees twenty lakhs].

(2) A complaint shall be instituted in a District Forum within the local limits of whose jurisdiction,—

(a) the opposite party or each of the opposite parties, where there are more than one, at the time of the institution of the complaint, actually and voluntarily resides or ⁴[carries on business or has a branch office or] personally works for gain; or

(b) any of the opposite parties, where there are more than one, at the time of the institution of the complaint, actually and voluntarily resides, or ⁵[carries on business or has a branch office], or personally works for gain, provided that in such case either the permission of the District Forum is given, or the opposite parties who do not reside, or ⁶[carry on business or have a branch office], or personally work for gain, as the case may be, acquiesce in such institution; or

(c) the cause of action, wholly or in part, arises.

⁷[**12. Manner in which complaint shall be made.**—(1) A complaint in relation to any goods sold or delivered or agreed to be sold or delivered or any service provided or agreed to be provided may be filed with a District Forum by—

(a) the consumer to whom such goods are sold or delivered or agreed to be sold or delivered or such service provided or agreed to be provided;

(b) any recognised consumer association whether the consumer to whom the goods sold or delivered or agreed to be sold or delivered or service provided or agreed to be provided is a member of such association or not;

1. Subs. by Act 62 of 2002, s. 6, for sub-section (2) (w.e.f. 15-3-2003).

2. Ins. by s. 6, *ibid.* (w.e.f. 15-3-2003).

3. Subs. by s. 7, *ibid.*, for “does not exceed rupees five lakhs” (w.e.f. 15-3-2003)

4. Subs. by Act 50 of 1993, s. 9, for “carries on business or” (w.e.f. 18-6-1993).

5. Subs. by s. 9, *ibid.*, for “carries on business” (w.e.f. 18-6-1993).

6. Subs. by s. 9, *ibid.*, for “carry on business” (w.e.f. 18-6-1993).

7. Subs. by Act 62 of 2002, s. 8, for section 12 (w.e.f. 15-3-2003).

(c) one or more consumers, where there are numerous consumers having the same interest, with the permission of the District Forum, on behalf of, or for the benefit of, all consumers so interested; or

(d) the Central Government or the State Government, as the case may be, either in its individual capacity or as a representative of interests of the consumers in general.

(2) Every complaint filed under sub-section (1) shall be accompanied with such amount of fee and payable in such manner as may be prescribed.

(3) On receipt of a complaint made under sub-section (1), the District Forum may, by order, allow the complaint to be proceeded with or rejected:

Provided that a complaint shall not be rejected under this sub-section unless an opportunity of being heard has been given to the complainant:

Provided further that the admissibility of the complaint shall ordinarily be decided within twenty-one days from the date on which the complaint was received.

(4) Where a complaint is allowed to be proceeded with under sub-section (3), the District Forum may proceed with the complaint in the manner provided under this Act:

Provided that where a complaint has been admitted by the District Forum, it shall not be transferred to any other court or tribunal or any authority set up by or under any other law for the time being in force.

Explanation.—For the purposes of this section, “recognised consumer association” means any voluntary consumer association registered under the Companies Act, 1956 (1 of 1956) or any other law for the time being in force.]

13. ¹[Procedure on admission of complaint].—(1) The District Forum shall, ²[on admission of a complaint], if it relates to any goods,—

³[(a) refer a copy of the admitted complaint, within twenty-one days from the date of its admission to the opposite party mentioned in the complaint directing him to give his version of the case within a period of thirty days or such extended period not exceeding fifteen days as may be granted by the District Forum;]

(b) where the opposite party on receipt of a complaint referred to him under clause (a) denies or disputes the allegations contained in the complaint, or omits or fails to take any action to represent his case within the time given by the District Forum, the District Forum shall proceed to settle the consumer dispute in the manner specified in clauses (c) to (g);

(c) where the complaint alleges a defect in the goods which cannot be determined without proper analysis or test of the goods, the District Forum shall obtain a sample of the goods from the complainant, seal it and authenticate it in the manner prescribed and refer the sample so sealed to the appropriate laboratory along with a direction that such laboratory make an analysis or test, whichever may be necessary, with a view to finding out whether such goods suffer from any defect alleged in the complaint or from any other defect and to report its findings thereon to the District Forum within a period of forty-five days of the receipt of the reference or within such extended period as may be granted by the District Forum;

(d) before any sample of the goods is referred to any appropriate laboratory under clause (c), the District Forum may require the complainant to deposit to the credit of the Forum such fees as may be specified, for payment to the appropriate laboratory for carrying out the necessary analysis or test in relation to the goods in question;

(e) the District Forum shall remit the amount deposited to its credit under clause (d) to the appropriate laboratory to enable it to carry out the analysis or test mentioned in clause (c) and on receipt of the report from the appropriate laboratory, the District Forum shall forward a copy of the report along with such remarks as the District Forum may feel appropriate to the opposite party;

1. Subs. by Act 62 of 2002, s. 9, for “Procedure on receipt of complaint.” (w.e.f. 15-3-2003).

2. Subs. by s. 9, *ibid.*, for “on receipt of a complaint” (w.e.f. 15-3-2003).

3. Subs. by s. 9, *ibid.*, for clause (a) (w.e.f. 15-3-2003).

(f) if any of the parties disputes the correctness of the findings of the appropriate laboratory, or disputes the correctness of the methods of analysis or test adopted by the appropriate laboratory, the District Forum shall require the opposite party or the complainant to submit in writing his objections in regard to the report made by the appropriate laboratory;

(g) the District Forum shall thereafter give a reasonable opportunity to the complainant as well as the opposite party of being heard as to the correctness or otherwise of the report made by the appropriate laboratory and also as to the objection made in relation thereto under clause (f) and issue an appropriate order under section 14.

(2) The District Forum shall, if the ¹[complaints admitted] by it under section 12 relates to goods in respect of which the procedure specified in sub-section (1) cannot be followed, or if the complaint relates to any services,—

(a) refer a copy of such complaint to the opposite party directing him to give his version of the case within a period of thirty days or such extended period not exceeding fifteen days as may be granted by the District Forum;

(b) where the opposite party, on receipt of a copy of the complaint, referred to him under clause (a) denies or disputes the allegations contained in the complaint, or omits or fails to take any action to represent his case within the time given by the District Forum, the District Forum shall proceed to settle the consumer dispute,—

(i) on the basis of evidence brought to its notice by the complainant and the opposite party, where the opposite party denies or disputes the allegations contained in the complaint, or

(ii) ²[*ex parte* on the basis of evidence] brought to its notice by the complainant where the opposite party omits or fails to take any action to represent his case within the time given by the Forum.

³[(c) where the complainant fails to appear on the date of hearing before the District Forum, the District Forum may either dismiss the complaint for default or decide it on merits.]

(3) No proceedings complying with the procedure laid down in sub-sections (1) and (2) shall be called in question in any court on the ground that the principles of natural justice have not been complied with.

³[(3A) Every complaint shall be heard as expeditiously as possible and endeavour shall be made to decide the complaint within a period of three months from the date of receipt of notice by opposite party where the complaint does not require analysis or testing of commodities and within five months, if it requires analysis or testing of commodities:

Provided that no adjournment shall be ordinarily granted by the District Forum unless sufficient cause is shown and the reasons for grant of adjournment have been recorded in writing by the Forum:

Provided further that the District Forum shall make such orders as to the costs occasioned by the adjournment as may be provided in the regulations made under this Act:

Provided also that in the event of a complaint being disposed of after the period so specified, the District Forum shall record in writing, the reasons for the same at the time of disposing of the said complaint.

(3B) Where during the pendency of any proceeding before the District Forum, it appears to it necessary, it may pass such interim order as is just and proper in the facts and circumstances of the case.]

(4) For the purposes of this section, the District Forum shall have the same powers as are vested in a civil court under the Code of Civil Procedure, 1908 (5 of 1908) while trying a suit in respect of the following matters, namely:—

1. Subs. by Act 62 of 2002, s. 9, for “complaint received” (w.e.f. 15-3-2003).

2. Subs. by s. 9, *ibid.*, for “on the basis of evidence” (w.e.f. 15-3-2003).

3. Ins. by s. 9, *ibid.* (w.e.f. 15-3-2003).

(i) the summoning and enforcing the attendance of any defendant or witness and examining the witness on oath;

(ii) the discovery and production of any document or other material object producible as evidence;

(iii) the reception of evidence on affidavits;

(iv) the requisitioning of the report of the concerned analysis or test from the appropriate laboratory or from any other relevant source;

(v) issuing of any commission for the examination of any witness; and

(vi) any other matter which may be prescribed.

(5) Every proceeding before the District Forum shall be deemed to be a judicial proceeding within the meaning of sections 193 and 228 of the Indian Penal Code (45 of 1860), and the District Forum shall be deemed to be a civil court for the purposes of section 195, and Chapter XXVI of the Code of Criminal Procedure, 1973 (2 of 1974).

¹[(6) Where the complainant is a consumer referred to in sub-clause (iv) of clause (b) of sub-section (1) of section 2, the provisions of rule 8 of Order I of the First Schedule to the Code of Civil Procedure, 1908 (5 of 1908) shall apply subject to the modification that every reference therein to a suit or decree shall be construed as a reference to a complaint or the order of the District Forum thereon.]

²[(7) In the event of death of a complainant who is a consumer or of the opposite party against whom the complaint has been filed, the provisions of Order XXII of the First Schedule to the Code of Civil Procedure, 1908 (5 of 1908) shall apply subject to the modification that every reference therein to the plaintiff and the defendant shall be construed as reference to a complainant or the opposite party, as the case may be.]

14. Finding of the District Forum.—(1) If, after the proceeding conducted under section 13, the District Forum is satisfied that the goods complained against suffer from any of the defects specified in the complaint or that any of the allegations contained in the complaint about the services are proved, it shall issue an order to the opposite party directing him to ³[do] one or more of the following things, namely:—

(a) to remove the defect pointed out by the appropriate laboratory from the goods in question;

(b) to replace the goods with new goods of similar description which shall be free from any defect;

(c) to return to the complainant the price, or, as the case may be, the charges paid by the complainant;

(d) to pay such amount as may be awarded by it as compensation to the consumer for any loss or injury suffered by the consumer due to the negligence of the opposite party:

⁴[Provided that the District Forum shall have the power to grant punitive damages in such circumstances as it deems fit;]

⁵[(e) to ⁶[remove the defects in goods] or deficiencies in the services in question;

1. Ins. by Act 50 of 1993, s. 11 (w.e.f. 18-6-1993).

2. Ins. by Act 62 of 2002, s. 9 (w.e.f. 15-3-2003).

3. Subs. by Act 50 of 1993, s. 12, for “take” (w.e.f. 18-6-1993).

4. Ins. by Act 62 of 2002, s. 10 (w.e.f. 15-3-2003).

5. Ins. by Act 50 of 1993, s. 12 (w.e.f. 18-6-1993).

6. Subs. by Act 62 of 2002, s. 10, for “remove the defects” (w.e.f. 15-3-2003).

(f) to discontinue the unfair trade practice or the restrictive trade practice or not to repeat them;

(g) not to offer the hazardous goods for sale;

(h) to withdraw the hazardous goods from being offered for sale;

¹[(*ha*) to cease manufacture of hazardous goods and to desist from offering services which are hazardous in nature;

(*hb*) to pay such sum as may be determined by it, if it is of the opinion that loss or injury has been suffered by a large number of consumers who are not identifiable conveniently:

Provided that the minimum amount of sum so payable shall not be less than five per cent. of the value of such defective goods sold or services provided, as the case may be, to such consumers:

Provided further that the amount so obtained shall be credited in favour of such person and utilized in such manner as may be prescribed;

(*hc*) to issue corrective advertisement to neutralize the effect of misleading advertisement at the cost of the opposite party responsible for issuing such misleading advertisement;]

(*i*) to provide for adequate costs to parties.]

²[(2) Every proceeding referred to in sub-section (1) shall be conducted by the President of the District Forum and at least one member thereof sitting together:

³[Provided that where a member, for any reason, is unable to conduct a proceeding till it is completed, the President and the other member shall continue the proceeding from the stage at which it was last heard by the previous member.]

(2A) Every order made by the District Forum under sub-section (1) shall be signed by its President and the member or members who conducted the proceeding:

Provided that where the proceeding is conducted by the President and one member and they differ on any point or points, they shall state the point or points on which they differ and refer the same to the other member for hearing on such point or points and the opinion of the majority shall be the order of the District Forum.]

(3) Subject to the foregoing provisions, the procedure relating to the conduct of the meetings of the District Forum, its sittings and other matters shall be such as may be prescribed by the State Government.

15. Appeal.—Any person aggrieved by an order made by the District Forum may prefer an appeal against such order to the State Commission within a period of thirty days from the date of the order, in such form and manner as may be prescribed:

Provided that the State Commission may entertain an appeal after the expiry of the said period of thirty days if it is satisfied that there was sufficient cause for not filing it within that period:

⁴[Provided further that no appeal by a person, who is required to pay any amount in terms of an order of the District Forum, shall be entertained by the State Commission unless the appellant has deposited in the prescribed manner fifty per cent. of that amount or twenty-five thousand rupees, whichever is less.]

16. Composition of the State Commission.—(1) Each State Commission shall consist of—

(a) a person who is or has been a Judge of a High Court, appointed by the State Government, who shall be its President:

⁵[Provided that no appointment under this clause shall be made except after consultation with the Chief Justice of the High Court;]

1. Ins. by Act 62 of 2002, s. 10 (w.e.f. 15-3-2003).

2. Subs. by Act 34 of 1991, s. 2, for the sub-section (2) (w.e.f. 15-6-1991).

3. Subs. by Act 62 of 2002, s. 10, for the proviso (w.e.f. 15-3-2003).

4. Ins. by s. 11, *ibid.* (w.e.f. 15-3-2003).

5. Ins. by Act 50 of 1993, s. 13 (w.e.f. 18-6-1993).

¹[(b) not less than two, and not more than such number of members, as may be prescribed, and one of whom shall be a woman, who shall have the following qualifications, namely:—

(i) be not less than thirty-five years of age;

(ii) possess a bachelor's degree from a recognised university; and

(iii) be persons of ability, integrity and standing, and have adequate knowledge and experience of at least ten years in dealing with problems relating to economics, law, commerce, accountancy, industry, public affairs or administration:

Provided that not more than fifty per cent. of the members shall be from amongst persons having a judicial background.

Explanation.—For the purposes of this clause, the expression “persons having a judicial background” shall mean persons having knowledge and experience for at least a period of ten years as a presiding officer at the district level court or any tribunal at equivalent level:

Provided further that a person shall be disqualified for appointment as a member, if he—

(a) has been convicted and sentenced to imprisonment for an offence which, in the opinion of the State Government, involves moral turpitude; or

(b) is an undischarged insolvent; or

(c) is of unsound mind and stands so declared by a competent court; or

(d) has been removed or dismissed from the service of the Government or a body corporate owned or controlled by the Government; or

(e) has, in the opinion of the State Government, such financial or other interest, as is likely to affect prejudicially the discharge by him of his functions as a member; or

(f) has such other disqualifications as may be prescribed by the State Government.]

²[(IA) Every appointment under sub-section (I) shall be made by the State Government on the recommendation of a Selection Committee consisting of the following members, namely:—

(i) President of the State Commission — Chairman;

(ii) Secretary of the Law Department — Member;
of the State

(iii) Secretary incharge of — Member:
the Department dealing with Consumer
Affairs in the State

Provided that where the President of the State Commission is, by reason of absence or otherwise, unable to act as Chairman of the Selection Committee, the State Government may refer the matter to the Chief Justice of the High Court for nominating a sitting Judge of that High Court to act as Chairman.

(IB) (i) The jurisdiction, powers and authority of the State Commission may be exercised by Benches thereof.

(ii) A Bench may be constituted by the President with one or more members as the President may deem fit.

(iii) If the members of a Bench differ in opinion on any point, the points shall be decided according to the opinion of the majority, if there is a majority, but if the members are equally divided, they shall state the point or points on which they differ, and make a reference to the President who shall either hear the point or points himself or refer the case for hearing on such point or points by one or more or the other

1. Subs. by Act 62 of 2002, s. 12, for clause (b) and the proviso (w.e.f. 15-3-2003).

2. Ins. by s. 12, *ibid.* (w.e.f. 15-3-2003).

members and such point or points shall be decided according to the opinion of the majority of the members who have heard the case, including those who first heard it.]

(2) The salary or honorarium and other allowances payable to, and the other terms and conditions of service ^{1***} of, the members of the State Commission shall be such as may be prescribed by the State Government:

²[Provided that the appointment of a member on whole-time basis shall be made by the State Government on the recommendation of the President of the State Commission taking into consideration such factors as may be prescribed including the work load of the State Commission.]

³[(3) Every member of the State Commission shall hold office for a term of five years or up to the age of sixty-seven years, whichever is earlier:

Provided that a member shall be eligible for re-appointment for another term of five years or up to the age of sixty-seven years, whichever is earlier, subject to the condition that he fulfils the qualifications and other conditions for appointment mentioned in clause (b) of sub-section (1) and such re-appointment is made on the basis of the recommendation of the Selection Committee:

Provided further that a person appointed as a President of the State Commission shall also be eligible for re-appointment in the manner provided in clause (a) of sub-section (1) of this section:

Provided also that a member may resign his office in writing under his hand addressed to the State Government and on such resignation being accepted, his office shall become vacant and may be filled by appointment of a person possessing any of the qualifications mentioned in sub-section (1) in relation to the category of the member who is required to be appointed under the provisions of sub-section (1A) in place of the person who has resigned.

(4) Notwithstanding anything contained in sub-section (3), a person appointed as the President or as a member, before the commencement of the Consumer Protection (Amendment) Act, 2002 (62 of 2002), shall continue to hold such office as President or member, as the case may be, till the completion of his term.]

17. Jurisdiction of the State Commission.—⁴[(1)] Subject to the other provisions of this Act, the State Commission shall have jurisdiction—

(a) to entertain—

(i) complaints where the value of the goods or services and compensation, if any, claimed ⁵[exceeds rupees twenty lakhs but does not exceed rupees one crore]; and

(ii) appeals against the orders of any District Forum within the State; and

(b) to call for the records and pass appropriate orders in any consumer dispute which is pending before or has been decided by any District Forum within the State, where it appears to the State Commission that such District Forum has exercised a jurisdiction not vested in it by law, or has failed to exercise a jurisdiction so vested or has acted in exercise of its jurisdiction illegally or with material irregularity.

⁶[(2) A complaint shall be instituted in a State Commission within the limits of whose jurisdiction,—

(a) the opposite party or each of the opposite parties, where there are more than one, at the time of the institution of the complaint, actually and voluntarily resides or carries on business or has a branch office or personally works for gain; or

(b) any of the opposite parties, where there are more than one, at the time of the institution of the complaint, actually and voluntarily resides, or carries on business or has a branch office or personally works for gain, provided that in such case either the permission of the State Commission is given or the opposite parties who do not reside or carry on business or have a branch office or personally works for gain, as the case may be, acquiesce in such institution; or

1. The brackets and words “(including tenure of office)” omitted by Act 50 of 1993, s. 13 (w.e.f. 18-6-1993).

2. Ins. by Act 62 of 2002, s. 12 (w.e.f. 15-3-2003).

3. Subs. by s. 12, *ibid.*, for sub-sections (3) and (4) (w.e.f. 15-3-2003).

4. S. 17 renumbered as sub-section (1) thereof by s. 13, *ibid.* (w.e.f. 15-3-2003).

5. Subs. by s. 13, *ibid.*, for “exceeds rupees five lakhs but does not exceed rupees twenty lakhs” (w.e.f. 15-3-2003).

6. Ins. by s. 13, *ibid.* (w.e.f. 15-3-2003).

(c) the cause of action, wholly or in part, arises.]

