

Counseling Psychology

Abstract

Counseling psychology is a psychological specialty that encompasses research and applied work in several broad domains: counseling process and outcome; supervision and training; career development and counseling; and prevention and health. Some unifying themes among counseling psychologists include a focus on assets and strengths, person–environment interactions, educational and career development, brief interactions, and a focus on intact personalities. In the United States, the premier scholarly journals of the profession are the *Journal of Counseling Psychology* and *The Counseling Psychologist*.

Counseling psychologists are employed in a variety of settings depending on the services they provide and the client populations they serve. Some are employed in colleges and universities as teachers, supervisors, researchers, and service providers. Others are employed in independent practice providing counseling, psychotherapy; assessment; and consultation services to individuals, couples/families, groups, and organizations. Additional settings in which counseling psychologists practice include community mental health centers, Veterans Administration Medical Centers and other facilities, family services, health maintenance organizations, rehabilitation agencies, business and industrial organizations and consulting within firms.



Firoj Ibrahaimi
Assistant Professor
Dept. of Psychology
Karim City College
Jamshedpur

Introduction

Counseling psychology as a psychological specialty facilitates personal and interpersonal functioning across the life span with a focus on emotional, social, vocational, educational, health-related, developmental, and organizational concerns. Through the integration of theory, research, and practice, and with a sensitivity to multicultural issues, this specialty encompasses a broad range of practices that help people improve their well-being, alleviate distress and maladjustment, resolve crises, and increase their ability to live more highly functioning lives. Counseling psychology is unique in its attention both to normal developmental issues and to problems associated with physical, emotional, and mental disorders.

This is important for accurate interpretation of assessment results. Our professionally trained and certified counselor's create a personalized career portfolio, helping you understand yourself and choose an appropriate career. The counselor also suggests strategies to reach your goal. The focus of counseling is to empower you to make choices and career decisions base on understanding the science behind the whole process. In addition we understand that career choices are influenced by several other factors as well, such as financial status, family, external and internal factors etc. Our counselors take personal approach to suggest the career options matching to our background and assessment results

Counseling is not the same as giving advice. It is quite different from the general opinion held by people. Going for a counseling session in no way indicates that you are helpless or incapable of solving your problems. By talking about your problems or concerns with a counselor you will deepen your understanding of your problem and develop the means to deal with them. We are happy to talk over any of your problems and with your agreement may refer you to other sources that might be able to help better such as psychiatrists or doctors.

Counseling Psychologists do so many things it is hard to give a synopsis. Generally speaking, a counseling psychologist can consult with a variety of agencies teach at the college level do research, therapy, hold academic administrative positions etc.

Objective

Skills of Counseling Psychologists:

According to Koder et al. (2008) counseling psychologists should have knowledge and skills in the following areas which are mention below:

- Manage stress and conflict at home and work

- Deal with grief, loss and trauma
- Overcome feelings of depression, anxiety and fear
- Increase self-esteem and confidence
- Enhance personal relationships
- Deal with problems related to alcohol and drug use
- Manage chronic pain related to somatization
- Manage depression
- Recover from eating disorders
- Manage obsessions and compulsions
- Deal with sexual concerns
- Manage anger or violence

Skills of Educational and Developmental Psychologists

Educational and developmental psychologists have knowledge and skills in the following areas:

- Identifying and clarifying problems
- Diagnosing disabilities and disorders such as Autism Spectrum Disorders
- Assessing developmental, learning and behavioural difficulties
- Designing effective treatment programs
- Counselling
- Consulting with individuals or groups
- Designing training programs
- Evaluating programs and interventions
- Designing professional development programs.

Personal Counselling

According to Whiston and Rahardja (2008) Personal counseling is a one-to-one interaction between counselor and counselee. It's a handholding session where the counselor expertly guides the counselee in finding a solution – whether it's a problem in his personal life, professional life or social life. Our counselor applies certain skills to introduce and sustain in the counselee the learning process of self-exploration leading to self-understanding and action, so that the counselee changes his behavior and eventually solves his problem.

It is a working relationship in which you are helped to explore and manage what is happening in your life. The overall aim of personal counseling is to provide an opportunity for you to work towards a more satisfying and resourceful experience of life. Naturally, each person's needs are different.

Personal Counselling is usually concerned with:

- Personal development issues
- Addressing and resolving specific problems
- Making decisions
- Coping with individual or family crisis/ stress/ anxiety/ psychological trauma
- Developing personal insight and knowledge
- Working through feelings of inner conflict
- Improving relationships with others

Constantine (2007) categorised Personal Counselling as follows:

➤ **Individual Counseling**

Counseling approaches are tailored to fit the student's individual needs. Treatment modalities typically cover the range of supportive, cognitive-behavioral, and psychodynamic approaches. Generally, counseling tends to be short-term focused on stabilization and assisting students to return to their normal functioning.

➤ **Couples Counseling**

Relationships are important to all of us and add fulfillment and exhilaration to life. Sometimes, however, relationships go through difficult times, bringing stress, sadness, and challenge. All relationships go through cycles and changes as they grow and develop over time. Couples may need support as they navigate the developmental challenges that are a natural part of a growing relationship.

➤ **Group Counseling**

Each Semester, the Counseling Center offers a variety of groups. There are groups that focus on a wide range of personal and academic issues - including - disorientation support, KBO, coming out, LGBT concerns, students in recovery, recovery from sexual assault/abuse, stress management.

➤ **Psychiatric Evaluation and Services**

Psychiatric Services is one of the treatment options available to you as a NCSU Student through the Counseling Center. There are psychiatrists on staff which serve as consultants to the Professional Staff and the students. Students wishing to consider medication or students needing medication management will first need to be seen by a Counselor. The Counselor will then arrange for the evaluation by the Psychiatrist.

Career Counseling

According to Swanson (1995) counseling psychology is a psychological specialty that encompasses research and applied work in several broad domains: counseling process and outcome; supervision and training; career development and counseling; and prevention and health. Some unifying themes among counseling psychologists include a focus on assets and strengths, person–environment interactions, educational and career development, brief interactions, and a focus on intact personalities. In the United States, the premier scholarly journals of the profession are the Journal of Counseling Psychology and The Counseling Psychologist.

Career counseling and career coaching are similar in nature to traditional counseling. However, the focus is generally on issues such as career exploration, career change, personal career development and other career related issues. Typically when people come for career counseling they know exactly what they want to get out of the process, but are unsure about how it may work. In the UK, career counseling would usually be referred to as careers advice or guidance.

It is the process of helping the candidates to select a course of study that may help them to get into job or make them employable. A career counselor helps candidates to get into a career that is suited to their aptitude, personality, interest and skills. So it is the process of making an effective correlation between the internal psychology of a candidate with the external factors of employability and courses.

Career counselors work with people from various walks of life, such as adolescents seeking to explore career options, or experienced professionals contemplating a career change. Career counselors typically have a background in vocational psychology or industrial/organizational psychology.

The approach of career counseling varies, but will generally include the completion of one or more assessments. These assessments typically include cognitive ability tests, and personality

assessments. Two commonly used assessments are the Strong Interest Inventory and the MBTI. It is necessary to develop a life-career plan, with a focus on the definition of the worker role and how that role interacts with other life roles

➤ Need for career counseling

Career Counseling is helpful for people of all ages and in different stages of life as a fresh graduate counseling is required to inform him about the career choices available to him. Also all those who want to change their job the counseling will help. A career counselor can suggest a change in career of only change in job for the persons who are stuck in the mid of their career.

➤ Advantage of career counseling

Counseling is an excellent method for engaging in anxiety recovery. The primary benefit of counselling is that it gives a person a safe and secure place to talk to another person, and counsellors are trained to be able to listen to and understand anything, no matter how strange or unusual it may seem at first. All human beings need a safe and secure place where they can talk open and freely to another person without fear of being judged, and most people, let alone anxiety-sufferers, have nowhere like this to go.

Conclusion

Counseling psychologists practice in a number of different settings and provide a vast array of services. A high percentage of counselling psychologists operate at the university level by providing direct counselling services to students. Roles and functions have evolved over the course of time to meet changing needs of the clients served. Today's counselling psychologists must be prepared to work with students experiencing severe psychological disturbances in addition to those experiencing normal developmental difficulties and vocational concerns.

Limited resources and increased demands require practitioners to balance a busy schedule, become more efficient, and utilize brief forms of treatment. Just as they have in the past, campus clinics must continue to be flexible in adapting to with the changing dynamics of the student population and society at large.

Reference

1. Swanson, J.L. (1995). The process and outcome of career counseling. Theory, research and practice. (pp. 295–329). Mahwah, NJ: Erlbaum.
2. Whiston, S.C. and Rahardja, D. (2008). Vocational Counseling Process and Outcome. In S. Brown and R. Lent (Eds.), Handbook of Counseling Psychology, (4th ed). NY: Wiley.
3. Koder, D., Helmes, E., & Pachana, N. (2008). Clinical psychologists meeting the needs of older adults in Australia.
4. Constantine, M. (2007). Racial microaggressions against African American clients in cross-racial counseling relationships. *Journal of Counseling Psychology*, 54(1), 1–16
5. Nutt, R.L. Handbook of Counseling Psychology (4th ed) (pp. 267–283).

Conception of Socialism and Development in India : A Nehruvian Perspective



Sonu Puri

Acting Principal
Govt. Girls Degree College
Bangar, Kannauj.

Abstract

Jawaharlal Nehru is widely known as one of the architects of modern India. His towering personality was an unusual combination of an intellectual and a practical leader. Nehru viewed socialism as a panacea for India's poverty, degradation and socio-economic inequality. His socialism was linked with democracy to become economic democracy. To Nehru, the good things of life must be available to more and more people and inequalities must be removed from society.

He favored the use of democratic methods for the establishment of socialistic society in India. He wanted socialism with a human face and was against a violent overthrow of the existing system. Nehru's socialism did not only imply change in society. It also involved changes in social structure in the ways of thinking and in the ways of living ! Nehru's socialism was based on a pragmatic approach. Thus Nehru's idea on socialism were shaped by a practical problems of wealth, food, clothing and housing for the masses which India was facing rather than by abstract theories. He viewed socialism as the key to the solution of the world's problems and of India's problems. Nehru's socialism was influenced by the compulsions of a backward economy.

Introduction

The genius Nehru's vision infatuation and conception of socialism was profound and all embracing and he wanted to infuse and instil the fervour of socialism in to the Indian soil. Nehru wanted the country to accept the goal of socialism for free India. Socialism is a term, which is very much talked about and debated in our time. It should be admitted that though socialism is a universal phenomena in contemporary ideological thinking, ambiguity remains regarding the meaning of socialism¹. Nehru's acceptance of socialism as the guiding philosophy of life was born out of his awareness of the poverty of India as well as development of socialism all over the world. Nehru did not like to define socialism in precise and rigid terms, He once said, "What I want is that all individuals in India should have equal opportunities of growth, from birth upwards and equal opportunities for work according to their capacity²." He viewed socialism as the key to the solution of the world's problems and of India's problems³.

Nehru's concept of socialism developed in a response to a situational context comprising multiple factors, subjective and objective, determinate and determinate. These were the by - products of Indian national movement, conditions existing in the independent India and the international scene. It could be said that his socialism was in loose terms, a progressive socialism⁴. In this backdrop our chief concern in the present paper will be on the conception of socialism and development in India. Pt. Nehru was a pioneer in socialist thinking. He seemed to have been attracted to socialism during his college days in London (1910-12) when he came in contact with socialistic thinkers and attended lectures of progressive intellectuals like George Bernard Shaw, Bertrand Russel and J.M. Keynes. He was also influenced by the progressive ideas of Marxism and Russian revolution of 1917. In 1926, he was associated with a group of radical thinkers in his own province of U.P., and together they drew up a programme of agrarian socialism but It was confined to some demands against the feudal elements of zamindari and taluqdari systems of land tenure which were very oppressive for the farmers.

During 1926-27, he was in Europe and there he imbibed more radical ideas of socialism and economic emancipation. He participated in the meeting of the league Against Imperialism in Brussels also. He became a pioneer of socialist ideas in India, made socialism a respectable creed with the middle class nationalist intelligentsia and led the Congress Party towards accepting 'Democratic Socialism' as its cherished and ultimate goal. Under the spell of Gandhi's influence Pt. Nehru engaged his attention towards the rural India. He was greatly moved by the misery and plight of the people in rural areas. He himself had observed the problems which socialism at solving⁵.

