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# EFFECT OF TRAINING ON EMPLOYEE PERFORMANCE – A STUDY IN BANKING SECTOR WITH REFERENCE TO ANDHRA BANK



On the Job Training and off the Job Training is a very important aspect of human resources management which must be embarked upon either proactively or reactively to meet any change brought about in the course of time. The rationale behind it is to web the job and the job-holder together to achieve the organizational objectives.

Banking sector of India is characterized by the high competition and in order to survive in the Market place, employers have understood the need for ongoing training and development to equip their employee to better cope up with the demands of the dynamic environment today. Banking is one of the most sensitive businesses all over the world. Banks play very important role in the economy of the country. Banks are custodian to the assets of the general masses. The banking sector plays a significant role in a contemporary world of money and economy. It influences and facilitates many different but integrated economic activities like resources mobilization, poverty elimination, production and distribution of public finance in form of purchasing of car or building of a home bank are always there to serve you better. It is play ground or any educational or healthy societal activities the money of banks nurtures them. It is an industrial project or agricultural development of the country the sponsor-ship of banks is very much involved. Banks play very positive and important role in the overall economic development of the country. Employees are major assets of any organization. The active role they play towards a Bank's success cannot be underestimated. As a result, equipping these unique assets through effective training becomes imperative in order to maximize the job Performance also positions them to take on the challenges of the today's competitive business climate. Although extensive research has been conducted in the area of Human Research And Total Quality Management, the same cannot be said on employee training especially as it concerns developing countries i.e., India .

**RATIONALE OF THE STUDY:** The purpose of this paper is to evaluate, examine, and determine the far-reaching effect of training on Employee performance using the Banking Industry in India (Hyderabad) as a case study.

In order to understand the study aim, four goals were developed and these focused particularly on Identifying the training programs' existing in the industry, the objective of the training offered, the methods employed and finally the effects of training and development on Employee performance.

The study is based on a qualitative research approach of the data collection was adopted using a questionnaire comprising of 15 questions distributed to 5 respondents. Based on this sample the results obtained indicate that on the job training & off the job training have a clear effects on the Performance of employees. In addition, training is seen as a useful means of coping with changes fostered by technological innovation; market competition, organizational structuring and most importantly it plays a key role to enhance employee performance

## **BACKGROUND OF THE STUDY:**

Organizations are facing increased competition due to globalization, changes in technology, political and economic environments. The economic development of most developed countries such as Britain, Japan, China and United States of America can be attributed to the important role that its human resources have played. The government is already taking adequate steps to ensure that people acquire the necessary knowledge and skills therefore prompting these Banks to train their employees as one of the ways to prepare them to adjust to the increases above and thus enhance their performance. It is important to not ignore the prevailing evidence on growth of knowledge in the business corporate world in the last decade. This growth has not only been brought about by improvements in technology nor a combination of factors of production but increased efforts towards development of organizational human resources. It is, therefore, in every organizations responsibility to enhance the job performance of the employees and certainly implementation of training and development is one of the major steps that most companies need to achieve this. As is evident that employees are a crucial resource, it is important to optimize the contribution of employees to the company/government organization's aims and goals as a means of sustaining effective performance. The question that may arise in many instances is why human resources are important. Bearing in mind that human resources are the intellectual property of the firm, employees prove to be a good source of gaining competitive advantage in the banking sector to cope up with all the globalism challenges successfully.

## **PURPOSE OF THE STUDY:**

The purpose of this study will be found out issues of On the job training and off the job training of employees and how it affects the performance and development of Andhra Bank Technologies changes are very rampant in the banking industry e.g. the introduction of electronic fund transfer, e banking, mobile banking etc. This has led to the need for improving the employees training in the banking sector, as per improved technology so as to provide quality services to the bank 'customer as well as to avoid error that will lead the bank to undergo losses and thereafter failing to meet it customer needs. This will make the customer to lose their confidence with bank.

### **OBJECTIVE OF THE STUDY:**

1. To ameliorate the performance of Government Banks in India
2. To ensure quality and effectiveness of On-the-Job training and Off-the-job training of personnel working in the Government Banks

### **ASSUMPTION OF THE STUDY:**

This study shall assume that;

1. The various employees of Government banks have undergone various different levels of training
2. Every Government bank experience technological changes that require more skilled personnel in its detail activities
3. Employee performance at various places affects the bank performance
4. Every Government bank employee must have undergone some training at his/her time of hiring

### **LIMITATION OF THE STUDY:**

- 1) This study will only cover Andhra Bank ; therefore the findings shall not apply to the other part of the country where the kind of problem exists.
- 2) The study deals only with On the Job Training and Off the Job training of employee 's of Andhra Bank ( Hyderabad ) Located in Campus of Symbiosis International University Hyderabad Campus, Mamidipalli ,Kothur Mandal ( Mahabubnagar District)

### **DELIMITATION OF THE STUDY:**

The following are the delimitation associated to the study.

- 1) The study will not disclose the name of the employees and their position at work because most individual would not like their educational and work information to be made public.

### **THEORETICAL FRAMEWORK:**

This study is based on the theory of "Variance in thinking capacity 1859". This theory explains how every individual person is born in different thinking capacity. If different people are given the same task which is totally new to each of them, each of them will come up with his own way of performing the task unless all of them have been trained on doing it in a particular way.

This theory is relevant to this study because even the Government bank employees are just normal human beings who unless trained on doing something in a particular way, they will do it according to go their thinking which may cause great harm to the organization, like failure

These factors which form the inventing variables of the study include:

1. Technological improvement /changes
2. Increased productivity
3. Increased customer etc.

When these factors arise employees are subjected to great obligations which require more skills. Unless trained further, employees will find it difficult to undertake this added obligation thus causing underperformance. This will cause negative effects to the bank such as:

1. Declined in productivity
2. Decreased Customer
3. Decline in profit

This will lead to underperformance of the bank hence failure and collapsing of the bank.

On the other if those factors arise they are embraced by the Government bank's through subjecting their employees to further training. It would result positively to the bank i.e.:

1. Improvement in productivity
2. Increased customer
3. Increased profit

These will than lead to improved profitability hence On the Job and Off the Job training of employee's will be helpful for development of the bank.

## QUESTIONNAIRE WHICH IS ADMINISTERED TO ANDHRA BANK IS AS BELOW :

Findings from the survey conducted in Andhra Bank ( Hyderabad) Mamidipalli

*Dear Madam/Sir,*

*We are the students of BBA-LLB ( 2<sup>nd</sup> year ) Symbiosis Law School Hyderabad. As a part of my curriculum( HRM PROJECT ) I am doing my project in your Bank ( Andhra Bank) (please give your views/opinions to the questions given below about on the job training and off the job training in government agency . The information provided by you will be kept highly confidential& will be used by me strictly for an analysis only.*

1. *What do you understand by training?*

- a) Learning*
- b) Enhancement*
- c) Sharing information*
- d) All the above*

2. *Training is must for enhancing productivity and performance?*

- a) Completely agree*
- b) Partially agree*
- c) Disagree*
- d) Unsure*

3. *Do you feel training program is compulsory for the employees?*

- a) Yes*
- b) No*
- c) Can't say*

4. *From the following training methods under which training method you have trained?*

- a) On the job*
- b) Off the job*
- c) Both*

5. *Did you attend the training program before induction in the organisation?*

- a) Yes*
- b) No*

6. *If you trained under on the job training method then from the following method which method you had undergone?*

- a) Job rotation*
- b) Coaching*
- c) Other*

7. *If you trained under off the job training method from the following method which method you had undergone?*

- a) Lecture method*
- b) Vestibule method*
- c) Other*

8. *From the following training programs which type of training program you had undergone?*

- a) Internal*
- b) External*
- c) Both*

9. *Your opinion about improvement of knowledge after training program?*

- a) Yes*
- b) No*

10. *Whether training is relevant to the needs of the organisation?*

- a) Yes*
- b) No*

11. Are you satisfied with the effectiveness of training program?

- a) Excellent
- b) Very Good
- c) Average
- d) Poor

12. Do you think that the feedback can evaluate the effectiveness of training program?

- a) Yes
- b) No

13. What should be the ideal time to evaluate training?

- a) Immediate after training
- b) After 15 days
- c) After 1 month
- d) Can't say

14. Is the whole feedback after training worth the time, money, effort?

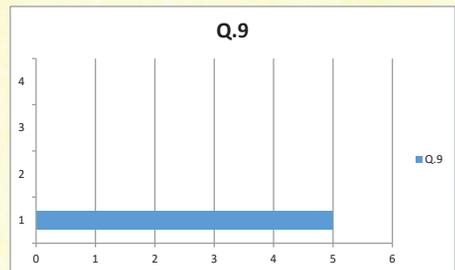
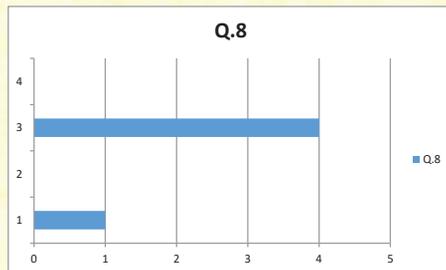
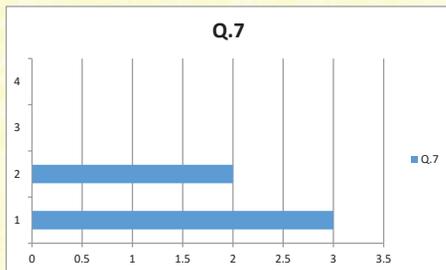
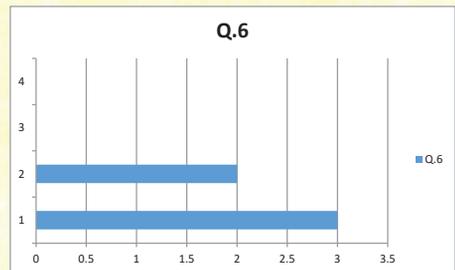
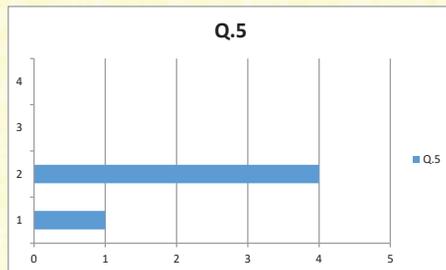
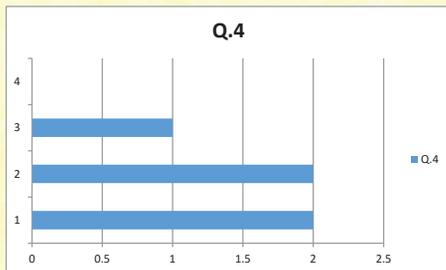
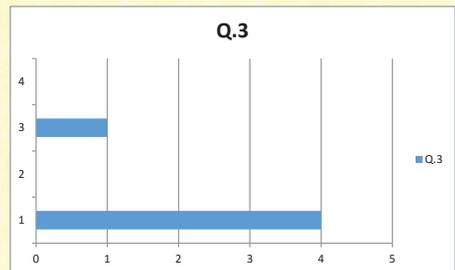
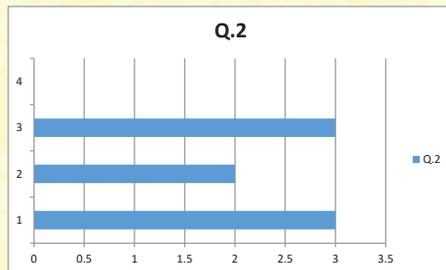
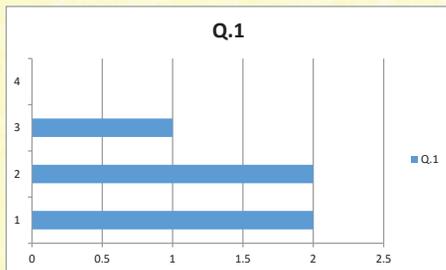
- a) Yes
- b) No
- c) Can't say

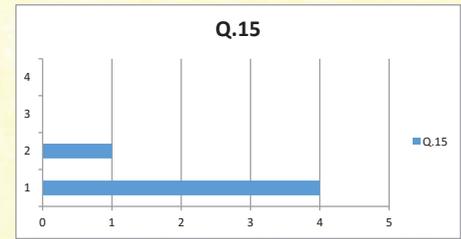
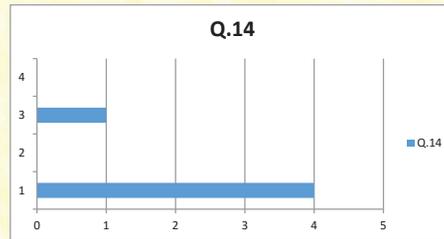
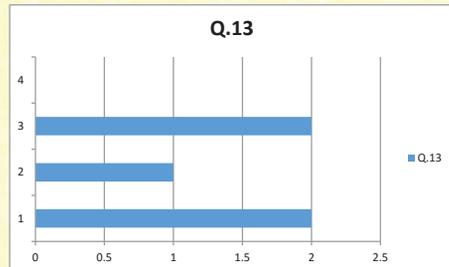
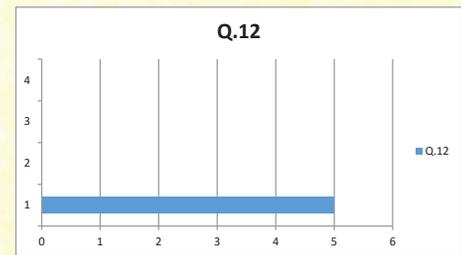
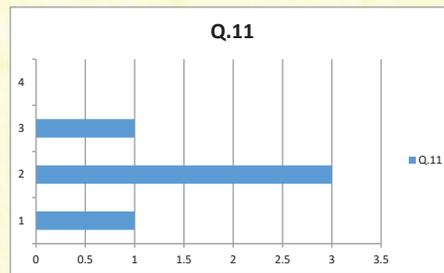
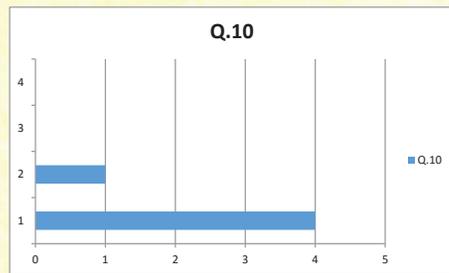
15. Do you like to attend the training program?