¹[**17A. Transfer of cases.**—On the application of the complainant or of its own motion, the State Commission may, at any stage of the proceeding, transfer any complaint pending before the District Forum to another District Forum within the State if the interest of justice so requires.

17B. Circuit Benches.—The State Commission shall ordinarily function in the State Capital but may perform its functions at such other place as the State Government may, in consultation with the State Commission, notify in the Official Gazette, from time to time.]

18. Procedure applicable to State Commissions.—²[The provisions of sections 12, 13 and 14 and the rules made thereunder] for the disposal of complaints by the District Forum shall, with such modifications as may be necessary, be applicable to the disposal of disputes by the State Commission.

18A. [Vacancy in the office of the President.]—*Omitted by the Consumer Protection (Amendment) Act, 2002 (62 of 2002), s. 15 (w.e.f. 15-3-2003).*

19. Appeals.—Any person aggrieved by an order made by the State Commission in exercise of its powers conferred by sub-clause (i) of clause (a) of section 17 may prefer an appeal against such order to the National Commission within a period of thirty days from the date of the order in such form and manner as may be prescribed:

Provided that the National Commission may entertain an appeal after the expiry of the said period of thirty days if it is satisfied that there was sufficient cause for not filing it within that period:

³[Provided further that no appeal by a person, who is required to pay any amount in terms of an order of the State Commission, shall be entertained by the National Commission unless the appellant has deposited in the prescribed manner fifty per cent. of the amount or rupees thirty-five thousand, whichever is less.]

⁴[**19A. Hearing of appeal.**—An appeal filed before the State Commission or the National Commission shall be heard as expeditiously as possible and an endeavour shall be made to finally dispose of the appeal within a period of ninety days from the date of its admission:

Provided that no adjournment shall be ordinarily granted by the State Commission or the National Commission, as the case may be, unless sufficient cause is shown and the reasons for grant of adjournment have been recorded in writing by such Commission:

Provided further that the State Commission or the National Commission, as the case may be, shall make such orders as to the costs occasioned by the adjournment as may be provided in the regulations made under this Act:

Provided also that in the event of an appeal being disposed of after the period so specified, the State Commission or the National Commission, as the case may be, shall record in writing the reasons for the same at the time of disposing of the said appeal.]

20. Composition of the National Commission.—(1) The National Commission shall consist of—

(a) a person who is or has been a Judge of the Supreme Court, to be appointed by the Central Government, who shall be its President:

⁵[Provided that no appointment under this clause shall be made except after consultation with the Chief Justice of India;]

1. Ins. by Act 62 of 2002, s. 14 (w.e.f. 15-3-2003).

2. Subs. by Act 50 of 1993, s. 15, for “The procedure specified in sections 12, 13 and 14 and under the rules made thereunder” (w.e.f. 18-6-1993).

3. Ins. by Act 62 of 2002, s. 16, *ibid.* (w.e.f. 15-3-2003).

4. Ins. by s. 17, *ibid.* (w.e.f. 15-3-2003).

5. Ins. by Act 50 of 1993, s. 16 (w.e.f. 18-6-1993).

¹[(b) not less than four, and not more than such number of members, as may be prescribed, and one of whom shall be a woman, who shall have the following qualifications, namely:—

(i) be not less than thirty-five years of age;

(ii) possess a bachelor's degree from a recognised university; and

(iii) be persons of ability, integrity and standing and have adequate knowledge and experience of at least ten years in dealing with problems relating to economics, law, commerce, accountancy, industry, public affairs or administration:

Provided that not more than fifty per cent. of the members shall be from amongst the persons having a judicial background.

Explanation.—For the purposes of this clause, the expression “persons having judicial background” shall mean persons having knowledge and experience for at least a period of ten years as a presiding officer at the district level court or any tribunal at equivalent level:

Provided further that a person shall be disqualified for appointment, if he—

(a) has been convicted and sentenced to imprisonment for an offence which, in the opinion of the Central Government, involves moral turpitude; or

(b) is an undischarged insolvent; or

(c) is of unsound mind and stands so declared by a competent court; or

(d) has been removed or dismissed from the service of the Government or a body corporate owned or controlled by the Government; or

(e) has, in the opinion of the Central Government, such financial or other interest as is likely to affect prejudicially the discharge by him of his functions as a member; or

(f) has such other disqualifications as may be prescribed by the Central Government:

Provided also that every appointment under this clause shall be made by the Central Government on the recommendation of a Selection Committee consisting of the following, namely:—

(a) a person who is a Judge of the Supreme Court, to be nominated by the Chief Justice of India —Chairman;

(b) the Secretary in the Department of Legal Affairs in the Government of India —Member;

(c) Secretary of the Department dealing with Consumer Affairs in the Government of India —Member.]

²[(IA) (i) The jurisdiction, powers and authority of the National Commission may be exercised by Benches thereof.

(ii) A Bench may be constituted by the President with one or more members as the President may deem fit.

(iii) If the members of a Bench differ in opinion on any point, the points shall be decided according to the opinion of the majority, if there is a majority, but if the members are equally divided, they shall state the point or points on which they differ, and make a reference to the President who shall either hear the point or points himself or refer the case for hearing on such point or points by one or more or the other members and such point or points shall be decided according to the opinion of the majority of the members who have heard the case, including those who first heard it.]

1. Subs. by Act 62 of 2002, s. 18, for clause (b) and the proviso (w.e.f. 15-3-2003).

2. Ins. by s. 18, *ibid.* (w.e.f. 15-3-2003).

(2) The salary or honorarium and other allowances payable to and the other terms and conditions of service ^{1***} of the members of the National Commission shall be such as may be prescribed by the Central Government.

²[(3) Every member of the National Commission shall hold office for a term of five years or up to the age of seventy years, whichever is earlier:

Provided that a member shall be eligible for re-appointment for another term of five years or up to the age of seventy years, whichever is earlier, subject to the condition that he fulfils the qualifications and other conditions for appointment mentioned in clause (b) of sub-section (1) and such re-appointment is made on the basis of the recommendation of the Selection Committee:

Provided further that a person appointed as a President of the National Commission shall also be eligible for re-appointment in the manner provided in clause (a) of sub-section (1):

Provided also that a member may resign his office in writing under his hand addressed to the Central Government and on such resignation being accepted, his office shall become vacant and may be filled by appointment of a person possessing any of the qualifications mentioned in sub-section (1) in relation to the category of the member who is required to be appointed under the provisions of sub-section (1A) in place of the person who has resigned.

(4) Notwithstanding anything contained in sub-section (3), a person appointed as a President or as a member before the commencement of the Consumer Protection (Amendment) Act, 2002 (62 of 2002) shall continue to hold such office as President or member, as the case may be, till the completion of his term.]

21. Jurisdiction of the National Commission.—Subject to the other provisions of this Act, the National Commission shall have jurisdiction—

(a) to entertain—

(i) complaints where the value of the goods or services and compensation, if any, claimed exceeds ³[rupees one crore]; and

(ii) appeals against the orders of any State Commission; and

(b) to call for the records and pass appropriate orders in any consumer dispute which is pending before or has been decided by any State Commission where it appears to the National Commission that such State Commission has exercised a jurisdiction not vested in it by law, or has failed to exercise a jurisdiction so vested, or has acted in the exercise of its jurisdiction illegally or with material irregularity.

⁴[**22. Power and procedure applicable to the National Commission.**—(1) The provisions of sections 12, 13 and 14 and the rules made thereunder for the disposal of complaints by the District Forum shall, with such modifications as may be considered necessary by the Commission, be applicable to the disposal of disputes by the National Commission.

(2) Without prejudice to the provisions contained in sub-section (1), the National Commission shall have the power to review any order made by it, when there is an error apparent on the face of record.

22A. Power to set aside *ex parte* orders.—Where an order is passed by the National Commission *ex parte* against the opposite party or a complainant, as the case may be, the aggrieved party may apply to the Commission to set aside the said order in the interest of justice.

22B. Transfer of cases.—On the application of the complainant or of its own motion, the National Commission may, at any stage of the proceeding, in the interest of justice, transfer any complaint pending

1. The brackets and words “(including tenure of office)” omitted by Act 50 of 1993, s. 16 (w.e.f. 18-6-1993).

2. Subs. by Act 62 of 2002, s. 18, for sub-sections (3) and (4) (w.e.f. 15-3-2003).

3. Subs. by s. 19, *ibid.*, for “rupees twenty lakhs” (w.e.f. 15-3-2003).

4. Subs. by s. 20, *ibid.*, for section 22 (w.e.f. 15-3-2003).

before the District Forum of one State to a District Forum of another State or before one State Commission to another State Commission.

22C. Circuit Benches.—The National Commission shall ordinarily function at New Delhi and perform its functions at such other place as the Central Government may, in consultation with the National Commission, notify in the Official Gazette, from time to time.

22D. Vacancy in the office of the President.—When the office of President of a District Forum, State Commission, or of the National Commission, as the case may be, is vacant or a person occupying such office is, by reason of absence or otherwise, unable to perform the duties of his office, these shall be performed by the senior-most member of the District Forum, the State Commission or of the National Commission, as the case may be:

Provided that where a retired Judge of a High Court is a member of the National Commission, such member or where the number of such members is more than one, the senior-most person amongst such members, shall preside over the National Commission in the absence of President of that Commission.]

¹**22E. Qualifications, terms and conditions of service of President and Member.**—Notwithstanding anything contained in this Act, the qualifications, appointment, term of office, salaries and allowances, resignation, removal and the other terms and conditions of service of the President and other members of the National Commission appointed after the commencement of Part XIV of Chapter VI of the Finance Act, 2017 (7 of 2017), shall be governed by the provisions of section 184 of that Act:

Provided that the President and member appointed before the commencement of Part XIV of Chapter VI of the Finance Act, 2017, shall continue to be governed by the provisions of this Act, and the rules made thereunder as if the provisions of section 184 of the Finance Act, 2017 had not come into force.]

23. Appeal.—Any person, aggrieved by an order made by the National Commission in exercise of its powers conferred by sub-clause (i) of clause (a) of section 21, may prefer an appeal against such order to the Supreme Court within a period of thirty days from the date of the order:

Provided that the Supreme Court may entertain an appeal after the expiry of the said period of thirty days if it is satisfied that there was sufficient cause for not filing it within that period:

²[Provided further that no appeal by a person who is required to pay any amount in terms of an order of the National Commission shall be entertained by the Supreme Court unless that person has deposited in the prescribed manner fifty per cent. of that amount or rupees fifty thousand, whichever is less.]

24. Finality of orders.—Every order of a District Forum, the State Commission or the National Commission shall, if no appeal has been preferred against such order under the provisions of this Act, be final.

³**24A. Limitation period.**—(1) The District Forum, the State Commission or the National Commission shall not admit a complaint unless it is filed within two years from the date on which the cause of action has arisen.

(2) Notwithstanding anything contained in sub-section (1), a complaint may be entertained after the period specified in sub-section (1), if the complainant satisfies the District Forum, the State Commission or the National Commission, as the case may be, that he had sufficient cause for not filing the complaint as this such period:

Provided that no such complaint shall be entertained unless the National Commission, the State Commission or the District Forum, as the case may be, records its reasons for condoning such delay.

24B. Administrative control.—(1) The National Commission shall have administrative control over all the State Commissions in the following matters, namely:—

(i) calling for periodical returns regarding the institution, disposal, pendency of cases;

(ii) issuance of instructions regarding adoption of uniform procedure in the hearing of matters, prior service of copies of documents produced by one party to the opposite parties, furnishing of English translation of judgments written in any language, speedy grant of copies of documents;

1. Ins. by 7 of 2017, s. 177 (w.e.f. 26-5-2017).

2. Ins. by 62 of 2002, s. 21 (w.e.f. 15-3-2003).

3. Ins. by Act 50 of 1993, s. 19 (w.e.f. 18-6-1993).

(c) the order made by the National Commission to the Supreme Court.

(2) Except as aforesaid, no appeal shall lie to any court from any order of a District Forum or a State Commission or the National Commission.

(3) Every appeal under this section shall be preferred within a period of thirty days from the date of an order of a District Forum or a State Commission or, as the case may be, the National Commission:

Provided that the State Commission or the National Commission or the Supreme Court, as the case may be, may entertain an appeal after the expiry of the said period of thirty days, if, it is satisfied that the appellant had sufficient cause for not preferring the appeal within the period of thirty days.]

CHAPTER IV

MISCELLANEOUS

28. Protection of action taken in good faith.—No suit, prosecution or other legal proceedings shall lie against the members of the District Forum, the State Commission or the National Commission or any officer or person acting under the direction of the District Forum, the State Commission or the National Commission for executing any order made by it or in respect of anything which is in good faith done or intended to be done by such member, officer or person under this Act or under any rule or order made thereunder.

¹[**28A. Service of notice, etc.**—(1) All notices, required by this Act to be served, shall be served in the manner hereinafter mentioned in sub-section (2).

(2) The service of notices may be made by delivering or transmitting a copy thereof by registered post acknowledgment due addressed to opposite party against whom complaint is made or to the complainant by speed post or by such courier service as are approved by the District Forum, the State Commission or the National Commission, as the case may be, or by any other means of transmission of documents (including FAX message).

(3) When an acknowledgment or any other receipt purporting to be signed by the opposite party or his agent or by the complainant is received by the District Forum, the State Commission or the National Commission, as the case may be, or postal article containing the notice is received back by such District Forum, State Commission or the National Commission, with an endorsement purporting to have been made by a postal employee or by any person authorised by the courier service to the effect that the opposite party or his agent or complainant had refused to take delivery of the postal article containing the notice or had refused to accept the notice by any other means specified in sub-section (2) when tendered or transmitted to him, the District Forum or the State Commission or the National Commission, as the case may be, shall declare that the notice had been duly served on the opposite party or to the complainant:

Provided that where the notice was properly addressed, pre-paid and duly sent by registered post acknowledgment due, a declaration referred to in this sub-section shall be made notwithstanding the fact that the acknowledgment has been lost or mislaid, or for any other reason, has not been received by the District Forum, the State Commission or the National Commission, as the case may be, within thirty days from the date of issue of notice.

(4) All notices required to be served on an opposite party or to complainant shall be deemed to be sufficiently served, if addressed in the case of the opposite party to the place where business or profession is carried and in case of complainant, the place where such person actually and voluntarily resides.]

29. Power to remove difficulties.—(1) If any difficulty arises in giving effect to the provisions of this Act, the Central Government may, by order in the Official Gazette, make such provisions not inconsistent with the provisions of this Act as appear to it to be necessary or expedient for removing the difficulty:

1. Ins. by Act 62 of 2002, s. 25 (w.e.f. 15-3-2003).

Provided that no such order shall be made after the expiry of a period of two years from the commencement of this Act.

(2) Every order made under this section shall, as soon as may be after it is made, be laid before each House of Parliament.

¹[(3) If any difficulty arises in giving effect to the provisions of the Consumer Protection (Amendment) Act, 2002 (62 of 2002), the Central Government may, by order, do anything not inconsistent with such provisions for the purpose of removing the difficulty:

Provided that no such order shall be made after the expiry of a period of two years from the commencement of the Consumer Protection (Amendment) Act, 2002 (62 of 2002).

(4) Every order made under sub-section (3) shall be laid before each House of Parliament.]

²[**29A. Vacancies or defects in appointment not to invalidate orders.**—No act or proceeding of the District Forum, the State Commission or the National Commission shall be invalid by reason only of the existence of any vacancy amongst its members or any defect in the constitution thereof.]

³[**30. Power to make rules.**—(1) The Central Government may, by notification, make rules for carrying out the provisions contained in clause (a) of sub-section (1) of section 2, clause (b) of sub-section (2) of section 4, sub-section (2) of section 5, sub-section (2) of section 12, clause (vi) of sub-section (4) of section 13, clause (hb) of sub-section (1) of section 14, section 19, clause (b) of sub-section (1) and sub-section (2) of section 20, section 22 and section 23 of this Act.

(2) The State Government may, by notification, make rules for carrying out the provisions contained in clause (b) of sub-section (2) and sub-section (4) of section 7, clause (b) of sub-section (2) and sub-section (4) of section 8A, clause (b) of sub-section (1) and sub-section (3) of section 10, clause (c) of sub-section (1) of section 13, clause (hb) of sub-section (1) and subsection (3) of section 14, section 15 and clause (b) of sub-section (1) and sub-section (2) of section 16 of this Act.]

⁴[**30A. Power of the National Commission to make regulations.**—(1) The National Commission may, with the previous approval of the Central Government, by notification, make regulations not inconsistent with this Act to provide for all matters for which provision is necessary or expedient for the purpose of giving effect to the provisions of this Act.

(2) In particular and without prejudice to the generality of the foregoing power, such regulations may make provisions for the cost of adjournment of any proceeding before the District Forum, the State Commission or the National Commission, as the case may be, which a party may be ordered to pay.]

⁵[**31. Rules and regulations to be laid before each House of Parliament.**—(1) Every rule and every regulation made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or regulation or both Houses agree that the rule or regulation should not be made, the rule or regulation shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule or regulation.

(2) Every rule made by a State Government under this Act shall be laid, as soon as may be after it is made, before the State Legislature.]

1. Ins. by Act 62 of 2002, s. 26 (w.e.f. 15-3-2003).

2. Ins. by Act 34 of 1991, s. 4 (w.e.f. 15-6-1991).

3. Subs. by Act 62 of 2002, s. 27, for section 30 (w.e.f. 15-3-2003).

4. Ins. by s. 28, *ibid.* ((w.e.f. 15-3-2003).

5. Subs. by s. 29, *ibid.*, for section 31 ((w.e.f. 15-3-2003).

UNIT – IV

Therapeutic Measures

The Need and Benefit of Exercise and Meditation for Students:

Man is a harmonious and marvelous combination of body, life force and mind that has evolved over countless millennia to a high level of efficiency. Although the acquisition of knowledge and skills for living are the objective in student life, this is possible only if the physical body is maintained in a healthy condition. Also, one must have some degree of knowledge about the structure and working of the body and practice appropriate physical exercise daily, so as to remain healthy and alert.

A meaningful education should include meditation as a component. It is an historical fact that the great saints and sages attained their revelations only through deep and sustained meditation. Through the practice of meditation the mind becomes subtle, penetrating and creative. Meditation should not be thought of as exotic and difficult; it is similar to other skills in life by which one can enjoy many benefits with regular practice. It helps to convert tension to peace, illness to health, dullness to sharpness and restores energy to a sluggish mind and body. Group meditations are useful for mutual motivation and to benefit from group energy, but essentially, first and last, meditation is a 'solo inward journey'. Meditation is a tool for mental subtlety and in order to be fruitful it must be supplemented with self-introspection methods whereby one critically analyses his own character and deeds. Through the detachment and awareness one gets by meditation, it is possible to plan and effect the necessary corrections in one's life and thoughts. After all, an individual's progress in life is nothing but a series of modifications and corrections. Meditation frees one from unthinking, automatic behavior and the compulsion to follow only the temptations of habit and the senses, disregarding consequential results.

Physical Exercise

Man is a harmonious blending of body and spirits-a marvelous fusion of physical structure, life force and mental faculties that have evolved during countless millennia to a very high level of perfection. The human being has come into this world with a purpose viz., to develop his consciousness to the fullest extent and achieve perfection and everlasting peace.

Although spiritual development is the goal of man, its realization is possible only if the physical body is maintained in an healthy condition. For this, we must first of all know something about the structure and working of the human body.