Nehru's ideas on socialism began to take a new shape after the developed sympathy towards communism in the 1920s. When he came in to contact with many socialists during his visit to Europe in 1926-27, and attended the congress of oppressed Nationalities in Brussels as representative of Indian National Congress, his vague ideas on socialism began to assume a new turn. He was attracted towards Marxism as a result of this new exposure. It becomes clear from his Autobiography where he wrote that the communist philosophy of life gave him comfort and hope. It attempted to explain the past and offered hope for the future⁶. Nehru had no difficulty in accepting most of the tenets of Marxist Philosophy, such as monism and non-duality of mind and matter, the dynamics of matter and the dialectic of continuous change by evolution as well as a leap, through action and interaction, cause and effect, thesis, anti thesis and synthesis⁷. The scientific, anti theological and anti-superstitious orientations of the Marxist Philosophy of history had great appeal for him. But the communism in Russia and elsewhere appeared to him as full of dogma. Since he was against any kind of dogma, hence even though accepting many elements of Marxism, he could not become a thorough going Marxist⁸.

Pt. Nehru participated in the Congress of Oppressed Nationalities held at Brussels in February 1927 which had proved the turning point in Nehru's mental development. From here he not only received a grounding in Marxism but he came into contact with several exponents of socialist thought as were as the communists. His visit to Soviet Union in November 1927, on the other hand, aroused his curiosity about the first Marxist Socialist experiment where old values had changed utterly and the old standards had given place to the new one's⁹. Addressing the U.P. Political Conference on October 27, 1928 he said, "Our economic programme must aim at the removal of all economic inequalities and an equitable distribution of wealth¹⁰." He ever presided over the Annual Conference of the Indian Trade Union Congress and Indian National Congress in 1929. He was, no doubt, fully dedicated to the ethical, sentimental and emotional aspect of socialism as a philosophy of compensation for the suppressed classes and declared that he was deeply involved with socialism as an economic theory of state ownership and control of the basic means of production and

distribution¹¹. By 1936, Pt. Nehru seemed to have been completely converted to socialism. He believed in ethical socialism. He regarded socialism as a philosophy of life and not merely as a formula for economic reconstruction. He wanted the congress to declare socialism as its goal. In his Presidential Address at the Lucknow Congress in April 1936 while expressing his deep faith in the ultimate success of socialism¹².

Pt. Nehru clarified his position pertaining to his socialist leaning in the following words :

I am temperamentally and by training an individualist and intellectually a socialist I hope that socialism does not kill or suppress individuality. Indeed, I am attracted to it because it will release innumerable individuals from economic and cultural bondage¹³.

He sought to replace the motive of private profit in society by a spirit of social service, competition by cooperation and conflict and violence by a more enduring and peaceful system from which the roots of violence have been removed, and where hatred shrivels up and yields place to nobler feelings. All this he called socialism. According to him that type of socialism would lead to a society which could claim to be democratic and egalitarian having no great inequalities or disparities¹⁴. In a statement issued to the press on February 22, 1939, Pt. Nehru further clarified his approach to be used for establishment of a socialist society in India. He said :

I have been and am a convinced socialist and a believer in democracy, and have at the same time accepted whole-heartedly the peaceful technique of non-violence action which Gandhiji practiced so successfully during the past twenty years. I am convinced that strength can come to us from the masses, but that strength either for struggle on for the great work of building a new world must be a disciplined and orderly strength¹⁵.

He then explained the objectives of socialism in the following words :

Our ideal is that every man, woman and child in India should have equal opportunities and that big disparities should go¹⁶.

We may say that Nehruvian socialism is three dimensional involving Gandhian ethics, Marxian Economics and democratic politics¹⁷. The main sign posts in his socialist thinking were the creation of a mixed economy as first industrial policy

in 1948. The establishment of a National Planning Commission in 1950 and the Publication of the draft outlines of the first Five Year Plan (1951-56) in July 1951 with targets for both the public and private sectors, his declaration at the National Development Council on Nov. 9, 1954 that India should be a socialist pattern of society which was neither socialist, communist nor capitalist; adoption of a resolution for setting up socialistic pattern of society at AICC session of 1955 at Avadi; adoption of a second Industrial Policy resolution in 1956 with its goal to bring social changes¹⁸.

Pt. Nehru also stressed that socialism did not merely imply change in the economic relations in society. It involved fundamental changes in the social structure in the ways of thinking and in the ways of living. Caste and Class would have no place in a socialist state. Mere material prosperity would not make life rich and meaningful. Along with economic development, ethical and spiritual values should be fostered. Then alone there would be full development of the individual. When this takes place, the present day acquisitive society would be replaced by a socialist one. In an interview with R.K. Karanjia in 1960 he stressed, "I have believed in socialism for the past fifty years and until somebody convinces me to the contrary, I shall continue to believe in and work for socialism..... that should be the ideal of every sensible nation or society or individual. Modern thinking all over the world is increasingly becoming socialist and only people who have lost touch completely with contemporary trends can think otherwise¹⁹."

The cumulative effect of his visit to Europe was that his outlook of Nationalism too go broadened. Nationalism as being practiced in India, began to appear to him to be too narrow a creed. His decision to link concept of nationalism with socialism further broadened the former. That is why he combined the national struggle for political freedom and the mass struggle for social and economic freedom. He considered it essential for laying the foundation of a free and egalitarian society in India. For realising this goal, he reiterated the need of establishment of socialism in India. His commitment to socialism is testified by his statement; Socialism is for me not merely an economic doctrine which I favour; it is a vital creed which I hold with all my head and heart²⁰."

Nehru believed that the inequality in the society arising from the exploitation of one class by another leads to poverty in the society. He regarded poverty as the worst enemy of mankind. Nehru wanted to eradicate inequality to the extent that it bred poverty. According to him, "Our immediate problem is to attack the appalling poverty and unemployment of India and to raise the standards of our people. That means vastly greater production which must be allied to just and more equitable distribution, so that the increased wealth may spread out among the people the resources of India are vast and if wisely used should yield rich results in the near future²¹."

He favoured the use of democratic methods for the establishment of socialistic society in India. He was confident that gradually people will be able to capture the power in India due to the logic of universal adult franchise. This in turn will culminate in democratic socialism he was opposed to the use of force for this purpose. Nehru developed a new model of socialism by blending capitalism and communism because he wanted to strike a balance between individual liberty and equality. For this purpose he adopted some principles of capitalist system but modified them according to the needs of Indian society. On the other hand, he also adopted some methods of communism like planned economic development. But also modified those in accordance with the requirements of Indian situation²².

While concluding I may point out that Nehru's socialism was not only democratic, but it was pragmatic also. His ideas on socialism were shaped by the practical problems of distribution of wealth, food, clothing and housing for the masses which India was facing rather than on abstract theories. Jawahar Lal Nehru's patient, serious search for a viable solution to the problems of twentieth century society in the nuclear age has to be continued by his successors with the same sincerity and firmness purpose.

References

1. Santanu Bagchi, "Ideas On Socialism and Social Justice" (New Delhi : Kanistha Publishers, 2002), P.2
2. Jawaharlal Nehru's speeches , Vol. I 1928-49 (Delhi : Publication, Ministry of Information and Broadcasting Government of India, 1949), PP. 140-143

Anthology : The Research

3. Jawaharlal Nehru, *India and the World* (London : Allen and Unwin, 1936), PP. 27-28
4. L.P. Sinha, "Marxism and Nehru's Concept Of Socialism (1920-47)" in Virender Grover, ed., *Political Thinkers of Modern India*, Vol. X (New Delhi : Deep & Deep publications, 1990), P. 187.
5. S. Gopal, ed., *Jawaharlal Nehru : An Anthology* (Delhi : Oxford University Press, 1983), P. 293.
6. *Ibid*; PP. 362-63.
7. M.N.Das, *The Political Philosophy of Jawaharlal Nehru* (London : George Allen and Unwin Ltd., 1961), P. 140.
8. For details see, *Ibid*; P. 126.
9. S. Gopal, ed; *Jawaharlal Nehru : An Anthology* (Delhi : Oxford university press, 1983), P. 293.
10. S.Gopal, ed; *Selected Works of Jawaharlal Nehru*, Vol. III (New Delhi : Orient Longman, 1972), P. 258.
11. Attar Chand, *Nehru's Socialism and New Economic Order*, Vol. IV (Delhi : H.K. Publishers, 1990), PP. 32-33.
12. R.J. Venkateshwaran, *The Impact of Jawahar Lal Nehru On Indian Economy* (Calcutta : Oxford Book Company, 1962), P.5.
13. Jawahar Lal Nehru, *A Bunch of Old Letters* (Bombay : Asia Publishing House, 1960), P. 363.
14. Micheal Brecher, *A Political Biography* (Delhi : Oxford University Press, 1998), P. 603
15. M.N. Das, *The Political Philosophy of Nehru* (London : George Allen & Unwin, 1961), P. 153.
16. Rafiq Zakaria, ed; *A Study of Nehru* (New Delhi : Rupa, n.d.), P. 606.
17. R. K. Karanjia, *The Mind of Nehru* (London : Geroge Allen & Unwin, 1966), P. 37.
18. Michael Edwards, *Nehru : A Political Biography* (Montreal : McGill University, 1958), PP. 526-528.
19. A. Appadorai, ed; *Documents On Political Thought in Modern India*, Vol.II (Bombay : Oxford University Press, 1976), P. 466.
20. K.P. Karuankaran, *The Phenomenon Of Nehru* (New Delhi : Gitanjali Prakashan, 1979), P. 133.
21. Michael Brecher, *Nehru : A Political Biography* (Montreal : McGill University, 1950), PP. 526-528.
22. Sarvepalli Gopal, *Op. cit*; P.314.

Intellectual Property Rights in Plant Varieties: an overview of Concept and Development

Abstract

The proficiency of breeding artistry in the agriculture in maturing new or improved varieties of plants is one form of Intellectual Property Rights (IPRs). Although these rights as a form of intellectual property are lately recognized and thus, are not coercively perceived by the nations like other forms of IPRs. But in order to hasten the progress of agriculture by breeding newfangled varieties of plants obligates that the investment of time, knowledge, or other resources in evolving new or improved plant varieties must be rewarded and this can be done through granting exclusive rights to breeders and farmers in the use of the techniques developed by them for new and improved varieties of plants. Efforts in this direction led to the development of Plant Varieties Rights (PVP). PVP confers same protection to the plant breeders as is conferred by the patents, copyrights, and trademarks to their respective owners. The history of development of Plant Breeders' Rights (PBRs) includes a diversity of Multilateral and Bilateral Agreements, international organizations, Regional Conventions and International Instruments.

Introduction

PVP is one type of IPR, alongside other like patents, copyright and trademarks. PVP is specifically designed for plant varieties, and grants breeders exclusive rights on propagating material (such as seeds) of new plant varieties that they have developed. It is intended as an incentive for research and development by enabling breeders to recoup the costs of researching and developing improvements to pre-existing biological resources. In the absence of such exclusive rights, third parties could freely use breeders' innovations, because their plant genetic material is naturally self-replicating, and so easily susceptible to unauthorized exploitation.

The development in this area dates to the seed wars of the 1960s on the development of new varieties of plants and crops through the crossbreeding of seeds. At the risk of oversimplification, the seed wars saw, on the one side, communal farmers, usually in developing countries, asserting *farmer's rights* i.e., the rights of farmers to continue using seeds for free, and on the other side, commercial plant breeders, often in developed countries, asserting *breeder's rights* i.e. the right to benefit commercially from the scientific breeding and large scale productions of seeds. The opening salvo in the arena came in 1961 when the first *International Union for the Protection of New Varieties of Plants* (UPOV) was negotiated. The convention allowed a plant breeder who has developed a variety of seed that if 'new, distinct, uniform, and stable' to apply for a breeder's right to that seed. This right extended to the subsequent production, reproduction, sale, marketing, and trade of the variety. The plant breeders' rights that the convention granted virtually amounted to a form of patenting, although without the legal status of patent, and they were opposed by developing countries, many of which, two decades later, successfully negotiated within the *Food and Agriculture Organization* (FAO) the *International Undertaking on Plant Genetic Resources* (IUPGR) in 1983, stressing upon strong farmers' right regime. This can be seen as a developing country antidote to the pro-business emphasis of the UPOV Convention.

Two further layers of international law relevant to the ownership of plant generic resources were agreed during the 1990s. The first is *Convention on Biological* (CBD), 1992 and the second layer of international law is the TRIPS Agreement, which forms part of the single undertaking agreed during the Uruguay Round Negotiations that created the WTO. The single undertaking means that TRIPS applies to all WTO members, and its provisions are subject to the integrated WTO dispute settlement procedures. The migration of IPRs into the WTO is significant, given that previously the sole relevant international organization handling IPRs was the WIPO.