- a) Yes
- b) No

**FINDINGS FROM THE SURVEY :**

This section will present the findings from the survey, using the statistical tools and methods chosen for data analyses with summarized analysis on the results. Problems such as secrecy and indifference on the part of respondents were limitations in the collection of data. Since the bank is a Government organization, there was a approval required for the survey to be done had to go through the head managers of the bank. As a result of this, it took a long time before permission was granted for survey to be done. 5 respondents have attend the said survey .Because the staff required here in mamidipalli ( Village )





## CONCLUSION

Andhra Bank has training programs for its employees. Specifically, it has an in house training program which was introduced from the inception of the bank. All employees no matter their qualification, age or rank consistently go through in-house training. Training has been effective with its core objective being to improve individual and organizational performance as can be seen from the improvement in returns per unit invested in expenditure as well a consistent increase in income and profit. The training program is structured, planned and systematic and has resulted in improvement in skills, efficiency and performance as well as the acquisition of new skills and knowledge. Training has had an effect on the performance of the firm with increased profits and income as well as an increase in income per unit of expenditure invested. Andhra Bank however, should consider the possibility of other training programs besides its In house one so as to ensure that the bank is abreast with developments in the sector and globally as well as providing options for its employees and providing the benefit of choice. Since it was discovered that not all employees were motivated with the current training programs an increasing of available options can help to tackle this. Competition in the banking sector in Pakistan continues to increase with the continuous emergence of new players. Thus, it is important for banks to invest if they intend to stay ahead of their competitors. Quality of human resource impacts the competitive edge of businesses in the service sector. As the banking sector continues to evolve, especially after the current financial crisis, it is important that banks place their employees in a position to enable them adjust to changing trends. One way of doing this is through frequent training. The structure of training programs, their objectives and benefits discussed in the analysis affirms the theories identified in the literature. Training programs are planned and systematic as also identified by the theories in the literature. It was also established in the literature that the fundamental objective of training is to achieve both individual and bank performance. This was affirmed in the results as respondents identified that the basic objective of their training is to improve both employee and bank performance.

## RECOMMENDATIONS

Andhra Bank current in-house training program is effective but the Bank should also consider enabling employees to further their studies to improve their qualifications. It should also continue with its in-house program with periodic analysis of the program to ascertain its effectiveness, the certainty that the program caters to the specific needs of its employees and that program is in line with developments of the time. It is important for the Andhra Bank to understand that training does not have an impact on just employee performance but on a firm's overall performance. There should be a willingness thereof, to invest in employee training with the understanding that it is an investment that will yield returns



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# THE SPECIAL STATUS OF JAMMU AND KASHMIR(ARTICLE 370) – A STUDY

## Introduction

The fight over Jammu and Kashmir (hereinafter “J&K”) has been going on for decades and there still seems to be no proper solution to it. Even though India has provided a special status to J&K, there still have been various conflicts between the Pakistani militants and the Indian army. J&K is not an independent state and neither does it completely belong to one country. 60% of it is a part of India, 30% is a part of Pakistan and the remaining 10% is a part of China. Wars have taken place in history over J&K's accession to either of the countries. But earlier in 1947, Maharaja Hari Singh signed an instrument of accession stating that they accede to India but nevertheless, the wars and conflicts have still not ended. To justify the same, requires a detailed look into the status of Jammu and Kashmir before Article 370 had been drafted and the various developments that took place in that period of time.



## History

The conflict arose when India was gaining its freedom wherein J&K was supposed to decide whether they wish to be a part of India or part of Pakistan or if they want to be an independent state all together? This was called the “Lapse of Paramountcy”. Maharaja Hari Singh wished for J&K to be an independent state but Mountbatten felt there would be great dangers attached to the security of the state then. He went on to discuss with Maharaja that India would not raise issues if J&K were to accede to Pakistan but they must decide before 15th of August. However, once India was gained its independence, J&K had yet not decided whether it wished to belong to the dominion of India or Pakistan. It was very evident that Pakistan wanted J&K at any cost and hence started to surround the

borders of J&K. Maharaja Hari Singh still did not realise the gravity of the situation if Pakistan invades J&K. Sheikh Abdullah, despite of having an education up to MSc was not given employment in the government of J&K and questioned the Maharaja as to why there was a majority of Hindus in the government? He stood by India all along and led people to believe in secularism. In 1946, he started a “*Kashmir chodo andolan*” against the Maharaja and was arrested for the same. In 1947, Jawaharlal Nehru released him as India needed his support. Maharaja was insisting upon independence of the state and did not wish to accede to either India or Pakistan. But Mohammad Ali Jinnah was against independence.

Meanwhile, in 1947, Pakistan had broken the stand-still agreement and had stopped all supplies of wheat, petrol and clothes and it attacked Kashmir with armed troops. The closer they got to Srinagar, they started to kill and rape women and looted everything they could see. They did not just target Hindus but also Sikhs and Muslims. At this juncture, Maharaja Hari Singh appealed to Indian Government to send the Indian army. While talks went on in India, V P Menon, the defence secretary, asked Maharaja to leave for Jammu so that the Pakistani troops do not brainwash him into acceding to Pakistan. Lord Mountbatten was adamant that help shall be provided to J&K only if they become a part of India and Kashmir at this point was an independent state. The condition for help was that the Maharaja must sign the Instrument of Accession first.

The Maharaja signed the Instrument of Accession and J&K was now a part of India. India being responsible for saving J&K felt they did not have enough resources to do so. But Sardar Vallabhai Patel, the Deputy Prime Minister, believed that Kashmir might turn against us if we do not provide help now. So it was collectively decided to send the troops and that the law and order would be reinstated. The governor general of Pakistan- Jinnah felt betrayed by the alliance of Kashmir with India and asked General Gracie to take control of the Srinagar airport so that Indian troops do not get through. Now that Kashmir was part of India, this move would have meant an open war with India and hence he refused to follow Jinnah's directions. When Lord Mountbatten had a talk with Jinnah, Jinnah proposed that if the Indian troops are withdrawn then he would call off the Pakistani troops. While such discussions took place, Jawaharlal Nehru made a speech stating that the Kashmir issue will be discussed in the U.N and plebiscite will take place with the support of U.N. Jinnah was against the idea of involving the U.N. Soon, the issue became a question of whether India started the fight or Pakistan as Pakistan refused to take responsibility for the attacks. Sheikh Abdullah was against Pakistan and went against the Pakistani troops. Maharaja Hari Singh made him the Prime Minister at this time. Eventually India and Pakistan accepted U.N. proposals and ceased fire. India withdrew its troops from all the areas it had occupied. Those areas are till date referred to as “India-occupied Kashmir” by Pakistan and the parts that had been occupied by Pakistani troops is called as the “Pakistan-occupied Kashmir” by India. The cease fire line has been termed as “line of control”. There have been three major wars between India and Pakistan namely Indo-Pakistan war 1947 also known as First Kashmir war, Indo-Pakistan war 1965 and the Indo-Pakistan 1999, popularly known as “Kargil war”.

This paper will look into why there was a need to give Jammu and Kashmir a special status in the constitution of India under Article 370 and why does J&K have a separate constitution for them and separate laws for them? It will analyse the provisions of Article 370 and what are its pros and cons i.e. whether it should be continued or abolished?

### **Article 370: Scope**

Article 370 is a special provision with regards to Jammu and Kashmir, hereinafter, J&K, that lays down specific laws to govern certain aspects of the state temporarily. The most important aspect of this provision is that it is a “temporary provision”. According to the instrument of accession signed by Maharaja Hari Singh on 26<sup>th</sup> October 1947, the matters regarding defence, external affairs, communications and other ancillary matters such as election to the Dominion Legislature subject to the provisions of the Act, offences against laws and inquiries and statistics concerning with the earlier mentioned matters and jurisdiction as well as powers of all courts with respect to above mentioned matters, shall be matters that shall be under the purview of the Indian legislature or the dominion legislature and in such matters it shall have the power to make laws<sup>1</sup>. This instrument of accession was accepted by the Governor-General, Louis Mountbatten on 27<sup>th</sup> October 1927.

Back then, in 1950, it was not clear as to how the relationship between India and the State of J&K may be due to Pakistan trying to take over the State and the Ruler of the state wanting to be an independent state. However, after the instrument of accession it became tough to claim the entire state as part of India due to Pakistan’s intrusion. Therefore, Article 370 exists so that the constitutional position of the state through Indian Union can be amended as and when there is a necessity to do so without facing much difficulty.<sup>2</sup>

### **Applicability of Indian Constitution in J&K**

Jammu and Kashmir has its own Constitution which lays down the framework of the government of the State separate from the Constitution of India. It was adopted on 17<sup>th</sup> November 1956 and came into effect on 26<sup>th</sup> January, 1957. The Indian Constitution is not applicable on J&K excepting a few provisions due to the special status given by Article 370. The Directive Principles of State Policy from the Indian Constitution shall not apply to the State because they have their own goals and directions for their Government. The fundamental rights guaranteed under Indian Constitution shall also not be applicable to their Constitution as they have their own Fundamental rights including Right to Property which has been quashed from Article 19(f) in the Indian Constitution. Nevertheless, specific provisions of the Indian Constitution shall be applicable onto the State.

Article 3<sup>3</sup> of the Constitution cannot be applicable to the state but as per Article 370(1)(c) Article 1 which talks about the name and territory of the union, includes States that are a part of the First Schedule which in turn includes Jammu and Kashmir. Hence, Article 1 and 370 of the Constitution shall apply to the state.

The special status given to the State has the following characteristics:

- 1.) J&K has a higher measure of autonomy and power compared to other States in India.
- 2.) The Centre’s jurisdiction in J&K is limited compared to its power in other States.

As per Article 370(1)(b), the Parliament can make laws for the State only with matters that come under the purview of the Union List and the Concurrent List. Further in the lists, laws can be made for the State only for matters regarding defence, external affairs and communications as specified in the instrument of accession. Laws for additional entries under the two lists may be made by the President of India only in consultation with the State Government of Jammu and Kashmir. Therefore, the jurisdiction of the parliament is limited to the Union List and the Concurrent List only. Apart from those matters, the State has autonomy in its matters.

Under clause (1) (d) of the Article, it clearly mentions that any other provision of the Constitution shall apply or any modification may be made by an order of the President of India but no such order shall be made without the consultation of the State Government and without their concurrence if any such matters are regarding matters not mentioned in the instrument of accession. In a case ,<sup>4</sup> the Supreme Court gave a wider meaning to the word “modification” and stated that it includes amendments and shall not be limited to a meaning that will not make any “radical transformation”. Therefore, if any amendment is made under the Indian Constitution, it shall not automatically be applicable to J&K without the concurrence of the State Government.

<sup>1</sup> [http://www.jammu-kashmir.com/documents/instrument\\_of\\_accession.html](http://www.jammu-kashmir.com/documents/instrument_of_accession.html)

<sup>2</sup> S.M.S. Naqishbandi v. ITO, Salary Circle, AIR 1971 J&K 120

<sup>3</sup> Formation of new States and alteration of areas, boundaries or names of existing States: Parliament may by law

(a) form a new State by separation of territory from any State or by uniting two or more States or parts of States or by uniting any territory to a part of any State;

(b) increase the area of any State;

(c) diminish the area of any State;

(d) alter the boundaries of any State;

(e) alter the name of any State;

<sup>4</sup> Puranlal Lakhanpal v Union of India, AIR 1961 SC 1519

Clause (2) states that if the State Government gives its concurrence to a certain order before the Constituent Assembly does, for the purpose of framing the Constitution, the order must be placed before such Assembly for their decision. But the Constituent Assembly does not exist anymore which makes this clause void. Hence, Article 370 (2) has exhausted itself.

With developments taking place, many matters of the Indian Constitution that do not appear in the instrument of accession also apply to the State. The provisions of the Constitution that relate to the Central Government apply to the State as well with few modifications. The State has six members in the Lok Sabha who are elected directly by the people of the State themselves. Article 139 that talks about “Conferment on the Supreme Court of powers to issue certain writs” and Article 135 which deals with “Jurisdiction and powers of the Federal Court under existing law to be exercisable by the Supreme Court” specifically do not apply when it comes to the application of jurisdiction of the Supreme Court. Except these two provisions, the jurisdiction of the Supreme Courts extends over the State.

Since J&K has their own Constitution, the provisions relating to State Governments in India i.e. Legislature, Executive and High Courts do not apply to the State of J&K. There are only a few exceptions to this concerning the High Courts:

- The Judges of the State High Court can be removed from office like the Judges of other High Courts.
- Restriction on retired High Court Judges to plead and act before any Court or authority except the Supreme Court and other High Courts apply to the Judges of the State High Court.
- A Judge may be transferred to or from the State High Court after consultation with the Governor.
- The State High Court has been given power along with the Supreme Court of India to issue writs for the enforcement of the Fundamental Rights. This is similar to the power given to the High Courts under Article 226 but the difference is that the writs can be issued only for enforcement of Fundamental Rights and no other purpose.<sup>5</sup>

The Parliament has the power to legislate matters under List I and List III except for those matters specifically excluded. This means that all the rest of the legislative power lies with the State Legislature. There can be no treaty signed by the Parliament that may change the constitution of J&K without the consent of the State Government. There will be no effect on the State if Article 352(!) has been imposed i.e. Proclamation of Emergency unless it is regarding distributing revenue unless the State Government requests for it or consents to it. Financial Emergency as per Article 360 shall also not apply. There can be no re-organisation of the boundaries of the State by the Parliament without the consent of the State Legislature.

When it comes to the election procedure, the Election Commissioner has jurisdiction over elections in that state under its Constitution and any election petitions in the State shall be heard by the High Court from where an appeal may be filed in the Supreme Court. Any rule regarding Minorities shall not apply to the State except those regarding the Schedule Castes and Backward classes and seats must be reserved for Schedule Castes in the Lok Sabha.

An amendment in the Indian Constitution made under Article 368 has no effect in the State unless applied by President Order with State Government’s consent as per Article 370(1). The amendment procedure in J&K is governed by Article 147 of their Constitution and it states that the amendment procedure may be initiated by introducing a bill in the Legislative Assembly and the bill is passed in both the Houses by a majority of not less than 2/3rd of the total membership of that House. In furtherance to this, the bill is then presented to the Sadar-i-Riyasat i.e. the Ruler of the State for his assent and when the assent is given, the Constitution stands amended.

Like stated earlier, the Directive Principle of State Policy of the Indian Constitution shall not be applicable to the State of J&K and neither will the Fundamental Rights excepting a few with certain modifications. For eg: Article 22 is modified to the extent that the power of legislation regarding preventive detention vests in the State Legislature and not in the Parliament.

Considering the above provisions that have been included in the Constitution of J&K through Article 370 by way of the Presidents’ order with the consent of the Government of the State. There is no limitation as to the power of the President in relation to one or two provisions of the Constitution from the remaining. Such changes occur due to the consensus of the Government of India and the State due to the mutual benefit.