In the functioning of the human system, it is the life force that plays the main role; the physical structure serves only as a container. A closer study of the human being will reveal that it consists of five layers corresponding to the five elements; solid, liquid, heat, air and ether or akash. Solid is the physical structure, liquid is the blood, heat is electricity, air is oxygen and akash is the life force. The subtle life force and the gross solid body are linked together by three media, viz., liquid, heat and air. If the normal quantity and quality of these media and the pace of their circulation within the human system are adversely affected in any way, the life force in its electrical function gets short-circuited and the molecular arrangement in the physical body is disturbed or punctured. As a result, the life-force gets obstructed, diverted or exhausted in proportion to the extent of the disturbance and the intensity of the short-circuit. Whenever there is such a disturbance, it is called pain. If the disturbance is more intense, the pain is also more, as there is a corresponding increase in the exhaustion of the life force. If the disturbance is for a short period, it is known as pain. If it extends over a long period, it is known as disease. If the disturbance is of such magnitude that a major portion of the life force is exhausted, the functioning of the physical body gets paralyzed and comes to a standstill; such a condition is known as death.

From the above analysis it will be clear that for maintaining good health one should guard against disturbances in the physical body, the life-force and the three media. Disturbances occur in two ways: either through our own actions or through the functioning of natural forces. Neglect, improper or over-indulgence in food, sleep, work, sex, and use of thought-force are the factors by which the disturbances are caused by natural forces. Nature has provided a certain amount of immunity in all human beings against such disturbances. But if this immunity level is crossed, health gets impaired. We can, to a large extent, avoid these actions that cause such disturbances. But, sometimes, we become victims to circumstances and act in such a way that we cross the immunity level. It is not possible to avoid the consequences of the functioning of the natural forces. Hence, the only course of action open to us is to raise our immunity level, so

that our body will be about withstanding not only our own erroneous actions, but also the unpredictable onslaught of natural forces.

Over the centuries, man has discovered that through suitable physical exercise, he can develop and increase his immunity level so that he may guard against ill health. In case he falls a victim to disease due to unavoidable causes, he can recoup his health quickly by assisting nature to cure the illness speedily and successfully.

There are two aspects in all physical exercises: Postures and Movements. The three media which we have referred to earlier (blood, heat and air) are circulating in the human system one within the other according to their specific gravity and they are governed by the centripetal pull exercised by the earth. When the normal position of the body is alerted or when a part of the body is moved or turned towards the earth or away from it, the location of the three media in that portion or part is also altered. When a part of the body is turned towards the earth, a little more air goes to the other side or part of the body which is upward. In addition to this, if a rhythmic movement is also given, all the three media are suitably regulated. Through such systematic and well-regulated movements, the various parts of the body get cleansed, strengthened and rejuvenated. Thus we can, through proper physical exercises, achieve a level of immunity against diseases which will enable us to maintain good health in spite of occasional erroneous actions or adverse natural forces.

Simplified Physical Exercises

The comprehensive training for this reformation is the SKY system. Through the analysis done, so far we have understood the need for emancipation of mankind and the magnificent structural expertise of Nature in the human body. The present structural pattern has been developed by nature along its evolutionary process. We thus understand that all its functions are due to nature itself. The derangement of the parts of the body occurs due to deeds and thoughts arising now and then because of the three-fold impurities-ignorance, innocence and emotional moods. All the harmful activities perpetrated by man have been characterized in the personality and are continuously being carried through the descendants, all along the

innumerable generations. These pain-inflicting deeds committed by man, which are antagonistic to Nature's harmony, are the negative characterizations we all carry.

Every one of us have to realize this truth and moralize our deeds and thoughts. Such rectification will redeem our peace and happiness and last not only all through our lives, but also in the lives of generations to come. Such redressing of physical and mental derangement are all encapsulated into the one word 'Yoga'.

Yoga means unifying and streamlining our physical and psychic functions with those of Nature and living with constant awareness of the consequences of our activities and deeds.

In order to streamline our physical system, first the polarity arrangement of the cells of the body has to be set right. Only when this is effected, the circulations of blood, air and magnetism become regular and uniform. The cell arrangement can be set right only by proper exercise. It is highly beneficial if one daily does the set of general exercises comprising the following seven parts:

A. Simplified Physical Exercises:

To maintain the body healthily one has to do some simple exercises. The great Philosopher VETHATHRI MAHARISHI has devised an easy method of exercises under the name SIMPILIFIED PHYSICAL EXERCISES. This has nine types. They are:

1. Hand exercises
2. Leg exercises
3. Neuro-Muscular Breathing exercises
4. Eye exercises
5. Kabalpathi (Skull cleansing exercise)
6. Makarasana
7. Massage
8. Acupressure
9. Relaxation

Guidelines on Exercises:

The exercises can be practiced by anyone above the age of eight. The exercises should always be done slowly and methodically but without any jerk. Straining by any sort should be avoided. The exercises should be practiced in the morning on empty stomach. If they are

practiced in the evening only after four hours of taking solid food or half hour after liquid food, coffee or tea. After doing the exercises, a few sips of water should be taken. Any other type of food, solid or liquid, can be taken fifteen minutes after the exercises. Those who suffer from ailments such as hernia or heart problems should practice the exercises only after consulting a Trainer, who has taken training in 'Simplified Kundalini Yoga'. The practitioner will not sweat while doing these exercises.

Through out these exercises, the practitioner should endeavor to concentrate on the movements of the body. It is, therefore, suggested that the eyes should be closed while doing the exercises except for

1. The whole eye exercises.
2. The posture and movements - No.6 of hand exercises and
3. The posture and movements - No.7 of part B of Makarasana

All the exercises can be completed in 30 minutes. Those who have undergone some surgery can continue the exercises, only after 3 months. Those suffering from hernia, heart problems, high blood pressure and ear related problems need not do 'Kapalpathi' exercises. But they can do all the other exercises.

Guidelines to Women:

Women should not practice these exercises during the days of their menstrual period, i.e., 3 to 5 days. Pregnant women (after two months of pregnancy) can only do postures 3 to 7 in Neuro-Muscular breathing exercises and the part A of Makarasana until delivery. Other exercises may be practiced again three months after delivery, provided the health is normal. But remember always that HEALTH IS WEALTH

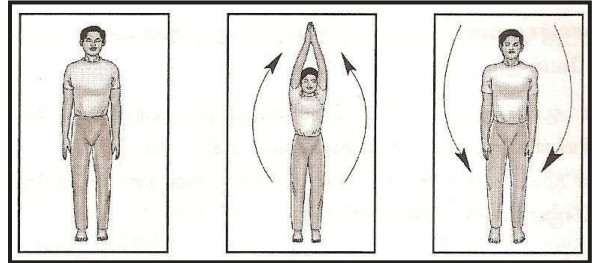
1. Hand Exercises

Practical Exercises:

The simplified exercises begin with hand exercises.

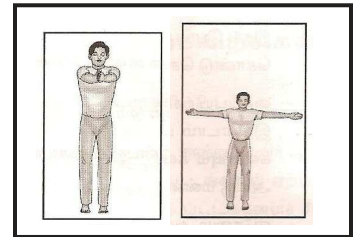
Posture 1:

Stand straight on a mat and keeping the feet slightly apart and naturally. Lift the arms above the head to the full stretch and join the palms and fingers together. The arms should be closed to the ears. Keep the arms up in the same position for four complete breaths. Then bring the arms down to the thighs and rest for two breaths. Repeat this exercise three times.



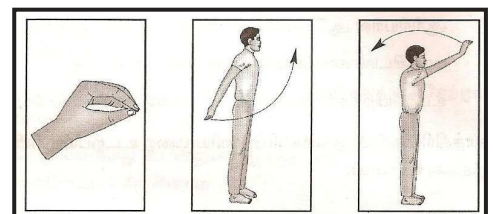
Posture 2:

Stretch both arms to the front at 90° to the chest and join the palms and fingers in the palms and fingers in front of the chest. Wave the hands back at 180° and bring front (both the palms touching when they come in they come in the front) at the same height. This exercise should be done five times.



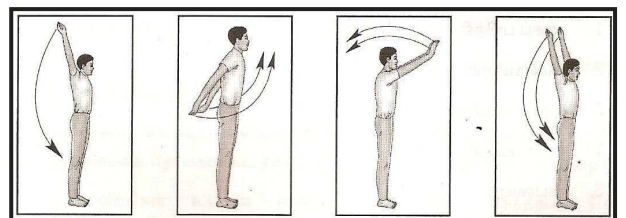
Posture 3:

Join the fingers to form a cone shape. Rotate the right hand clockwise five times. In the same manner, rotate the left hand clockwise five times. Then rotate the right hand anti-clockwise five times and the left hand in the anti-clockwise direction five times.



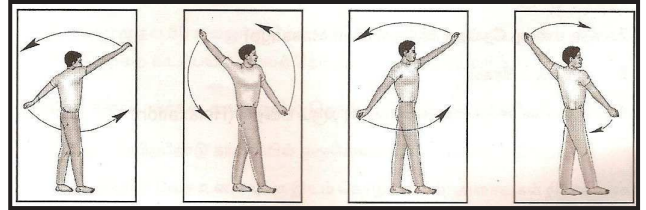
Posture 4:

Keep the fingers of both the hands in the same cone position. Slowly rotate both the hands clockwise five times and anti-clockwise five times simultaneously. Remember that the elbow should not be bent and hands should be closer to the head.



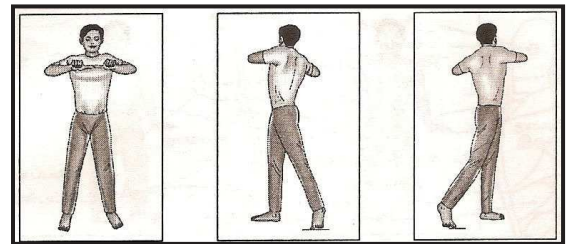
Posture 5:

Keep the hands in the same position. Keep one leg one step forward. Keep the right arm stretched in front and left arm stretched in the back. Slowly rotate both the hands clockwise simultaneously. While the right hand goes in the front, the left should go in the anti-clockwise direction.



Posture 6: (Eyes should be kept open)

Stand erect keeping the feet eighteen inches apart. Keep both the thumbs touching at the ends, at a distance of one foot in front of your face. Turn the whole body gently to the right and then the left, focusing the eyes on the edges of the thumbs. When you turn to the right side,



pivot on the big toe of the left foot. The right foot will be touching the ground comfortably. Similarly, when you turn to the left side, pivot on the big toe of the right foot, while the left foot is touching the ground comfortably. Repeat this exercise five times.

Posture 7:

Stand keeping the feet parallel and two inches apart. Place the hands on the kneecaps, bending the trunk little forward, bend the knees forward slightly. Slowly rotate the knees clockwise five times. Then, rotate the knees anti clock wise five times. Again rotate the knees clockwise five times.



Benefits:

1. Blood circulation, heat circulation, air circulation, life force whirling will become normal.
2. Rheumatic pain, feeling numbness while sleeping becomes all right.
3. Arms and shoulders become powerful.
4. Shivering stops.
5. Shoulder pain, knee joints become all right.

6. Joints become flexible and hip joints move freely.

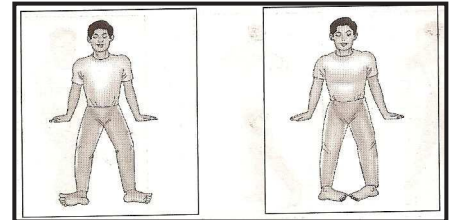
2. Leg Exercises

Practical Exercises:

After doing hand exercises, the leg exercises have to be taken up.

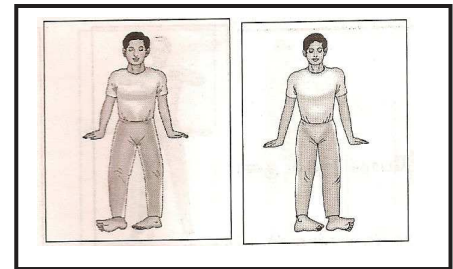
Posture 1:

Sit on the ground stretching the legs on a mat. Keep the feet eighteen inches apart. Keep the hands behind with the hand fingers spread. Wave the right and left feet inward and the big toe of the feet should touch the floor. Similarly spread the foot outward and the outer edges of the feet should touch the floor. Do this five times each side.



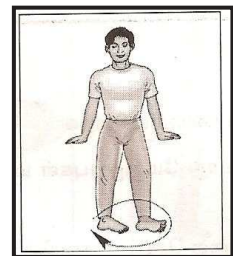
Posture 2:

Keep the feet 12 inches apart. Move the right and left feet in the right side in unison. Similarly, move the right and left feet in the left side in unison. Do this five times each side.



Posture 3:

Keep the feet 12 inches apart. Rotate the right and left feet in circular motion five times in clock-wise direction. Please see that the toes and the little fingers touch the floor while rotating.



Posture 4:

Keep the feet 12 inches apart. Rotate the right and left feet in circular motion five times in anti clock-wise direction. Please see that the toes and the little fingers touch the floor while rotating

Posture 5:



Keep the right foot on the left thigh. Massage the toes, sole and heel by the hands step by step and slowly. Rotate the right foot using the left hand, by holding the ankle by the right hand. Rotate clockwise five times, anti-clockwise five times. Do not press any point too much if you feel there is any pain or tenderness in any part of the foot.

Posture 6:

Fold the legs and sit erect in the Vajrasana posture.

Both the thighs should be together and the right toe should be on the left toe. Keep the eight fingers of your hands on the back and keeping the thumb on the sides. Massage the back of your body with



hands around the hip portion from upper side to lower side of the region. The eight fingers should touch the backbone while massaging. Repeat the same for five times.

Benefits:

1. Legs get strengthened
2. Joint pain, ankle swelling, calf muscle pain, nerve pain are cured.
3. Kidneys get activated.
4. All nerves end at feet and toes. This exercise makes the functioning of all the inner organs normal. Heart, lungs, intestine and brain also the secretory glands get activated.

3. Neuro-Muscular Breathing Exercise

Practical Exercises:

In the simplified exercises, breathing exercises are the third kind.

Sit on a mat in Vajrasana with the right big toe over the left toe. Rest your bottom comfortably on the heels. Join the index finger and thumb of each hand, the other fingers remaining stretched. Fix the joined fingers in the joint between the thighs and the abdomen.

Inhale slowly and deeply. Now, exhaling slowly, bend forward as much as possible without any strain. The spinal cord, neck and head should be in a straight position.

Keep the left foot on the right thigh. Massage the toes, sole and heel by the hands step by step and slowly. Rotate the left foot using the right hand, by holding the ankle by the left hand. Rotate clockwise five times, anti-clockwise five times.



Posture 1:

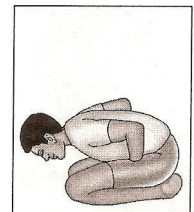
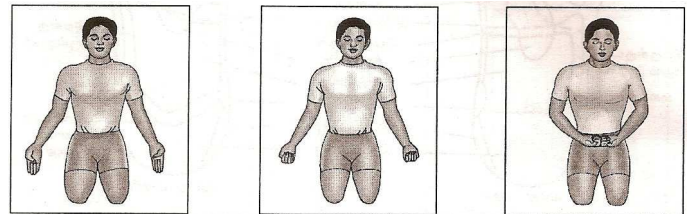
Raise the body from the waist. Exhale and bend forward. Repeat this 5 times.

Posture 2:

Bend your thumb on the palm, in both the hands. Close the four fingers over the thumb. Keep the fists joined under the navel and inhale. Exhale and bend forward. Repeat this 5 times.

Posture 3:

Sit comfortably in a crossed – legged position. Cover the navel with the right palm, and the right ear with the palm. Keep the head centered, as if looking straight ahead. Inhale and exhale slowly and deeply without retention of breath. By doing this, slight pressure is made on the front of the left lung. When a deep breath is drawn, the back portion of the left lung is expanded. Five deep breaths are enough.



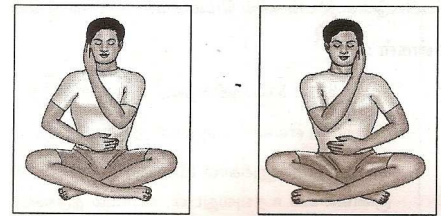
Posture 4:

Cover the navel with the left palm and the left ear with the right palm. Inhale and exhale slowly and deeply without retention of breath, 5 times. By doing this exercise, slight

pressure is created on the front of the right lung. When a deep breath is drawn, the back portion of the right lung is filled and expanded.

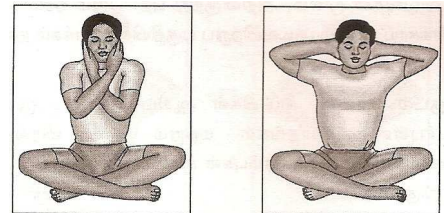
Posture 5:

Cover the right ear with the left palm and the left ear with the right palm. Do deep breathing 5 times. By this exercise, both lungs are fully expanded in back.



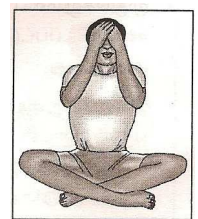
Posture 6:

Cover the right ear with the right palm and the left ear with the left palm. Do deep breathing 5 times. Here, both lungs are fully utilized.



Posture 7:

Cup your hands and do palming of the eyes, with the left hand over the left eye and the right hand over the right eye. (The eyes must be closed). Do deep breathing 5 times.

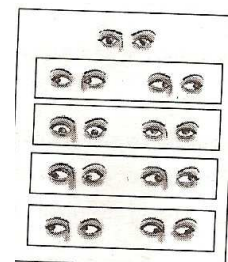


Benefits:

1. All cells in the lungs get the air circulation. Lungs become more active.
2. The intake capacity of the lungs becomes more.
3. Asthma, forgetfulness, laziness, getting cold frequently, sinus and headache kind of health problems gets cured and don't reoccur.
4. Diseases in the nervous system, respiratory system, muscles and bone system get cured.
5. Air circulation in the lungs becomes complete.

4. Eye Exercises

Sit comfortably on the floor and raise your clasped hands with the thumbs up to be on a level with your eyes, while your elbows remain slightly bent.

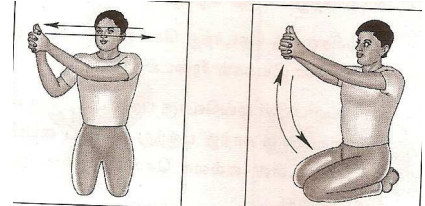


Horizontal:

With your eyes fixed firmly on the thumb-nails, horizontally swing your hands right and left following this movement with the eyes, so that your eyes turn left and right. Give a slight swing of the trunk and neck to follow your hands. Do it 5 times.

Vertical:

In the same posture with the eyes fixed on the thumbs-nails lift the hands vertically as far as you can and bring them down to your lap, swinging your eyes and down with it. Swing your neck in unison with the up-and-down movement. Do it 5 times.

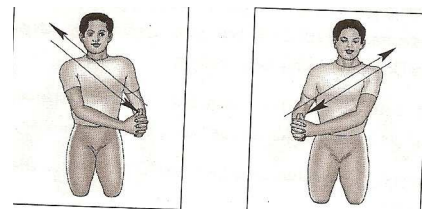


Diagonal: (Right up and left down)

Likewise move the hands up and down diagonally starting from the right upper corner with eyes fixed on the thumb-nails. Do it 5 times, following the movement with your head.

Diagonal: (Left up and right down)

Likewise move the hands up and down diagonally starting from the left upper corner with eyes fixed on the thumbnails. Do it 5 times.