Significance of PGR

For centuries, PGR have provided the basis of civilization and agriculture, of life, health, and prosperity around the globe. Knowledge and

Harsh Pratap Singh

LL.M.

Business Law & Rajiv Gandhi National
University of Law,
Patiyala,

experience have been passed from generation to generation by custom. Whereas seeds in themselves were the primary object of earlier trade, dissemination and exchange more recently PGR have also come to be addressed in terms of rights to genetic information and their appropriation. PGR are also the backbone of agriculture which plays a positive and unique role in the development of new cultivars including the restructuring of existing ones. The importance of PGR for agriculture to human welfare and the world economy is incalculable. They provide the foundation of all food production, and the key to feeding unprecedented numbers of people in times of climate and other environmental change, and therefore comprise perhaps the most important category of biological resources. One of the major objectives of conservation of PGR is to make genetic diversity available for immediate or future use. Abundant evidence exists showing that it is necessary to preserve a wide range of diversity in order to meet the crop improvement needs. However, it is also evident that the widest possible range of genetic diversity has to be conserved in order to meet future, as yet unknown, needs.

Plant varieties have traditionally been developed and nurtured by a variety of actors. Smallholder farmers, herders, and artisanal fisher folk have often played the most crucial role in conserving and enhancing agro-biodiversity. They have, for instance, developed crop varieties specifically suited to their diverse local environments. In recent times, the development of new varieties has been undertaken on a larger scale and has become a major industrial activity. In all cases, plant varieties of interest in the context of agriculture have been tended by humans and do not correspond to varieties found in nature. World population continues to grow and it is necessary to find ways of increasing output through higher yields and less wastage, thereby minimizing the use of land and other resources, all of which are becoming scarcer. But plant breeding has wider economic and environmental benefits than just increasing food production, including for developing countries. The development of new improved varieties with, for e.g. higher quality increases the value and marketability of crops in the global market of the twenty-first century. In addition, breeding programs for ornamental plants can be of substantial economic importance for an exporting country. The

breeding and exploitation of new varieties is a decisive factor in improving rural income and overall economic development. Furthermore, the development of breeding programs for certain species can remove the threat to the survival of the species in the wild.

Rational for Granting Protection to Plant Varieties under IPR Regime

For a long time in history no notion of ownership, property rights, or sovereign rights over genetic and plant resources existed. What contributed to the emergence of property rights in plant varieties was the need to exploit the potential, particularly from the genetically rich global South, for commercial benefits in this area. The scope of patentable subject matter expanded, slowly and incrementally until it covered plants. In outlining the history of intellectual property and biotechnology, the French barrister and Philosopher, Bernard Edelman indicates a move from a strict prohibition against the patenting of nature towards a range of recent decisions allowing the patenting of living matter. He argues that there has been a progressive accommodation of biotechnology within the legal system, and summarizes the stages of this passage as follows:

“Life has been integrated into the markets as easily as could be imagined because it has been a progressive process. It started with something that was symbolically far removed from most rudimentary forms of animal life, like the oyster. The whole of the animal kingdom is now targeted and we are on the verge of the human, weighed down with precedents which ensure the closure of the system and make any resistance difficult. The work of man which must be remunerated, claims repayment from the whole realm of nature which has traditionally been free of any property claims”.

Perhaps, the policy goals of granting IPRs to plant varieties are grounded principally on an instrumentalist approach to IPRs. Under this instrumentalist approach, new plant varieties are afforded legal protection to encourage commercial plant breeders to invest the resources, labour and time needed to improve existing plant varieties by ensuring that breeders receive adequate remuneration when they market the propagating material of those improved varieties. In the absence of a grant of exclusive rights to breeders, the dangers of free riding

by third parties would be considerable. This is because the genetic material within plants that specifies their distinctive and commercially valuable features is naturally self-replicating, for example by reproduction of seeds or other propagating material. Self-replication makes innovations incorporating biological material particularly susceptible to exploitation by parties other than the innovator. The protection of plant varieties by means of intellectual property rights has been a subject of increasing importance in the aftermath of the adoption of the TRIPS.

IPRs in plant varieties thus provide some assurance to breeders that they will be able to recoup the risks and costs of a value-added innovation that is based upon an underlying biological resource. Ultimately, the grant of exclusive rights to plant breeders is designed to benefit the society granting the rights. It provides an incentive for private research and development into new breeding techniques, thereby reducing the need for government funding to subsidize these activities. It encourages the development of new and beneficial plant varieties for use by farmers and consumers. And it furthers the society's development of agriculture, horticulture, and forestry.

Plant Variety Rights in Concept

Plant variety protection, also called a '*plant breeder's right*' (PBR) or PVR, is a form of intellectual property right granted to the breeder of a new plant variety. According to this right, certain facts concerning the exploitation of the protected variety require the prior authorization of the breeder. Plant variety protection is an independent *sui generis* form of protection, tailored to protect new plant varieties and has certain features in common with other intellectual property rights. PVR protects newly bred varieties of plants. They enable the breeders of successful varieties to control their reproduction and by licensing to obtain a return on the substantial investments of time and resources needed to produce them. The rights are specifically adapted to the needs of breeders and farmers, but coexist easily with patent rights on genetic inventions.

These laws typically grant the plant breeder control of the seed of a new variety and the right to collect royalties for a number of years. This guarantees income for the breeder to cover the costs of research and development. The purchase of

protected varieties gives farmers the benefits of superior varieties. In return, farmers are expected to pay a small royalty, including in the purchase price, and not sell the seed that they produce. Farmers may store the production in their own bins for their own use a seed, but further sales for propagation purposes are not allowed without the written approval of the breeder. PBR contain a wider array of exceptions than the general regime of patent law. Commonly, there is a defense for farm-saved seed. However, this does not necessarily extend to brown-bag sales of seed. There is also a breeders' exemption in respect of research and experimentation on new varieties of plants. There is also scope for compulsory licensing to allow public access to new varieties.

Any person who creates, or discovers and develops, a plant variety may apply for PBR. Once the PBR has been granted to the breeder, it means in practice that the title holder is the owner of the variety and anyone else who wants to commercialize that protected variety requires the authorization of the holder of the PBR. This authorization is normally in the form of a license agreement between the titleholder and those who sell the variety.

PBR are the most common type of intellectual property rights to PGR, which have been enacted in most industrial and an increasing number of developing countries. These systems have been established to provide incentives to plant breeders to come up with improved crop varieties that are novel, distinct, genetically uniform, and stable. The scope and coverage of the rights differ, as, consequently, does the way in which they restrict access. What they have in common is the exclusive rights of breeders to produce for commercial marketing the crop variety they have developed. Most of the PBR are oriented towards, or are in compliance with, the provisions of the UPOV. As the Convention was revised in 1972, 1978, and 1991 the main difference that exist between the latest and the earlier versions is that farmers are no longer entitled freely to exchange and sell seeds they harvest from varieties protected by the respective plant breeders' right. In addition, breeders are required to obtain authorization from the rights holder for the commercial marketing of a new variety if it is essentially derived from a protected variety, whereas there was earlier an unrestricted 'breeder's exemption' to encourage further breeding.

PBR do not stop farmers from using their traditional varieties, and did not usually stop them from using protected varieties in their traditional ways either. Protected varieties could be employed as an input to strengthen and improve own varieties, allowing parts of the harvest to be used for sowing, exchange, and sometimes sale, without paying royalties to the rights holders. Under the UPOV, 1991 governments may permit farmers to use protected varieties for propagating purposes on their own landholdings, but not to exchange or sell the seeds or harvest thereof. As the number of varieties protected by stricter plant breeders' rights increases and the number of traditional varieties falls, the total number of varieties available for traditional use by farmers over time obviously declines, affecting their ability to maintain yields and resistance of their own crop varieties.

Farmers' Proprietary Claims in Agriculture

The concept of farmers' rights was developed in the context of extension of IPRs in agriculture. It was argued that the two concerned international agreements, UPOV and the TRIPS, 1991 which had been set up to give crop plant breeders' exclusive rights over the varieties they develop disregard the traditional rights of indigenous and farming communities to their genetic resources and associated knowledge. However the UPOV and TRIPS Agreement left the farmers, outside the domain of IPRs in agro bio-resources and associated knowledge. It was this omission that spawned the debate and the movement for a formal recognition and institutionalization of farmers' rights.

As breeders, conservers, and protectors of agricultural genetic resources for centuries, farmers never had any defined rights over their knowledge, or the genetic resources that they held. Commercial breeding furred by biotechnological innovations in agriculture, transformed these farmers from owners of their gene pool to donors, who then received the commercially bred plant varieties and their seeds at a fee. Many of the most successful varieties available commercially are derived from stocks which have been carefully bred by farmers, especially so in the global South. But instead of being rewarded for their important contribution, both for developing the genes for desirable traits and the knowledge and skill required to use these, they may be required to pay the companies to use the products. The inequity and

exploitative implications of IPRs in agriculture, whether PBR or patents, led into a recognition that farmers have a prior right to be adequately compensated for the resource they hold, in terms of both their knowledge and genetic pool and that there is a need to devise and institute fair and equitable benefit-sharing mechanisms which would make farmers partners in biotechnological developments in agriculture, forestry, etc. there was also a growing understanding that patenting will seriously limit the access that farmers, poor farmers in particular, have to the genetic resources on which their livelihoods depend.

One of the first attempts to acknowledge farmers' rights was in the Agenda 21, adopted in RIO de Janeiro in 1992 at the *UN Conference on Environment and Development* (UNCED), and CBD, which was to serve as an instrument for the conservation and sustainable use of PGR and the fair and equitable sharing of the benefits arising from the use of such resources.

The Food and Agricultural Organization Global System on Plant Genetic Resources, which was prepared by FAO as a result of Agenda 21's commitment to the conservation of agricultural biodiversity includes continued commitment to the implementation of farmers' rights. These inclusions were in order to broaden the scope of farmers' right and to assess it in the conservation of biodiversity. The inequitable treatment between the owners of germplasm and the owners of technology spawned a debate these international forums. The result was the institutionalization of farmers' right in the form of two main instruments:

- i. The 1983, the demand for farmers' rights formally got incorporated by the FAO as an *International Undertaking on Plant Genetic Resources* (IUPGR). The FAO as the central UN body dealing with agriculture has played an important role in setting the legal frame work for various activities linked with the agriculture. The resolutions passed in 1989 under this international undertaking were negotiated by Commission on Plant and Genetic Resources and were unanimously approved by more than 160 countries in the FAO Conferences in 1989 and 1991. The resolutions recognized the 'enormous contribution that farmers of all regions have made to the conservation and development of

PGR, which constitute the basis for the concept of Farmers' Right'.

- ii. The *International Treaty on Plant Genetic Resources for Food and Agriculture* (ITPGRFA) was drafted in November 2001. The ITPGRFA incorporated the new orientation given by the CBD and The FAO Conference (November 2001), and established legally binding rules to secure facilitated access to and exchange of plant and genetic resources within a multilateral system. To conform to the CBD, it also has effective provisions for benefit-sharing, including articles on funding and farmer's rights to benefit small farmers who have been the traditional custodians of PGRFA, particularly in developing countries.

The evolution of both the treaties reflects the journey that policy changes have made at the international level with regard to use of PGR for food and agriculture and with respect to the location of farmers' rights within the matrix of rights associated with the use of plant genetic material.