### **Current Status of Article 370**

Since this Article is temporary in nature, Clause (3) of the Article states that the President of India can declare this Article to have ceased to operate or shall operate with certain exceptions and modifications by way of a public notification provided the President before issuing such notification consults the Constituent Assembly and its recommendation shall be “necessary”. Since there Constituent Assembly in the State no longer exists, clause (3) becomes unable to operate and hence invalid. If the same clause is not applicable, the process of amendments shall have to be put to a standstill. It is argued that the amendments

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<sup>5</sup> Chapter XVII, Sec B, Page no. 808 of Indian Constitutional Law, 7<sup>th</sup> edition by *M P Jain*

may be made under Article 368 of the Indian Constitution due to the absence of the Constituent Assembly. However, this way the amendment may be done without the concurrence of or consultation with the State Government.

### Conclusion

Maharaja Hari Singh wished to have an independent State but both India and Pakistan wanted the State to be a part of their country. It was only when Pakistan invaded J&K, Maharaja Hari Singh acceded to India to a certain extent and due to a lack of positive vision of the relationship between J&K and India, a special provision was made i.e. Article 370 and the State was given a large measure of autonomy. This was the situation decades back. The circumstances are different now, and since India believed in equal status to all and all the States in India are functioning as per the Indian Constitution, it seems unfair to all other states to give J&K so much autonomy. Due to Article 370, the President with the consent of the State Government of J&K have already included many provisions of the Indian Constitution in the Constitution of J&K. It is my opinion that the arbitrariness of the autonomy given to the State of J&K will be eliminated if Article 370 which gives a special status to the State ceases to operate and is removed from the Constitution of India.



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## EMERGENCY PROVISIONS IN INDIA – A LOOK

### INTRODUCTION

Sixty-six years ago, India has experienced a drastic change due to an overwhelming gift-‘The quasi-federal Constitution’, by the Constitution makers with the leadership of Dr. B.R. Ambedkar. Although apparently it seems like a federal character, but if we delve deeper into the nature of the Constitution, undoubtedly any expert will not hesitate to call it as a Constitution having quasi-federal character. The one of the probable reasons behind such character is the presence of Emergency Provisions. ‘Emergency’ as defined in the Black’s Law Dictionary<sup>6</sup> is ‘as a failure of social system to deliver reasonable conditions of life’. From the Constitutional view, the term ‘Emergency’ can be defined as the circumstances that are arising suddenly calls for certain action by the Public authorities under the powers imposed on them.”<sup>7</sup> In the Indian Constitution, the Implementation of the Emergency provisions is the distinctive feature that vests complete Union executive and legislative control over the States during specific situations. The Emergency provisions were added in the Part XVI of the Indian Constitution with an objective to promote the social as well as economic justice through expounding a number of affirmative measures for socially and economically disadvantaged parties. Dr. B.R. Ambedkar while stating about the purpose of the inclusion, agreed that the magical feature of our Constitution was that except the period of Emergency, it would remain as a complete federal system. During Emergency, the federation of India has the sole power to procure the strength of the unitary power of the Government, the fact that was taken from the Weimar Constitution of Germany. For example, in a federal country, the citizens are guaranteed some birth-rights which have no existence in a country having unitary system. Hence, in spite of the existence of the Fundamental Rights, the center is allowed to curb the liberty and rights if the citizens except Right to life (Article 21) only. But what was the need of adding the unitary features like emergency provisions with the federal characters? The justification given by the Drafting Committee of Indian Constitution is that India is a diverse country with huge area like a sub-continent, a large number of multi-lingual people and their different social as well as economic status. Therefore, due to the enormous diversity, security and stability of the Nation and its Government could not be ignored easily. Thus the Emergency provisions have been added, which were also stemmed from the Government of India Act (1935) apart from the German Constitution. Hence, back to the Constitution, during emergency, the State Government has no authority to control the situation. All the power will be vested in the Union which also threatens the nation as an arbitrary use of power and the curtailment of State’s power. Numerous instances took place in the Indian Political Scenario where the Emergency provisions have been misused as a weapon of arbitrary power resulting to the breach of rule of law. Hence, with the passing of time, the conflict regarding effectiveness of emergency provisions is growing gradually.



### CONSTITUTIONAL BACKGROUND OF THE EMERGENCY PROVISIONS

“If at all they are brought into operation, I hope the President, who is endowed with these powers, will take proper precautions before actually suspending the administration of the provinces.”<sup>8</sup>- The above words were come out from the mouth of none

<sup>6</sup> The black’s law dictionary,9th Edn

<sup>7</sup> Constitution of India, 1949

<sup>8</sup> Dr. B.R. Ambedkar, Constituent Assembly Debate, 4th August, 1949

but the Great Drafter Dr. B.R. Ambedkar after the implantation of the emergency provisions in the Draft Constitution on 4th August, 1949. The foundation of Rule of Law, AV Dicey considered the federal form of Government as a weak form of Government where the whole nation is divided by powers and authorities. In order to strengthen a nation, unity and integrity should be maintained throughout the whole nation instead of separating one authority from another. But it cannot be denied that being a Unitarian Country curbs the autonomy of the state Governments as well as provokes the Centre to misuse its arbitrary power over the states. Therefore, during the Drafting of the Constitution, the main purpose of the Constitution makers was to provide such a unique Constitution containing the federalism along with a little bit unitary character resulting to brace the security of the nation. Borrowing Emergency Provisions from the Weimar Constitution of Germany is the fruitful achievement of the said purpose. Article 48 of the Weimar Constitution of Germany therefore helped to form the basis of the emergency provisions implemented in the Indian Constitution. As per the proviso of Article 48 of the Weimar Constitution, the President was authorized to promulgate the emergency process without consenting the citizens. Also, by declaring the emergency, the Presidency had the absolute power to suspend the fundamental rights of the citizens. This 'ill-fated' procedure flashed in our Drafters' brain as a safeguard of the citizens from the insecurity or power attacks. But fate had not been over till then rather it was the beginning of irony. Not only to provide the security to the whole nation, the members of the drafting committee desired the Centre to interrupt into the states' internal disturbances without consulting with the concerned stated Government itself although the chairman himself was not happy with it.



Dr. Ambedkar, being a democrat by birth, always believed that the laws should be based on the fair play and contrary to the arbitrary use of power. As the Chairman of the drafting committee of the Constitution of India, he was compelled to agree with the center's dominance over the states. He visioned this decision as a dead letter and inoperative at all. What was the decision then, is the provisions now.

### EMERGENCY PROVISIONS: CATEGORIZATION

Emergency provisions in India are contained in the Part 18 of the Indian Constitution which have been faced a lot of rancorous criticisms since the enforcement of the Constitution. Numerous debates, discussion and meetings have been conducted by the Constituent Assembly regarding the effectiveness of the emergency powers enshrined in the Constitution.

As of now, there are three types of emergency covered in the Part 18 of the Indian Constitution –

1. National Emergency provided in Article 352;
2. State Emergency provided in Article 356, and
3. Financial Emergency provided in Article 360 of the Constitution of India.

### NATIONAL EMERGENCY: A DETAILED STUDY

26<sup>th</sup> October, 1962 – 10<sup>th</sup> January, 1968; a period contributes one of the most crucial roles in the Constitutional History of India. This approximate 6 years period was a terrible instance for the citizens of India because the first National Emergency was declared during this long period on the ground of the security of Indian Territory endangered by the external aggression arising from the Indo-China War. Till now in India, National Emergency under Article 352 of the Constitution has been imposed only three times. In 1971, again the National Emergency was declared for the second which was also promulgated for maintaining the security of the nation threatened by the external aggression of the Indo-Pak war. National Emergency can be declared on the three conditions namely, War, External Aggression and Armed Rebellion. The third condition "Armed Rebellion" plays another significant factor for the promulgation of the third national emergency on India. In 1975, the then Prime Minister Indira Gandhi was accused on the ground for misusing her power in the electoral process, because of which in the case of "**Indira Gandhi vs Raj Narain**"<sup>9</sup> (check the picture above), the Allahabad High Court found the Indira Gandhi as guilty and instructed to bar her from contesting the election polls. In order to secure her seat, Indira Gandhi strategically introduced the 39th Amendment Act, 1975 vesting the power to hold the entire election process with the Prime Minister instead of the President. Also, National Emergency was declared by her from 1975 to 1977 for which the reason of "Internal Disturbances" being a vague reason was projected, although in realm the political instability of the then India was the only reason behind it. To support this Amendment, Ms. Indira Gandhi again introduced 42nd Amendment Act (1976) during the emergency period by which it was held that no constitutional amendment act should be challenged or questioned before any court of law. But all of her strategies and tactics were quashed when the 44th Amendment Act was passed in 1978 empowering the President to promulgate the Emergency instead of the Prime Minister. Before 44th Amendment, Article 352 containing the National Emergency provisions, dealt with three grounds namely-

- (a) War
- (b) External Aggression and
- (c) Internal Disturbances

<sup>9</sup> AIR 1975 SC 2299

But the 44<sup>th</sup> Amendment Act replaced the ground “Internal Disturbances” into “Armed Rebellion” along with other changes. The drastic changes made by the said Amendment are:

1. Change of the Word “Internal Disturbances” into “Armed Rebellion”
2. The President is empowered to give assent for promulgation of emergency only after receiving the assistance by the Cabinet of Ministers including the Prime Minister in writing.
3. The Emergency declared has to last for 1 month, failing which, it ceases to operate.
4. If the Emergency is required to be continued, the resolution has to be passed by both the Lower and Upper Houses stating the extension of emergency period to 6 months; otherwise it will cease to operate further.
5. Again after 6 months; if the emergency is further required to extend, the resolution should be passed with a 2/3rd majority in Lok Sabha. But if 1/3rd oppose against the further extension of the period, in that case, they will have to submit it in writing to the Speaker of the Lok Sabha or the President of India provided that the Lok Sabha got dissolved.
6. If the resolution is received to the Speaker or the President, then within a 14 days period, a joint meeting will be conducted. If the proposed resolution is passed, then it will cease to continue.

### The Provisions of the National Emergency

Article 352 contained under the Part 18 deals with the provisions of proclaiming the national emergency throughout the whole nation. The main Provisions are summarized below:

1. If the President of India satisfies with an assent that a grave emergency exists as because the security of the whole nation or a part of the nation is endangered due to war, external aggression or armed rebellion; the President of India, by proclaiming the emergency, declares the National Emergency to the whole nation or any such part of the territory of India as specified in the Proclamation, which can be revoked by a subsequent proclamation.
2. The President must issue the Proclamation of Emergency as per the decision taken by the Union Cabinet Ministers including the Prime Minister in writing.
3. The Proclamation issued for Emergency by a resolution before both the Parliamentary shall be declared to last for 1 month, failing which, it ceases to operate. [When the resolution shall be passed by the Rajya Sabha, but not by the Lok Sabha before the expiry of 1 month period, the Proclamation of emergency shall be ceased to operate 30 days from the date of first sitting of the Reconstituted Lok Sabha.] If the Emergency is required to be continued after 1 month which revokes the previous proclamation, the resolution has to be passed by both the Lower and Upper Houses stating the extension of emergency period to 6 months; otherwise it will cease to operate further.

### Judicial Review of Presidential Satisfaction

*“There is no bar to judicial review of the validity of the proclamation of emergency issued by the president under Article 352(1)”* – The Hon’ble Supreme Court held in *“Minerva Mills v. Union of India”* case, whereas in the leading case of *“Rameswar Prasad v. Union of India”*, the Supreme Court itself held a different judgment in relation with the scope of Judicial Review: “There should be a limited Judicial Review as the effect of emergency is large which will broke the federal structure. So the limited scope is there as the question of security of nation is there.” In the leading case of *“Naga Peoples Movement of Human Rights v. Union of India”*<sup>10</sup>, the Bangladeshi Refugees were continuously entering into the various parts of Assam which was a certain kind of threat to the security of India. The issue was raised on



the ground of the validity of the AFSPA (Armed Forces Special Powers Act, 1958) and the Assam Disturbed Areas Act, 1955. The Supreme Court validated both the acts undisputedly, as these two acts maintained security of the part of the nation from the illegal migrants. In *“R.C. Cooper v. Union of India”*<sup>11</sup> case, the Court held another crucial judgment that the satisfaction of the President can be subjected to be reviewed by the Supreme Court on the ground of malaise intention.

### Effects Of Proclaiming National Emergency

Till now The Indian Citizens have experienced the national emergency three times. Although the first and second proclamation were imposed for the welfare of the nation, but the effect and impact envisioned by the critics were huge in measurement. The proclamation of National Emergency effected several spheres specified in Article 353 as follows:

1. **Extension of the Union Executive Power:-** Article 353A of the Constitution of India (1949) empowers the Union Executive authority to be extended over the states in the matter of directing any state within the territory of India.

<sup>11</sup> AIR 1970 SC 564

It shows the dominance of the union over the state during the emergency. The States have no power to challenge the directions of the union executive power before the Court after the emergency.

2. **Dominance of Union Legislative power over the State:-** Article 353B (ii) of the Constitution of India (1949) empowers the Parliament to lay down laws which will extend to any state during the operation of emergency.
3. **Over Fundamental Rights:-** The vital effect of emergency indicating the conversion of the federal Government into a grave unitary features for which the citizens suffer most is the suspend of fundamental rights of the individuals during the proclamation of national emergency. Only Article 21 is not suspended at the time of emergency as it protects the right to life and liberty of the citizens. In “*ADM Jabalpur v. Shivkant Shukla*”,<sup>12</sup> (*black and white photo above*) it was held that Article 21 is also suspended during the proclamation of emergency, but later the 44th Amendment overruled the Judgment and held that Article 21 cannot be suspended and Article 19 shall be suspended only in case of war and external aggression. But whatever decision has to be taken during the emergency cannot be challenged before the Court of Law which was decided in the “*Attorney General of India v. Amritlal*”<sup>13</sup> case. Also, Article 32 dealing with the issue of writs before the Supreme Court cannot be enforced at that time only except the writ of Habeas Corpus.
4. **Distribution of Revenue:-** Article 354 read with Article 268 to Article 279 deal with the matters relating to the distribution process of revenue providing that the President has the power to decide the distribution of revenue between the center and the states.
5. Extension of the duration of the Lok Sabha and the State Legislative Assembly
6. Duties of the Union to protect the States



### STATE EMERGENCY: AN EXAMPLE OF ARBITRARINESS

It has already been sixty-six years since Dr. Ambedkar expressed his opinion on the state emergency by addressing it as a “Dead Letter” only. Being the father of the Constitution, Dr. Ambedkar envisaged the future of the state emergency provisions in an appropriate way. Talking about the State Emergency, Article 356 of the Constitution expresses the spirit and characters of it. The provisions embodied in Article 356 are summarized below:

1. The President, being satisfied on basis of the report submitted by the Governor of a specific state where the Present State Government cannot be carried out due to some failure in the constitutional machinery, may proclaim (or revoke) and declare Emergency on that state and subsequently the President’s rule will be followed in that state.
2. During the proclamation of state emergency, the legislative as well as the executive powers of that state shall be exercisable and dominated by the Parliament and the Governor of the State respectively.
3. During proclaiming the emergency in a state, anything suspended by the President cannot be challenged before the High Court of that Particular State.
4. The emergency in a state can last for a maximum period of two months unless the resolution revoking the previous proclamation is passed within the said period by both the Houses and if the resolution has been passed by following the said procedure, then the emergency period will extend to 6 months. But during the issue of second proclamation, the Lok Sabha got dissolved and only Rajya Sabha passed the resolution; then the proclamation of the emergency will cease to continue to the 30 days from the date of first sitting of the reconstituted Lok Sabha.
5. But the proclamation of the emergency can operate till 3 years maximum.