Clockwise Rotation:

With eyes fixed on the thumb-nails, slowly move the hands and arms in a circle clockwise direction 5 times. The eyes should freely move, following the direction of the thumb. Move your head slightly with the rotation.



Counter- Clockwise Rotation:

Repeat as above in the counter - clockwise direction 5 times.



To and Fro:

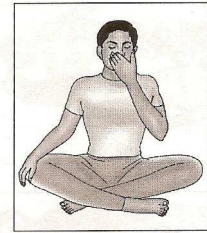
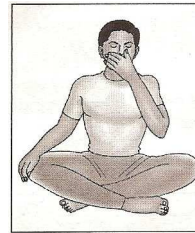
Draw the hands as close to the eyes as possible up to the nose tip by bending the elbows. Then extend the hands away from the eyes fully straightening the arms. Repeat this to and fro movement 5 times, all the while keeping the eyes on the thumbnails.

Benefits:

1. Pupil's nerves become effective. Eye lens become normal.
2. Spectacles can be avoided or the use may be postponed.
3. Eye related diseases are restricted or avoided.

5. Kapalapathi

Sit comfortably. Close the left nostril with one finger. Exhale forcefully and inhale through the right nostril. Then close the right nostril and exhale forcefully then inhale. Repeat this sequence 10 times, rest for a minute. This is one cycle. Do 2 more cycles.



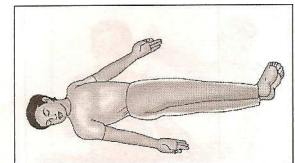
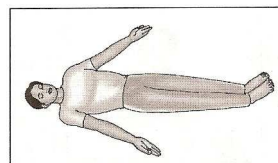
Benefits:

1. Sinus gets relief.
2. E.S count gets reduced (Sp.).
3. Respiratory organs get cleansed
4. Body re-vibrates/vibrant.

6. Makarasana (Part-A)

Posture 1:

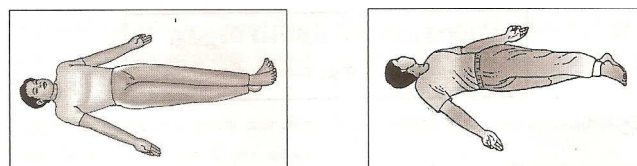
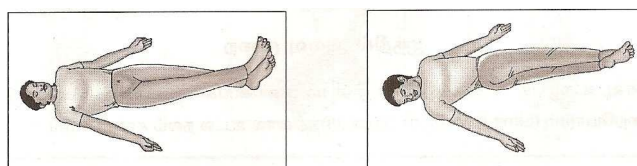
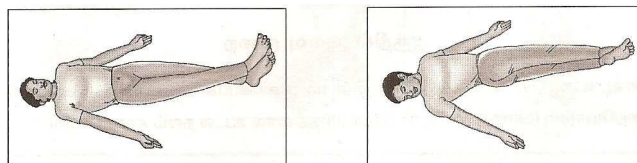
Lie down flat, face upward. The hands are placed at 45° to the body, with palms facing up. The tips of the thumbs and the first fingers may be joined together in both hands. This is known as Chin Mudra and should be maintained in



throughout Makarasana part A. Imagine that your whole body is being energized by the divine power. Join the feet together so that the heels and the toes of both the feet touch. Now turn your head to the right side, simultaneously turning the torso to the left side. Turn the shoulders that are not raised from the ground. Return to the normal lying position. Now turn the head the head to the left side and twist the body to the right side, keeping the shoulders on the ground, this twist may be done 3 times to each side. Note that when the head turns to the right, the body twists to the left and vice versa. This should be mastered well to understand the rest of the exercise.

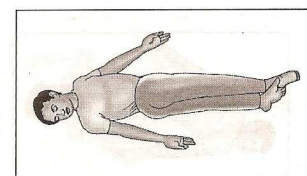
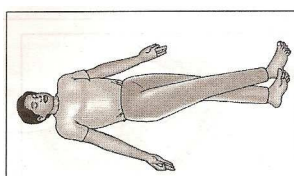
Posture 2:

Bend the legs at the knees. The heels may be brought as near the thighs as possible. The knees and feet should be kept together. In this position do the same twist and 3 times to each side.



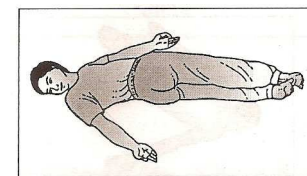
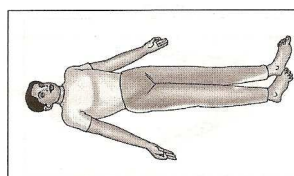
Posture 3:

Stretch the legs. Keep the right feet over the left feet crossing the feet at the ankles. In this position do the same twist, 3 times to each side.

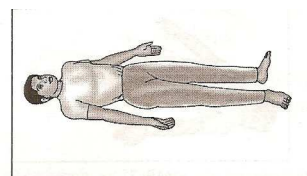
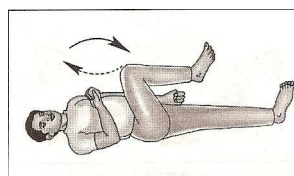


Posture 4:

In the same position keeps the left leg over the right with the feet crossing each other at the ankles. Do the same twist, 3 times on each side.



Posture 5:



Keep the right ankle in between the big toe and the first toe of the left foot. Do the twist, 3 times each side.

Posture 6:

Keep the left ankle in between the big toe and the first toe of the right foot. Repeat the twist 3 times to each side.

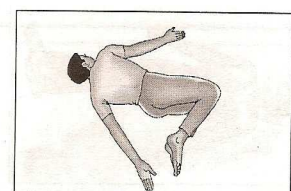
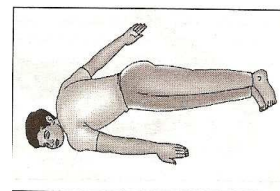
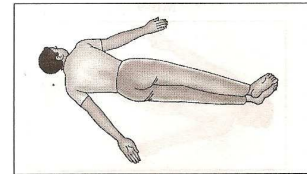
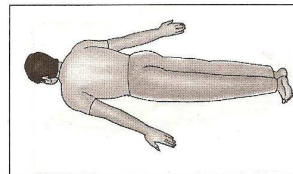
Posture 7:

Raise your hands and legs above the ground. Stretch your right leg and right hand and simultaneously draw back your left leg and left hand. Then stretch the left leg and hand. Draw back the right leg and hand. Do this 10 times. After finishing, relax fully for a minute.

6. Makarasana (Part-B)

Posture 1:

In the second half of Makarasana the basic position is lying on one's stomach. The hands are on both sides at 45° to the body. Keep the legs straight. Turn the head to the right and twist the body to the extreme right. The right palm should touch the ground with some pressure. The left hand should lie at 45° to the body with palm facing upward. Now turn the head to the left and twist the body to the extreme left. The palms should flip so that the left palm touches the ground with some pressure and the right hand lies at 45° to the body with the palm facing upwards. Repeat the twist 3 times to each side.



Posture 2:

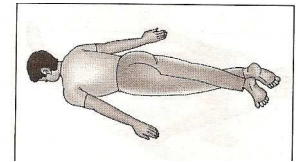
Bend the legs at the knees. Do the twist as in 3 times to each side.

Posture 3:

Keep the right foot over the left, crossing at the ankles. Do the twist 3 times to each side.

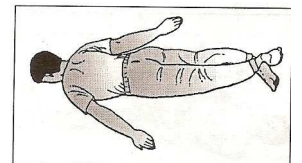
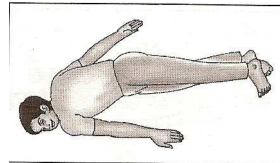
Posture 4:

Keep the left foot over the right, crossing at the ankles. Repeat the twist, 3 times to each side.



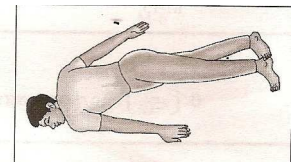
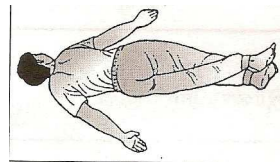
Posture 5:

Keep the big toe and the first toe of the right foot on either side of the left ankle. The left ankle is in between the first toe and big toe of the right foot. Repeat the twist, 3 times too each side.



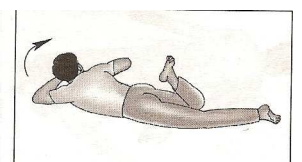
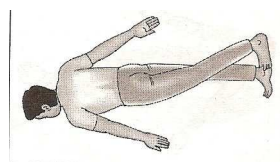
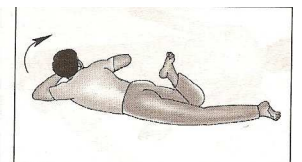
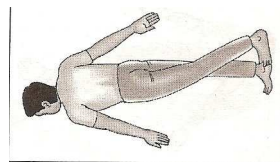
Posture 6:

Repeat the above process keeping the right ankle in between the big toe and the first toe of the left foot. Repeat the twist, 3 times to each side as above.



Posture 7:

Keep the arms raised and bent at the elbow. Raise the head. Keep the legs straight. Now turn the body from the waist to the right and to the left. Whichever side the head turns, the leg of that should be folded, the other leg being kept straight. Three twists to each side will do. The whole movement will movement will resemble the



movement of a crocodile. Finally relax for one or two minutes.

Benefits:

1. Backbone and the spinal cord, because of twisting movements in the exercise, become stronger. The nerve remains toned

2. The blood circulation, heat circulation, air circulation and bio magnetic force become more effective.

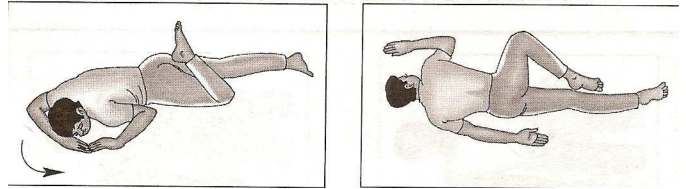
3. The pancreas produce required insulin. Diabetes is controlled.

4. Back pain, neck pain and all other related pains get cured.

5. Obesity gets reduced

6. For women menstrual cycle is regulated. And also the uterus related problems are solved.

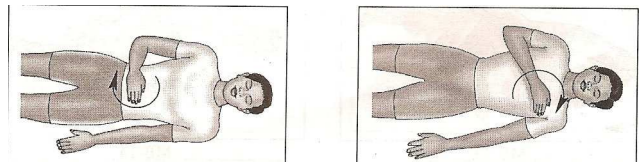
7. Thyroid gland functions effectively to keep one active.



6. Massage

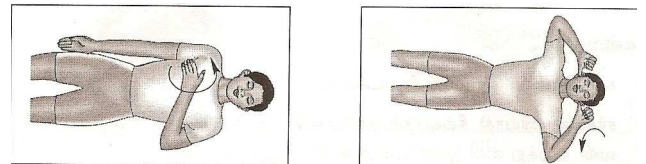
Posture 1:

Lie down facing upward. Keep the whole body relaxed. Keep your right palm above the navel. Massage around navel clockwise 3 times. Do the same anti-clockwise 3 times.

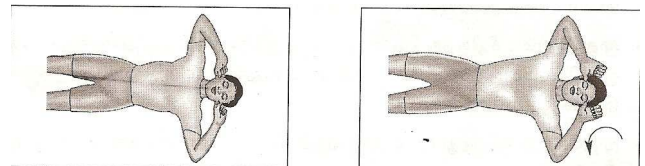


Posture 2:

Place your right hand over the left lung. Massage the lung clockwise 3 times. Do the same in anti-clockwise and in clockwise 3 times each.



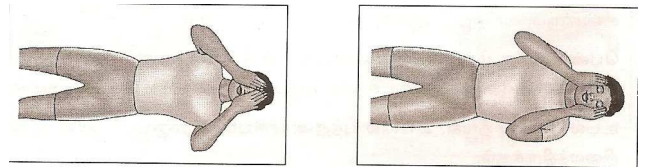
Posture 3:



Keep your left hand over the right lung. Massage the lung clockwise 3 times. Do the same in anti-clockwise and in clockwise 3 times each.

Posture 4:

Fix right thumb in the ear-pit of right ear and left thumb in the ear-pit of the left ear. Rotate the thumbs clockwise 3 times each. Further, press and massage all parts of the external ears, including earlobes, using thumbs and forefingers.



Posture 5:

Place your thumbs on the temples. Move them clockwise and anti-clockwise and clockwise 3 time each.

Posture 6:

Place your palms on the eyes. Massage the nose, pressing by the sides of the little fingers, from up to down 3 times.

Posture 7:

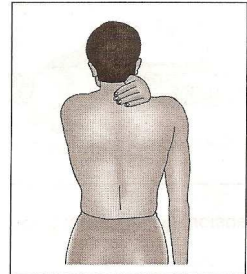
Place the right palm on the right side of the face and left palm on left side of the face. Massage 3 times.

Benefits:

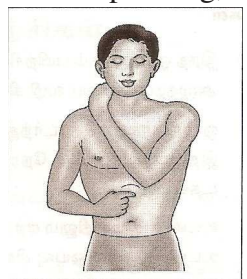
1. Stomach, heart regions get the bio magnetic waves regulated. Inner organs get strengthened.
1. All body parts function normally.
3. Hearing becomes effective.
4. Face brightens up.

8. Acu-Pressure

- 1) Lie down flat on the back and bend your left arm at the elbow-joint diagonally so that the first three fingers of the left hand touch and press the spine in the upper back. This position shown in the illustration should be retained throughout the Acu-Pressure exercise.

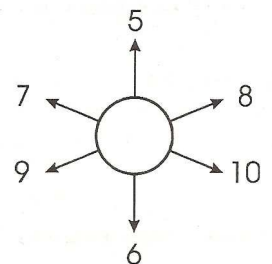


- 2) With the tip of the first finger (index finger) of the right hand, lightly press the point one inch directly below the chest-cavity. Thus pressing, meditate on this point for 30 seconds.



- 3) Shift the tip of the first finger of the right hand downwards by one inch to point. As before, meditate on this point for 30 seconds.
- 4) Shift the tip of the first finger of the right hand further downwards by another inch to point. This is one inch above the navel. Meditate here for 30 seconds.

- 5) Place the tip of the first finger of the right hand in the centre of the navel and press upwards. If you rotate the navel as a clock, then the point is at 12 o'clock. Meditate for 30 seconds.

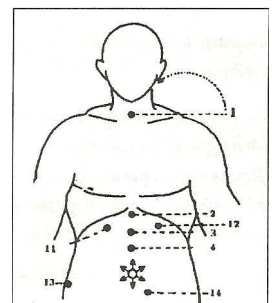


- 6) Next, place the right thumb in the centre of the navel and press downwards corresponding to 6 o'clock. Meditate for 30 seconds.

- 7) Place the tip of the first finger of the right hand in the center of the navel and press upwards diagonally, at an angle of 45° to the right, as if the navel-clock shows 10:30. Meditate for 30 seconds.

- 8) With the same finger press upwards diagonally at an angle of 45° to the left as if the navel-clock shows 1:30. Meditate for 30 seconds.

- 9) Place the right thumb in the centre of the navel and press downwards diagonally at an angle of 45° to the right. The time on the navel-clock is 7:30. Meditate for 30 seconds.



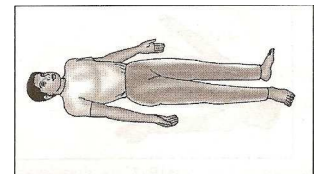
- 10) With the right thumb press downward at an angle of 45° to the right. The time on the left, the time on the navel-clock corresponding to 4:30, meditate for 30 seconds.
- 11) Place the tip of the right index finger at point, which is one inch below the centre of the lowest rib on the right side. Meditate for 30 seconds.
- 12) In the same manner, press point, which is on the left side. Meditate for 30 seconds.
- 13) Press point, which is one inch below the right extreme of the lowest rib. This is the gall bladder point. Meditate for 30 seconds.
- 14) In the same way, press which is the left side, exactly mid way between the navel and the left groin (i.e. thigh- joint). Meditate for 30 seconds.

Benefits:

- 1) Any electric short circuit is corrected and flow is maintained smoothly.
- 2) Regulates the nervous system to function effectively
- 3) Inner organs in the stomach region get strengthened.
- 4) Hypertension and nervous disorder get rectified.

9. Relaxation

Lie down on the back. Keep the legs relaxed, about one-and-a half feet apart. Now start relaxing your body from the feet upwards. Think of your feet and start relaxing them. While relaxing, give this autosuggestion “I am relaxing my feet. Blood-circulation is good. I am getting sufficient strength in my feet. Now I have given rest to my feet”.



Note: This should be repeated as you relax the other parts of the body mentioned below by substituting the particular part as ‘legs’, ‘thighs’, ‘stomach’, etc.

- (2) Next relax the legs (calf muscles)
- (3) Relax the knees
- (4) Relax the thighs
- (5) Relax the abdomen

- (6) Relax the stomach
- (7) Relax the chest
- (8) Relax the hands and arms
- (9) Relax the neck
- (10) Finally relax the head and face

Keep the eyes gently closed. Do not think of any particular thing. Think only of the breath going in and out. Lie in this position for 10 minutes. This relaxation can be done at the exercises. If you feel sleepy at the close this exercise, you may sleep for few minutes.

Benefits:

1. Hyper tension gets controlled
2. Heart diseases prevented
3. Stress disappears
4. Body feels rest and freshens up
5. Body feels active throughout the day.

B.Meditation

Objectives:

Feeling 'the divine force':

Man's life is a journey towards 'self realization', a realization towards the secrets of the Universe and existence of God. The optimum use of one's sixth sense will enable him to achieve this goal.

To get relieved from badness: (Purifying actions)

When one does meditation mind relaxes. All the life forces become relaxed. This intensifies the power of the bio magnetic waves. Mind controls the functioning of all the sense organs. If this chance is not given to the mind, the intellectual sharpness gets blunt and stagnates in one place. At this stage mind wavers. It gets diverted and goes under the control of 'sages' resulting in accepting the bad reactive nature of the senses. Man starts doing bad deeds. It doesn't mean that all experiences and enjoyments through senses are bad. But when these

experiences and enjoyments become indulgence-crossing limits, only then these take the shape of 'badness'. Till all these things remain within their limits, not harming self or others, at the present or in the future, there is nothing wrong. In fact all 'learning' takes place only through sensory perceptions. It becomes learning when it functions through cognitive level. It becomes habit when it functions through emotional levels.

In the process of evolution through the interaction between at least two animals, human race evolved. Due to various ecological reasons now the human race got scattered all over the world which was again fragmented into continents and islands.

But the sixth sense is common to all human. It should prevail upon him to live a selective life doing only 'good deeds'. At the same time through introspection 'knowing' the existence of bad imprints he should find out ways of eradicating them. During this purifying process it dawns on him a feeling which he understands later as the divine feeling.

Types of Meditation:

Simplified Kundalini Yoga has nine types of meditation.

1. Agna, 2. Shanthi, 3. Thuriya 4. Thuriyatheetha, 5. Panchendriya, 6. Panchabootha Navagraha, 7. Nine centre meditation, 8. Nityananda, 9. Divine Meditation.

A Guru directs through all these different types of meditation till the last stage - the divine meditation.

- Soul's functional base-the operating centre-is Mooladhar, the Genetic Centre.
- Heart is the operating centre for blood circulation
- Lungs are the operating centre for air circulation
- Mooladhar is the operating centre for life circulation.

Kundalini Yoga brings up the 'life' to top and fixes it in between the two eyebrows on the forehead. This is the first successful stage in this meditation.