International Legal Regime for the Protection of Plant Varieties

The political debate of the last years over ownership of genetic resources and the benefits derived from them has resulted in the appearance of national and international laws regulating access to these resources and intellectual property rights. Present national and international trends for the protection of plant genetic resources are primarily the result of various global conventions and treaties. The development in this area dates to the seed wars of the 1960s on the development of new varieties of plants and crops through the crossbreeding of seeds. At the risk of oversimplification, the seed wars saw, on the one side, communal farmers, usually in developing countries, asserting *farmer's rights* i.e., the rights of farmers to continue using seeds for free, and on the other side, commercial plant breeders, often in developed countries, asserting *breeder's rights* i.e. the right to benefit commercially from the scientific breeding and large scale productions of seeds. Prior to the mid 1960s, only a few countries (such as Germany and the United States) gave any IP protection to plant varieties. Because of pressure from their plant breeding industries, 10 western European countries entered into a diplomatic process in the early 1960s which eventually culminated in the

formation of UPOV and the signing of a convention (the 1961 UPOV Convention). It provided protection to breeders of new plant varieties who belong to member countries. These 'breeder's rights' were amended in 1972, 1978, and 1991. UPOV provides a framework for the implementation of effective *sui generis* system of plant variety protection at national level through international synchronization. UPOV apparently makes no mention of farmers' rights. It overlooked the crucial role which the farmers have played as breeders, conservers, and protectors of agricultural genetic resources for centuries. In response to this, developing countries in 1983 negotiated IUPGR. Since the adoption of CBD in 1992, the law of PGR and the legal status of *traditional knowledge* (TK) have attracted further attention in international flora, governments, non-governmental organizations, and academic research. Further the TRIPS, a part of the WTO Agreement, requires all member-countries of the WTO to establish an effective system of plant variety protection within a specified time frame. It permits the WTO members to protect plant varieties with either patents or a *sui generis* system or by any combination thereof. TRIPS do not specify what kind of breeders or farmers rights and it does not say what else a member state can put in its law. It is a flexible system leaving a lot to the discretion of member countries. TRIPS has given a strong impetus for the universalization of plant variety protection regimes with common standards of protection across countries. Apart from these global initiatives there are various other international instruments, institutions, and intergovernmental organizations regulating intellectual property rights in plant varieties and plant genetic resources.

Till the early 1990s, PVP remained almost exclusively a feature of developed countries. While developing countries recognized the importance of variety improvement for agricultural productivity growth, they generally relied on research by public sector institutions at the national and international level for the development of new varieties. PVP or other forms of IPRs for plant varieties were not seriously considered as policy options for encouraging plant variety innovations. However, international efforts to harmonize IPR regimes across countries following from the international trade negotiations in the Uruguay Round have accelerated

the spread of PVP systems across a whole range of countries.

USA was the first country to institute IP protection for plant varieties. In 1930, The US introduced the *Plant Patent Act* and protected new plant varieties that were asexually reproduced and non-tuber propagated. In the first half of the 20th century, the fact that plants may not reproduced 'true to type' was seen as an important constraint in extending patents to plant varieties. By confining itself to asexually reproducing varieties, the USA *Plant Patents Act*, 1930 avoided this difficult question. In 1970, US passed its *Plant Variety Protection Act*, 1970 and became a member of UPOV in 1981 and thus extended protection to agricultural and other species based on the criteria of "Distinctness, Uniformity, and Stability". Further US also provide utility patents for plants through the *Patent Act* of 1952 (for utility patents). Utility patent may be secured to protect everything ranging from genetically modified seeds and genetically modified plants, to plant transformation. Very often grant of patents to plant related inventions turned out to be perplexing issue in the light of several anti-patent arguments. US Supreme Court's pronouncement in *Diamond v. Chakrabarty* made the scenario very clear in this regard. In this case US Supreme Court clearly held that patents could be granted for inventions involving living organisms. The 2001 landmark decision in the case of *JEM Ag Supply, Inc v. Hi-Bred International Inc.* further established that utility patents could be granted to plant related innovations.

To protect the rights of the breeders and farmers, Government of India has enacted the *Plant Varieties Protection and Farmers Rights Act*, 2001 and effective from January, 2006. The Act has been legislated in India under the obligation of Article 27.3(b) of the TRIPS Agreement. India chose to opt for a *sui generis* system for protection of plant and plant varieties. The major objectives of the Act were to stimulate research and private plant breeding, enhance technology transfer, foreign investment, and trade, promoting conservation of agro biodiversity and sustained use of varieties and facilitating access to genetic resources and sharing benefits. Indian law recognizes the farmer not just as a cultivator but also as a conserver of the agricultural gene pool and a breeder who has bred several successful varieties.

Indian *PPVFR Act* 2001 is harmonious with TRIPS, CBD and UPOV.

Conclusion

PGR have played a vital role in the development of mankind. There are farmers and breeders who have invested their time, knowledge, resources and efforts in the development of PGRFA. Long opinion oriented disputation over the IPRs relating to PGR has resulted in the negotiation of different legal declarations in different international institutions. The development of breeders' right encompasses of a complex regime which involves various set of multilateral arrangements, international organizations, and conventions. Different states have inclined towards different international institutions and instruments, reckoning on which, they consider will best promote their interests. The resulting incoherence in international law on PGR, with different legal instruments stipulating different provisions, symbolizes one of the central struggles of age i.e. who wins and who loses in the politics of natural resource use.

References

1. David Humpherys, *Deforestation and the Crises of Global Governance*, Earthscan Publication Ltd., USA, 2006, p. 76.
2. Susette Biber, Thomas Cottier, Danuta Szymura Berglas, *Right to Plant Genetic Resources and Traditional Knowledge: Basic Issues and Perspectives*, CAB International, Cambridge, 2006, p. 23.
3. S.S. Malik, S.P. Singh, "Role of Plant Genetic Resources in Sustainable Agriculture", *Indian Journal of Crop Science*, Vol. 1, No. 1-2 (1-211), 2006, pp. 21-28 at p. 21.
4. Graham Dutfield, *Intellectual Property Rights, Trade and Biodiversity*, Earthscan Publications Ltd., 2002, London, p. 1.
5. Kazuo N. Watanabe, Eija Pehu, *Plant Biotechnology and Plant Genetic Resources for Sustainability and Productivity*, Academic Press Ltd., UK, 2001, p. 44.
6. The UPOV System of Plant Variety Protection, available at http://www.upov.int/about/en/upov_system.html, last visited on 29-06-12 at 15:15IST.
7. Rajshree Chandra, *Knowledge as Property: Issues in the Moral Grounding of Intellectual*

- Property Rights, Oxford University Press, New Delhi, 2010, p. 234.
8. Bernard Edelman, *Time and Commodity Culture: Essays in Cultural Theory and Post-modernity*, Oxford University Press, UK, 1997, p. 197.
 9. Laurence R. Helfer, *Intellectual Property Rights in Plant Varieties: International Legal Regimes and Policy Options for National Governments*, Published by Food and Agriculture Organization, Rome, 2004, p. 3.
 10. Dr. Philippe Cullet, Radhika Koluru, "Plant Variety Protection and Farmers' Rights: Towards a Broader Understanding", *Delhi Law Review*, No.24, 2003, p. 41.
 11. Laurence R. Helfer, *Intellectual Property Rights in Plant Varieties: International Legal Regimes and Policy Options for National Governments*, Published by Food and Agriculture Organization, Rome, 2004, p. 4.
 12. Regine Andersen, *FAO and the Management of Plant Genetic Resources*, available at http://www.fni.no/ybiced/03_03_andersen.pdf, last visited on 19-07-12 at 11:45 IST.
 13. Rajshree Chandra, *Knowledge as Property: Issues in the Moral Grounding of Intellectual Property Rights*, Oxford University Press, New Delhi, 2010, p. 231.
 14. *ibid.*, at p. 242.
 15. Agenda 21, Chapter 14, Report of the UN Conference on Environment and Development, Rio de Janeiro, 3-4 June 1992, UN Doc A/CONF 151/26/Rev 1, Vol.1.
 16. IU resolutions 4/89, 5/89 for Plant and Genetic Resources. Resolution 8/83, Text, available at <ftp://ftp.fao.org/ag/cgrfa/iu/iutext/E.pdf>, last visited on 20-08-12 at 13:15 IST.
 17. Firdos Alam Khan, *Biotechnology Fundamentals*, Taylor & Francis Group, United States of America, 2012, p. 352.
 18. Wallace E. Huffman, "Contributions of Public and Private Research and Development to Biotechnology Innovation", Colin A. Carter, Gian Carlo Moschini, Ian Sheldon (eds.), *Genetically Modified Food and Global Welfare*, Emerald Group Publishing Limited, United Kingdom, 2011, p. 121.
 19. Thomas Cottier, "Introduction: A New Regulatory Field", S. Biber Klemm, Thomas Cottier (eds), *Rights to Plant Genetic Resources and Traditional Knowledge: Basic Issues and Perspectives*, CAB International, UK, 2006, p. xxiii.
 20. Some countries like Argentina and Chile introduced PVP legislation quite early on. Argentina has had PVP legislation since 1978. But its implementation was seriously taken up only much later towards the end of the 1980s/early 1990s. Argentina became a member of UPOV only in 1994.
 21. C.S. Srinivasan, *The International Trends in Plant Variety Protection*, *Journal of Agricultural and Development Economics*, Vol.2, No.2, 2005, pp. 182-220, at p. 183.
 22. *ibid.*
 23. The USA, however, only ratified the latest version of UPOV in 1999.
 24. *Supra* note 12.
 25. 477 US 303 (1980).
 26. (99-1996) 534 US 124 (2001).
 27. Malathi Lakshmikumaran, "Plant Variety Protection: Salient Features", S.K. Verma, Raman Mittal (eds.), *Intellectual Property Rights: A Global Vision*, Indian Law Institute, New Delhi, 2004, p. 74.
 28. David Humpherys, *Deforestation and the Crises of Global Governance*, Earthscan Publication Ltd., USA, 2006, p. 76.

Cyber Stalking: A Nightmare



Pooja Malik

Research Scholar,
Department of Law,
Mewar University

Chitra Singh

Former Director & Principal,
Vivek College of Law,
Bijnor

Abstract

Little did she know that usual net surfing would turn into a nightmare when emails started coming in asking for money and threatening to put her morphed pictures on sex websites. Such incidents are on a rise these days, making a common man worried about his security. The transformation of technology has brought a rise in another form of stalking: cyberstalking. The very nature of online crimes means that we have little information regarding the harassers, as most victims either don't know their harasser or do not know enough information about them. But you always want to make sure you are protected from stalkers regardless of what form they might use to stalk you. This Article deals with the meaning, methods and identification of cyber stalking. Further it makes you aware about the ways to guard against cyber stalking and dealing with it.

Introduction

The information superhighway is undergoing rapid growth in this new millennium. The Internet and other telecommunication technologies are promoting advances in virtually every aspect of society and every corner of the globe: fostering commerce, improving education and health care, promoting participatory democracy in the developed and developing countries, and facilitating communications among family and friends, whether across the street or around the world. Unfortunately, many of the attributes of this technology – low cost, ease of use, and anonymous nature, among others – make it an attractive medium for fraudulent scams, child sexual exploitation, and increasing, a new concern known as “cyber stalking”. (1)

Harassment on the Internet can take a variety of guises.(2) A direct form of Internet harassment may involve the sending of unwanted e-mails which are abusive, threatening or obscene from one person to another.(3) It may involve electronic sabotage, in the form of sending the victim hundreds or thousands of junk e-mail messages (the activity known as “spamming”) or sending computer viruses. Indirect forms of harassment may involve a cyber stalker impersonating his or her victim on-line and sending abusive e-mails or fraudulent spams in the victim’s name.(4) Victims may be subscribed without their permission to a number of mailing lists with the result that they receive hundreds of unwanted e-mails every day.

Cyber Stalking: Meaning

Cyber stalking basically implies threatening behavior or unwanted advances directed at another using the Internet and other forms of online and computer communications. It is a relatively new phenomenon. With the decreasing expense and thereby increased availability of computers and online services, more individuals are purchasing computers and “logging onto” the Internet, making this form of communication vulnerable to abuse by stalkers.

Stalking is a continuous process, consisting of a series of actions, each of which may be entirely legal in itself. Technology ethics professor Lambè Royackers writes that:

“Stalking is a form of mental assault, in which the perpetrator repeatedly, unwantedly, and disruptively breaks into the life-world of the victim, with whom he has no relationship (or no longer has), with motives that are directly or indirectly traceable to the affective sphere. Moreover, the separated acts that make up the intrusion cannot by themselves cause the mental abuse, but do taken together (cumulative effect).” (5)

From the above, we can say that Cyber stalking is the use of the Internet or other electronic means to stalk or harass an individual, a group of individuals, or an organization. It may include false accusations, monitoring, making threats, identity theft, damage to data or equipment, the solicitation of minors for sex, or gathering information in order to harass. The definition of “harassment” must meet the criterion that a reasonable person, in possession of the same information, would regard it as sufficient to cause another reasonable person distress. (6)

Cyber Stalking Vs. Physical Stalking

Cyber stalking is different from spatial or offline stalking. However, it sometimes leads to it, or is accompanied by it. (7) There is a common misperception that Cyber stalking is less dangerous than offline stalking because it does not involve physical contact.(8) However, the opposite is true. While a potential stalker may be unwilling to personally confront the victim, the anonymity of the Internet allows individuals, who may not otherwise engage in offline stalking, to send harassing or threatening electronic communication. (9)

In 2012, Cyber stalking is more common than physical harassment, according to the researchers at Bedford University in England. (10) Imbalanced individuals who obsess over others now have dozens of convenient online means by which to follow and attack their prey. Using email, sexting, Facebook, Twitter, FourSquare, and other social hubs, cyber stalkers can track someone's personal life quite easily. Cyber stalking is a sad and disturbing part of modern society, and things will only get worse before they get better.