The famous 44<sup>th</sup> Amendment Act (1978) also made some changes in the procedure to issue the proclamation of emergency in a state. The changes are as follows:

1. If any State wants to extend the emergency period beyond 1 year, then the two grounds should be considered by the President of India as well as the Governor of the State and the Houses of the Parliament:-
  - (a) It has to be shown that the National Emergency is already in force at that time,
  - (b) If the Election Commissioner of India satisfies that under Section 73 of Representation of Peoples Act, 1951 it is not possible to conduct the electoral process at this particular junction.

### State Emergency: A Dead Letter

Since the Independence of India, the state emergency has been declared 111 times till now whereas in 124 instances the president’s rule has been imposed over the concerned states. In the Constitutional History, Article 356 was misused by the

<sup>12</sup> AIR 1976 SC 1207

<sup>13</sup> A.I.R. 1994 S.C. 2179

political parties most effectively after coming into power. During the ninth General election in 1977, the Janta Party grabbed the power in the Centre whereas in the 9 states namely – Bihar, Haryana, Himachal, Karnataka, MP, Orissa, Punjab, Rajasthan and Uttar Pradesh; the Congress were in the power. The Janta Party by using Article 356 as a political weapon declared the state emergency in those 9 states illegally. There are several such instances where Article 356 has been used arbitrarily. The state of Punjab and Jammu-Kashmir had suffered the longest effect of President's rule and Governor's rule with a period of 4 years 8 months and 6 years 8 months respectively. Searching the terms like "number of landmark instances" and "State Emergency in India" in Google clearly portrays the grave situation of Indian Corrupt politics. The state of Manipur has made a record by facing the President's Rule 10 times and after that the position is secured by the Uttar Pradesh facing it 9 times. Consequently Punjab and Bihar secure their position after experiencing the President's rule 8 times. The center-state relations are therefore gradually going towards the destruction resulting to the death of federal spirit along with Constitutionalism. In 1966, during the time of the Prime Ministership of Indira Gandhi, Article 356 was imposed seven times between the periods of 1967-1969. Also, the irony again happened in between the periods of 1970-1974 when the President's Rule has been imposed approximately 19 times. Recently, in Arunachal Pradesh, the emergency was declared by the President Pranab Mukherjee, also, in Uttaranchal, the failure of constitutional machinery has been arisen. Therefore, numerous incidents exist in India where with the passing of the time, the Indian Government is deadly interpreting and using the words of Article 356 which ultimately proves the words of Dr. B.R. Ambedkar. A number of precedents the Country have observed where ill-use of the emergency powers have been highlighted in detail by the Judiciary. In "**Rameswar Prasad v. Union of India**"<sup>14</sup> which was related to the dissolution of Bihar Legislative Assembly, the Hon'ble Supreme Court held that the Presidential satisfaction for the dissolution of Bihar Legislative Assembly under Article 356 was unconstitutional based on the mala fide and superfluous grounds. Also, in the leading case of "**S.R. Bommai v. Union of India**"<sup>15</sup>, the High Court of Karnataka opined different statement in relation with the President's Rule in Karnataka and the emergency was declared unconstitutional. In "**State of Rajasthan v. Union of India**", the Supreme Court declared that the Presidential satisfaction cannot be challenged before the Court of Law.

#### **The Grounds of Issue of Article 356:**

1. Where there is no majority party Government,
2. Where the Chief Minister of any State has given his or her resignation,
3. Where there is no single party for the coalition of the Government, the President's Rule can be imposed until the election is re-conducted,
4. Where the security of the state is endangered,
5. When the State Does not follow the Union's directions (Under Article 357, the law i.e., amendment passed during emergency will cease to exist even after the emergency.)

As per the current provisions under the sphere of state emergency, it is open to challenge the irrelevant material submitted by the Governor to the President of India indicating the failure of Constitutional Machinery which can be questioned on the mala fide intention ground. But if the material is partly relevant then no challenge can be entertained by the Court. The President by proclaiming the emergency in a state can opt two alternatives. Either he imposed direct control on that state, or he employed the Governor of that state to be acted as his agent. In "**Badrinath v. State of Tamil Nadu**"<sup>16</sup> it was held that the power of the Governor is equivalent to that of the elected State Government during state emergency.

#### **FINANCIAL EMERGENCY IN INDIA**

Under Article 360 of the Constitution of India, another type of emergency has been provided and that is financial emergency which fortunately has not been declared till now in India. The term 'fortunately' has been consciously used as it empowers the President of India to check the financial property of each state resulting to reduce the salaries or allowances of the individuals of the nation or the particular state including the High Court and Supreme Court Judges on the ground of economic instability of the country or any part within its territory in a period of two months unless resolution passed by the both Houses for further extension.

#### **CONCLUSION & RECOMMENDATION**

Delving deeper into the detailed study of the effectiveness of the emergency provisions in India shows the drastic departure from the main purpose behind the implementation of the provisions. The critical analysis of the emergency powers brought the points into the limelight that instead of securing the nation, it provides insecurity to the people and ill-use of power to the union executives. The net outcome of this constitutional gift is to destroy the federalism as well as the constitutionalism itself. Through suspending the Fundamental rights time to time by imposing emergency unreasonably abolishes the democracy which is the fundamental of the existence of citizens' lives. When the Preamble itself shows the spirit of equality justice as well as supremacy of the people, then why such arbitrary character has been inserted in the Constitution gives no clue.

<sup>14</sup> AIR 2006 SC 980

<sup>15</sup> AIR 1994 SC 1918

<sup>16</sup> AIR. 2000 SC 3243

Why India is called as welfare state where the rights of the citizens cannot be even valued always? It is high time to settle down such controversies by checking the laws through an effective amendment. With these Regards, the recommendations given by the Sarkaria Commission should be considered as an appropriated instrument as per which the Governor should act as a caretaker of the State instead of working as an agent of the President. Also, where the powers are divided efficiently between the Center and States; the consultation with the States must be needed. These activities can only secures a nation and maintain the unity and integrity of the nation compared to following the huge and hectic proclamation procedure and misusing the emergency powers by the Union over the States. Besides, in order to deter the political parties from earning the political benefits by using these emergency powers, the judiciary should be authorized to review each and every action for the best interest of the citizens' protection and democratic rights. Hence, it can be desired that in order to prove the thoughts of Dr. B.R. Ambedkar as wrong, the provisions of the emergency powers must be used effectively in so far as to best sub-serve the common interest and the preservation of the Constitutional spirit.



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## THE JUVENILE JUSTICE (AMENDMENT) ACT, 2015 WITH SPECIAL EMPHASIS ON THE NIRBHAYA CASE – A COMMENT

### Introduction

The Juvenile Justice Act was formed on 2000. Since then it has undergone many changes. Earlier to that before independent The first legislation concerning children which came in 1850 was the Apprentice Act which provided that children in the age group of 10-18 convicted by courts were intended to be provided with some vocational training which might help their rehabilitation. It was followed by Reformatory Schools Act, 1897. The Indian Jail Committee (1919-1920) brought to the fore the vital need for square trial and treatment of young offenders. Its recommendations prompted the enactment of the Children Act in Madras in 1920. This was followed by Bengal and Bombay Acts in 1922 and 1924 respectively. The three pioneer statutes (i.e. Acts concerning Madras, Bengal and Bombay) were extensively amended between 1948 and 1959. The Juvenile Justice Bill, 1986 was passed by both Houses of Parliament. After receiving the assent of the President it came on the Statute Book as the Juvenile Justice Act, 1986 (53 of 1986)<sup>17</sup>. It was found that the children who were convicted were in need of care and protection, if they are been provided with proper education and shown the correct path then our society can have fruitful citizen than having peoples coming out of jail trying to find their identity and in search of which many a times ending up in selecting the wrong path creating nuisance to the society. But does the same psychology will work in the present world? We are in a fast world where elementary school knowledge can hardly earn bread to the person; moreover in today's society square meal is not everything. Or rather we can say that according to Maslow's theory of needs, lower order needs of human have to be satisfied at a go or at least intervals. In today's harsh reality can we say that the prevailing form of justice should be followed? Unlike earlier now a days juveniles are indulging in such heinous crimes like rape, murders and others. After a limit it is important to give harsh punishments to provide justice to the victim and the society and to keep a check that such crimes are not repeated by any other member. Sometimes it is too important to provide justice to the victim and provided an example in front of the society rather than providing restorative justice and trying to rehabilitated the wrongdoer and showing him the right path.

### Background: History and Development Of Juvenile Justice Act

1. The Juvenile Justice (Care and protection) Act, 2000
2. National Charter For Children 2003
3. The Juvenile Justice (Care And Protection) Rules,2007
4. The Juvenile Justice (Care And Protection) Amendment Act 2011. [Amendment of Section- 48 principle act subsection – (2) shall be omitted.]
5. The Juvenile Justice (Care And Protection) Bill, 2015-

On 31 July 2013, Subramanian Swamy, filed a Public Interest Litigation in the Supreme Court of India seeking that the juvenile of Delhi Gang Rape 2012 should be tried as an adult in a court. Taking this into consideration, Juvenile Justice (Care and Protection of Children) Amendment Bill 2014 was introduced. The amendments to the draft Bill strike a fine balance between the demands of the stakeholders asking for continued protection of rights of juveniles and the popular demand of citizens in the light of increasing incidence of heinous crimes by boys of young age. The amended version of the Bill is the

<sup>17</sup> <http://education.dewsofoverseas.com/vakilno4/juvenilejusticeact/introduction.htm>

result of an elaborate consultative process undertaken by The Ministry of Women and Child Development which included national consultations as well as consultations with state governments had introduced the Juvenile Justice (Care and Protection of Children) Bill 2014 in the Lok Sabha on 12th August 2014. This draft Bill sought to make more robust, effective and responsive the legislative framework for children in need of care and protection as well as children in conflict with law. The new legislation, when enacted, will provide a robust mechanism not only to dealing with offences by Juveniles but establish a strong framework to provide care and protection to children and streamline the process of adoption. The major amendments include removal of Clause 7 that relates to trial of a person above the age of 21 years as an adult for committing any serious or heinous offence when the person was between the ages of 16-18 years; enhancing the period of preliminary inquiry by the Juvenile Justice Board in case of heinous offences committed by children in the age group of 16-18 years; increasing the reconsideration period for surrender of children by parents or guardians; enhancing the period for inter-country adoption in case the child is not given for domestic adoption; assigning the role of designated authority to monitor the implementation of the Bill to the National Commission for Protection of Child Rights; and making the Central and State Governments responsible for spreading awareness on the provisions of the Bill.



### ANALYSIS OF THE ACT WITH REFERENCE TO NIRBHAYA CASE:-

On 16th December, 2012, the Nirbhaya incident took place where a 23 year-old physiotherapy intern was brutally gang raped in a bus by six men. The five men were awarded death penalty; one of them died during the course of the trial, while one of the six who was a juvenile was sent to a reform home for rehabilitation, as he was not 18 years but few months less and the existing law could not allow him to be tried as an adult.



**This judgment is nothing short of a disgrace. A disgrace to the country: Draupadi is once again being de-robed in the sabha while Bhishma averts his eyes<sup>18</sup>.**

Being a juvenile is not an excuse to escape punishment. This statement is made on the fact which is three-fold. This is because rape is not about a woman's respect; it's about violating the human body in the worst way possible. Secondly, the criminal was proven to be the most brutal of all the six molesters. Thirdly, he was a seventeen and a half years when he committed the crime.

Are any of the crimes committed by the "juvenile" really juvenile in any way? The police charge sheet has on record that this "juvenile was the most brutal of all<sup>19</sup>. The juvenile has now been set free and is roaming around confidentially. In a recent report, the Quint quoted his counsellor who claims the convict has shown "zero remorse" for his crime<sup>20</sup>. The counsellor has also added that the reports of the Intelligence Bureau (IB) indicate that the convict has been radicalised while in detention, although there has been no improvement in him and he poses a danger to the society.

The Amendment Act 2015 also includes a new term, 're-integration', which is based on the idea of allowing the criminal to mainstream with the society. But, a criminal cannot be set free just because the existent laws do not permit it, as the criminal may again get into committing such offences again. The juvenile convict in the abovementioned case was sent to the reform home but unfortunately, he could not be radicalized. The offender should only be re-integrated in the society when it is confirmed that they are no more a danger for the society, which could not happen in this case.

In the present case, the existing law did not permit a juvenile to be kept in the reform home for more than three years. This provision is there in the new law of 2015 is well, mentioned in Section 18 (1) (g) and Section 15.

One of the major changes in the Act of 2015 is the Judicial Waiver System. According to this, the children who commit lesser or heinous crimes between the age 16-18 will be tried as adults. According to the IPC, the punishment for such crimes is 7 years of imprisonment or more. But in the JJ Act 2015, the maximum punishable term for a juvenile is 10 years which actually indicates that the juvenile should not be treated or tried as an adult. The amendment with regard to lowering of age is short-sighted, unjust and against public interest.

Three years for luring the girl into the bus, being one of the rapists and then destroying her intestines by pushing a rod into her. Three years for heinous destruction of a woman's dignity; for horrendous acts of sadism and for killing a girl in her prime.

<sup>18</sup> <http://indiaopines.com/nirbhaya-case-judgement-3-years-juvenile/> , as last accessed on 9th January, 2016, at 14:00hrs.