1. **Agna:** It brings up the 'life' from the Genetic Centre and fixes it inbetween eyebrows on the forehead. Pituitary glands get activated.

Benefits of Agna:

1. Attraction towards material benefits will disappear
2. Self realization door opens

3. Self directed soul guiding life blossoms
4. Desirable desires stay others disappear
5. Cause-effect philosophy of life becomes a protective force
6. Peripheral mind will become perspicacious
7. Senses will be kept under control
8. No hatred, no arrogance
9. All five senses get unified.
10. Subconscious state is in unison with consciousness so, concentration becomes possible.
11. After effects are none. (Relief from Akamyā karma)
12. Planning the future taking into consideration the past and present becomes possible.

2. Shanthi: During this meditation, the life force is brought back to Mooladhar-the Genetic Centre.

Benefits of Shanthi Yoga:

1. In the Panchabootha philosophy land is the Mooladhar (The place for Prithivi is Mooladhar) intelligence increases.
 2. Physical power and immunity increase.
 3. Body pain, indigestion, fever, constipation don't reoccur.
 4. Life force functions normally.
 6. Physical power can be transformed into mental power and vice versa.
- Spinal cord cleansing exercise will help the people whose Agna got struck in between.

3. Thuriya: Taking the centre of the life to the top of the head near pineal gland. Pineal gland (the function of which is still probed and slowly evolving), which is considered to be network-controlling factor, gets activated.

Benefits Thuriya Yoga:

1. Soul gets cleansed. All bad imprints disappear.
2. Thuriya meditation takes sub conscious state as its centre. So mind expands and spreads out for eternal wisdom.
3. Thuriya yogi's ' thoughts' will get reflected in others.

4. The blessings of Thuriya practitioners will get realized.
5. Mind becomes agile and teaches the ultimate.
6. Thuriya meditation will contribute towards introspection.
7. Brings relief from Prarapta (self) Karma.
8. All blemishes get eradicated.

4. Thuriyatheetha: The life expands into the universe and gets dissolved in the absolute space.

Benefits of Thuriyatheetha:

Whoever achieved and attained this stage when they perform introspections they will be able to understand the imprints of the other living beings also. When the mental wave frequency is brought to the Delta wave (1-3 cps) the mind gains the capacity to establish contact with any other living being and understand his/its feelings. This is called intuition; which is also called the ESP-Extra Sensory Perceptions.

Salvation is the ultimate stage in the history of evolution. All illusions (Maya) disappear. All these become possible by the practise of Kundalini yoga. The life becomes Spiritual. Birth cycle breaks down here and no more births.

5. Panchendriya: Limits the functions of all five sense organs.

Benefits of Panchendriya Meditation:

1. Prevents a pain or pleasure to become a habit. It stops indulgence, keeps the consciousness awake when a sense functions.
2. Limits the enjoyments and experiences through senses or materials.
3. There is regularity in one's 'thoughts,' 'words' and 'deeds'. Analytical ability increases, stops before start to analyse the need of the sense.
4. Material consciousness disappears and spiritual consciousness blossoms.
5. Gives peace and clarity in thinking. Drifting of mind towards the emotions is prevented.
6. To maintain health one need's many materials one enjoys them all through senses. But still meditation makes one conscious about their use.

6. Panchabootha Navagraha: It is good to do this on the new moon and full moon days. The magnetic waves that emanate from five physical elements get united with the magnetic waves produced by nine planets.

Benefits of Panchabootha Navagraha meditation:

1. Enables one to benefit from contacts with any power or object.
2. Enables one to get protection from the force.
3. Rejuvenates soul and body.
4. Immunity against diseases increase.
5. Knowledge blossoms about the five physical elements.
6. Magnetic forces from the planets may have some adverse impact on the humans. This meditation will reduce the impact.
7. Mind expands to its full.
8. Mind gets refurbished.
9. Mind gets rejuvenated and spiritualism blossoms.
10. Life becomes pleasant.
11. Blemishes in the genetic centre get cleared.
12. Love and affection prevail.
13. All prosperity life becomes a possibility.

7. Nine Centre: Mooladhar, Swadhistan, Manipuraha, Anahata, Visukthi, Agna, and Thuriam: These are the seven functional centres. One has to meditate on them.

Benefits of nine centre meditation:

All the centres in the body perform their duties very well. Ductless glands get rejuvenated and revitalised.

1. The power of meditation becomes the power of the body.
2. One can achieve extrasensory perception (ESP).
3. Magnetic body floats in the magnetic waves.
4. One can understand the 'thought process' of others.
5. Mind becomes powerful.
6. A clear understanding about the akash happens.
7. Akamyas karmas are eradicated.
8. Prarapta Karmas are removed.

9. Mind spreads and travels all over the universe.
10. Relief from Sanchita Karma is accomplished.

8. Nityananda: It is spreading the biomagnetic waves all over the body consciously.

Benefits of Nityananda:

1. Bio magnetic waves become dense. Body gets rejuvenated.
2. Pleasantness always prevails.
3. Immunity increases.
4. Perspicacity and the power of mind become infinite.

9. Divine Stage: Life is a vicious circle. This meditation makes the circle complete our journey started from the Absolute Space and at the end we get dissolved in the Absolute Space.

Benefits of Divine Meditation:

1. One feels one with God. Nothing else he remembers. He is God and for him everything is God.

C.Yoga

Objectives:

Saint Pathanjali, who lived five thousand year ago, gave a shape to this 'yoga art', which is time immemorial. The mankind owes to saint Pathanjali for whatever knowledge one has now in yoga culture. Saint Pathanjali is the father of yoga arts.

The Sanskrit word 'Yoga' means concentration and coordination. The coordination between body and soul; soul and mind and everything to merge with the divine force. With the clear understanding of the Divinity leaving a serene life in consonance with the Law of Nature-the divine force – is called yoga.

Asana helps succeed in achieving the life described above.

Saint Pathanjali divided the Yoga art into eight disciplines as: 1. Iyamam, 2. Niayamam, 3. Asana, 4. Pranayama, 5. Prathyagara, 6. Tharana, 7. Dhyana, 8. Samadhi.

The third discipline is yoga and it helps the body to prepare for the meditation practices and also prevents from diseases providing the necessary immunity. Asana keeps the body flexible and relaxed. Also meditation after yoga makes concentration possible.

General Advantages of Asana:

1. Provides the required tranquility to the soul to reach the state of Holy Grail.
2. Flexibility in the body at age is maintained.
3. Self-confidence, success in life and more importantly peace and happiness become a possibility to all.
4. Asana provides required immunity against all kinds of diseases.
5. Respiratory system, blood circulation system, digestive system, nervous system functions normally.
6. Asana refurbish the body and mind rejuvenating all nerves
7. Endocrine glands get activated, nerves get toned up and youthfulness prevails.
8. Makes the body glow and brightens up the face.

Conducive conditions for Asana:

- 1. Time:** Early in the morning with empty stomach and in the evening (four hours after meal) one can practice asana. It is very effective if one does in the mornings before tea.
- 2. Place:** Clean, calm and airy place is an ideal place for doing asana. One should use a soft floor spread (carpet) to do the asana.
- 3. Dress:** Loose fitting, comfortable dress for men and women will be ideal.
- 4. Age:** From 8 years to 100 years people can practice asana. Concentration of mind is the most important requisite to practice Asana. Pregnant ladies should avoid doing complicated asana and ladies should not practice asana during their menstruation. People with high blood pressure (hyper tension) and heart related diseases should avoid sarvangasana and halasana.
- 5. Diet:** Sathvic (Vegetarian) and balanced diet one should have while practicing asana.
- 6. Breathing Style:** Breathe through the nose only. Breathe out while bending forward breathes in while bending backward. Breathing style is common for yoga and Asana activities. People with heart diseases and hip joint pain avoid bending backward. Those with neck pain and back pain should avoid bending forward.
- 7. Eyes:** At the learning stage eyes can remain open. But, when start practicing close the eyes and concentrate.

8. Mind: Consciousness and concentration will bring out the best results.

9. Preparing the body: Before doing asana so some simple physical exercises to make the body flexible to make it ready to use it anyway one likes. Asana and leg exercises will be suitable.

10. Method: Use both the sides of the body (left -right) alternatively while doing some asana. When one begins it is quite natural that joints and muscles may feel some pain. But continuous practice will set these alright in due course. After completing the asana in lying position while getting up turn to the left press the right hand get up.

11. Alternate Asana: While doing as asana some parts of the body get rigid. The nerves and muscles become tight. Blood circulation heat and air circulation will be more in there parts. To equate the force one has to don an alternate asana.

12. To make it perfect: Practice every asana tow or three times daily. This chapter contains very simple asana. Practicing these asanas can make a person healthy in body and mind.

Surya Namashkar (Prayer to the sun God):

The sun is the basic power force for all living beings. So praying to the sun - Surya Namashkar becomes inevitable. One can practice surya namashkar in the mornings as well as in the evenings.

Surya Namashkar is the combination of yogasana and Pranayama. This has to be done before doing and other asana as it prepares the body for practicing other asana. Surya Namashkar is a cycle of asanas. One can practice it 3-12 times.

Types of Asnas (ASNAS)

There are four types of asana.

1. Standing postures.
2. Sitting postures.
3. Lying face down postures.
4. Lying face up postures.

i) Standing postures: The asnas that are practiced standing are: Tatasana, Vritchasana, Chakrasana, (on sides) and Thrikonasana.

ii) Sitting Posture: Thandasana, Padmassana, Vajrasana, Suhasana, Siddhasana, Yogamudhra, Mandookasana, Mahamudhra, Januseerasana, Pakshimothasana, and ushtrasana, Vagrasana, Tholangulasana and Komukasana.

iii) Lying face down: Pujangasana, Slabasana, Thanurasana, Navukasana, Makkarasana are some of the asnas that are practised lying face down.

iv Lying face up: Artha Bavana Mukthasana, Bhavana Muklthasana, Subda Vajrasana, Mathsyasana, Uthana Padhaasana, Navasana Sarvangasand, Halasana, Sukrasana and Sava Asana (Shanthi Asana) are practice lying face up.

D.Activities

(I) Analysis of Thought

Introduction

Only when an individual examines himself and sincerely works to remove the impurities in his personality can he have good physical and mental health and lead a successful life. Such examination is called 'introspection' or 'self analysis'.

Every night before going to bed it is a good practice to review and analyze the day's events and ponder the lessons to be learnt from the experiences. These together form 'introspection'. If there was a mistake made, make a strong auto-suggestion not to repeat it; if an action was done well, that should be recollected to imprint it strongly in the mind, to be repeated when possible.

A habit of introspection is extremely valuable for everyone. Most of our lives are driven by habit. Shri. Vethathiri Maharishi has given us a profound statement: "Habit is destiny". If we wish to influence or control our own destinies we must take this into consideration and form appropriate habits. It is also said that good habits are hard to make and easy to lose, while bad habits are easy to get and hard to lose! Unfortunately, it is all too true. So in order to change our habits, particularly to eradicate those which are unwanted, we need knowledge as well as a practice to accomplish the task. We must start with questions such as 'Why are we living? From where did

we come? Where are we going? What is the purpose of life?' Answers to these questions form the core of our knowledge about life. Having obtained this knowledge to the extent possible, we are equipped and enabled to live a successful and fulfilling life.

It is a general human tendency that even if we know that an act is not correct and we desire to avoid it, we forget our resolve very easily and continue to repeat the same act. If we are to rise from this level we should identify all our negative, harmful and unwanted thoughts and make sincere effort to change each one of them. Such an analysis and practice is an effective method of applied 'Introspection'. The first topic we have taken is Analysis of Thought.

Six Roots for Thoughts

In order to streamline the mind and thoughts there must be a method to differentiate thoughts for scrutiny or critical assessment. By understating the reasons for the arising of different thoughts, we can arrive at a method of approving or rejecting them as deemed appropriate. The forces giving rise to thoughts can be divided into six categories. A thought may arise:

- 1) From the force of *Need*,
- 2) From the force of *habit*,
- 3) From the force of *environmental conditions*,
- 4) From the force of *imposition by others*,
- 5) From the force of *heredity and*
- 6) From the force of *divinity*

Let us examine each of these.

(1) *The force of Need:*

Appetite is felt due to the real need for food and one's thought naturally turns to eating. This kind of thought is due to the force need. Therefore, there is nothing to be avoided in this type of thought; it is to be accepted as valid and necessary for happiness and health and brought into action. Similar to this, other thoughts that are naturally arising in order to keep the body and mind healthy and energetic are all of justifiable nature and must be brought into suitable action.

(2) *The force of Habit:*

A great many of our thoughts are simply automatic; there may or may not be any need or reasoning behind them. This kind of thought is by the force of habit. For example, a modern habit of many people of all ages is spending time and money on reading material that is obviously of no real value or utility for life. Usually these publications thrive on sensationalism and cinema to attract the public and create a habituated readership. If there is a delay in getting the new release, we become irritated and unable to concentrate on other duties that are of real significance and importance for life. This is thought arising from the force of habit.

Another example: One day you may have eaten a late breakfast: even then, from force of habit you think of eating something at 1:00 PM, whether hungry or not. This is also a thought solely due to the force of habit.

The thought of meeting one's friends for playing or for watching a cricket match of TV during study leave also arises by habit. Should this thought be allowed to overpower the duty to one's studies and concern for one's future success? What will be the outcome? With awareness of the force of habit these questions should be scrutinized and a right decision taken.

(2) *The force of Environmental Influence:*

It happens often that we think of doing something due to the influences of our environment. For example, the habit of smoking is often picked up through environmental influences like advertising or opportunities that arise with friends who are in the habit of smoking. Smoking is a terrible and wasteful habit that is always begun with a free inauguration by others – because no one wants to waste their own money to begin it, nor does anyone have any natural desire for it! The thought of smoking is originated by the force of environmental influence.

However, it is not to be taken that all the thoughts arising due to the influences of environment are negative or undesirable. When visiting a friend you may see others in his home gathering to sit in meditation and enjoying philosophical discussion. Influenced by the lively and interesting atmosphere, you also may feel like taking up meditation and joining the group. Such a thought is positive and such an involvement is likely to result in enhancement of one's life and become a good learning opportunity. The motivating factor for this positive thought is the force of environment.

(3) *The force of Others' Imposition:*

When we are not alert and aware we often uncritically yield to the thoughts and wishes of others. Relinquishing our own awareness and intellect, we passively fall in line with another's idea. The root of this thought is the force of others' imposition.

For example, while walking through the market you see a vendor selling mangoes. Casually you enquire the price, just out of curiosity. The price seems very reasonable since it is cheaper than yesterday's price. So you buy half a dozen mangoes. While returning home, awareness comes suddenly: there is nobody at home, all have gone out, there is already one dozen mangoes in the fridge and you do not even have much desire to eat mangoes at all. Then why did you buy them? Here, we see clearly that the thought of purchase was not due to the force of need; nor is habit the root of the thought. We cannot consider it to be due to the force of environmental conditions either, since there are plenty of cart vendors all along the road and we see this business going on every day.

We may assume that this particular vendor did not get any buyer for a long time. Yet he has to complete the day's sales before evening. Looking at passersby, he thought, "Will this man buy? Will that man buy?" with this kind of thought, he called out to attract the nearby people. He gave a strong thought that someone should buy from him. As you came along with an unfocused mind, the vendor's thought was imposed and you ended up buying his mangoes—something you had no intention of doing. This is a thought due to the force of others' imposition.

(4) *The force of Heredity:*

The unfulfilled desires of previous generations pass on to the descendants through heredity, to be fulfilled at a future date. This gives rise to thoughts due to the influences of heredity. Someone may develop a desire to construct a school in his village. Why should that thought develop in him?

It is possible that his father or grandfather had the desire to construct a school but could not carry it out, so that unfulfilled desire passes on to the next generation as inherited character, to be fulfilled by the progeny. As well as their physical characteristics, the psychic characters of parents are passed on to children through the genetic centers of each parent. Depending on the qualities of parents and forefathers, children inherit the tendency to virtue as well as negative or detrimental tendencies. So one must be cautious not to allow one's hereditary negative characteristics to affect his life (while not forgetting to be grateful that all one's best qualities are

most likely to have come from his parents!). With such awareness one can analyze and come to understand how some thoughts arise under the influence of heredity.

(5) *The force of Divinity:*

The force of divinity is that which inspires an individual to think in a creative and positive way that will be beneficial to many people. Such thoughts are often of a novel nature and difficult to implement, as they are considered unusual and reformist and may be ahead of the times. However, it is usually the case that there had been many who had a similar desire but were unable to implement it due to the existing cultural setup and structure of their society. An exemplary and dynamic personality is regularly inspired by such carry them into action for the greater common good. All thoughts arising from the source of divinity will be exalted and noble aim.

Let us consider the example again of a school construction in a village. Let us assume that the hereditary factor was not there in this case. Then how does it happen that a person develops the strong thought of constructing a school for the first time in his locality? For generations there would have been an educational vacuum in that area and many people would have wished for some kind of school for themselves and later for their children. But they could not take any action in that direction due to lack of time, facilities, initiative and courage. These feelings of various people over the years will get concentrated and bring a strong thought into an appropriate person's mind, inspiring him to make it a reality. This kind of culturally valuable thought is due to the force of divinity.

Introspection for Analysis of Thoughts

Every thought that enters the mind would be due to one of six reasons, as stated above. To recapitulate, they are: 1) Need, 2) habit, 3) environment, 4) others' imposition, 5) heredity and 6) divinity. As soon as a thought arises it can be classified as one among the above. Then it must be assessed as to whether it is beneficial for self and for others if brought into action. We can continue with that thought and bring it into action if it is ascertained to be of value and useful to all. The test of whether an act is morally good and should be followed or not is:

One's action should not create pain to self or others,

To the mind or body, at present or in future.

Though it is natural for everyone to have all kinds of thoughts, they should be filtered before acted upon. Unwanted thoughts should be subjected to introspection and autosuggestion. The unwanted thought may arise repeatedly but one should endeavor to be aware and remain

steady in his resolve not to indulge in it. The reasons behind the thought may be probed as far as possible. What is the reason for this thought? If it is brought into action, what will be the likely result? Is this thought productive of positive results? All these questions should be explored. If a particular thought is unwanted, autosuggestion should be utilized as: “Hereafter I will keep awareness not to pursue this line of thought”. This autosuggestion should be done with focus, sincerity and intensity.

On the other hand, good thoughts should be cultivated, retained and acted upon as soon as possible. In this way, one can work to streamline his own thoughts and feel happier, more directed and peaceful in life. We should willingly seek good thoughts within ourselves and be receptive to good thoughts from others also, giving them our attention and respect. As one’s personality is based only on one’s thoughts, harmonious, kind and pleasing thoughts of all kinds improve and elevate the personality. We must take care of practice awareness and explore the thoughts that arise frequently in our minds. By this practice, clarity and mental sharpness will generally improve also.

Thought is everything we know in this world. Beyond thought there is nothing good or bad – our meanings and values, happiness and sorrow exist only in thought. As William Shakespeare put it in Hamlet: “Nothing is either good or bad, but thinking makes it so”. Exalted thoughts bring progress for oneself and for the world; negative thoughts drag you and others into unhappiness and misery.

Practical Technique for Analysis of Thoughts

1. Sit in a quiet place with a pen and paper. Be aware of the thoughts coming into your mind.
2. Write down the thoughts, numbering each in series.
3. Categorize them into the six different root causes, making a table of six columns.
4. Explore each thought to determine whether it will lead to benefits or create disturbance or pain to the body or mind, for oneself or others, at present or in future.
5. Mark clearly the thoughts that are useful and consider whether adequate resource, convenience and opportunity are available to act on these thoughts. If so, such thoughts should be brought into action.