Cyber Stalkers on a Rise

WHOA (Working to Halt Online Abuse), an online organization dedicated to the Cyber stalking problem, reported that in 2001 58% of Cyber stalkers were male and 32% female (presumably in some cases the perpetrator's gender is unknown). In a variation known as *corporate cyber stalking*, an organization stalks an individual. Corporate cyber stalking (which is not the same thing as corporate monitoring of e-mail) is usually initiated by a high-ranking company official with a grudge, but may be conducted by any number of employees within the organization. Less frequently, corporate cyber stalking involves an individual stalking a corporation.

WHOA reported that, in 2001, Cyber stalking began with e-mail messages most often, followed by message boards and forums messages, and less frequently with chat. In some cases, Cyber stalking develops from a real-world stalking incident and continues over the Internet. However, Cyber stalking is also sometimes followed by stalking in the physical world, with all its attendant dangers. According to former U.S. Attorney General Janet Reno, Cyber stalking is often "a prelude to more serious behavior, including physical violence." In 1999, a New Hampshire woman was murdered by the

Cyber stalker who had threatened her in e-mail messages and posted on his Web site that he would kill her.

Identification of Cyber Stalking

When identifying cyber stalking, particularly, when considering whether to report it to any kind of legal authority, the following features or combination of features can be considered to characterize a true stalking situation: malice, premeditation, repetition, distress, obsession, vendetta, no legitimate purpose, personally directed, disregarded warnings to stop, harassment, and threats.

Methods of Cyber stalking vary, which means that no case is identical to any other, though there may be similarities. The precise methods of Cyber stalking will depend on whether or not the victim and harasser know one another. Some incidents of Cyber stalking occur because the victim is prominent online (such as through a blog) or because two individuals happen to "meet" in a chat room. There is no physical connection and therefore the Cyber stalker only knows what he or she has been able to discern online. In other cases, the victim and cyber stalker know one another in person, but the harasser has chosen the Internet as his or her medium because it is more anonymous. Cyber stalkers know that they are less likely to be caught if they remain hidden behind screen names and untraceable IP addresses. Once the Cyber stalker has fixated on a victim, the methods of Cyber stalking may escalate.

Unfortunately, regardless of what methods of Cyber stalking are used, this problem can affect many different aspects of the victim's life. The stalker might discover where his or her victim works and send messages to the victim's boss. He or she might harass friends or acquaintances of the victim or even family members. Eventually, some Internet stalking cases escalate beyond the web. Emboldened by his or her success online, the stalker might find out where his or her victim lives and begin "traditional" stalking methods. Some of these cases unfortunately culminate in physical violence.

Safeguards And Remedies Against Cyber Stalking

There are a number of simple ways to guard against cyber stalking. One of the most useful precautions is to stay anonymous yourself, rather than having an identifiable online presence. Use your primary e-mail account only for communicating with

people you trust and set up an anonymous e-mail account, such as Yahoo or Hotmail, to use for all your other communications. Set your e-mail program's filtering options to prevent delivery of unwanted messages. Further, the person should not share personal information in public spaces anywhere online, nor give it to strangers, including in e-mail or chat rooms, never use their real name or nickname as their screen name or user ID. When choosing an online name, make it different from your name and gender-neutral. The person should be extremely cautious about meeting online acquaintances in person. If you choose to meet, do so in a public place and take along a friend. If a situation online becomes hostile, log off or surf elsewhere, or if a situation places you in fear, contact a local law enforcement agency.

Further, make sure that your *Internet Service Provider (ISP)* and Internet Relay Chat (IRC) network have an acceptable use policy that prohibits cyber stalking. So, if you become the victim of a cyber stalker, the most effective course of action is to report the offender to their Internet Service Provider (ISP). And if your network fails to respond to your complaints, consider switching to a provider that is more responsive to user complaints.

The Victim should save all communications for evidence, which must not be edited or altered in any way. Also, keep a record of your contacts with Internet system administrators. If harassment continues even after the victim has asked the cyber stalker to stop and reported the matter to Internet Service Provider (ISP), the victim should not neglect the issue and contact the local police department immediately, informing them of the situation in as much detail as possible.

There are a couple of reported cases, which speak of the position of the cyber stalking in India. The recent being the case of Manish Kathuria who was recently arrested by the New Delhi Police. He was stalking an Indian lady, Ms Ritu Kohli by illegally chatting on the Web site MIRC using her name. He used obscene and obnoxious language, and distributed her residence telephone number, inviting people to chat with her on the phone. As a result of which, Ritu kept getting obscene calls from everywhere, and people promptly talked dirty with her. In a state of shock, she called the Delhi police and reported the matter. For once, the police

department did not waste time swinging into action, traced the culprit and slammed a case under Section 509 of the Indian Penal Code, 1860 for outraging the modesty of Ms Ritu Kohli. Section 509 IPC reads as follows:

“Word, gesture or act intended to insult the modesty of a woman – Whoever, intending to insult the modesty of any woman, utters any word, makes any sound or gesture, or exhibits any object, intending that such word or sound shall be heard, or that such gesture or object shall be seen, by such woman, or intrudes upon the privacy of such woman, shall be punished with simple imprisonment for a term which may extend to one year, or with fine or with both.”

A perusal of the entire section shows that the said section does not cover cyber stalking. The important ingredients of the said section includes that a word must be uttered or a sound or gesture must be made or any object must be exhibited. When a person chats on the Net for the purpose of the cyber stalking, he is neither uttering a word in the sense of the law nor making a sound or gesture nor exhibiting any object. The word chatting has been brought into coinage basically to describe a process by means of which various net users are simultaneously exchanging their views on the Internet with the help of technology. The net user is only working on his computer while chatting and that activity would not come within the ambit of Section 509 IPC even with the most liberal interpretation. Another issue is if no word has been uttered in the eyes of law or no sound or gesture has been made or object exhibited, then the question of intention behind the same would be very difficult to establish in a court of law, more so when the case relates to Cyberspace. Further, how would law enforcing agencies and the courts of law be able to find out about the intention to insult the modesty of any woman in cyberspace. It will be equally difficult to apply the other condition which talks about intruding upon the privacy of such woman, stipulated in Section 509 IPC to cyber stalking. How would the courts adjudicate upon the intrusion of privacy of any woman in Cyberspace when cyberspace is a free, boundary less medium where privacy itself is at the center stage of controversy?

In another case, an engineering and management graduate, facing prosecution in a dowry harassment case, was arrested by Delhi police for

sending obscene e-mails in his wife's name to several persons. In June 2000, a man was arrested by the Delhi police for assuming the identity of his ex-employer's wife in a chat channel and encouraging others to telephone her. The victim who was getting obscene telephone calls at night from stranger made a complaint to the police. The accused was then located "on line" in the chat room under the identity of the victim and later traced through the telephone number used by him to access the internet.

In recent years, our government has passed laws in the field of Information technology. However, the Indian Information technology Act 2008 (amended) does not directly address cyber stalking. But the problem is dealt more as an "intrusion on to the privacy of individual" than as regular cyber offences which are discussed in the IT Act 2008. **Hence the most used provision for regulating cyber stalking in India is Section 72 of the Indian Information Technology Act (Amended), 2008** which runs as follows;

“Section 72: Breach of confidentiality and privacy: *Save as otherwise provided in this Act or any other law for the time being in force, any person who, in pursuant of any of the powers conferred under this Act, rules or regulations made there under, has secured access to any electronic record, book, register, correspondence, information, document or other material without the consent of the person concerned discloses such electronic record, book, register, correspondence, information, document or other material to any other person shall be punished with imprisonment for a term which may extend to two years, or with fine which may extend to one lakh rupees, or with both.*”

In practice, this provision is often read with section 441 of the Indian Penal Code, which deals with offences related to Criminal trespass and runs as follows:

“Whoever enters into or upon property in the possession of another with intent to commit an offence or to intimidate, insult or annoy any person in possession of such property, or having lawfully entered into or upon such property, unlawfully remains there with intent thereby to intimidate, insult or annoy any such person, or with an intent to commit an offence, is said to commit criminal trespass.”

If cyber stalking is done only to annoy the victim and is not resulted into serious offences like severe defamation, sexual crimes, identity theft or even grave crimes like terrorism, it is treated as a bailable offence.

However, even when laws exist to punish perpetrators, finding the stalkers is often more difficult than with "traditional" stalking. Internet stalking is not limited to one jurisdiction. A man in California, for example, can easily stalk a woman in India via the Internet, and multi-jurisdictional cases are much more difficult to both investigate and prosecute. With that said, victims should not avoid reporting incidents of cyber stalking. The key to these types of cases is establishing a paper trail. If victims record all methods of cyber stalking for the police and file reports, stalkers are much more likely to face the consequences of their actions.

Conclusion

Cyber stalking is a persisting international evil that transcends national boundaries in a manner that renders this form of serious crime a global concern. It has been seen that amongst the major reasons that facilitate the perpetration of this crime is the anonymity of this medium. It is also note worthy that most people who receive threats online imagine their harasser to be large and powerful. But in fact the threat may come from a child who does not really have any means of carrying out the physical threats made. So, there is no need to panic, but is equally important to carry out the safety measures, and contact the law enforcement agencies if need arises.

References

1. Attorney General Report, 1999
2. Nelson, D., *Cyberstalking*
3. McGraw, D., "Sexual Harassment in Cyberspace: The Problem of Unwelcome E-mail" (1995) *Rutgers Computer and Technology Law Journal*, 492.
4. See for example the case of *Zeran v. America Online, Inc*, 958 F.Supp. (1997); U.S. Court of Appeals, 4th Circuit, 129 F.2d 327 (1997); U.S. Supreme Court, Cert. Pet. 97-1488,
5. Royackers 2000:7, cited in *CyberStalking: menaced on the internet*
6. Bocij, Paul. *Cyberstalking: Harassment in the Internet Age and How to Protect Your Family*. Praeger, 2004, p. 14.

7. Spitzberg, Brian H.; Gregory Hoobler (February 2002)."Cyberstalking and the technologies of interpersonal terrorism".*New Media & Society*. 1 4: 71-92.
8. Neal Kumar Katyal, *Criminal Law in Cyberspace*, U. PA. L. REV. 1003 (2001).
9. Paul Bocij, Cyberstalking: Harassment in the Internet age and how to protect your family 11 (2004).
10. <http://www.beds.ac.uk/echo>

Buddhism and Human Life

Abstract

The Buddha's message as a religious way of life: "**Keeping away from all evil deeds, cultivation of life by doing good deeds and purification of mine from mental impurities**". For our proposes, religion may be defined in a very broad sense as a body of moral and philosophical teachings and the acceptance with confidence of such teachings. In this sense, Buddhism is a religion. Buddhism however does not neatly fit into the general categories outlined earlier because it does not share common features with other existing religions in many ways. To consider this matter further let us first of all briefly examine how religion could have come into being



Manmeet Kaur

Associate professor
Dept. of Political Science
Bareilly College
Bareilly

Introduction

Why did religion originate? You might have heard that the origins of religion lie in man's fear, suspicion and insecurity. In the days before organized religions began, people did not have adequate knowledge and they could not understand the real nature of this life and what would happen to them after their deaths. They could not understand even the causes of natural phenomena of natural occurrences. According to their limited understanding, they suspected there must be certain unknown forces, which created all these pleasant or unpleasant things. Eventually, they began to notice that there is energy behind the forces of nature, which they called '**shakti**'. They experienced an inexplicable sense of awe and dread towards these powers, which they felt, could harm them in some way. They therefore felt that these powers must be placated and used to protect or at least to leave them alone. Not trusting their ability to "**talk**" to these forces in ordinary language, they thought it would be more effective to mine their messages. Finally the actions to enlist the favor of these forces became ritualized into form of worship. Some people were identified as having special powers to communicate with these forces and they enjoyed great power in the group.

After worshipping and praying, early men thought they could control the undesirable occurrences and at the same time ensure a degree of protection as reward from these unseen forces or energies. To help them better visualize what they were trying to communicate with, they gave each force a name and a form - either conceiving it in human or in grotesque non-human form, but always evoking a sense of awe and fear. As time went by, they forgot the original significance of these representations and took them for real and eventually accepted them as deities.