<sup>19</sup> *ibid*

<sup>20</sup> <http://www.firstpost.com/india/nirbhaya-case-the-juvenile-should-remain-in-jail-if-released-he-could-prove-to-be-a-threat-to-society-2548344.html>, as last accessed on 9th January, 2016, at 14:05 hrs.

Three years for scarring the psyches of all women in the country and making India an unsafe place for women, within the country and all visitors<sup>21</sup>. Is three years of punishment really justified for this shameless juvenile convict, who, even after three years of punishment fails to show any signs of improvement?.

**“Psychological test should be conducted to ensure whether the criminal is guilty or not”!?**

In this bill a provision is incorporated and that is if the Juvenile Justice Board, after conducting a preliminary inquiry relating to the physical and mental capacity of the child, ability to understand consequences of the offence and his circumstances, comes to the conclusion that there is a need for further trial in such cases, it has been given the 11 options to transfer the matter to the Children's Court, which is the Session Court having jurisdiction to try heinous offences. If after trial, a child is found guilty of committing a heinous offence by the Children's Court, then such a child is proposed to be sent to a place of safety for reformation and rehabilitation up to the age of twenty-one years. After completing the age of twenty-one years, an evaluation of the child is to be conducted by the Children's Court after whom either the child is released on probation or transferred to an adult jail for the rest of the term of imprisonment. The Juvenile Justice System was based on the principle of restorative justice and such children during their stay in the place of safety would be provided with many reformatory measures such as education, health, nutrition, de-addiction, treatment of disease, vocational training, skill development, life skill education and counseling. The child would be transferred to a jail after completing 21 years, only if he was incorrigible and the measures in the place of safety did not result in his becoming a contributing member of the society.<sup>22</sup>



### Age should not be the yardstick for the punishment

Rather the intensity and the type of crime committed should decide the punishment. The punishment should be linked to the gravity of the crime and, not the age. The punishment should be in accordance with the crime. The margin that is the boundary line between different ages should be looked. For example, the criminal in the Nirbhaya case was six months short of 18. On National Crime Records Bureau Data, it was observed that there have been some lacunae in the way this data was being collated, compiled and analysed by the police and that one should be circumspect about the need to decrease the age to 16 years based on NCRB's data. Commenting on child in conflict with law, it was submitted that to send a child to an adult court required a sentencing policy which the country did not have presently. Research has shown that adolescence was a specific stage of development where the brain is not fully developed and matured; therefore, the adolescents were more prone to reckless behaviour.<sup>23</sup>

### Philosophical Inquiry into the Issue-(difficult statement to justify?)

Though our Juvenile Justice Law is based on restorative justice but such a justice mechanism should not be exercise for 'heinous' crimes but shall be a way to discharge justice only in case of petty offences. The representative was of the definite view that the definition of 'heinous' should be removed and also that clause 19 of the Bill may be reviewed as the Act of 2000 had a provision in section 16 to deal with children above 16 years who had committed offences of a very serious nature.

### International Law and Juvenile: UNCRC- United Nation Convention on The Rights Of Children V/S Juvenile Justice (Amendment) Act 2015

Children of and below the age of 18 should be treated equally according to the UNCRC and that all the rights guaranteed by the UNCRC must be available to all children without discrimination of any kind (Article 2) India Being an active member of UN has accepted these general principles. But it still remains a controversy whether the Juvenile Justice (Amendment) Act 2015 is in a way violating the prior commitments of India. But as a defence it can be said that India is a Sovereign country and she has that right to make her own law for the land and this other provisions can be treated as a support system. The state can take help of it whenever it feels so but it is not mandatory on her. Thus this outer treaty can be termed as supplementary and not complementary. We have our own soul of law i.e. Constitution of India and all the amendment, law, judicial precedence

<sup>21</sup> Supra note 2

<sup>22</sup> Department Related Parliamentary Standing Committee On Human Resource Development Two Hundred Sixty Fourth Report The Juvenile Justice (Care and Protection of Children) Bill 2014. Pg.10

<sup>23</sup> Department Related Parliamentary Standing Committee On Human Resource Development Two Hundred Sixty Fourth Report The Juvenile Justice (Care and Protection of Children) Bill 2014. Pg.16

are bound by it. No law can contradict this basic structure whereas other treaties whether international, regional or otherwise all could be treated as extra provision of which we can take help of but only at the time of when our constitution don't have that provision through which the problem can be solved like in the judgment of *Vishaka and others V. State of Rajasthan and others*<sup>24</sup>, where the honorable court took help of international law which was the need of the hour. Otherwise has the right to make its own law, amendments and otherwise. Moreover here the principle of rarest of the rarest case is applied, only some heinous crimes like rape and murder will come under this new provision of amendment act where 16 instead of 18 will be a yardstick of treating one a child.

### CONCLUDING REMARKS:-

According to Michel Foucault, a French philosopher, historian of ideas, social theorist, philologist and literary critic, human beings are organism with a body of impulses and energy which is needed to be realized to its fullest since only through this way he can get full freedom.

Society with extreme discrimination and hierarchy like in India don't let human being to express their creative impulses and energy. Thus it gets directed to crimes since they need to express and realize their concentrated energy in one way or the other. It can also be realized as a reason to the increasing rate to crime among juveniles who are not getting proper opportunity to show their respective talent and feeling frustrated moreover it is a known fact that due to food habits and life style young generation is getting depressed, frustrated and aggressive very easily.

There is nothing called as illegality what we know as crime such as theft, murder, rape etc. are just the product of modern society. Law wants to make our action predictable by regulating our behavior. It is all about how much a civil society is ready to take responsibility of criminals, wants to discharge their moral responsibility of ethical boasting and giving opportunity to all to have a growth indiscriminately.

Poverty is not an excuse, provocation is not an excuse, moral placing or 'social streaming' is not an excuse and being a juvenile is definitely not an excuse. If the crime done is of an adult nature, then how can the punishment be of a juvenile's nature?

As women, and as India's daughters, we are at the end of our patience, waiting to be accorded with equal rights and more importantly, equal dignity and value with men. We are earnestly waiting for the time when we can proudly say that in our nation men and women are given equal treatment, there is no gender biasness.

<sup>24</sup> AIR 1997 SUPREME COURT 3011



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## DISNEY CONNECTING WITH ITS CORE CONSUMERS - RISKS AND BENEFITS OF EXPANSION OF BUSINESS

### Introduction

Walt Disney and Roy Disney, brothers of the Disney family have created a sensation on October 16, 1923 by introducing the Disney cartoon studio which was leading studio in America and It was on 18th November 1928 when Walt Disney and Ub Iwerks created an animal cartoon character. This anthropomorphic mouse with red shorts, bright yellow shoes and a white gloves has entered this world in a series named steamboat Willie of the Walt Disney company which is an American diversified, has attracted every kid. Disney is now a multinational mass media. Starting with the animated characters this company started a Walt Disney studio and Walt Disney production which created a number of Disney cartoon series. This Disney Company targeted entertainment. It started with kids and has come to a stage where it entertains all teenagers, kids, adults. The basic thing which people must know is that the Disney Company runs in the world through four business units like Disney studios, parks and resorts, media network, Disney consumer products. By observing these business units it shows us the potential of the company. It attracts kid in creating toys colorful cloths which are printed with a cartoon character and many other products. It has come with parks, resorts and Disney production movies which attracted teenagers and adults also.



Disney's core value is to keep the ninety year old heritage alive and to entertain people as they did back in the day. Disney has 4818 billion dollars empire because of its extraordinary services towards its consumers.

Risks and benefits are a part and parcel of any business, so if the company wants to evolve and grow to survive the cut throat competition in the world. Disney from being a small seals animation studio it has taken huge risks and it now has 7 theme parks, 27 hotels, 728 'D' stores, broadcast network and many more. All expansion of Disney has led to number of technological innovation which catapulted Disney to the number one spot of the entertainment chain. In Disney's case, every action in the company has an impact on its success and its failure. Disney has taken huge risks by investing billions of dollars in various fields and different parts of the globe as well. One of many Disney's risk was their giant leap into the technological world by spending one billion dollar over a technological demand called "magic band +". This device accesses personal information about the user which has raised many eyebrows in the USA government.



## OBJECTIVES

- To discuss about how Disney connects with its consumers
- To explain expansion of Disney into different businesses
- To assess risks and benefits of the business expansion
- To conduct survey of the same for primary analysis

## DISNEY'S INTERACTION WITH ITS CORE CONSUMERS

One of the main ways Disney connects with its customers is to provide an exceptional customer service. The employees don't have a script nor do they take any instructions from the manager. Disney has a culture in it which makes the employees go the extra mile to help the customers in any way possible. Such devotion helps them provide exceptional experience to every customer; they are constantly interacting through social networks. They also have a highly attractive website which helps them find what they want and is very user friendly. The key ingredient to maintain a connection is to ensure that every interaction with the employees is satisfying. Disney has something other than great products and services that is they have motivated employees in their line of defence.



Disney has its own unique way of interacting with its customers. What Disney does the best is that they imprint their experience in the hearts and minds of their visitors. Disney believes in providing once in a life time experience, an experience filled with fun and amazement. Disney has been successful in establishing every great experience in the lives of those who have visited Disney World, even once in their lives as "Disney experience". It is a huge success for them, if their visitors revisit them, if they could make them revisit the Disney world on their own will.

According to Bloomberg Business, even 1% increase in repeat business translates into millions of dollars in revenue. They communicate through their values, age old principals and unique strategies.

### Friendly Interaction

For people standing in long queues and waiting to venture the amazing Disney World, the staff they would strike up warm and friendly conversations making them feels good. They would suggest different places to visit, tell them about new schemes and different adventures that Disney would love to take them on. The employees there would come up to help visitors, would solve their problems, play guides, and would be readily available to assist.

It reduces the irritation that comes naturally due to anticipation. Those exhaustive long waits seem shorter and become hearty conversations.

### Satisfying the "Secondary Guests"

For Disney, the secondary guests are the parents of those children who love the Disney magic. Parents can largely influence the sale and demand of Disney within public even though they are not the core consumers of the brand,. It is important to keep the parents satisfied, if they think something is appropriate for their children, they would not only approve of it but also encourage it and that would increase the sales, demand and popularity of the brand and that in turn adds up to their goodwill.

Generally keeping children happy keeps their parents happy. For Example- If a mother comes to your retail store and an employee is rude to her children, she might not return.

Every product of Disney delivers an extraordinary quality which makes their customers very loyal towards the brand. For Disney, the quality and experience that they promise and aptly deliver does all the talking.

## EXPANSION OF BUSINESS

The Walt Disney Corporation is one of the biggest media entertainment corporations in the world. Disney started off from just cartoons and now it has evolved and spreading like a forest fire.

Disney at the moment own many companies like Marvel Studios, ESPN, ABC network and many more but Disney hasn't stopped yet, Disney has number of hotels and resorts all over the globe which provides world class services and aims at consumer of every age.

Disney studios has produced 55 films so far all of them have made enormous amounts of profits and managed to grab the Oscars as well.

In 1984, Disney purchased the ESPN sports network but it turns out the network isn't generating enough profits because of its high programming cost and its gradually losing its subscribers. Now the latest expansion step which Disney has taken is, it has entered the premium category products where they have to compete with brands like Zara and Louis Vuitton, this step which Disney has taken might be the right one or the wrong one? Only time will tell.

Currently Disney is a multi-billion dollar giant who keeps on expanding like it has no limits and taking risks which might or might not give the desired results.

## RISKS AND BENEFITS OF DISNEY EXPANDING

The main policy of Disney is seeking new markets and expansion of their business. The company is one of the biggest producer and provider of entertainment. One of the main problems the company face is maintaining its core business. Even though the company has excelled in new markets like theme parks, film studio, television channels etc. It could not maintain its leadership in the core business. The CEO of the company said "Disney's greatest challenge today is to keep a 90-year-old brand relevant and current to its core audience while staying to its heritage and core brand values." But the company is still successful with their expansion. One of the greatest expansions of Disney opening the Shanghai theme park in Chinese market, since China is said to be a pegged country in the twenty-first century. From this it could be understood that the company was heavily trying to export its brand to foreign countries.

### The benefits of Disney expanding

- It helps the company to bring more revenue
- Even though the company is not making great profits from its core business, the company is secured due to branches it has created from expansion.
- The company will increase its customer base in local areas of different countries as it's localizing its products.
- Since the company's product have high product portfolio, it is easy for the company to sell its new products.

### Risks of Disney expanding

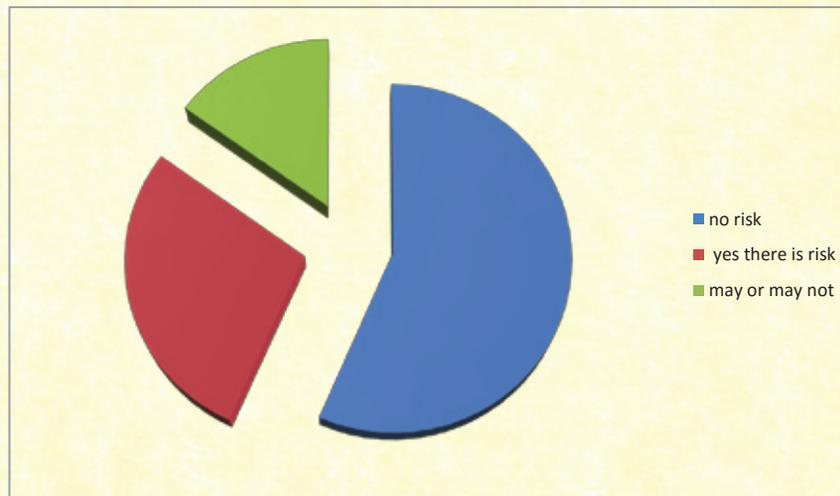
- There is a chance of huge financial loss as the company is mainly depending on the revenues from North America.
- The company has to take care of threats of piracy as people would watch their films in internet rather than in DVDs
- The company should look into the lifestyle of the local people of the respective countries. Their local competitors may provide better services according to the people's needs.
- Due to the extensive expansion of the company. The size of the company has become a concern for the government and if the company is not careful it will be subjected to antitrust law. Hence the Disney faces restriction while acquiring other companies.

## SURVEY ANALYSIS:

We have conducted a survey asking whether Disney have risk in expanding their business. People gave different opinions. Some said that Disney will have the risk and some said it is good if Disney will expand their business. Some said that it won't have risk as it is already a well-established company people are loyal to the company. Some said it has no risk because it has targeted kids who are the major consumers and which automatically targets parents. They said it will not fall in risk as it is already has a good brand image. It has also come up to the stage where consumers are satisfied. Some also said that it does not have any risk because though it is expanding their business, it is still focusing on entertainment. They also said it will not face any risk as long as it provide good service in whatever field they enter.