(II). Moralization of Desires

Desire

In 'introspection' moralization of desire is the second part. Desire is a liking towards something. Desire is to experience something. Desire is attachment. Desire is love; desire is eagerness to acquire something. Desire is lust. Basically desire comes out of a need.

Desire on Owning Land, Material Wealth and Women

Desires have been categorized as eagerness to own land, eagerness to own material wealth and eagerness to have relationship with women. It was believed these are the three reasons for the worldly worries. So desist these desires was the preaching of many for a long time.

1. We live in a house. To build the house we need atleast a small piece of land. Don't we live on this earth – this land?

2. We use some material for leading a reasonably comfortable life.

3. It has an accepted factor that a woman – either as a mother, as a sister, as a wife is considered to be a must.

On this earth

In the company of a woman

With the help of some material

We live.

Why desist these desires?

To make a balanced life

Use your wisdom

One cannot get rid of desires. And it is not necessary also. As 'thoughts' desires also keep creeping in every time every where. Analyse your desires. Avoid those which are sure to bring you sorrow. Good ones which are desirable for you and for your society need to be satisfied. Once you are able to differentiate between the essential desires and undesirable desire you are making a clear demarcation among desires heed to the desirable ones. This analysis to identify the impact of the desire on oneself and on the society is called Moralising desire or regularizing desires.

To end the life cycle is like crossing a big ocean. To achieve this is also a desire. We have to live and face all difficulties before reaching the attainment.

1. Food, cloth and other needs for a man are recurring. Can we avoid them?
2. To reach the acme in one's field and in one's life is also a desire.
3. Desire to attain use divinity is again a desirable desire.

Reasons For Desires

Hunger, thirsty, fluctuations in body temperature, excretory forces are all natural. 'To live' is the basic reason for desires. Desire leads to needs.

Essential Desires

Desires that form in us, if they are wise, if they contribute to the growth of our life or to the welfare of the society they can be satisfied. Instead longing for everything may not bring any happiness to anybody.

What are our requirements? Basic needs that become desires need to be fulfilled. Natural deficiencies should get compensated. The experience should make men wise day by day.

Desire And Duty

The desire should be ethical. When acting upon the desire to get fulfilled there comes an enjoyment. But one should see that he is not too much involved in that experience. On the other hand he should consider it as a duty. Though one is a essential desire, though it brings you benefits and happiness one should not forget him self and indulge in that act which will never produce anything good. Mind also will get polluted.

Materials reduce pain, sometimes remove pain. It is quite nature one loves them. But to develop some attachment on them and showing eagerness to possess them are wrong. We need to draw definite in our relationship with those materials. Otherwise if your mind is preoccupied developing greed over the possession definitely one should definitely need to get rid of such desires. One doesn't need to abandon the materials but need to restrict his attachment and should never think that object is responsible for his living.

When that which clings fall off, severed is being's tie;
All else will then be seen as instability.

- Kural 349

Cause – effect analyses, careful contact with materials and the kind of contact, the quality and extent of contact if all these things are within the social norms all such desires are acceptable. On the contrary though the desire may cause pleasant experience to others because of your indulgence it will give you only sorrow.

Desires against the Purpose of Birth

Involvement of mind in desires and enjoyments is called attachment. This attachment is not desirable. This spoils the purpose of birth. Life should be designed in accordance with the purpose of birth. Attachment will get the design distorted. The mind will begin to think that life is for enjoyment and prevent others from enjoying our resources. Attachment will become indulgence when obstructed anger is the result. It will induce one into committing all the five sins. Then salvation will become impossible. Increasing needs may make one stay in enjoying the comforts. One may be tempted to do sin to retain or centime the duration of enjoyment, which may result in continuum of birth. Restrict your needs to the minimum level. Then only one will be able to achieve the purpose of his birth. Eradicating the bad imprints, remaining away from the sins one should lead a regularized life. Detached life is the road to salvation. Desire is an obstruction is that road. We have to moralize our desires, though they are desirable desires we need to control the force with which they flow.

More and more enjoyment materials which may give comforts might damage one's health. With more and more wealth peace of mind is lost. When the number of members to be fed in the family gets bigger and bigger independence will be lost.

Sainthood-Detachment but Moderation in Enjoyment:

With materials and people carefully maintained necessary relationship will culminate into sainthood. Detached attachment is sainthood. This is Nishkamiya Karma. It is quite natural to have attachment towards material wealth, children, sex, fame and power. One should be responsible enough to know the limit and carefully deal with these five factors in life to attain salvation.

For example: We need a pillow to support our head while sleeping. We don't keep the pillow always bound on our head. So also we need a wet cloth to touch a hot vessel. But once the use is over we keep them aside. This is now we keep contacts with objects in a regulated and limited ways, all the time keeping your consciousness awake.

When in contact with men and material it is important to be adjustable without any contradiction. This stage is called cause – effect awareness. The contact with objects should be restricted to senses only. 'Thoughts' should not get involved. It should remain detached. Detachment of thought from the activities of the senses will give us enlightenment and this enlightenment will reach you to salvation and moralizing the character.

Training to moralise the character

Every one has some important desires and along with them some subsidiaries one has to analyse them thoroughly.

1. Is this desire required?
2. Is there a recourse and chance to fulfill the desire?
3. Once fulfilled, will the result be good or bad?

These are some of the probing questions to go deep into all your desires.

1. It is a desirable desire? There are resources to satisfy it. The result will be beneficial. When three positive factors are seen in the desire; the desire is desirable and one can take initiation to satisfy it.
2. (a) When you think peacefully you can easily identify an undesirable desire. Take a vow to desist it. Impress upon yourself that this desire should not have been allowed to creep in. Vow again not to allow this kind of thought over again in your mind. As the vow always follows the desire, the desire will disappear in due course.
2. (b) The same way when you find out that a desire is desirable, but unfortunately you neither have resources nor chance you should also vow not to allow the desire to creep in again.
3. (c) The desire is desirable. It is most needed. Sources are there. Chances are also there. But you found but that the after effect of the manifestation of the desire would be disastrous. In this case also you should vow not to allow the desire to creep in again.

4. Desires that are neither fulfilled nor desisted may be many. But if you keep in store these desires that will spoil your peace of mind, your health, your efforts and failure is the end.
5. Desire – Planning – Execution is the three definite factors, which will make a man successful.

When mother hears him named 'fulfill'd of wisdom's lore,'

Far greater joy she feels, than when her son she bore.

-Kural 69

After the self-analyzing exercises if any desire left, either one or more, you should execute one after the other. This will yield you good result.

This is my need

This should be achieved before this time frame

This is how it should be done.

These are stages in planning

6. Desire, Plan, Action, approach, achievement and enjoyment and assessment of benefits are to follow in this order. Contentedness will be assured
7. If the approach is not correct everything will be spoiled, and also if people don't know how to enjoy it when every other factors are achieved.
8. It is a desirable desire. This is how one should achieve it and enjoy it. If this is one's analysis about a desire he should plan his course of action and execute it. This method would give one the success.

Training Techniques

1. Every day, during the rest time, spend 15 minutes in meditation to moralize desires.
2. Write down a list of desires that grow in your mind.
3. Then organize the list according to priorities. Ask the question whether that particular desire would in anyway help to achieve the purpose of birth also.
4. If one decides life can be as comfortable as it is even without a particular desire then, it should be removed from the list. Further more one should vow not to take into account any such desire for consideration in the future. This makes your mind feel light and stronger.

5. One needs to consider various facets of the desire. A desire may be a necessity. But before proceeding further ask oneself whether he has the requisite sources opportunity. For example one wants to buy a motorcycle. His office is far away. The market place is far away. Walking or going by bus becomes too difficult. In this case the desire is justified. He has a saving of some money. Jewels could be sold to add up to the savings. Or else one can buy the motor cycle in installment also on the other hand, even though the need is justified but sources are little, one should be firm to reject the desire.
6. As we have seen earlier if any desirable desire on execution if it is going to harm ‘the self’ or others, this desire also needs to be rejected. For example one need to use a taxi frequently. He feels the burden of the expense. He decides to buy a car and plans. The car might be used by his son or by his wife to go to the temple etc. He calculates driver’s salary. Finally he gets enlightened that buying a car would be economically disastrous. This desire should be dropped.
7. Route to success
After analyzing all the desires desirable desires are listed and from that also based on priorities a few have been dropped. Now the short-listed desires would be very few. As a matter of fact these few short listed desirable desires should also be dealt with one by one.
8. Compiling unachievable desires, desirable thought, may not do any good to anybody, peace of mind is lost, health is lost, and everything is lost.
After moralizing desires, mind gets elated and remains refurbished forever. Self condense grows. Tolerance, love and affection will automatically flow non – stop. All these will happen through this training in a week’s time. Maharishi Vethathiri’s sainthood gives the culmination of truth in relationship concept blesses an ordinary man with saintly qualities

(III). Neutralization of Anger

Anger

In the Introspection training ‘Neutralizing Anger’ is the third part. When there are objections and obstructions to exhibiting undesirable desire a person turns emotional and expresses it in the form of anger. Anger is the most dreaded one. So it should be avoided.

If thou would'st guard thyself, guard against wrath alway;
'Gainst wrath who guards not, him his wrath shall slay.

- Kural 305

The thought of keeping the anger at a distance is very important for mankind. Thinking deeply about something continuously for sometime a person will begin to understand the various characteristic features of that something. So it will be easy for him to act accordingly.

Anger – The most Dreaded

Everyone might have experienced anger and might have suffered from anger differently.

Anger spoils body and mind; injures others. Furthermore the immediate impact of anger penetrates into the future also. This is the emotional facet of enmity.

Wrath, the fire that slayeth whose draweth near,
Will burn the helpful 'raft' of kindred dear.

- Kural 306

Anger brings disaster to the angry and the angered. Anger is the most dreaded destructive force. Enmities between friends, enmity among relatives are common. But why should this happen? This is because of the overriding power of one's emotions and this has to be desisted.

I am angry. The word 'I' can never be separated from emotions. The word 'I' gets transformed into various feelings. Anger is a feeling. So 'anger' is not different from 'I'.

When one becomes angry emotions override intellectual factors. In other words, when a person's analytical wisdom becomes unconscious, 'anger' enters. On study one can understand that the person himself is personified into 'anger'.

For example one has to go to his office. He has to go by the 9.00 o'clock train to be on time. His food should be ready atleast by 8:30. Till 8.15 nothing happened in the kitchen. In this situation husband gets angry with his wife.

Another person wants his son to score high in the examination. But his son spends more time wastefully. That person gets angry with his son.

An ant is taking a grain. Someone snatches that grain from the ant. The ant now runs round and at the same point. Is it not anger?

Obstructed desire manifests into anger to break the obstruction. In the above example the obstacles are: wife, son and somebody. The anger wants to punish those who created obstructions. Is it good? Anger will always make you a lowly person.

Poet Ambalavana in his collection of poems called Arapaleeswarar sathaham describes 'anger' as the father and mother of all sins. He also says that anger will make person 'lonely' without any relatives or friends around him.

Animals kill other living beings for food. One animal is a prey to another animal. The anger, which resulted in this act, is getting passed through genetic imprints.

- Anger - Emotions rule, obstructed desires because this emotion-eagerness to break the obstruction, mind waves – 25 – 30 per second.
- Rage - Man becomes physically imbalanced and shaking - becoming unconscious 30 – 40 mind waves per second.

Anger is Suicidal

Getting anger is equal to an attempt to kill oneself. Frequent rage may become a habit – unwanted. The anger which is the effect of a cause may develop into a reasonless, unnecessary, behavioural pattern. Though we regret the anger it is possible that it may reoccur.

The hand that smites the earth unfailing feels the sting;
So perish they who nurse their wrath as noble thing.

- Kural 307

A person has been angry many times without any benefits. Anger is a destructive force. It destroys individuals, society and countries. One should remember the impact of wars on countries. A person with habitual anger and self pity can never think about spiritualism.

Angry affects both – Angry person and the angered

We have already seen how 'anger' affects the personality of person. Now, let's see how it affects others. Have you ever tried to remember how you felt when someone was angry with

you? When a person is angry with his wife, son or daughter one should feel the kind of damage it could cause on them, mentally and physically.

Once a person's personal experience prevails upon him to analyze the impact of his anger with others – his friends, relatives, strangers – he would understand how silly it was to be angry with others.

Impacts of Anger

All these problems are due to the expansion and exit of bio – magnetic particles. As we all know all our actions got imprinted in our genetic centre, so also the anger. The imprint of anger will cause the disease reoccur. For a small mistake getting anger only once should we suffer life long?

But if one becomes angry frequently what will happen to body and mind?

So the dreadful anger which causes irreparable loss to the self and others should be desisted.

Maharishi Vethathiri says, “Anger and Worry are two poisonous creatures that spoil the human race”. These two are responsible for all destructions. So say these two sentences as many times as possible daily

I'll not get angry

I'll not worry - (Poem)

Success is yours.

Anger – A Continuum

If the head of the family is a bad tempered apoplectic person the whole family will follow suit. Everyone in the family will inherit the quality of the head. They would become diffident in their attitude and moody. Anger is a contagious disease.

The impact of anger is a chain of actions. For example: A child irritates the mother. The mother shows her anger with her husband, who is an officer. The officer lets out his anger on his employees. The employees go back home and without any reason quarrel with their wives and wives in turn on their children and so on. One action ended in the chain of reactions.

One should desist anger even when he has every right to be angry even for a valid reason. And that is tolerance.

Anger – Pretence

Let's think about some lighter moments in our lives. It may be necessary to be angry at times, where one thinks that it is the only option to correct someone.

For example, pampered children become adamant. They may insist on getting or eating something. When the father knows that it was wrong to oblige there is the possibility of a mild anger in the form of threatening. This is only from the lips not from the heart and disappears quickly. Secondly, when a servant is making the same mistake regularly or dodging, the master rebukes him. This is also for a moment and disappears quickly. It is pretence not anger, like the fight between the hero and villain in cinemas. They are not true.

Anger and Vengeance

An obstacle, while trying to satisfy a need, can cause irritation resulting in anger. When trying to break the obstacle the required force becomes anger.

When one cannot let out his anger it becomes a worry. On the other hand when anger gets stored it becomes vengeance.

Any anger should only lead to pardoning or a negligible punishment keeping conscious awake. So there is no storage and no vengeance.

No anger is no worry and no vengeance.

Effects of controlling anger

Neutralizing anger is different from controlling the anger. When a person tries to control his anger it becomes double. The impact of the control is too harmful. His health will get spoiled. The person who controlled his anger is more affected than the other.

Training to neutralize anger

1. On a resting day, meditate for about 15 minutes in a peaceful atmosphere.
2. Then prepare a list of people whom you are angry at frequently detailing the priorities, frequencies.

It is certain that the top in the list might be closely related to you. If married the first name might be the name of wife, are the husband's list and the name of husband in the wife's list and then, sons, daughters, parents, officials, brothers, sisters, friends, teachers and others. The list may not have more than 10 to 15 names.

Training to Neutralize Anger

S.No.	Names of people Who I am Angry with	Relationship	Reason for getting angry	My role	Previous happenings (experiences)	Vow

Explanation

Take the first name.

- What is my relationship with that person?
- What is the reason for my anger?
- What is my role in that situation?
- Have you been angry with the person

Research into these questions with all the names in the list. Find out the reasons and expunge them. Take a vow not to get angry again with the person again. Spend a week with one name in meditation. For second week with the second name. Thus you can neutralize your anger with anybody.

(IV). Eradication of Worries

Worry

In introspection 'eradication of worry' is the fourth exercise.

From whatever, aye, whatever, man gets free,
From what, aye, from that, no more of pain hath he!

- Kural 341

Physical blemishes are diseases. Mental blemishes are problems in life. These take the shape of worry. This is a challenge. When there is a problem to your body or mind and when you don't have the required 'strength' to meet the challenges your mind feels depressed. This state of mind is called worry. Any worry will consume the bio-magnetic energy very fast which causes in the 'wastage' of the most valid energy life.

When desires are obstructed one feels 'self pity' which is worry in other words.

The difference between expectations and happenings:

Worry is an illusion, a wrong calculation. When expected happening did not happen one becomes worried. The mistake is with the individual. Natural happenings are the continuum of Nature. Lack of understanding the nature, lack of understanding the society and lack of understanding one's own inner self something he expects and imagines to happen. One could see the difference between reality and imagination. One has reached a point where he has to and this is reality. But he might have expected to reach somewhere. But that is imagination. One should see the difference between these ends. Expectations lead to disappointments. And disappointments become worry.

Imaginary expectations are wrong. One should desist doing it. And should develop the attitude or accepting whatever happened. One could try and make attempts to achieve what he wants. If this becomes the attitude there ends 'worry'.

Neither accepting what had happened not attempting to achieve the goal there develops a discord. This is ambivalence. Mind gets oscillated between imagination, expectations and actual happenings.

Some people have conditioned their mind towards; 'what should happen and what should be right'. When they see something different in the actual happening they feel discontented. And this is not justifiable.

In his poetry collections 'Gnana Kalanjiyam' Maharishi says, "Calculating wrongly and expecting something will the law of nature accept? All happen according to the law of nature every time. Those who don't understand this will always worry."

Difference of Opinion:

Two persons think differently based on their own intelligence and need. The difference is evident. One may worry. But instead of worrying if he can accept the other's opinion and let it go, there won't be any problem. Instead if one wants to establish his right as individualistic he can act based on the direction of his opinion and should accept the outcome as it is. In this aspect also there is no worry.

Need and Resource:

The imbalance between needs and resources becomes worry. Restructuring the need based on the resource will eradicate worry.

Factors multiplying worry

Two particular characteristic features of the mind multiply the intensity of worry.

1. Inefficiency 2. Fear

Inefficiency:

1. Unconscious state of mind not aware of anything.
2. Lack of knowledge about the order of nature.
3. Lack of intelligence to tackle problems.

Fear:

1. Worrying about the effects of the wrong deeds and feeling diffident
2. Imagining things will lead to feeling diffident leading to worry.

To Eradicate Worry:

1. Understand the order of nature.
2. Develop thinking ability.

3. Develop self-confidence.
4. Try again and again consistently.
5. Develop courage and confidence.

To Prevent from Worrying:

1. Don't create unnecessary problems
2. Don't interfere unnecessarily with other person's activities.
3. Don't neglect responsibilities for any reason.

Improving power of thinking:

Sharpen your faculties to improve your intelligence. Power of thinking can be improved by three stage training.

1. Plan before execution (planned work)
2. Awareness or consciousness
3. Introspection.

1. Planned Work:

Before executing any action or work calculate the effects precisely. Thought –words-deeds should always be in accordance with the plan.

Think, and then dare the deed! Who cry,
'Deed dared, we'll think,' disgraced shall be.

- Kural 467

2. Consciousness or Awareness:

Needs, habits, circumstances should not induce a person to stray. One has to be conscious about reaching the goal of this life.

3. Introspection:

A person's initiation into refurbishing his mind is called introspection. To analyze about one's self, needs, effects of the deed, status, prestige is called introspection. Every day one has to bring back to his mind all that happened during the course of the daily and should analyze the effects whether they were good or bad and this is introspection.

Impacts of Worry:

Worry causes these following through:

1. Bio-magnetism spreads into mind waves and gets wasted
2. Blood pressure, indigestion, ulcer, headache, respiratory problems occur.
3. Worrying cannot solve any problem.
4. In worry one cannot analyze problems.
5. Problems seem to be bigger.
6. Problem–Solving efficiency decreases.