Different cultures translated ideas and concepts into physical form and developed particular rituals to honor and worship these images as gods. Later as early urban settlements began and social control became necessary certain practices were used as the bases to develop moral behavior and to guide citizens in the correct path to ensure the well being of the community. Thus developed concepts such humanism, human responsibilities and human values such as honesty, kindness, compassion, patience, tolerance, devotion, unity and harmony. To ensure that these qualities would be further enhanced, the leaders instilled fear in the believers, threatening them with punishment by the gods in the life hereafter if they did not behave in an accepted manner. Religion was the result of the fusion of moral behavior and belief in the supernatural.

Concept of God

This is how imagination and humanism eventually fused together to become religion. Some people say that it is difficult to believe that any god created religion. Perhaps we could say that man created religion and later introduced the concept of a god into religion. An American philosopher, Prof. Whitehead, once stated that originally man created god and later god created man. What he meant was that the concept of god was created by man and later this concept was transformed into divinity. On the other hand, a French philosopher, Anatole France said that if the concept of god did not exist, some how or other, man would have created one because it is very important for his psyche. A divine power is

In this sense we are just like the children. When a small baby is crying and the mother is too busy to carry it, what she does is to put a teat in its mouth to comfort it. That will stop the baby from crying. The concept of god helps many people in this manner. To stop their worries and dry their tears they develop various pacifiers in the form of religious beliefs and practices.

It was in a religious climate such as this that the Buddha appeared. As a prince living in the lap of luxury he started to think very deeply on why living beings suffer in this world. What is the cause of this suffering? He asked. One day while he was sitting under a tree as a young boy, he saw a snake suddenly appear and catch a frog. As the snake and the frog were struggling, an eagle swooped down from the sky and took away the snake with the frog still in its mouth. That incident was the turning point for the young prince to renounce the worldly life. He began to think about how living beings on the earth and in the water survive by preying on each other. One life form tries to grab and the other tries to escape and this eternal battle continues as long as the world exists. **This never-ending process of hunting, and self preservation is the basis of our unhappiness. It is the source of all suffering.** The Prince decided that he would discover the means to end this suffering.

He studied under various religious teachers and learnt everything they had to teach but was unable to discover how to end suffering. He spent many years pondering this question. Finally at the age of 29 he seriously contemplated on old age, sickness, death and freedom through renunciation, and decided that without giving up the worldly preoccupations and his responsibilities and pleasures it would be impossible for him to find the answer. That is why he had to leave the palace in what is known as "**The Great Renunciation**". After struggling for six years, which represented the culmination of endless life cycle of cultivation and struggle for spiritual development, he finally gained enlightenment and understood the secret of our suffering. This was the beginning of another "**religions system**". But it

was a religion like nothing anyone had known in the past. In fact many people today do not even like to call Buddhism a religion because the word 'religion' evokes a great many negative emotions in their minds.

Beliefs and Practices

There was no reason at all for the Buddha to introduce another religion because at that time 2600 years ago there were already 62 religions/cults in India alone. Since the existing religions during his time could not provide the answers to his questions he decided not to use the ingredients or concepts of these religions to introduce what he himself had realized.

What was the religious thinking in India at this time?

"God created everybody; God is responsible for everything; God will reward; god can forgive all our sins; and God is responsible for our lives after our deaths; God will send us to heaven or he will send us to hell".

These are the basic ingredients of all religions even today. At the same time there were certain other religions also in India, which taught that it was necessary for believers to torture their physical bodies, thinking that they could wash away all their sins during their lifetimes so they could go to heaven after death. Another religious group encouraged religious rites and rituals and ceremonies and animal sacrifices to please their gods. This group believed that through these practices they could go to heaven. Some others again introduced prayer and worship and asked for forgiveness for the sins committed. The Buddha did not recognize the efficacy at all these practices.

Did The Buddha make any Promise?

The Buddha did not promise heavenly bliss and rewards to those who called themselves his followers nor did he promise salvation to those who had faith in him. To him religion was not a bargain but a noble way of life to gain enlightenment and salvation. The Buddha did not want followers with blind faith; he wanted human beings to think and understand. Buddhism is a noble path for living where humanism, equality, justice and peace reign supreme. Revengefulness,

animosity, condemnation and resentment are alien to the Teaching. The world is indebted to the Buddha for the rise of rationalism as a protest against the superstitions of religion, Is it he who emancipated man from the thralldom of the priests? Is it he who first showed the way to free man from the coils of hypocrisy and religious dictatorship? During the Buddha's time no religious practice was considered higher than the rites, rituals and sacrifice of living beings to the gods; but to the Buddha no practice could be more humiliating or degrading to man. A sacrifice is nothing more than bribery; and salvation won by bribery and corruption is not a salvation, which any self-respecting man would care to get.

But in introducing his doctrine, the Buddha did use the existing religious terms current in India at the time because in this way he would be on familiar ground with his listeners. They would grasp what he was alluding to and then he could proceed to develop his original ideas from this common ground. **Dharmas, Karma, Nirvana, Moksha, Niraya, Samsara, Atma** are some words, which were common to all religious groups during his time. But in his teaching the Buddha gave very rational and unique meanings and interpretations to those existing religious terms.

Dharma

Let us take a look at the word dharma (or dhamma) for example. The ancient interpretation given to the word Dharma is that it is a law given by the god. According to ancient belief the god promised to appear from time to time to protect this dharma by taking different incarnations. The Buddha did not accept that any god could have given doctrines and commandments and religious laws. The Buddha used the word Dharma to describe his entire teaching. Dharma means that which hold up, upholds, supports.

The Buddha taught the dharma to help us escape the suffering caused by existence and to prevent us from degrading human dignity and descending into lower states such as hell, animal, the spirit of ghost or devil realms. The dharma introduced by the Buddha holds and supports us, and free us from the misery of these realms. It also means that if we follow the methods he advocates

we will never get into such unfortunate circumstances as being born blind, crippled, deaf, dumb or mad. So in the Buddha's usage, Dharma is the advice given to support us in our struggle to be free from suffering and also to upgrade human values. Western philosophers describe Buddhism as a noble way of life or as "**a religion of freedom and reason**". The Dharma is not an extraordinary law create by or given by anyone. Our body itself is Dharma. Our mind itself is Dharma; the whole universe is Dharma. By understanding the nature of the physical body and the nature of the mind and worldly conditions we realize the Dharma. The Buddha taught us to understand the nature of our existence rationally in a realistic way. It concerns the life, here and now of each sentient being and thus interrelated of ail existence.

Usually when people talk about religion they ask, "**What is your Faith?**" They use the word "faith" in an absolute sense, although it can be useful in the preliminary stages of one's religion development. The danger of relying on faith alone without analytical knowledge is that it can make us into religious fanatics. Those who allow faith to crystallize in their minds cannot see other people point of view because they have already established in their minds that what they believe is alone the truth. The Buddha insisted that one must not accept even his own Teachings on the basis of faith alone. One must gain knowledge and then develop understanding through study, discussion meditation and finally contemplation. Knowledge is one thing; understanding is another. If there is understanding one can adjust one's life according to changing circumstances based on the knowledge one has. We may have met learned people who know many things but are not realistic because their egoism, their selfishness, their anger, their hatred do not allow them to go unbiased mental attitudes and peace of mind.

When it is necessary to tolerate, we must know how to tolerate. When it is necessary to stand firm, we must stand firm, with dignity.

Karma

Let us take another example, the world Karma. It simply means action. If a person commits a bad karma it will be impossible for that

person to escape from its bad effect. Somehow or other he or she must face the consequences that will follow. According to ancient belief there is a god to operate the effect of this karma. God punishes according one's bad karma; god rewards according to one's good karma. The Buddha did not accept this belief. He said there is no being or force that handles the operation of the effects of karma. Karma itself will yield the result, as a neutral operation of the law of cause and effect. He said we could avoid and in some cases, even overcome the effect of karma if we act wisely. He said we must never surrender ourselves fatalistically thinking that once we have done bad action there can be no more hope. Other religions teach that god can negate the effect of karma through forgiveness if the followers worship and pray and sacrifice. But the Buddha teaches that we have to effect our salvation by our own effort and mental purity.

"The Buddha can tell you what to do but he cannot do the work for you". You have to do the work of salvation yourself. The Buddha has clearly stated that no one can do anything for another for salvation except show the way. Therefore we must not depend on god, and not even depend on the Buddha. We must know what are the qualities, duties, and responsibilities of being a human being. He said that if we have committed certain bad karma, we should not waste precious energy by being frustrated or disappointed in our effort to put it right.

"The path that the Buddha showed us is, I believe, the only path humanity must tread if it is to escape disaster". Jawaharlal Nehru
Nirvana

The Buddha never claimed to have created the Dharma. What he discovered was the universal truth of the real nature of existence. In fact some religious terms were already well known in India at that time. But the Buddha's uniqueness is that he took existing concepts and gave them very refined meanings and much deeper significance. For example, before the Buddha's time, "*Nirvana*" simply meant peace or extinction. But he gave it entirely new dimensions of meaning. NIR means "no" and VANA means "craving": no more

craving, no more attachment and no more selfishness. We cannot experience Nirvana because we have craving, attachment and selfishness. When we get rid of these defilements we can experience Nirvana bliss.

Develop the Mind

The Buddha's advice is that we should be free from these distractions if we want to experience bliss. This release must however be obtained by our own effort and come from within ourselves. We cannot gain salvation from god or the Buddha or from heaven. We cannot get ultimate freedom through external agents. Supernatural beings cannot help us to gain wisdom and final liberation no matter how much we worship them or praise them through penances, charms, mantras, incantations and invocations and animal sacrifices.

The Buddha advised his followers to cultivate and develop the latent power within them and showed them how to make the best use of their will-power and intelligence without being slaves to an unknown being to find eternal happiness.

Without blaming anybody else, Buddhism also teaches that man is responsible for his own action. Man should face the facts of life, and shoulder the responsibilities of life by fulfilling his duties and obligations to himself as well to others. His pain and pleasure are created by himself and he has the ability to get rid of his sufferings and maintain peace and happiness by understanding his weaknesses and using his own effort to overcome them. Man's untrained mind is responsible for all the troubles, calamities, disturbances, unfavorable, circumstances and even the changes of elements and matter. Conversely man's mind can change unfortunate situations in the world and also can make it a peaceful prosperous and happy place for all to live. This can be done only through the purification of mental energy.

The Buddha's Method

The Buddha's technique of teaching was different from that of the others. He never gave prepare "public talks" or "lectures". He always decided on a topic based on an immediate incident or observation. One of the marks of the Buddha's genius and his skill as a teacher was his well-trying

pedagogical practice of proceeding from the "known to the unknown". For example, on one occasion as he and his followers were walking along a river bank, he noticed a piece of wood floating downstream. He stopped and asked, "What do you think of that piece of wood? What will happen to it?" One disciple answered, "It may land on an island in the middle of the river "; others said, "It may get saturated with water and sink"; "People will take it and cut it up for firewood" and "It will complete its journey to the sea," Now who is correct? Who can accurately predict the fate of the piece of wood? The Buddha then explained that our life is just like a piece of wood floating downstream, full of uncertainty. No one can say what will happen to us the next day or the next month. His method was to take lessons from everyday life so that his teachings were always rooted in the here and now and totally relevant to human experience. In this way, he gave due credit to human beings to think freely, by using their common sense. He did not introduce a religion to be practiced slavishly out of fear and craving for any worldly gain. According to the Buddha, a beautiful thought and word, which is not followed by corresponding action, is like a bright flower that has no scent and will bear no fruit. The eightfold path introduced by the Buddha is a planned course of inward culture and progress. By merely resorting to external worship, ceremonies and prayers, one can never make progress in righteousness and inner development. Mere prayer for salvation, the Buddha says, is like " asking the farther bank of a river to come over so that one may get to the other side without personal effort." moderation, without violating moral principles, without becoming slaves to them but with the understanding that this must not hinder spiritual development.

Husbands and wives, parents and children develop strong attachments to each other. This is perfectly natural. It is important for them in order to lead a worldly life. At the same time however, we must face the fact that this same attachment is the source of enormous pain and suffering. It can even lead to suicide. To eradicate problems, attachments must be allowed to develop with

understanding. It is one's duty to develop affections by knowing that one day there will be separation. Under that condition one will know how to cope with separation when it happens. One will avoid madness and suicide simply has trained one's mind.

What the Buddha contributed to mankind was to console us by helping us to realize how all our problems arise and how to face them. Praying to external forces may lead to temporary solutions and provide transient moments of peace.

But it is just like taking two painkillers when you have a headache. After three hours the pain will come back because the headache is not the sickness but merely its symptom. Painkillers are not the medicine for sickness. Those who understand are in a position to remove the cause of suffering. The Buddha's teaching gives us that understanding.