Some said there is risk in expansion of Disney's business. They said it is fixed in the minds of people that Disney is for kids and entertainment and if they enter in different businesses definitely they will have a risk related to loyalty and will have a lose in those new businesses. They say that Disney must be aware of its competitors in every business. Some question that Disney is already running four units like parks, studio, media and consumer products then how will it survive in any other business?

Some people also said that it might or might not have risk in expanding, as it depends on various factors like competition, new innovative ideas etc.



## METHODOLOGY

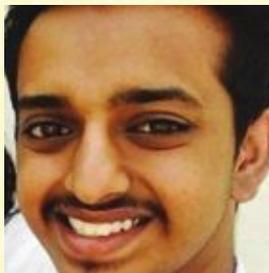
The project is based on the research methods like primary and secondary research methods. The primary research method is based on: survey (conducted survey in SIBM Hyderabad) The secondary research method is based on: web information

## CONCLUSION

Disney is a strong brand. It is innovative and creative. They mostly focus on entertainment and kids products. We feel that they will not face any risk as theirs is already a brand image. It is also withstanding the competition that occurs in every field. The way they approach their consumers itself brings them loyal customers. They have the potential to face the risk financially and has got a brand name. it mainly targeted kids which is the main source of profit for the company.



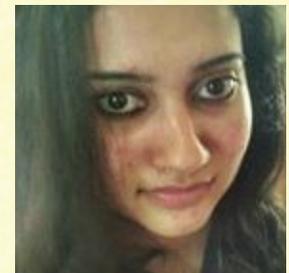
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## THE ADVOCATES ACT 1961 – WHAT IS IT ALL ABOUT?

*“A person learned in the law; as an attorney, counsel or solicitor; a person licensed to practice law.”<sup>25</sup>*

### Introduction

In 1961, Parliament enacted the Advocates Act to amend and consolidated the law relating to the legal practitioners, and to provide for the constitution for the State Bar Council and All India Bar Council. The President signed on it on 19th May, 1961. This Act has been in force in entire India. The Preamble of the Act says that it is “an act to amend and consolidate the law relating to legal practitioners and to provide for the constitution of Bar Councils and an All India Bar”.

The Advocates Act implements the recommendations of the Bar Committee and the Law Commission with some modifications. It repealed the India Bar Councils Act, 1926, the Legal Practitioners Act, 1879, the Legal Practitioners (women)

<sup>25</sup> ‘Lawyer’ according to the Black’s Law Dictionary.

Act, 1923, the Legal Practitioners (Fees) Act, 1926 and all other laws on the subject. The act has undergone several amendments since its enactment in 1961 to bring changes with the changing times and to solve the practical problems. The Act, 1961 brought revolutionary changes in legal problems in India.

The Advocate Act, 1961 contains 60 Sections in all set up in 7 chapters. Chapter 1 deals with preliminary issues such as short title, extent and commencement and definitions. Chapter 2 deals with the Bar Councils and contains Section 3 to 15. Chapter 3 deals with the admission and enrolment of advocates and contains Section 16 to 28. Chapter 4 deals with right to practice and contains Section 29 to 34. Chapter 5 deals with conduct of advocates and contains Section 35 to 44. Chapter 6 contains miscellaneous issues and contains Sections 45 to 52. Chapter 7 deals with the temporary and transitional provisions and contains Sections 53 to 60.

### **Admission and Enrolment of Advocates**

#### *Persons who may be admitted as advocates*

According to the Advocates Act, 1961, a person shall be qualified to be admitted as an advocate on a state roll, if he fulfills the following condition<sup>26</sup>, namely-

- a) He is a citizen of India. However, a national of any other country may be admitted as an advocate on a state roll, if citizen of India, duly qualified, and permitted to practice law in that other country.
- b) He has completed the age of twenty-one years.
- c) He has obtained a degree in law; foreign law degree can also be recognized by the bar council of India for this purpose.
- d) He fulfills such other conditions as may be specified in the rules made by the state bar council.
- e) He has paid, in respect of the enrolment, stamp duty, if any, chargeable under the Indian stamp act, 1899 and an enrolment fee payable to the state bar council of six hundred rupees to the bar council of India, one hundred and fifty rupees by way of a bank draft drawn in favor of that council.
- f) The privilege of enrolment as an advocate has also been extended to the earlier *Vakils*, Pleaders and *Mukhtars* and to some other specified conditions.
- g) The right to practice as an advocate is a statutory right but not a fundamental or absolute right.

#### *Disqualification for enrolment*

According to the Advocate Act, 1961, no person shall be admitted as an advocate on a state roll<sup>27</sup>-

- a) If he is convicted of an offence involving moral turpitude.
- b) If he is convicted of an offence under the provisions of the untouchability (offences) Act, 1955.
- c) If he is dismissed or removed from employment or office under the state on any charge involving moral turpitude.

However, these provisions do not apply to a person who having found guilty, is dealt with under the provision of the Probation of Offenders Act, 1958.

As per the Advocates Act, 1961, an application for admission as an advocate shall be made in the prescribed form to the state bar council within whose jurisdiction the applicant proposes to practice.<sup>28</sup>

The Supreme court in **Dr. Haniraj L. Chulani vs. Bar Council of Maharashtra & Goa**<sup>29</sup>, while dealing with the validity of Rule 1 of the Maharashtra and Goa Bar Council Rules relating to enrolment of Advocates eligibility conditions, in para 20 has observed that 'legal profession requires full time attention and would not countenance an Advocate riding two horses or more at a time'<sup>30</sup>. The Bar Council has framed specific rules in this regarding putting restriction on other employments by the Advocates.

#### *Senior and other advocates*

Prior to the Advocate, 1961 there were six different classes of legal practitioners, namely Barristers, attorneys, advocates, *vakils*, *mukhtars* and revenue agents. The Advocate Act, 1961 abolished the different classes of legal practitioners. Hereinafter, there is only one class of legal practitioners known as 'advocates'. There is a uniform qualification for the appointment of advocates. However, a slight distinction between senior advocates and other advocates has been maintained in this Act.

According to the Advocates Act, there shall be two classes of advocates, namely, senior advocates and other advocates.<sup>31</sup> An advocates may, with his consent, be designated as senior advocates if the supreme court or a high court that by virtue of his ability, standing at the bar or special knowledge of experience in law he is deserving of such distinction.

<sup>26</sup> Section 24 (Advocates Act, 1961).

<sup>27</sup> Section 24-A.

<sup>28</sup> Section 25.

<sup>29</sup> 1996 AIR 1708, 1996 SCC (3) 342.

<sup>30</sup> Para 20.

<sup>31</sup> Section 16.

Senior advocates shall, in the matter of their practice, be subject to such restrictions as the bar council of India may, in the interest of the legal profession, prescribe. An advocate of the Supreme Court who was senior advocate of the court immediately before the appointed day shall, for the purposes of this Section, be deemed to be a senior advocate.

Designating an advocate as 'a senior advocate' means recognition of his professional skill, long standing in the bar, experience and service rendered to society. An advocate can be called as 'senior advocate' on the basis of his ability, his long standing at the Bar, his special knowledge or experience in law, and confirmation by the Supreme Court or High Court. Some restriction on senior advocate has been imposed as per Chapter I of Part VI of Bar Council of India rules, 1975. They are;

- a) A senior advocate shall not file a *Vakalatnama* or act in any court or tribunal or before any person or other authority.
- b) He shall not appear without an advocate on record in the supreme court or without an advocate on of the state roll in any court, or tribunal.
- c) He shall not accept instruction to draft pleading or affidavit, advice on evidence or to do any drafting work of an analogous kind in any court or tribunal or undertaken conveyance work of any kind whatever.
- d) He shall be free to make concession or give understanding in the course of argument on behalf of his client on instruction from the junior advocate.
- e) He shall not accept directly from a client any brief or instruments to appear in any court or tribunal, or before any person or other authority in India.
- f) He may in recognition of the service by an advocate of the state roll appearing in any matter pay him a fee which he considers reasonable.

The act recognizes only one single class of practitioners, namely: advocates, according to the Advocates Act, 1961, every advocate whose name is entered in the state roll shall be entitled as of right to practice throughout the territories to which the act extends in all courts including the supreme court<sup>32</sup>; before any tribunal or person legally authorized to take evidence and before any other authority or person before whom such advocate is by or under any law for the time being in force entitled to practice.

#### **Bar Council of India**

The Act establishes an All India Bar Council for the first time. The Attorney General of India and the Solicitor General of India are the *ex-officio* members of the Bar Council of India.<sup>33</sup> Besides, it has one member elected by each State Bar Council from among its members. The Council elects its own Chairman and Vice-Chairman.<sup>34</sup> The Bar Council of India has been entrusted *inter alia* with the following important functions:

1. To lay down standards of professional conduct and etiquette for Advocates.
2. To safeguard the rights, privileges and interest of advocates
3. To promote legal education
4. To lay down standards of legal education in consultation with the Universities imparting such educations in the State Bar Councils.
5. To recognize Universities whose degrees in law shall qualify for enrolment as an Advocate and up to visit and inspect the Universities for that purpose.
6. To exercise general supervision and control over State Bar Councils.
7. To promote and support law reform
8. To organize legal aid to the poor in the prescribed manner.<sup>35</sup>
9. To recognize on a reciprocal basis foreign qualification in law obtained outside India for the purpose of admission as an advocate under the act
10. To manage and invest the funds of the bar council
11. To provide for the election of its members
12. To perform all other function conferred on it by or under this act
13. To do all other things necessary for discharging the aforesaid function.

The act says that every bar council shall be a body corporate having perpetual succession and a common seal, with power to acquire and hold property, both movable and immovable, and to contract, and may by the name by which it is known sue and be sued.<sup>36</sup>

<sup>32</sup> Section 30.

<sup>33</sup> S. 4.

<sup>34</sup> By the Advocates (Amendment) Act, 1976, the Attorney General of India and Advocates-General of the States were made *ex-officio* Chairmen of the Bar Council of India and of the State Bar Councils respectively. The solicitor-General of India became *ex-officio* Vice-Chairman of the Bar Council of India, and the senior-most Advocate from among the elected members of the State Bar Council became its Vice-Chairman. This amendment was criticised by several Bar Councils, member of the public and legal profession as a retrograde step setting at naught the very fundamentals of autonomy of an independent profession. Accordingly, in 1997, the Act was amended again to restore the democratic of elected Chairman and Vice-Chairman to cacti Bar Council.

<sup>35</sup> S. 7.

<sup>36</sup> S. 5.

### State Bar Councils

The Act creates a State Bar Council in each state<sup>37</sup> where the Act states that each state has a bar council.<sup>38</sup> It is an autonomous body. The Advocate-General of the state is its ex-officio member, and there are 15 to 25 elected Advocates. These members are to be elected for a period of five years in accordance with the system of proportional representation by means of single transferable vote from amongst advocates on the Roll of the State Bar Council. The State Bar Council has power to elect its own chairman. The main powers and functions of the State Bar Council are:<sup>39</sup>

- a) To admit persons as Advocates on its Roll
- b) To prepare and maintain such Rolls.
- c) To entertain and determine cases of misconduct against Advocates on its Roll
- d) To safeguard the rights, privileges and interests of Advocates on its Roll
- e) To promote and support law reform
- f) To organize legal aid to the poor
- g) To manage and invest the funds of the bar council;
- h) To provide for the election of its members;
- i) To visit and inspect universities;
- j) To perform all other functions conferred on it by and under this act.

Thus, every State Bar Councils prepares and maintains a Roll of Advocate as an authenticated copy of the roll which to be sent to the Bar Council of India.<sup>40</sup> An application for Admission as an Advocate is made to the State Bar Council within whose jurisdiction the applicant proposes to practice.<sup>41</sup> A State Bar Council has an Enrolment Committee consisting of three members elected by the Council from amongst its members.<sup>42</sup> The Enrolment Committee has to dispose of application for admission.<sup>43</sup> Where the Enrolment Committee proposes to refuse any such application, it has to refer the same for opinion to the Bar Council of India.<sup>44</sup>

Originally, the Act assigned to the Bar Council of India the function of preparing and maintaining a common roll of Advocates. This was mostly a consolidation of the entries in all the State rolls.<sup>45</sup> These provisions as to the Common Roll were repealed in 1973.<sup>46</sup>

The Bar Council of India regulates the content, syllabi, duration of the law degree. Subject to the provisions made by the Bar Council, each University can lay down its own provisions and regulations concerning the law degree. To perform its functions regarding legal education it is assisted by Legal Education Committee consisting of ten members, five being members of the Bar Council of India, and five co-opted by the Council who are not members thereof. The idea is that the co-opted members would mainly be law teacher.<sup>47</sup>

The finance of the Bar Councils is essentially met out the enrolment fees of the Advocates. Twenty per cent of the fees realized are paid by each State Bar Council to the Bar Council of India.<sup>48</sup> Besides, the Bar Councils may receive donations and grants.

### Disciplinary Powers over Advocates

As important function entrusted to the Bar Councils is the task of maintaining discipline among the advocates. The Advocates Act, 1961 makes it clear that an advocate may be punished for professional or other misconduct of advocates<sup>49</sup> are:

Discourteous behavior towards the bench:

1. Use of disrespectful, derogatory or threatening language in the court
2. Exhibiting ill temper which has the effect of overbearing the court
3. Involvement in moral turpitude
4. Defrauding or cheating the party
5. Failing to file a case after a case after accepting a brief and fee plus expenses; and
6. Engaging in a business of profit making

A function of the State Bar Council is “ to entertain and determine cases of misconduct against advocates on its roll”<sup>50</sup> as per the act, a Bar Council shall constitute one or more disciplinary committee<sup>51</sup>, each of which shall consist of three persons of whom two shall be persons elected by the council from amongst its members and the other shall be a person cooped by the council from amongst advocates who possess the qualification specified and who are not members of the council, and the senior-most advocate amongst the members of a disciplinary committee shall be the chairmen thereof. This arrangement has been made because bar councils are large bodies and, as such, cannot discharge effectively the disciplinary.

<sup>40</sup> Ss. 17-19. | <sup>41</sup> S. 25. | <sup>42</sup> S. 10 (1) (b). | <sup>43</sup> S. 26(1). | <sup>44</sup> S. 26(2). | <sup>45</sup> Ss. 2(f), 7(a) and 20. | <sup>46</sup> Act 60 of 1973. | <sup>47</sup> Ss. 10 (2) (b). | <sup>48</sup> S. 46. | <sup>49</sup> S. 35. | <sup>50</sup> S. 9.