Four types of worries:

1. Need to be experienced.
2. Need to be postponed
3. Need to be neglected
4. To be solved immediately.

Need to be experienced:

None can escape from some kind of worry. The pain need to be experienced. For example, polio attacked child, medically declared not curable: there is no way except to tolerate the pain and try to live with it. Secondly, some immature death in a family, it is an irreparable loss. But still one has to withstand it as we tolerate the natural disasters.

Need to be postponed:

Marriages need to be settled well within time. But for some, for various reasons some marriages get postponed. Parents try but time should mature. One has to wait. Worry may only complicate the problem.

The same way getting employment, it is also not in one's wish. The society, the government should also help to solve the problem. Worry only will bring you diseases. Tolerance is required.

Negligible ones/Need to be neglected:

For example old people get irritated for nothing. They would always ask why something was not done and something was done instead, kind of questions. Even for tiny things they will find fault with. One cannot speak against them. But simply pretend as if there happened nothing.

These kinds of problems are negligible. Small irritations are unavoidable. They are no problems.

Need to be solved:

1. Physical problem (body ailments) need to be attended to immediately to avoid complications. When a loan bothers you sell some property and settle the loan. Further compounding of interest and more spending could be avoided.

2. When family gets expanded some problems are common. Brothers live together happily in a joint family. Once they are married and they have their own children expenses occur. Partition becomes essential. Parents should not stop them for the sake of prestige. Property should be divided amicably and at least relationship will continue.

Analyze problems judiciously and divide them into four types and act accordingly. Problems lead to worry. If one knows how to analyze them and in a conscious state of mind solve them to avoid any worry in mind.

Solutions:

There is nothing called unsolvable problem. There is no chronic worry also. Only people are not able to find the correct solution to problems. One should know which key opens which lock.

1. Poverty and loan can be solved by spending less.
2. Diseases can be cured by moralizing character and some medicine.
3. Difference of opinions can be solved by give and take policy and tolerance.
4. Contentedness will solve the problems and the worry due to jealousy and enmity.
5. Loss of face in the society, loss of wealth, can be equalized in social service.

Training to eradicate worries:

1. List out worries.
2. List out the worry generating problems into four as discussed above.
3. Attend first to the problems that need to be solved first.
4. Take care when dividing problems into types.

5. Don't be too emotional to solve a problem.
6. Recollect how you solved the some problems earlier.
7. Don't be over ambitious not to have problems. There is more in the world without problems.

Training Chart

S.No.	Worry	Need to be experienced	To be postponed	To be neglected	Immediate attention

(V). Benefits of Blessings

What is Blessing?

Anger is a blemish. Through introspection and practice 'Anger' can be neutralized. What one should do, to never become angry with anybody? Blessings will enable one to totally get rid of anger.

To bless is to care for the welfare of others. The words generate pleasantness in mind, when one utters 'Live Prosperously' – meaning wish you health, happiness and prosperity.

Pituitary and pineal glands get activated (by the movements of tongue, smile that spreads the lips, eyes that glow) when you utter a word of blessing, wish and greeting. For the various functions of the body pituitary gland helps. The pineal gland which Maharishi named as the 'Master Gland' (though the function of which is still debated among scientists) is responsible for the functions of 'Mind'. When, one blesses the other the space magnetic waves purify the minds of the 'Sender as well as the receiver', hence the flourishing of body and mind.

Pineal gland is like a pearl in the brain. The Tamil word to refer to this gland is 'Manonmani', pronounced as 'mAnəunmAni'.

mAn – means 'Mind'	}	of all glands which is mind.
mAni – means 'gem' - gem		
əun – means 'posses'		

(the gland which refers to Mind).

When one praises or blesses the other, each time the sound waves get contact with this gland. The mind freshens up because of the contact of the sound waves.

When one lives following his emotions his mental frequency is 14 to 20 cycle per second. This is Beta wave. Through meditation we can reduce this mental frequency to 8 to 13 c.p.s., which is Alpha wave. Through constant meditation and introspection one can still reduce the mental frequency to 1 to 3 c.p.s., which is Delta, where one begins to remain in consonance with divinity. When one attains perfection through meditation and introspection exercises and when he blesses the other it brings out multiplied benefits on both.

Unless one reaches the 'delta' frequency level that is, mental frequency level 1 to 3 c.p.s. The intention to bless doesn't become intuitive. One's peace of mind will result in the easy establishment of soulful contacts with others.

The effects of blessing

1. When one wishes the other 'Live Prosperously' it results in a pleasant friendliness with the other.
2. When one begins to bless everyone every time getting angry becomes a rarity.
3. Through blessings enemies can become friends. Moreover, the deeds, thoughts of others can also be regulated and moralization is only at a beckoning distance, then.
4. Not only with mankind, but also with pets and beasts, plants and trees one can interact with "Blessings".

Methods of Blessing

The phrase 'Vazhga Valamudan' in Tamil is a strong one, with a strong feeling (In English – Live Prosperously). These words after meditation still become stronger. For example, when the string of the bow is pulled backwards, as far as possible, with the arrow in position, the speed of the arrow is enormous, when released. The same way when one meditates his mental frequency level is as low as 1 to 3cps (delta wave). Mind becomes more powerful at that time. The blessings that come out of the mind at that time are so very strong and the sound waves get stronger and the 'wish' brings out the result very fast on the person 'blessed'.

Sound (magnetic) waves during blessing:

When 'Blessing' goes out as sound wave it automatically becomes the bio – magnetic wave which has five functions.

1. Clashing, 2.Reflecting, 3.Refracting, 4.Penetrating, 5.Interacting

When one blesses the other the waves keep passing between the two. There, the bio magnetic waves become functional. This state will remain life long. The words of blessing (the sounds) need to come out with love and good faith. The bio magnetic wave whether one is aware or not will keep running producing goodness all over.

When one blesses a team or group of people the bio magnetic waves from all the people will unite their souls with his soul.

Good thoughts:

The caliber of a person is the outcome of his good and bad deeds. When good thoughts are always related to blessings the result will bring him happiness. Blessings improve the infinitive force of the soul. So to bless and get blessed will yield good results to mankind.

Vow:

Bless one:

At the end of meditation one blesses oneself and others. **“Let me achieve physical health, longevity, prosperity, fame, wisdom in my life and let me achieve them.”** when one repeats the above statement many times he is blessing himself. The message gets recorded in the soul and its functioning. Once recorded will be there for ever. This is a vow. When the vow echoes in the bio magnetic force in the body it gets reflected. In other words the bio magnetic waves also carry the same blessings/vow. This will have an immediate and effective impact.

Self blessing is not self praising or boasting and not selfish also. A healthy and intelligent person can be of immense use to the society.

Physical Health:

It is a must for the mankind. Sound mind always requires a sound body. It is the most required factor to keep the mind flourishing and do one's duty to the society.

Longevity:

When one blesses himself for longevity his thoughts and deeds will automatically get moralized to contribute towards it. The six sensed mankind should thrive to improve upon the sixth sense and try to go on a par with the Divinity, resulting in the eternal bliss. Birth is the continuum of imprints through genetic continuum. One needs longevity to erase all the bad imprints in one's life time. One may require a longer life to achieve this.

Prosperity:

It doesn't refer to more wealth; but the required amount of comforts for a comfortable living.

Fame:

Popularity brings people closer. One's popularity brings others close to him. Friendship develops. Fame is the outcome of one's famous deeds; deeds aimed at satisfying the needs of people, deeds that relieve them from pain, sorrow and worry. In turn when these people get out of their 'worldly worry' they praise the person who was responsible for that. As many do it one becomes famous and thus 'fame' gets attached to his name.

Wisdom:

The sixth sense is given to mankind to probe into one and the surrounding to find out truth and purpose of his existence. Wisdom blossoms when one achieves it. Wisdom is the concept very close to Nature. The basic concept of nature is that of cause and effect philosophy. It has to be understood.

When one learns the organized functionality of Nature and the law of Nature one understands what to do to get his need satisfied and acts selectively. When one comes to terms with the secrets of nature, basics of nature, in short, all about Nature, he is at the threshold of eternal wisdom. Attaining this eternal wisdom the ego dissolves and the feeling 'oneness' with everything and everybody blossoms.

One's life is the contribution of the society. The wisdom makes him understand this fact and returns to the society every ability he has in the form of 'Service'. Let one live long blessing himself to serve the society.

Blessing Others:

After blessing oneself one has to bless others also. It's reciprocation. No man is an individual in the society. He is a society himself. One has to establish a good relationship with others. Blessing is right direction to establish that relationship.

Priority in Blessing:

1. Wife, 2.Children, brothers and sisters, relatives and friends, 3.Colleagues, 4.Those with enmity, 5.World Community.

Blessing one's wife or husband:

Both husband and wife should have cordial relationship and lead the life with great understanding with never ending love and affection. Both can bless each other. This is the life in which both of them get unified through soul and consciousness.

Bless the children:

Hereditary imprints are here at the genetic centre of one's children. It is the responsibility of the parents to bring their children in an environment which will not add to the imprints. If the parents want their children to be with all prosperity parents must bless them very frequently. Think about every one and say 'Vazhga Valamudan' – 'Live Prosperously'. The heartfelt rendering of the blessing will make the children definitely live morally and ethically to make a life a meaningful one which, is in consonance with nature.

Bless the brothers and sisters:

Soul is one but bodies are different. This relationship is 'brothers and sisters'. The soul is from the parents. All the children born to one parents are the Xerox copies of the same page. All of them will have the same genetic imprints. So when the elder wants to purify himself he automatically transforms his brothers and sisters also into purity. That is why blessing brothers and sisters become important.

All the feelings are reflected among the brothers and sisters. When one is suffering others will also suffer. All the outcomes of the good deeds of a person will also teach his brothers and sisters. To bless becomes imminently important.

Bless one's friends:

Friendship is the best relationship. They always help each other. A friend in need is a friend indeed. Though it is very difficult to get good friends still one should feel happy with the friends he has. Blessing the friends is also important. Blessing is a gratitude we show to our friends.

Bless one's colleagues:

Colleagues are the associates in the work place. One meets them daily. It is very important to establish an excellent relationship with colleagues. They assist each other. They share some work. One should bless them to lead a cooperative, strain free life. Bless them all. Wish them well.

Bless one's enemies too:

Every one has the imprints of their good deeds and bad deeds. That imprints should come out. It is the Law of Nature. Mostly another person is involved in eradicating one's bad imprints. When doing so it becomes a worry to the receiver. But his bad imprint has been eradicated at that instance. If one takes it in that sense one will not get angry with the person who caused the pain on him.

Some people may think and do bad to one. He should also bless them for their welfare and instead if the other person reflects the anger his bio magnetic force will get wasted. But in blessing bio magnetic force will flourish. And also by looking at the reaction the enemy will not think about doing any harm anymore.

Bless for the welfare of the world:

For the better world with peace and war-free first of all world leaders should become highly responsible and lead a peaceful life. Peace in individual is peace in the society, peace in the world. Only then people will lead a fear free, hatred-free life. Mankind will enjoy the benefit of peace and prosperity, when the 'one world' concept becomes a reality. For this purpose everybody in the world—an ordinary citizen or a great leader should bless each other. Bless for the world peace. Bless the world. Bless the peace.

Bless the rain:

Mankind needs water and food basically. Water is the source for all living things whether these are plants or animals or humans. To get water without scarcity the world requires rain. Bless the rain to fill our hearts. Bless the rain to be kind to mankind.

Bless for the welfare of the world:

All kinds of people with all kinds of professions–farms–weavers–etc–should feel peace, happiness and prosperity in their lives. Bless them all. People who rule the country should be sensitive to their people. Bless them all. All organization and institutions should contribute to the better life of the mankind bless them all to do so. When thus blessed all blemishes have gone and prevails wisdom on everyone and everywhere.

QUESTIONS:

1. What is the need for Physical exercise? Explain the neuromuscular breathing exercise and its benefits.
2. Explain the different postures and movements in Makarasana exercise and their benefits.
3. Discuss the fourteen points in the Acu-Pressure exercise and its benefits.
4. Explain the different types of Meditation and their benefits.
5. Mention the advantages of Asanas and conducive conditions for Asanas.
6. What are the six roots of the thoughts? How can it be analyzed?
7. Discuss the moralization of the desire and a training method to moralize the desire.
8. Discuss the evil effects of anger and a training method to neutralize the anger.
9. Explain the four types worries and discuss the training methods to eradicate them.
10. Explain the benefits and method of blessings.

UNIT-V

HUMAN RIGHTS

I .The Concept of Human Rights:

Meaning:

Human beings are rational beings. They by virtue of their being human possess certain basic and inalienable rights, which are commonly known as human rights. Since these rights belong to them because of their very existence, they become operative with their birth. Human rights, being the birthrights are therefore, inherent in all the individuals irrespective of their caste, creed, religion, sex and nationality. These rights are essential for all the individuals as they are consonant with their freedom and dignity and are conducive to physical, moral, social and spiritual welfare. They are also necessary, as they provide suitable conditions for the material and moral uplift of the people. Because of their immense significance to human beings, human rights are also sometimes referred to fundamental rights, basic rights, inherent rights, natural rights and birthrights.

It is difficult to define the expression human rights, mainly because of differences in cultural background, legal systems, ideology and economic and social and political conditions of different societies or states. However it can be said that the ideal of human rights is bound up with the ideal of human dignity. Thus, all those rights, which are essential for the maintenance of human dignity, may be called human rights. The world conference on Human rights held in 1993 in Vienna stated in the Declaration that all human rights derive from the dignity and worth inherent in the human person, and the human person is the central subject of human rights and fundamental freedoms.

D.K.Basu defines human rights as those minimum rights, which every individual must have against the state or other public authority by virtue of his being a member of human family irrespective of any other consideration. Human rights are, therefore based on elementary human needs as imperatives. Some of these human needs are elemental for sheer physical survival and health. Others are elemental for psychic's survival and health. Thus, the human rights can be perceived and enumerated.

Rights being immunities denote that there is a guarantee that certain things cannot or ought not to be done to a person against his will. According to this concept, human beings, by

UNIT 15 STATE SERVICES AND PUBLIC SERVICE COMMISSION

Structure

- 15.0 Objectives
- 15.1 Introduction
- 15.2 Meaning of Civil Service
- 15.3 The Significance of an Independent Recruitment Agency
- 15.4 Components of Civil Service at the State Level
- 15.5 Classification of State Civil Services
- 15.6 Features of Recruitment to State Civil Services
- 15.7 Constitutional Provisions with Respect to the Commission
- 15.8 Composition and Functions of the Commission
- 15.9 Advisory Role of the Commission
- 15.10 Independence of the Commission
- 15.11 Commission's Working
- 15.12 Let Us Sum Up
- 15.13 Key Words
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- 15.15 Answers to Check Your Progress Exercises

15.0 OBJECTIVES

After you have read this Unit, you should be able to:

- Understand the constituents of civil service at the state level and the criteria and system of classification of state services;
- Throw light on the system of recruitment to state services;
- Explain the significance and role of State Public Service Commission; and
- Identify factors that hinder its working.

15.1 INTRODUCTION

This Unit aims to describe the nature of civil services at the state level. It discusses the aspects related to classification and recruitment to state services. It throws light on the significance of an Independent Recruiting Agency, components of civil service at the state level, and its advisory role. The composition and working of State Public Service Commission are also discussed.

15.2 MEANING OF CIVIL SERVICE

The phrase 'State Services' refers to the civil service at state level. Civil service refers to the civilians employed by a government and distinguishes civilian pursuits in government from military. Civil service is a career service. Elective officials and employees of semi-government bodies do not form part of the civil service. An essential ingredient of the civil service concept is merit system. Merit system means selection based on ability as adjudged by an open competitive examination for civil service jobs. An independent recruiting agency is the hallmark of a merit system. The state level recruiting agencies are designated as State Public Service Commission.

15.3 THE SIGNIFICANCE OF AN INDEPENDENT RECRUITMENT AGENCY

It is of basic importance that recruitment to any civil service is free from any suggestion of bias. This alone would inspire confidence. To ensure objectivity and

impartiality in recruitment, several measures have been evolved since the advent of the merit system. *One*, the executive branch has been divested of the powers of making recruitment to the civil services and a separate agency created for the purpose. *Two*, the agency thus created is an extra-departmental body (i.e., a Commission), which functions outside the normal machinery of government. *Three*, a Constitutional status has been conferred on this agency. It must be remembered that the Commission is only a recruiting agency; it is not an appointing authority. The authority of making appointments vests in the government. The Commission is an advisory body. Its decisions are not mandatory.

Need for a Commission Type of Organisation

A commission type of organisation as distinct from the customary departmental type – may be employed for undertaking the work of recruitment of civil servants. The commission form is invoked for the performance of a function requiring expert, specialist knowledge. It is a form of organisation designed to facilitate collective deliberation by a group of experts who are able to pool their knowledge and experience to arrive at informed and objective decisions. When decisions are collectively made, such a method of arriving at decisions is described as corporate mode of functioning or decision making. The body thus acting corporately is described as a board. Public Service Commission is nothing but a board, which is but styled as a commission. (Incidentally, it should be remembered that boards may also bear such designations as councils, corporations, companies, authorities, and so on; and, of course, a board may also be styled simply as a board).

When a commission consisting of experts meets to deliberate on issues, professional and technical criteria receive necessary weightage in the resulting decisions. When several heads combine for deliberation, biases are cancelled out and objectivity is ensured. Because a commission functions outside the mould of normal governmental machinery, greater flexibility and innovativeness of approach is possible. Bureaucratic rigidities and delays, which characterise government departments, are kept at bay.

Significance of a Constitutional Status for the Commission

This is intended to ensure that it functions without fear or favour. This would be facilitated when its composition, role and delegations, privileges of its members, method of appointment and removal of members, qualifications for appointment and grounds for removal, etc. are Constitutionally provided. For, under such a situation, the executive branch of government can no longer exercise any discretion in these matters and as such the commission can function without being influenced by it. Conferment of the Constitutional status is thus in the nature of a safeguard against any possible encroachment on its authority and independence. The State Public Service Commission is thus an advisory body of experts, which exists under the authority of the Constitution to recruit personnel for the state services.

15.4 COMPONENTS OF CIVIL SERVICE AT THE STATE LEVEL

Let it first be clearly understood that at the state level in India, not one but two distinct sets of civil services operate. One of these is the civil services recruited by the respective state governments to handle a diverse range of governmental activity at the state level. These are known as the state civil services or simply state services. The second set of civil services serving the states is the All India Services. All India Services officers are recruited to perform a varied range of jobs, both at the state level as well as at the Centre. It is this feature of the All India Services, which renders them clearly distinguishable from the state services. Among the best known examples of the All India Services are the Indian Administrative Services (IAS) and the Indian Police Service (IPS). Thus, the civil

service at the state level is composed of two distinct components. One, state services and two, All India Services.

All India Services

All India Services were constituted with the crucial purpose of creating an elite corps of officers who would man top positions both in the states as well as the Centre. Officers of the All India Services are recruited by the Union Government through the Union Public Service Commission. Upon recruitment, each officer is allotted to a specific state cadre. It is from the particular state, to which he is allotted, that the concerned officer moves to the Central government. The arrangement under which such movement takes place is known as the Tenure System. The officer is moved back and forth between the state (of his allotment) and the Centre during the first twenty years of his career (after which he finally lands up at the Centre). Officers of the All India Services operate under the joint control of the Centre and the state to which they are allotted. The fact that the All India Services officers are centrally recruited (and then allotted to various states) guarantees that all states have a certain minimum and uniform level of talent in their administrative services and that the states' administrative machinery is adequately equipped. The existence of the Tenure System, under which officers of the All India Services move to the Centre periodically, ensures that the incumbents of the policy making posts at the Centre are backed by rich field experience.