I hope this introduction has shown you how Buddhism stands alone as a system of religious practice. The Buddha was a great and effective Teacher and Physician. He constantly reminded his followers that his only aim as to teach people how to understand the nature of suffering or unsatisfactoriness and how to eradicate it. He promises happiness in this very life for those who follow his noble method with determination and right understanding.

It is very unfortunate that in many existing religions the followers are not encouraged to respect the leaders of another religion. They are warned that if they do so they would be committing a sin and even worse, they would go to hell for it. The Buddha clearly tells us that we must respect those who are worthy of respect. Although we may not agree with certain religious points of view they hold, if they are sincere in their efforts to serve humanity and uplift it, we must respect them for it. There are noble people in every religion.

The Buddha did not advise his disciples to go and convert people who would otherwise go to hell. Rather he advised them to show the world what is right and what is wrong and to be good and to do good, to encourage men to come and see for themselves the truth that he taught. He and his followers do not condemn the followers of other

religionists as "**sinner**s" who are doomed to spend an eternity hell. According 10 Buddhists, even those who have no "religion" but who live in dignity, with compassion and goodwill "can go to heaven", that is, experience happiness. When we are happy and contented we are in "**heaven**". When we suffer physically or mentally we are in "**hell**". There is no need to wait to die to experience either of these states. Buddhism is unique because we can talk about this "**religion**" even without any reference to heaven or hell. I am sure that others cannot talk about religion in this way. The Buddha's message of goodwill and understanding to all beings is a universal message. The world today needs this noble message more than ever before in the history of humankind.

Buddhism as a religion is the unique exposition of the absolute truth, which will show man how to live in peace and harmony with his fellow beings.

References

1. Conze, Edward, Buddhist thought in India, London, George Allen and unwin, 1962;
2. Siderits, Mark. "Beyond compatibilism: a Buddhist approach to freedom and determinism," America Philosophical Quaterly, 24 no. 2 (1987);
3. Harvey, Peter. The Selfless Mind: Personality, Consciousness and nirvana in early Buddhism. Richmond, U.K. : Curzon, 1995;
4. M: Majjhima Nikaya (tr. By Bhikkhu Nanmoli & Bhikku Bodhi), The Middle discourses of the Buddha, Boston Wisdom publications, 1995;

A Prologue to Intaglio Printmaking Technique

Amita Raj Goyal
Sr. Asstt. Professor.
Department of Visual Arts
The IIS University,
Jaipur

Abstract

“**Print** is unique among artistic media.” The word ‘*Print*’, for modern readers might suggest mechanically produced commercial products, such as: books, newspapers etc. However the **Print** refers to the original creation of an artist; who has chosen printmaking tools to express himself, instead of the paint brush and the chisel.

Printmaking is defined as the process of transfer of ink from a prepared surface to a piece of paper. Printmaking is an overall term used for various techniques which include: Relief Printing, Intaglio Printing, Planographic Printing and Serigraphy.

In this paper we are discussing about the introduction of Intaglio Printmaking Technique, methods and materials required and the printing process. The image is incised into a surface which holds the ink. In Intaglio printing there are acid and non-acid techniques. The technique that utilizes acid in the process of making a plate is called **Etching**. It can be done by using various grounds like: hard ground, soft ground, aquatint, sugar lift and spit bite. **Engraving, Dry point and Mezzotint** are the Intaglio techniques where acid is not used.

Key words: Print, Intaglio Technique, Etching, Engraving, Dry point, Mezzotint.

Introduction

Value “**Print** is unique among artistic media.” The word ‘*Print*’, for modern readers might suggest mechanically produced commercial products, such as: books, newspapers etc. However the **Print** refers to the original creation of an artist; who has chosen printmaking tools to express himself, instead of the paint brush and the chisel.

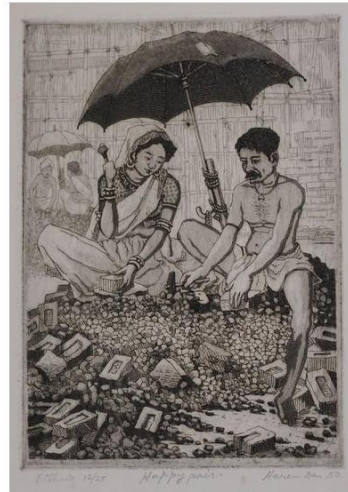
Printmaking is defined as the process of transfer of ink from a prepared surface to a piece of paper. Printmaking is an overall term used for various techniques which include: Relief Printing, Intaglio Printing, Planographic Printing and Serigraphy.

Here we will discuss about the introduction of Intaglio Printmaking Technique, methods and materials required and the printing process.

Intaglio is a printmaking technique in which the image is incised into a surface, and the sunken area holds the ink. The word Intaglio is derived from the Italian verb ‘*intagliare*’ which means ‘to cut’. The design is cut, scratched or etched into the printing surface or matrix.

In intaglio printing there are acid and non-acid techniques.

Garima Jain
Research Scholar.



Etching on paper by Haren Das

The technique that utilizes acid in the process of making a plate is called **Etching**. The grooves over the plate are made chemically by acid. It is done by coating the plate with ground¹ on which an image is drawn with a needle so that the metal is exposed underneath. The plate is then immersed in a bath of acid which eats into the exposed metal. When the desired depth has been obtained the ground is cleaned off for printing.

Hard ground is made by mixing two parts Bees wax, two parts Syrian bitumen or Asphaltum and one part powdered resin. It is good for line work, enables finer detail and more control. Various effects can be achieved, similar to pen and ink and also for pointillism or make marks and scratches.



Hard ground technique

Soft ground remains soft after application to the plate. It is made by adding one part grease to three parts hard ground. It should be carefully handled as the slightest pressure with the fingers will remove the ground.



Soft ground technique

¹ Ground: It is an acid-resistant substance used to cover and protect those parts of the plate which we don't want to be bitten by the acid.

Aquatint is used for obtaining tonal areas on



Aquatinted copper plate

a print. A very fine layer of either resin or bitumen dust is sprinkled on the clean plate. When heated this dust melts and becomes fixed to the plate and can resist acid. When the metal plate is etched only the bare metal areas around each particle etches

Sugar lift² is a syrupy solution of sugar, painted on the plate surface before being coated with ground. Then the plate is placed in hot water where the sugar dissolves and lifts off leaving the image. The plate can then be etched.



Sugar lift technique

Spit bite is another technique in which a mixture of nitric acid and Gum Arabic is spattered or painted on the metal surface. A great variety of tones

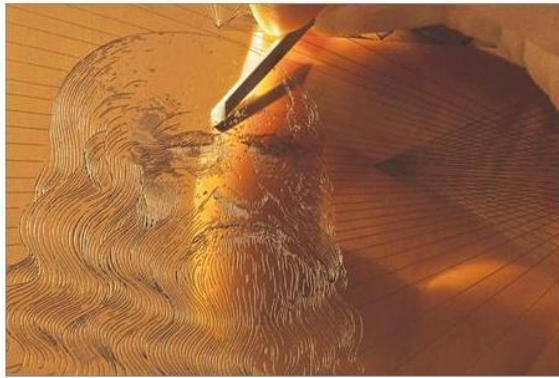
² Mixture of karo syrup (a concentrated solution of glucose and other sugars derived from corn starch), Indian ink mixed with black poster paint, and pink hand soap or a little detergent.

and subtleties can be achieved by varying the time and strength of the acid application.



Spit bite technique

Engraving, Dry point and Mezzotint are the Intaglio techniques where acid is not used. No grounds are used in the printing process.



Engraving

Engraving is the technique in which the metal is removed from the plate in narrow grooves by the burin or graver.

Drypoint is the most direct and straight forward intaglio technique. The method simply involves making a mark on the plate by scratching it with a sharp needle. A drypoint print has a most spontaneous look about it, similar to a pencil drawing.



Drypoint

Mezzotint produces a tonal print which is made mechanically and not by etching. Good mezzotints look similar to black & white photographs. A plate is prepared to print in all over black by producing minute little dents and burs with a special tool called a rocker. The tool is rocked over the plate in many different directions for roughening the complete surface. The image is created by working backward from black to white, using scraper and burnisher.



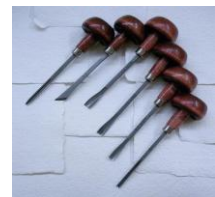
Mezzotint

Material used

Metal plate³, file, emery paper, steel wool, cotton rags, turpentine, benzene, ammonia and chalk white, hotplate, leather roller, brushes, stop out varnish⁴, hard and soft ground, carbon paper, resin, acids⁵, fiberglass or plastic photographic developing dishes, printing ink, paper.

Tools

Burin is an engraving tool that cuts lines in the plate. It is a small, thin steel rod with a square or lozenge⁶ shape face. Its end has been sliced off at an angle of 45 degree.



Gouge is a form of chisel used to cut U-shaped crevices / lines in a plate.

³ Copper and zinc are the most popular metal plates used.

⁴ A fast-drying alternative to asphaltum, made by mixing one part resin and three part alcohol. It is used to protect portions of the plate from acid.

⁵ A corrosive agent used to bite intaglio plates. The most frequently used acids are Nitric Acid, Dutch Mordant and Ferric Chloride.

⁶ Lozenge: rhombus or diamond shape.

Etching/dry point needle is a sharp pointed needle to carve lines into the metal. It is a tool for scratching or drawing on the plate.

Roulette is a tool for Mezzotint; having a textured, hardened-steel roller used to make lines or areas of dots in a plate. They are directly used on the bare metal plate as a means of quickly creating a texture.



Rocker is a multi-toothed steel tool whose serrated edge is used to produce a rough ink-holding surface on a mezzotint plate. It is used in a crisscross manner to create a dense texture on the plate's surface.



Burnisher is a highly-polished, curved metal tool used to polish the plate and to correct mistakes. It is often employed to create highlights in an intaglio print--to lighten tones in an aquatint or mezzotint.



Scraper: A triangular-bladed tool. The three sharp edges are used to scrap and carve an intaglio plate; for image correction or for image and mark

making. The sharp tip can be used for dry point as well as drawing into hard or soft ground. It is frequently used to modify and grade the tonal structures produced by aquatint, mezzotint and deep-bite.



Printing process

Plate preparation

Bevel the edges of the plate and clean and smooth the tiniest scratch on the plate. Heat the plate to apply ground on it. Once cool, the plate is ready to receive the image either by direct needling or by using tracing paper. Now immerse the plate in a bath of nitric acid. The longer the plate sits in the bath, the deeper the exposed area will be bitten. After few minutes take the plate out of the acid and rinse it under running water and clean it.

Preparing the paper

Dip the sheets of paper in a plastic dish of clean water. When soaked, remove the sheets and place them one on other on a flat surface between two sheets of blotting paper. Lastly a sheet of glass is added and a heavy weight is put on top of it.

Inking the plate

Put the plate on the hot plate and apply the ink over the surface and work with the dabber⁷ in circular motions forcing the ink into the intaglio. Remove the plate from the hot plate and wipe off the excess ink.

Printing

Put the plate on the intaglio press⁸ bed, place the sheet of paper carefully over the plate and then felt blanket on paper. Run it through the press. Lift the print carefully from the plate and place it in between two blotting papers under heavy weight for drying.

⁷ A cushion like article used for applying ink, as by printers and engravers.

⁸ An intaglio press is very simple in design, consisting of two heavy rollers one above the other, with a sheet of rigid metal in between which acts as the bed.