<sup>51</sup> Section 9(1).

In case of Ram Singh<sup>52</sup> the Supreme Court has explained the term “misconduct” in connection with the misconduct of the personnel in the Police Department but may be applied in determining whether or not conduct implies to misconduct. The Supreme Court has observed that the term ‘misconduct’ may involve moral turpitude, it must be improper or wrong behavior, wilful in character forbidden act, a transgression of established or definite rule of action or code of conduct, but not mere error of judgment, carelessness or negligence in performance of duty.

The term “misconduct” is defined as a transgression of some established and definite rule of action, a forbidden act, a dereliction of duty, unlawful behaviour.<sup>53</sup>

A complaint of professional or other misconduct is referred by the State Bar Council to its Disciplinary committee. The committee then fixes a date for the hearing of the case and shall cause a notice thereof to be given to the advocate concerned and to the Advocate-General of the state. The disciplinary committee of the State Bar Council after giving the advocate concerned and Advocate-General an opportunity of being heard, may make any of the following orders namely-

1. Dismiss the complaint or, where the proceeding were initiated at the instance of the state bar council, direct that the proceeding be field
2. Reprimand the advocate
3. Suspend the advocate from practice for such period as it may deem fit
4. Remove the name of the advocate from the state roll of advocate.<sup>54</sup>

Where an advocate is suspended from practice under clause (c) of sub-section (3), he shall, during the period of suspension, be debarred from practicing in any court or before any authority or person in India.<sup>55</sup>

Within 60 days of the order an appeal can be preferred to the Bar Council of India the disciplinary committee of the Bar Council of India would hear the appeal and pass such orders as it deems fit<sup>56</sup>. Against this order, a further appeal lies to the Supreme Court within 60 days of the passing of the order<sup>57</sup>.

The disciplinary committee of the Bar Council of India may, either of its own motion or on a report by State Bar Council or on an application made to it by any person interested withdraw for inquiry before itself any proceeding for disciplinary action against any advocate pending before the disciplinary committee of State Bar Council and dispose of the same.

The disciplinary committee of a bar council shall have the same power as are vested in a civil court under the Code of Civil Procedure, 1908, in respect of the following matters namely

1. Summoning and enforcing the attendance of any person and examining him on oath
2. Requiring discovery and production of any documents
3. Receiving evidence on affidavits
4. Requisitioning any public record or copies thereof from any court or office
5. Issuing commission for the examination of witness or documents any other matter which may be prescribed
6. Provided that no such disciplinary committee shall have the right to require the attendance of
7. Any presidency officer of a court except with the pervious sanction of the high court to which such court is subordinate
8. Any officer of a revenue court except with the previous sanction of the state government

All proceeding before a disciplinary committee of a Bar Council shall be deemed to be judicial proceeding within the meaning of Section 193 and 228 of the Indian Penal Code, and every such disciplinary committee shall be deemed to be a Civil Court for the purposes of Section 480, 482 and 485 of the code of criminal proceeding, 1898. Besides, the disciplinary committee may send to any civil court any summons or process, and the civil court would act as if it were its own decision within 60 days of the order, but no such order of review of the disciplinary committee of a state bar council has any effect without the approval the bar council of India. Notwithstanding the absence of the chairman or any member of a disciplinary committee on a date fixed for the hearing of a case before it, the disciplinary committee may, if it so thinks fit holds or continues the proceeding on the date so fixed and no such proceeding and no order made by the disciplinary committee in any such proceeding shall be invalid merely by reason of the absence of the chairman or member thereof on any date.

The Advocates Act, 1961 provides that the disciplinary committee of a state bar council shall dispose of the complaint received by it under Section 35 expeditiously<sup>58</sup> and in case the proceeding shall be concluded within a period of one year from the date

<sup>52</sup> State of Punjab v. Ram Singh, AIR 1992 SC 2188. | <sup>53</sup> According to Black's Dictionary. | <sup>54</sup> Section 35(3). | <sup>55</sup> Section 35(4). | <sup>56</sup> Section 37.

<sup>57</sup> Section 38. | <sup>58</sup> Section 36-B.

of receipt of the complaint or the date of initiation of the proceeding at the instance of the state bar council as the case may be, failing which such proceeding shall stand transferred to the bar council of India which may dispose of the same as if it were a proceeding withdrawn for inquiry for inquiry under Sub-Section 36.

The Bar Councils can frame rules for carrying out their functions and purposes. The rules made by the State Bar Council have to be approved by the Bar Council of India. The Central Government has been given an overriding power of making rules on any matter.<sup>59</sup> There was no such provision originally. This provision was inserted in the Act in 1964.<sup>60</sup> This provision has been criticized as amounting to a threat to the independence and autonomy of the Bar Councils. For instance, the Bar Council of Maharashtra objected through a strongly worded resolution on 23.3.1968, when the Central Government by making rules under S. 49 A permitted enrolments as Advocates of persons holding the LL.B. degree without undergoing the course of training and passing an examination as originally prescribed under the Act.<sup>61</sup>

The qualifications for admission as an Advocate are: citizenship of India, 21 years of age, and LL.B. Degree from an Indian University. A foreign national can also be enrolled on the basis of reciprocity if an Indian citizen is permitted to practice in that country. Foreign Law Degrees can also be recognized by the Bar Council of India for the purpose.<sup>62</sup> The privilege of enrolment as an Advocate has also been extended to the earlier *Vakils*, Pleaders and *Mukhtars* and to some others under specified conditions.<sup>63</sup>

The Act recognizes only one single class of practitioners, namely, Advocates<sup>64</sup>. An Advocate on the State roll is entitled to practice as of right before any tribunal, or authority in India, or any court including the Supreme Court.<sup>65</sup>

A High court may make rules laying down the conditions subject to which an Advocate shall be permitted to practice in the High Court and the subordinate courts.<sup>66</sup> Under the act the Bar Council of India can make rules prescribing the conditions subject to which an Advocate shall have the right to practice.<sup>67</sup>

Advocates have been classified into Senior Advocates and other Advocates. An Advocate may, with his consent, be designated as a Senior Advocate if the Supreme Court or a High Court is of opinion that by virtue of his ability, experience and his standing at the Bar he is deserving of such distinction. Senior Advocates are, in the matter of their practice, subject to such restrictions as the Bar Council of India may, in the interests of the legal profession prescribe.<sup>68</sup>

Originally, the Act had saved the dual system i.e. Advocates and Attorneys, prevailing in the Bombay and Calcutta High Courts on their Original Side.<sup>69</sup> It was left to the two High Courts to continue the system or not. These provisions were deleted with effect from 1st January, 1977. The result is that, as a matter of law, Attorneys are no longer recognized as a separate class of lawyers. However, since the system prevailed for a long period in the two towns it continues there still as a matter of practice.

## Conclusion

The Advocates Act 1961, is the prime parliamentary legislation which governs the Bar activities and works for enforcement of professional ethics by providing punishment to the advocates who has failed to perform his duties. This act has been amended time and again to cope up with the emerging trends and problems.<sup>70</sup>

The Act also provide for admission, practice, ethics, privileges, regulation, discipline and improvement of the profession are now all in the hands of the profession itself. The legal profession has achieved its long memorable object of having a unified Bar on an All-India basis.<sup>71</sup> The Advocates Act 1961, created all India Bar with a unified structure providing with a Constitution of Bar Council to the State and Central Bar Council with a view to ensure dignity and proper functioning of the courts.

<sup>59</sup> S. 49 A. | <sup>60</sup> Act 21 of 1964.

<sup>61</sup> AIR 1968 JI. 77. The Bar Council objected that the said rules had been made without consulting the Bar Councils "who are in charge of Legal education under the Advocates Act 1961". According to the Bar Council: "The said rules cut at the root of the autonomy, of the Bar Councils..." The Bar Council characterized it as "a serious threat to the free, independent and autonomous exercise of powers by the Bar Councils" and called upon for the repeal of S. 49 A saying that "unless Section 49 A of the Advocates Act is repealed the Councils cannot work and discharge the functions independently as envisaged under the Advocates Act, 1961..."

<sup>62</sup> S. 24. Originally, under S. 24(1) (d), besides a Law Degree, practical training in Law a., prescribed by the State Bar Council was compulsory. This requirement was later dropped in 1973 by Act 60 of 1973.

<sup>63</sup> S. 24 (2) & (3). | <sup>64</sup> S. 29. | <sup>65</sup> S. 30.

<sup>66</sup> S. 34. The High Court can prescribe dress for Advocate while appearing in the Court: Prayag Das v. Civil Judge, AIR 1974 AIL. 133.

<sup>67</sup> S. 49(1) (ah).

<sup>68</sup> S. 16.

<sup>69</sup> S. 31 of the Act. The High Courts of Bombay and Calcutta were authorized to admit Attorneys and exercise over them power of removal or suspension from practice for reasonable cause.

<sup>70</sup> "THE ETHICS AND MORALITY OF LEGAL PROFESSION" by Naiana Jain and Chitrakshi Singh, p.29.

<sup>71</sup> <http://www.lawctopus.com/academike/history-legal-profession-india/> visited on 20 January 2016.



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# BEHAVIORAL TARGETING IN MARKETING – AN OPINION

## INTRODUCTION

Behavioural targeting is a segmentation that a company adopts by analysing customers behavioural change. It helps the marketers to identify their potential customers. It is an opposite technique to direct marketing where the marketers send the same message to everyone resulting in rejection from a large portion of the public. Behavioural marketing helps the company by segregating potential customers to favour the market and customer base this segregation process takes place through by analytics, computer applications and cookies, browsing and search history and IP addresses. The company collects the information through these sources and builds up its customer base.

For example, the social networking site Facebook is a platform where people share their basic information with the world, not only their likes and interest but also details about their friends are revealed. This information is used to connect the consumers to the advertisements that are related to their area of interest. These kind of social media also create an online peer pressure sort of ambience to attract consumers.



Another social media YouTube uses this technique of behavioural targeting very efficiently. It uses the information from the browsing history and recommends the same with the specific advertisements to promote the product. The person browsing through YouTube will be provided with many recommendations under the particular section and if gets attracted and continues watching the recommended videos the publisher will collect the data of the consumers' choice as well as change in behavioural pattern and pass it to the company, the company then will use the data to make alteration required in the product.

Benefits of the behavioral targeting is the ability to organize the customers based on variables related to the behaviors such as the number of visits they have made through an online store, the kind of products they have bought, the category of products they prefer and also if they have been registered as a member or not. It represents a great leap forward by using traditional sentiments that are based on demographic variables these demographics are generic in nature and fails to provide a realistic representation of necessities and interest of the customers. Generally, this method (behavioural targeting) is used by online publishers and advertisers to increase the effectiveness of their campaigns. It relies on capturing websites and landing page visitor data and using that information they provide advertisements that are relevant to their needs and interest.

## TYPES OF BEHAVIORAL TARGETING

By now it is clear that Behavioural Targeting is something in which consumers are targeted based on their online behaviour i.e., the sites they visit and the interest they show towards a product online. Here it is very important to know that the Behavioural Targeting is of two different types and they are as follows:

1. On Site Behavioral Targeting and
2. Network Behavioral Targeting.

### 1. ONSITE BEHAVIORAL TARGETING

Onsite behavioural Targeting is one such thing which is solely concentrated on one particular website, which means targeting certain content based on the behaviour or else any other information about the visitor who visits the sites frequently then such type of targeting visitors of the sites is called as onsite behavioural Targeting. This plays a very crucial role in building a strong relationship and customer maintenance if the customer has once visited the website. This type of Targeting enables you to adapt your website by creating most welcoming, tempting destination for your visitor. Thus, targeting your visitors in such a way that they ultimately should love to engage more deeply in your sites thus expecting a very positive and good response. Any online site, either it tries to improve its visitors experience or it benefits the online property. The adopters of this type of technology are the e-commerce websites, online advertising with leading online servers for extremely increasing the relevance of the product offers and promotions on a visitor based on the behaviour of one such visitor to the website.

This approach is typically based on the behavioural analytics to break down all the customers into different channels. Each channel is then briefly analysed by the marketers and a virtual profile of the customer is created based on which they start targeting. These personal profiles of different customers give them a way for the website operators to create an initiative point from where they decide what content to be displayed to the customer, navigation and layout which should be shown according to behaviour of each customer. When the discussion comes to exhibiting these profiles correctly is that it is usually achieved either by the specialist content on behavioural platform or else by modified software development. Most of the platforms

identify the visitor based on their assigning which is allotted to the user with a unique id cookie to each and every user who visits the website which allows them to be tracked throughout their web journey, they deeply study what the visitor is preferring to see, what is he willing to buy how is reacting to one product, each and every information about what visitor is thinking about the project is known by the website operators. Visitor's past purchase history combined with the demographic data gives the developers a greater degree of data points by which they can target the visitors.

#### EXAMPLE:

The best example of Onsite Behavioural Targeting is that, suppose you visit an online shopping website, if every visitor is treated in the same way naturally you get no interest to visit such type of sites instead you think it be waste of time and in such situation onsite behavioural targeting is one such thing which helps the website developers to categorize the customers based on their preferences, interests and target them with such relevant products and promotions which helps to grab the visitor's interest on the website to end up checking some more products. This is what we called Onsite Behavioural targeting. One of the examples for this is the online shopping site Amazon which explains how it works and collects data.

You know how Amazon suggests items that might interest you, based on the items you've perused? That's how the entire Internet could be soon. With systems tracking your cursor and keeping tabs on your browsing history, the Internet can get to know you better — and be smarter than ever. In fact, Amazon's algorithm is a paragon of excellence for targets. "Amazon does a fantastic job at making the Amazon experience reliable for the consumer. The entire experience is relevant and more efficient. And since data collection has been ongoing for years at Amazon, the data points and algorithms have been refined. Years ago, a man might buy a princess outfit for his 3-year-old niece and then be presented with advertisements for toddler items the next few times he logs on? "As targeters accrue more data and more sophisticated algorithms, they can lessen the impact of statistical outliers," he says. And what's been done to the algorithm at Amazon is happening all over the web. Shergalis cites the advent of Google Instant as a huge shift in the web's evolution — results are repositioning information in a way that is more focused on the query. "Marketers are hoping to do that with all of their work," he says, meaning that the web might be able to tell you what you're looking for before you even finish typing it. Hirsch jokes that in 10 years, we may very well look back and laugh that we ever had to type something into Google to find what we were looking for. "Smarter" and "more useful" are two terms he uses to describe how the targeted curation will affect your web experience.