The All India Services have to supply personnel for all superior administrative posts in the states, at the district level and above. Thus, the posts of District Collectors, Divisional Commissioners, members of the Board of Revenue, Secretaries to the government, Chief Secretary, etc. are filled up by IAS officers. Similarly, the posts of Superintendents of Police (SPs) and above in the Police Department at the state level are reserved for the IPS officers.

State Services

These are recruited by the respective state governments through their public service commissions or other agencies. Members of these services are primarily meant for service in the states; only occasionally may a few members of some of the state services be borrowed by the Centre or some other organisations. States have well-organised services to cater to the needs of different sectors of governmental activity in non-technical and technical spheres. Typically, a state may have the following services: (1) Administrative Services; (2) Police Service; (3) Judicial Service; (4) Forest Service; (5) Agriculture Service; (6) Educational Service; (7) Medical Service; (8) Fisheries Service; (9) Engineering Service; (10) Accounts Service; (11) Sales Tax Service; (12) Prohibition and Excise Service and (13) Cooperative Service.

Inter-relationship and Inter-linkages

The personnel of the state services operate in subordination to the members of the All India Services. State services occupy lower positions in the administrative hierarchy than those held by the personnel of the All India Services. They constitute the middle level of the state administrative system.

An attempt has been made to evolve – from out of those two sources of supply – a common stream. This has been achieved in two ways. *One*, by providing opportunities to the State Services' personnel to rise to higher posts, which are normally reserved for the All India Services officers. *Two*, by inducting a certain percentage of the State Services' personnel into the All India Services.

15.5 CLASSIFICATION OF STATE CIVIL SERVICES

A two-fold system of classification of the State Services is in vogue:

Under the first system, the Services are classified into Class I, Class II, Class III and Class IV. The criteria of this classification are: (i) admissible pay scales; (ii)

the degree of responsibility of the work performed; and (iii) the corresponding qualifications required. All State Services are constituted department-wise.

Under the second system, the posts in the services are classified into the gazetted and non-gazetted categories.

i) Classification Based on Pay Scales, etc.

Class I and Class II services constitute the officers' class of the state level services, whereas Class III and Class IV consists of the clerical employees and manual workers, respectively.

Class I Services

Class I Services include a number of posts on a common time-scale of pay and some posts carrying salaries above the ordinary time-scale. Each departmental service ordinarily has a Class I cadre.

Recruitment to Class I posts is made on the basis of promotions from Class II services as well as by direct recruitment by State Public Service Commission. Direct recruitment takes place on the basis of an open competitive examination. Generally, this would include written examination and personality test; sometimes, however, direct recruitment may also take place on the basis of an interview.

It may be noted that there is no uniform practice as to the number of posts, which may be filled up by promotion or direct recruitment. In fact, there are wide variations on this account from state to state.

Class II Services

Class II services are generally of a specialised nature, although there are some generalists services as well in this category. These are subordinate civil service, subordinate police service, and the like. Class II services are lower in status and responsibility than those in Class I. These are, however, considered important enough to require that the authority for making appointments to them be vested in the state government itself.

The most important among the Class II services is the subordinate civil service (also classed the subordinate executive/administrative service). Some states have even instituted a higher salary scale for this service *vis-à-vis* other Class II services; this signifies the special place, which this service enjoys in the overall range of Class II services.

It may be noted that, as in Class I service, there is no common pay-scale for Class II services among different states.

Recruitment to Class II posts is made partly by promotion and partly by open competition (direct recruitment). In case of specialised services, direct recruitment is done on the basis of interviews held by the state PSCs. For civil, police, and judicial services (Class II), however, a more comprehensive selection procedure is employed. This includes the written examination and interview.

Unlike in the case of Class I services, no uniform practice prevails with regard to the Class II services also as to the number of posts to be filled by promotion or by open competition. The practices vary over a wide range from state to state.

Class III and Class IV Services

Class III services are divided into two categories: (i) subordinate executive services (including, for instance, naib tehsildars, sub-inspectors of police, deputy inspectors of education, and so on), and (ii) clerical services. Recruitment to these posts is made partly at the level of their Public Service Commissions and partly at the departmental or district heads' level.

Class IV services include persons performing manual work, skilled or unskilled. Posts falling under this category include those of peons, watchmen, drivers.

carpenters, fitters, cooks, laboratory servants, and the like. Until recently, these posts were classified as inferior services with their holders enjoying less favourable terms of service with regard to leave, pension, etc. Lately, however, their conditions of service have improved.

ii) **Gazetted–Non-gazetted Classification**

As stated above, the second system of classification employed for the state services places them under the familiar categories of gazetted and non-gazetted.

A gazetted government servant is one whose appointment, transfer, promotion, retirement, etc., are announced in the Official Gazette in a notification issued by order of the Governor. A gazetted officer holds charge of an office and his duties are of a supervisory or directorial nature. Gazetted posts include All India Services and Class I and Class II State Services. Non-gazetted posts are those in Class III and Class IV Services.

Recently, there has been a little change in the classification grading system. The gazetted post at the Centre and at the state levels are now categorised as Group A and Group B. The non-gazetted posts are categorised as Group C and Group D.

15.6 FEATURES OF RECRUITMENT TO STATE CIVIL SERVICES

Recruitment involves three separate but inter-connected steps. (1) Attracting eligible candidates to apply for jobs. (Vacancies are brought to the notice of interested individuals through advertisements). (2) Selecting candidates for jobs through an open competitive examination. (3) Placing selected candidates in appropriate jobs, which also involves issuance of appointment letters to those concerned by a competent authority. The first two steps are carried out by an independent recruiting agency. In the states, it is the Public Service Commissions, which perform these functions. The third step constitutes the responsibility of the government. It is, therefore, to be remembered that PSCs are only recruiting and recommendatory agencies; the power of appointment vests in the government.

Recruitment is of two types: internal and external. Internal recruitment is made by promotion from within, whereas external recruitment is undertaken through an open competitive examination. We shall be dealing with external recruitment alone over here. Also, we shall be concentrating on the recruitment practices only in respect of the Class I and Class II Services. An outline of the chief features of the recruitment of State Civil Services is provided below:

Features

- Recruitment to State Civil Services is made at the age level of 21-25.
- Age relaxation is available for the members of scheduled castes, scheduled tribes and backward communities.
- Recruitment is made through an open competitive examination administered by the PSC; higher level posts are filled up by promotion.
- Vacancies to be filled up are advertised by the PSC every year and applications invited from candidates all over the country.
- Minimum qualification required is a Bachelor's Degree from a recognised university.
- The competitive examination through which selections are made has two components. *First*, a written, essay-type examination. *Second*, a personality test. Candidates obtaining certain minimum marks in the written examination are invited for a personality test, which is but an interview of about half an hour's duration.
- Marks secured by each candidate in written examination and personality test are totalled up. Depending upon the number of vacancies, a list of successful candidates is prepared. This list is in order of merit.

This list is then communicated to the government for necessary action, i.e., issuance of appointment letters. The Commission, because it is an advisory body, can only recommend candidates for appointment. The authority to make appointments vests with the government alone. The Commission recruits candidates, the government appoints them.

Check Your Progress 1

- Note:** i) Use the space given below for your answers.
ii) Check your answers with those given at the end of the Unit.

1) What are the constituents of civil service at the state level?

2) Discuss the significance of All India Services with reference to the states.

3) How are the services classified at the state level?

15.7 CONSTITUTIONAL PROVISIONS WITH RESPECT TO THE COMMISSION

Constitutional provisions governing the Public Service Commissions (PSCs) at the state level are given below:

- Article 315 of the Constitution provides for the establishment of PSCs. It stipulates that there shall be a PSC for the Union as well as a PSC for each state.
- Article 316 prescribes the composition of such Commissions. It also deliberates on the method of appointment of the Chairperson and members as well as their terms of office. While Article 316 stipulates what the normal tenure of a Chairperson or member shall be, Article 317 prescribes grounds and procedure for early termination of such tenure.

- We have already explained that with a view to ensuring objectivity and impartiality in recruitment, this task has been entrusted to a Commission and it has been accorded a Constitutional status. In the context, the question of ensuring independence of the Commission assumes particular significance. Articles 318, 319 and 322 provide measures for safeguarding and fostering the independence of the Commission.
- What will be the scope of duties and functions of the PSCs? What will be the overall sweep of their role as recruiting agencies? These matters are dealt with under Articles 320, 321 and 323 of the Constitution.
- Commissions, as previously stated, are advisory bodies. How to ensure that this situation does not work to their disadvantage and render them ineffective? Under Article 323, there is a provision for submission by Commission of annual reports in which *inter alia* the cases where government rejects its advice are recorded and reasons for non-acceptance stated. There is a further requirement that these reports shall be placed before the appropriate legislature.

15.8 COMPOSITION AND FUNCTIONS OF THE COMMISSION

The number of members, which a state PSC may have is not fixed. The Constitution stipulates that this shall be determined by the Governor of the concerned state. At least, half of the members of a Commission are persons with a minimum of ten years of experience under the Central or a state government. Members are appointed for a term of six years or until the age of sixty years. Governor is the appointing authority, but it must be carefully noted that members are removable only by the President and not by the Governor. Conditions of service of the members are determined by the Governor but very importantly, the Constitution stipulates that these shall not be revised to their disadvantage. Implicit in the foregoing are certain safeguards to ensure the Commission's independence. Later we shall dwell on this aspect.

Functions of the Commission

As recruiting agencies, the principal function of the state PSCs is to conduct examination for appointment to civil services. However, certain other duties arise from this and Commission is enjoined to discharge them. These include: (i) To tender advice to the state government on a matter so referred to it by the Governor. (ii) To exercise such additional functions as may be provided for by an act of the Legislature. These may be with respect to the State Civil Service, or the services of a local authority or other corporate bodies. (iii) To present annually to the Governor, a report with regard to the work done by it.

Besides, the Constitution stipulates that a PSC shall be consulted on the following matters:

- i) On all matters relating to the methods of recruitment to civil services and civil posts.
- ii) On the principles to be followed in making appointments to civil services and posts and making promotions and transfers from one service to another, and on the suitability of candidates for such appointments, promotions or transfers.
- iii) On all disciplinary matters affecting a person serving under the government of a state in a civil capacity.

15.9 ADVISORY ROLE OF THE COMMISSION

The importance of the Commission's role lies in that its decisions are in the nature of advice to the government and the latter has no obligation to act upon

The reason for according an advisory status to the Commission is clear enough. Under the Parliamentary system of government, the responsibility for the proper administration of the country is vested in the Cabinet and for this it is accountable to the Legislature. Therefore, the Cabinet cannot abjure this ultimate responsibility by binding itself to the opinion of any other agency. If the Commission's decisions were made mandatory, it would amount to setting up of two governments. But, at the same time, there is scarcely any doubt that in matters relating to recruitment to civil services, and the like, it would be profitable for the ministers to take the advice of a body of experts.

This underlines the need for necessary safeguards against a flagrant disregard of the advice of the Commission by the government. The Constitution does provide for one. Namely, the Commission's annual report, which records cases where its advice has been rejected – must be placed before the State Legislature through the Governor. And the government is under obligation, when such report is presented, to give reason as to why in any particular case the recommendation of the Commission has been overridden by it. But the number of such cases have tended to remain very low, almost negligible.

15.10 INDEPENDENCE OF THE COMMISSION

In the introduction, we have explained the significance of maintaining the independence of the recruiting agency *vis-à-vis* the executive government. The Constitution also incorporates well-designed safeguards to foster the Commission's independence. These are:

- i) As a check against a possible abuse of power, the appointing and removing authority is vested in different functionaries. The power to appoint the Chairperson and members of a Commission vests with the Governor, but the power of removal is vested in the President.
- ii) Removal can be effected only in the manner and on the grounds prescribed in the Constitution.
- iii) Salaries and other conditions of service of a member cannot be revised to his disadvantage after his appointment.
- iv) The expenses of the Commission are charged on the Consolidated Fund of the State.
- v) Certain disabilities have been imposed on the Chairperson and members of the Commission with respect to future employment under the government. On ceasing to hold office they are not eligible to hold office under government outside the Union and/or state PSCs.

The purpose of the above provisions is to place the Commission and its members well beyond any possibility of being influenced either by a lure of office or by a threat of insecurity or for any other reason.

15.11 COMMISSION'S WORKING

We have so far considered the formal framework within which a state PSC functions. We shall now discuss the actual working. Our comments on the actual working centre around two aspects. *One*, exercise of patronage in civil appointments by the government in spite of the Commission's existence. *Two*, the question of the Commission's membership.

Notwithstanding the Constitutional safeguard against the non-acceptance of the Commission's advice, there is criticism that the government is able to have its way in making appointments:

- i) **Making ad hoc appointments without prior consultation with the Commission:** Commission is not consulted for making ad hoc appointments. Through repeated renewals, such persons pick up necessary

experience of the job, which puts them at an advantage *vis-à-vis* the fresh applicants. In such cases, the Commission is faced with a *fait accompli*.

- ii) **Exclusion of certain categories of posts from the purview of PSC:** In theory, recruitment to all civil posts in a state is done by the PSC. However, the Constitution provides that the executive may exclude certain categories of posts from the purview of the PSC. Under this dispensation, Class III and Class IV appointments are made without the PSC's intervention. This is understandable in view of the large volume of work, which these matters would devolve on the Central recruitment agency. However, there are some higher appointments, which have also been excluded. This, the critics point out, is an encroachment on the Commission's jurisdiction. Moreover, it is alleged that such exclusions are made by state governments without consulting the state PSCs.
- iii) **Drafting of advertisements by the concerned department:** Advertisements for filling up vacancies are drafted by the concerned departments. And these are sometimes drafted to suit particular candidates, which the departments may have in view. The Commission cannot vary the terms of advertisements.
- iv) **Revision of terms of appointment and merit lists:** Occasional cases have been reported where the terms offered to the selected candidate were revised to his disadvantage without consulting the Commission. There are also occasional instances where the order in the merit list prepared by the Commission is changed by the government for reasons which are unknown.
- v) **Delay in issuing appointment letters:** Occasionally, there are inordinate delays on the part of the government in issuing appointment letters to the selected candidates. This results in the best qualified candidates being lost to other professions. Besides, it gives rise to a suspicion that such delays may be motivated.

The above situations affect the operation of the merit system and undermine the Commission's role. The Commission's membership has also drawn flak due to many other reasons:

- i) **Membership to persons with insufficient credentials:** The matter of membership of the state PSCs has attracted adverse notice. The criticism has been that membership in some states have gone to persons with insufficient credentials; that, in fact, some appointments have been made on grounds of party and political affiliations and not on consideration of merit. Such persons naturally feel beholden to their political masters and could not be expected to stand up to their patrons to uphold merit and professionalism in civil services. This creates apprehensions on the ability of the PSCs to work with objectivity and independence.
- ii) **Predominance of the members of the official category:** The narrow base of the Commission's membership has also attracted adverse attention. The point at issue has been the predominance of the members of the official category. In terms of Article 316, the expectation was that the official and the non-official components of the Commissions' membership would be roughly equal to each other. This has in practice not been realised. Non-officials have far out-numbered the officials in some PSCs, while in others, there are no non-officials at all. Professions like teaching, law, engineering, science, technology and medicine have remained unrepresented or inadequately represented on the Commissions. It is necessary that professionals receive adequate representation on the PSCs. This would not only help in meeting the Constitutional requirement by evenly balancing the official and non-official components of the Commission's membership, but one would also expect from this a qualitative improvement in their deliberations.

Check Your Progress 2

Note: i) Use the space given below for your answers.
ii) Check your answers with those given at the end of the Unit.

1) What is the significance of according a Constitutional status to the PSC?

2) Why has the Public Service Commission been made an advisory body?

3) Discuss the role the government plays in the Commission's actual working.

15.12 LET US SUM UP

The performance of multifarious tasks of regulatory and developmental nature at the state level has necessitated that large and well-organised civil services be maintained by them. These are civil services based on the merit system. These civil services are a career service whose recruitment is done through an open competitive examination.

The concepts of merit system, career service and open competition emerged during the 19th century to rid civil service administration of political interference. The idea was that recruitment to civil service as well as matters concerned with the salaries, promotions and transfers of civil servants should be based on the technical and professional considerations rather than political. When politicians do not interfere in these matters, civil servants appointed under the merit system provide continuity to the governmental system in that the civil service component stays and works undisturbed even when the ministers come and go depending upon the fortunes of the political parties.

To rid civil service administration of politics, it is essential that the task is entrusted to an impartial agency whose integrity is above board and which can be trusted to withstand any pressure from the political executive. Such desiderata

underline the need to establish a commission type of organisation to perform the task. To ensure that it may function without fear or favour and without being influenced by the political executive, a Constitutional status has been conferred on this agency. It is a body consisting of experts and has an advisory role.

15.13 KEY WORDS

- Career Service** : It refers to a personnel system based on merit and professional standards. A typical career service contains civil service requirements that include recruitment based on an open competitive examination, classification, performance, evaluation, promotion, and protection against arbitrary dismissal.
- Fait Accompli** : It is a French phrase, which means something that has already taken place and is beyond alteration.
- Incumbent** : A person who holds an office.
- Open Competition** : This has certain elements like (i) Adequate publicity so that job openings and requirements are known to citizens seeking jobs, (ii) Opportunity to apply, (iii) Realistic standards: Qualification standards must be related to the job and must be impartially applied to all those who make their interest known through applications, (iv) Absence of discrimination: the standards used must contain factors, which relate only to ability and fitness for employment, (v) Ranking on the basis of ability and a selection process, which gives effect to this ranking, (vi) Knowledge of results and opportunity for review.

15.14 REFERENCES AND FURTHER READINGS

- Basu, D.D., 1985, *Introduction to the Constitution of India*; Prentice-Hall, New Delhi
- Hazarika, Niru, 1979, *Public Service Commissions*; Leeladevi Publications, Delhi
- Maheshwari, S.R., 1979, *State Governments in India*; Macmillian, Delhi
- Stahl O. Glenn, 1975, *Public Personnel Administration*; Oxford and IBH, New Delhi

15.15 ANSWERS TO CHECK YOUR PROGRESS EXERCISES

Check Your Progress 1

- 1) Your answer should include the following points:
 - Operation of two distinct sets of civil services at the state level.
 - State services, whose personnel are recruited by the respective state governments to handle governmental activity at the state level.
 - All India Services, whose officers serve both at the Union as well as the state governments.
- 2) Your answer should include the following points:
 - Constitution and meaning of All India Services.
 - Allotment of specific state cadre to the officers of All India Services after recruitment.

- Tenure system.
 - All India Services ensure availability of uniform level of talent and administrative expertise to the state administration.
 - Supply of personnel to all senior administrative posts in the states, at the district level and above.
- 3) Your answer should include the following points:
- Two-fold classification of the state services.
 - Classification of services into Classes I, II, III and IV based on criteria like pay scales, qualifications, etc.
 - Classification of services into gazetted and non-gazetted.

Check Your Progress 2

- 1) Your answer should include the following points:
- Ensuring objectivity and impartiality in the functioning of the Commission.
 - Functioning of the Commission without any influence of the executive.
 - Conferment of Constitutional status, a nature of safeguard against any encroachment on authority and independence of the Commission.
- 2) See Section 15.9.
- 3) Your answer should include the following points:
- Membership of the persons with insufficient credentials.
 - Predominance of the members of the official category in the Commission.
 - Exclusion of certain posts from the purview of Public Service Commission.
 - Delay in issuing appointment letters to the candidates.