References

1. Consultant Editor: Dawson John, Contributing Editors: Jones Stanley, Legro Reginald. Milner Derek, Rogoff Irit, Simmons Rosemary, Smyth Robert, Weelan Lou (1988), *Prints & Printmaking*, New Berlington Books, 6 Blundell Street, London N7 9BH
2. Reddy N. Krishna (1998), *New Ways of Colour Printmaking: Significance of Materials and Processes*, Published jointly by Ajanta Offset and Packagings Ltd. & Vadhera Art Gallery, New Delhi

List of Publications Based on the Research Work

- **Printmaking Techniques – Intaglio**
<http://www.saffronart.com/sitepages/printmaking/intaglio.aspx>
- **Intaglio prints**
http://www.aboriginalartprints.com.au/printmaking_techniques.php?printmaking_id=1
- **Printing an etching**
<http://www.janicesheehan.com/printinganetching.html>
- **Julie Niskanen Printmaking**
<http://www.julieniskanen.com/etching.html>
- **Intaglio (printmaking)**
[http://en.wikipedia.org/wiki/Intaglio_\(printmaking\)](http://en.wikipedia.org/wiki/Intaglio_(printmaking))
- **Description of intaglio printing methods**
<http://www.handmadeinpa.net/2011/02/description-of-intaglio-printing-methods/>
- **Fine art store**
<http://www.fineartstore.com/Catalog/tabid/365/List/1/CategoryID/18689/Level/a/Default.aspx?SortField=unitcost%2Cunitcost>
- **Etching guide and tutorial: hard ground**
<http://www.wretchedetcher.com/etching-tutorial/etching-hard-ground.html>
- **Etching guide and tutorial: soft ground**
<http://www.wretchedetcher.com/etching-tutorial/etching-soft-ground.html>
- **Intaglio**
<http://www.hollymorrison.com/html/platemaking/tools.html>
- **Glossary of terms**
<http://www.kqfineart.com/glossary/index.html>
- **Intaglio - sugar lift and white ground test plates**
<http://penelopes-prints.blogspot.in/2010/02/intaglio-sugar-lift-and-white-ground.html>
- **Karo syrup**
<http://www.livestrong.com/article/312905-karo-syrup-constipation/>

The Religious Philosophy of Raja Ram Mohan Roy



Jyotsna Kumari
HOD (Philosophy)
K.B.College,
Berma

Abstract

At the time of Ram Mohan Roy there was nothing called morality or religion in the true sense. In place there were only a few rites which were meaningless, some childish superstitions and discussions which bore no fruit. Virtue and vice were simply a matter of performing a few overt acts alone and had no bearing whatsoever to the integrity of conduct or personal purity. "A trifling present made to a Brahman, commonly called 'prayaschit' with the performance of a few idol ceremonies are held as a sufficient atonement for all those crimes; and the delinquent is at once freed from all temporal inconvenience, as well as dread of future retribution." Rabindra nath Tagore draws a very clear picture of the continent in the following words: "Ram Mohan was born at a time when our country, having lost its link with the inmost truth of its being, struggled under a crushing load of unreason, in abject slavery to circumstances. In social usage, in politics, in the realm of religion and art, we had entered the zone of uncreative habits of decadent tradition and ceased to exercise our humanity." The Hindus at that time had no knowledge of the real teachings of their ancient scriptures. They had their illiterate priests as their guide in matters of religion. The result was that meaningless religious customs like 'Charak Puja', drowning the first born at the 'Ganga Sagar', Sutee system, throwing oneself under the wheels of Lord Jagannath came into vogue. Forgetting the existence of God, people worshipped a large number of idolatrous deities. The idols were not taken as representation of God but as Gods themselves. To head these evils, there was the worst form of caste systems and the vice of 'untouchability' reigned supreme. Ram Mohan doesnot make distinction between the ultimate reality and God. This lead by him has been followed by most of the contemporary Indian thinkers. The one ultimate reality for Ram Mohan is One and at the same time the God of religion.

Introduction

Raja Ram Mohan Roy was a great reformer. He was born in the year 1774 in an old fashioned Brahmin family of Bengal. He died in 1833. During this period India was under the rule of the East India Company. Christian missionaries had established their churches in different parts of the company. India came into contact with the religion of Christianity during this time. He was highly educated. He is known as a great linguistic. He knew Bengali, Sanskrit, Urdu, English, Latin, Arabic, and Hebrew and Greek, He had read Koran in the original Arabic. He had made a deep study of the Upanishads which forms the real basis of Hinduism. He published translations of some important Upanishads in English and Bengali. It is to be noted that he was the first to translate Upanishads into the English language. He purposely learnt Hebrew, Greek and Latin to study the original Bible and dug deep to explore the Hebrew sources of Christianity. He was able to perceive the unity of religions with confidence and as an expert.

At the time of Ram Mohan Roy there was nothing called morality or religion in the true sense. In place there were only a few rites which were meaningless, some childish superstitions and discussions which bore no fruit. Virtue and vice were simply a matter of performing a few overt acts alone and had no bearing whatsoever to the integrity of conduct or personal purity. "A trifling present made to a Brahman, commonly called 'prayaschit' with the performance of a few idol ceremonies are held as a sufficient atonement for all those crimes; and the delinquent is at once freed from all temporal inconvenience, as well as dread of future retribution."¹ Rabindra nath Tagore draws a very clear picture of the continent in the following words: "Ram Mohan was born at a time when our country, having lost its link with the inmost truth of its being, struggled under a crushing load of unreason, in abject slavery to circumstances. In social usage, in politics, in the realm of religion and art, we had entered the zone of uncreative habits of decadent tradition and ceased to exercise our humanity."² The

Hindus at that time had no knowledge of the real teachings of their ancient scriptures. They had their illiterate priests as their guide in matters of religion. The result was that meaningless religious customs like 'Charak Puja', drowning the first born at the 'Ganga Sagar', Sutee system, throwing oneself under the wheels of Lord Jagannath came into vogue. Forgetting the existence of God, people worshipped a large number of idolatrous deities. The idols were not taken as representation of God but as Gods themselves. To head these evils, there was the worst form of caste systems and the vice of 'untouchability' reigned supreme. The Christian missionaries began to make thunderous attacks on Hinduism. Their mission in exposing the defects of the Hindu system was to win the Hindus in favour of their religion. Their criticism fell like sledge-hammer blows on the Hindu religion. In a bid to save Hinduism from the onslaughts of Christianity and from the prevailing corruptions, Ram Mohan made a deep study of the original sources of Hinduism. As a result, he developed a religious philosophy, free from the existing puerilities relying on true interpretation of the scriptures. His religious thought was influenced by the Islam, Christianity, the Tantras and Buddhism. His discussions with the Hindu Pundits and Christian missionaries also influenced his thinking. Also, there was influence of family and his training on him.

Raja Rammohan Roy was essentially a religious thinker. He was not a philosopher in the academic sense of the term. We do not find him solving the knotty problems of philosophy. His concern was religion." If I were to settle with my family in Europe" he said, "I would never introduce them to any but religious persons, among them I find such kindness and friendship, that I feel as if surrounded by my own kindred." ³ Ram Mohan Roy was, therefore, a religious personality. His religious views, however, were from a particular philosophical point of view. He has openly admitted his allegiance to Sankara. His philosophical position, therefore comes very near to Sankara. Like Sankara, he believed in one ultimate reality. He was therefore a monist. But, he did not regard the world to be illusory like Sankara. For him the world was real. He approached the world and also religion from the common sense point of view. Ram Mohan's religion is essentially theistic. It centres around the concept of God. With regard to the existence of God, he has

appealed to common sense. He says," to read the existence of the Almighty Being in his work of nature, is not, I will dare to say, so difficult to the mind of a man possessed of common sense, and unfettered by prejudice." ⁴ The belief in God demands the worship of God. Ram Mohan did not find any inconsistency between the knowledge derived by common sense and what our scriptures enjoined. He says," they will embrace the rational worship of the God of nature, as enjoined by the Vedas and confirmed by the dictates of common sense." ⁵

Ram Mohan does not make distinction between the ultimate reality and God. This lead by him has been followed by most of the contemporary Indian thinkers. The one ultimate reality for Ram Mohan is One and at the same time the God of religion. God is also the ultimate world-ground i.e., whatever we find in this universe and the universe itself, owe their existence to God. Many religious thinkers shared the same view. The world has no independent status of its own. God is the all-inclusive-reality; what is the status of this world? Sankara regards the world to be unreal or 'Maya'. Ram Mohan also makes use of the term 'Maya'. But, he does not understand the world to be illusory. He takes the world to be totally dependent upon God. The world is real, not illusory, if one conceives of it to be grounded in God who is the all-inclusive-reality. But if one regards the world to be independent of God then he is under an illusion. Maya for Ram Mohan is the power of God. He says," The term Maya implies, primarily the power of creation, and secondarily, its effect, which is the universe." ⁶ Maya, therefore, is the power of God through which the universe came into existence. 'Maya' is external. Maya has a separate existence from God. It will be wrong to think that if God works under the influence of Maya, He becomes inferior to Maya. By admitting God to be the cause of the world and considering Him to be possessed of a power through which He creates it, one is not entitled to conclude that God is subordinate to such a power. Maya is not something over and above God and so the question of subordinate does not arise.

Raja Ram Mohan Roy's religion is essentially theistic. God is the centre of his theistic religion. Ram Mohan has proclaimed his allegiance to the philosophy of Advaita Vedanta of Sankara. But

such an allegiance is not congenial to theism. Brahman is taken to be impersonal Absolute by Sankara. Although Ram Mohan maintains the indeterminate character of God like the Absolute of Sankara, he does not uphold the impersonal nature of God. What Ram Mohan insists is that human beings cannot comprehend the nature of God. Such an apprehension only initiates him into the belief in the existence of God. God remains unknown to him. This incomprehensible nature of God is not something new to the religion. The Koran and the Bible as also the Upanishads repeatedly insist on the incomprehensibility of Godhead. But this description does not mean that God's nature has something in him which is incomprehensible. It simply means the limited character of human knowledge. This also does not mean that man can never comprehend the nature of God. Man should rather make an honest effort to know the nature of God. Human knowledge is provisional, incomplete and always subject to correction. By insisting on the incomprehensible character of God, Ram Mohan emphasizes these very things.

Popularly God is conceived to be a person. But Ram Mohan has conceived of God as personal and not as a person. God is the author and the controller of the whole universe. He cannot be said to be endowed with a form, much less a body. When he talks of God to be personal he means that God is not IT in relation to man, but always the highest and transcendent Thou. To describe God as personal means that God is a self-conscious spirit – a Being whose existence is to be conscious, to experience, to think, to will to love and to control the ongoing of the universe. The law and order in the universe indicate that a personal mind is at work in the universe. All evidence for purpose, adaptation of means to end in nature is an evidence of a personal God. God's inconceivability remains intact when we regard him to be personal. Thus, what He is, we do not know, but as He stands to us, we can know Him to be personal. He describes God in personal terms, "...nothing bears real existence except by the volition of God." ⁷

".....my motives are acceptable to that Being who beholds in secret and compensates openly" ⁸ are statements which impute volition and personality to God. The personality of God is not like the human personality of God.

Religion is essentially a human endeavour. Just as religion presupposes a definite conception of God, it presupposes a definite conception of man also. Ram Mohan describes his religion in the following words: "In conformity with the percepts of our ancient religion, contained in the Holy Vedants, though disregarded by the generality of moderns, we look up to ONE BEING as the animating and regulating principle of the whole collective body of the Universe, and as the origin of all individual souls which in a manner somewhat similar, vivify and govern their particular bodies, and we reject idolatry in every form and under whatsoever veil of sophistry it may be practiced, either in adoration of an artificial, a natural, or an imaginary object. The divine home which we offer, consists solely in practice of Daya or benevolence towards each other, and not in a fanciful faith or in certain motions of the feet, legs, arms, head, tongue or other bodily organs, in pulpit or before a temple." ⁹

Ram Mohan Roy was a religious reformer rather than a precursor of any new religion. In his prefaces to the various works connected with religion, he repeatedly insists that his mission is simply to free the Hindu religion from the corruptions that have crept into it. His approach to the scriptures is not devotional but rational. He wants revival of the ancient religious tradition in its pristine form – unspoiled by the innovation made by the cunning priests. As such he rejects idolatry and recommends worship of 'the incomprehensible' 'unknowable' and 'formless' God. Ram Mohan's approach to the scriptures is characterized by reason and common sense. In his view, what is against reason and what is repulsive must be rejected. Ram Mohan never suggested that man should become 'other worldly' for pursuing a religion. The aspirer is not permitted to neglect his social and other obligations of life. His ideal in religion is a 'Brahminist Grihastha' i.e. a householder devoted to God. His religious philosophy aims at securing happiness here and hereafter. Ram Mohan was the first thinker on Indian soil to have thought about religion from a rational angle.

References

1. J.C.Ghosh *The English Works of Raja Ram Mohun Roy*, Bengal Press(1906) part II,p.52
2. *Father of Modern India* H.C.Sirkar ,Brahmo Mission Press.(1910) part II , p.1.

3. S.D.Collect, *The Life and Letters of Raja Ram Mohun Roy* (1900), p.372.
4. J.C. Ghosh *The English Works of Raja Ram Mohun Roy*, Bengal Press(1906, part II, pp. 87-88
5. Ibid.,p.46
6. *The English Works of Ram Mohan Roy*, Ghose .J.C. part II, p. 146
7. Ibid., p.47.
8. Ibid. p.61.
9. Ibid.,pp.188-89.