## 2. NETWORK BEHAVIORAL TARGETING:

One more type of behavioural targeting is network behavioural targeting which uses the browsing history of the customer or else the visitor which reveals the whole information about the visitor like who is the visitor? What is his marital status, age range, sex, interests, preferences, etc. and to target the visitors based on the information with relevant advertising on different sites in the internet? This type of marketing is very common, more famous as well as familiar to the marketers. This type of targeting is mainly done by showing different kinds of advertisements on various publishers or sites. Most of the Ad network uses this sort of behavioural targeting.

In this way the advertising networks are able to target their customers. The data which is collected by them is sent to different companies including Microsoft, Google subsidiaries, Yahoo, Facebook, twitter, many of the traffic-logging sites, and smaller ad firms. The collected data can even be sent to more than 100s of websites. This data about the visitor is collected by using cookies, web beacons and such similar technologies and a third party ad serving software which automatically collects the information about the website users and the site activity. This data may not include the visitor's name, address, email address or telephone address or any such personal information, but it may include device identifying information such as the IP address, MAC address, cookie or any other device-specific unique alphanumeric ID of your computer, but some of the stores may even create guest IDs to go along with the data. This particular data helps the companies to infer people's age, gender, and possible purchase interests with which they could make the customized ads that you would more likely to click on. A good

example about this would be a person visiting football sites, business sites and male fashion sites. A reasonable guess would be what we can assume is that the specific user of the site is a male. The demographic analysis of the individual sites provided either internally or externally allows the networks to sell the audiences rather than sites. Although the advertising networks used to sell the product, this was likely to be based on picking up the sites where the customers were. Behavioural targeting helps them to do the same slightly being more specific.



## PROS AND CONS OF BEHAVIORAL TARGETING

### PROS:

Some of the benefits of behavioural targeting are as follows:

- » They can get the target customers by advertisements and links based on the visitor's interests, preferences and life style choices. One of the benefits from the consumer side is that they can be exposed to such advertisements that might bring them into contact with one such product which they are currently investigating.
- » They can create a more pleasant and more individual buying experience. It is helpful to the website developers to know about the desires and consent of the customers so that they could put the right message at a right time in front of a right person. Quickly identifying the offers that would more likely to convert the prospects to buyers.
- » Anticipating the needs and wants of the customer and using such details in the information for making the market decisions on the assumption or with a hope that current clients may match the needs future clients. Predictive Behavioral targeting helps allows the company to be ahead the bell curve. Existing customers are a great source for the new business.
- » Behavioral targeting is one such thing which improves the productivity initially without spending a lot which involves studying the behavior of your average client and so that you come to know where to search for your clients and that your advantages are being watched by them. It is much better than putting up a general advantage and hoping that someone interested will happen to see it.
- » Apart from the online sales ads behavioral targeting has also some advantages like it is a very good way to research about the products, and find out what kind of people buy their products, it also brings up the new strategies to the online advertising. It allows the advertisers to know about the exact person who is most likely to buy the product at the right time.

### CONS:

- » The behavioral targeting is twenty to thirty percent more expensive than any other traditional online advertising strategies. To segment marketing a company often needs to invest in the consultation agencies or a consumer research team.
- » A person may be sometimes annoyed about the email he or she receives about the ads offering him those kinds of items and services. There should be some privacy to the visitor's information which is as such violated by this type of targeting. Sometimes it is like spying when the private information is exposed for the purpose of marketing.
- » This behavioral targeting doesn't work for all the products because every product is not compatible. Usually it is suitable to such type of products which doesn't have any mass appeal. If any ad is not relevant to the situation, then the customers get a feeling of being spammed.

### PRIVACY CONCERNS

Behavioural targeting may be an inconvenience to some of the users but technically it is not an invasion of privacy. As long as the cookies are not gathering any sort of user identifiable data, then the only concern for the online user is that whether they are interested in receiving these adverts or not. If they are not interested they can either reject cookies or delete the existing ones in their browsers.

However, there is a greater need for the improvement of level of education and awareness about how these things like behavioural targeting work. The European Commission has also raised many concerns about the online data collection, profiling and behavioural targeting. However, tracking the consumer behaviour online or on any other mobile devices are the key to digital advertising and is the financial background of the interest and so in March 2011, the online ad industry started working with the Council of Better Business Bureaus to monitor and regulate marketers track consumers online.

## STEPS OF BEHAVIOURAL TARGETING

There are five steps to successful behavioural targeting:

### GOALS FOR BEHAVIOURAL TARGETING

This is the foremost important step of Behavioral targeting strategy. To set up the goals for the targeting gives the clear idea to the publisher that on what type of consumers he is targeting, on what all consumer interest he has to collect the data and how to attract the consumers online by popping up the advertisements. While characterizing your objectives for Behavioral Targeting, consider things like why are you notwithstanding pondering Behavioral Targeting (BT), would you say you are searching for transient fleeting ROI or do you have a long haul arrangement, would you say you are attempting to draw in BT for Branding or direct reaction, would you say you are simply hoping to drive movement, procure new client, retarget the clients who have as of now been to your site? Having clear objectives personality, a main priority will offer you some assistance with defining your client portions, achievement measures and set the right desires among every one of the partners. It will likewise hold you merchants under control. Report your objectives and ensure every one of the partners concur on those.

### CUSTOMER SEGMENT

When you have the comprehension of the objective of you Behavioural focusing on endeavours, consider what client fragment you need reach. By what method will you characterize these client fragments? What attributes or conduct make them the right target? A percentage of the portions may be exceptionally evident in the event that you have completely pondered your objectives and some may require all the more considering. Achieving the right portion at the ideal time and at the opportune spot is the guarantee of Behavioural Targeting yet in the event that your sections are not legitimately characterized then you won't achieve the right clients. Notice that I have not discussed any device or system yet. You ought to characterize your portion before you discuss devices since you need the device/system to work in light of your objectives and fragments and not the different way.

### SUCCESS MERITS

Unless you know how to quantify achievement you won't know whether Behavioural Targeting is truly working for you. Ponder what achievement intends to you? Is it number of visits or is it transformations or something in the centre. Unless you have a predefined activity characterized you won't know whether you are achieving the right client or not. Likewise consider ROI, why would you like to pay additional for Behavioural Targeting battles or take part in on location BT exercises. The ROI model will offer you some assistance with predicting the arrival you will can anticipate from Behavioural Targeting and on the off chance that it is justified regardless of your time, exertion and cash. Amid this procedure you may find that Behavioural Targeting (taking into account your objectives, section and achievement criteria) is not a good fit for you. In the event that that is the situation then the time has come to backpedal to step 1 and re-examine why Behavioural Targeting.

### CULTURE OF CONTINUOUS IMPROVEMENT

As you drive clients through Behavioral Targeting, you have to ensure that the innovative, greeting pages and transformation ways are ideal. Regardless of the fact that you achieve the right client, on the off chance that your promotions, points of arrival and transformation ways are not enticing you won't reveal the maximum capacity of behavioral focusing on. Conduct A/B or Multivariate testing on advertisements, that advancement is a progressing process, it shows signs of improvement with time. You need to make a society of persistent change. You will never get to 100% change however each and every change can hugely affect the primary concern.

### SURVEY

A survey was conducted in the Symbiosis Law School, Hyderabad asking the students their views on Behavioral Targeting.

### METHODOLOGY

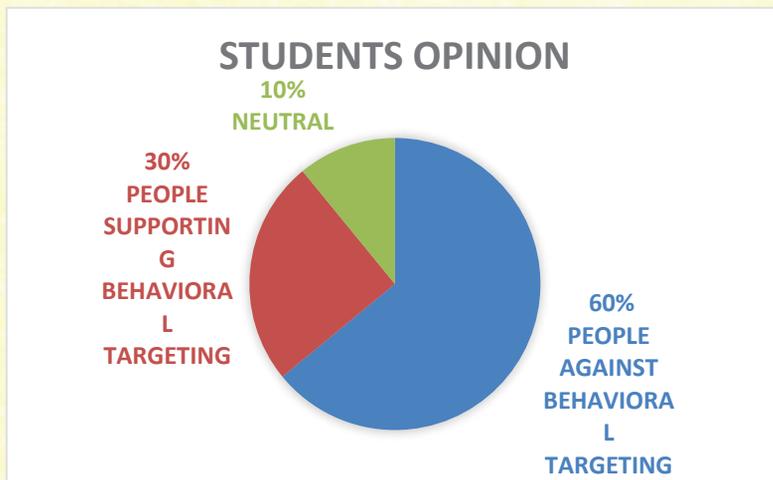
Primary Source: The information will be collected by conducting survey in the college by getting Students opinion.

Secondary Source: Information is collected through secondary sources like internet, newspaper, and magazine etc.

### SURVEY QUESTIONS

1. Do you use any online websites for shopping?
2. Do u know there is something called behavioral marketing which is used by the marketers to target their customers?
3. Do you think that you are exposing your privacy by the information they track while you go online?

4. Do you prefer behavioral targeting?
5. Finally, what is your opinion about behavioral targeting?



### ANALYSIS

According to the survey conducted it was found that Sixty per cent of the were against the concept of Behavioral targeting as they are with an opinion that their privacy is being affected as the website developers track their private information which is not acceptable by them. This opinion was created because of the lack of knowledge and awareness about the working of Behavioral targeting.

30% of the people are with the opinion that behavioral targeting is benefiting them because they are exposed only to those advertisements which are preferred by them, they have complete awareness about the cookies used by website developers which only tracks the IP address and the geographical location of the people and their gender but their personal information is not tracked. The remaining 10% are of with no opinion because they are not regular website visitors.

### CONCLUSION

It was concluded by our research and survey that Behavioral targeting is the way by which the marketers approach their targeted consumers to increase their sales; it's not to track the private information of the consumers but just a way to attract the consumers towards their product. There is a need to educate the customers about this concept as they are assuming that this is harming their privacy. Nowadays as the trend of online shopping is increasing the marketers should take safety measures to reach their targeted customers and increase the number of sales.



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## AKBAR'S ADMINISTRATIVE POLICIES – A RELOOK

### WHO IS/WAS AKBAR?:

Abu'l-Fath Jalal ud-din Muhammad Akbar popularly known as Akbar the great was born on October 14, 1542 in Umerkot (present day in Pakistan) to the Mughal emperor Humayan and his bride Hamida Banu Begum. He was brought up by his uncle in Afghanistan while his parents were in exile in Persia and learned the activities like hunting and gained skills in fighting. Akbar ascended the throne at the age of 13 in 1555 after the death of his father and the empire was managed by his childhood guardian and the empire's warrior Bayram Khan.



He nearly lost Delhi to the Hindu ruler Hemu in the same year but captured it back in the second battle of Panipat in November of 1556. When he attained the age of 18, he decided to take the control of his empire and army directly and had to fight Bayram at Jhalander in Punjab who rebelled against the emperor but was defeated and given the second chance to go to Mecca.

Afterwards he faced many internal challenges but focused on external policies of military expansion and succeeded. His first marriage was with the Rajput princess Jodha Bai or Harkha Bai in the year 1562 and in total he had 36 wives of various religious and cultural backgrounds. His founding principle of law was 'peace to all' and respected all his subjects irrespective of their religion. Akbar had a strong personality and ruled over nearly the entire Indian subcontinent north of river Godavari.

He died on October 27, 1605 at the age of 63 because of his illness due to dysentery and was buried in Sikandra, Agra. He was succeeded by Jahangir.

### ADMINISTRATIVE POLICIES

#### CENTRAL ADMINISTRATION

Akbar had a centralized government with various departments who had their own individual regulations and functions while he was the overall in charge and head. The revenue department was headed by a wazir and was responsible to maintain all the finances and lands of the empire. The head of the department of military was appointed by the emperor from the number of nobles and was known as Mir Bhakshi, he was assigned the task of maintaining a good army and recommending officers etc to the king. The head of the royal household was known as mir saman. The judiciary which was an independent organization was headed by a qazi. Vakil was the minister who acted as the advisor of the king while the Daroga-i-Dak Chowki was the head of postal and intelligence department. The king's word was equivalent to law itself and he held open courts for his subjects where they can come and ventilate their grievances while the king pacify them, resolve their issues and fulfill their demands.

#### LAND REVENUE ADMINISTRATION

Akbar followed the tax system which was once followed by Sher Shah Suri where the tax rates were fixed depending upon the area of the crops and their productivity. However it was noticed that the prices in the countryside were much lower than the prices in the court so this system was replaced by decentralized system. The new system of decentralization resulted to corruption among the officers and was given up in the year 1580. Then the system of dahsla was introduced for taxation where one-third of the average production of the past 10 years was taken into the amount as the revenue.

For revenue purposes the land was divided into four categories as follows

- Polaj land which was regularly cultivated
- Parauti land which was left uncultivated after every crop
- Chachhar land which was not cultivated since 3-4 years.
- Banjar land which was not cultivated for more then 4 years.

The first and second category of land was further divided ranging from good to bad. The measurement of land of each farmer was in the terms of bighas.

The farmers were encouraged to increase their productivity and were given remissions during the times of crises like floods and droughts. Also the king ensured that the zamindars provide the farmers with loans and tools when required along with better quality seeds.

The Zamindars had the right to some part of the crop as their reward while the peasants had the hereditary right for cultivation till the time they paid the land revenue timely. The department of revenue had revenue officers whose three quarters of the salary was fixed while the rest depended on their ability of the revenue assessment. The records of all the payments and receipts of the farmers were strictly maintained.

## PROVINCIAL ADMINISTRATION

Akbar divided his entire empire into 15 provinces which were looked after by the governors known as *Subedars*. The revenue records of each province were managed by the *Diwan*. The *Kotwal* was the one assigned with the maintenance of law and order while the *Bakshi* looked after the requirements and necessities of the army. Each officer had to follow the same rules and code of conduct as given under the central administration. Provinces were again divided into units known as *Sarkars* whose head was the *Faujdar* and was assigned with the duty of maintain peace and law in his area and had officials under him to collect revenue etc for the state treasury.

*Sarkars* were subdivided into *Pargana* which was headed by *Shikdar* and had the same duties as *Faujdar*. The *Parganas* again were further divided into the villages. The villages were headed by *Muqaddam* and had village Panchayats in both the affairs of administration as well as judicial. The *Patwari* and *Chowkidar* assisted in the administration of the villages. *Waqa-i-Nawis* was led the secret service of the province while the *Sardar* led the judicial charity department. The state officers generally had nothing to do with the village affairs and therefore did not interfere in the same. Further to unify the empire, study of Persian was made necessary as all the official accounts were now kept in Persian and not Hindi, so it became a common language.

## FOREIGN RELATIONS

Akbar had been successful in bringing most of the north under his control and now moved towards the south. But the presence of Portuguese there made him realize that conquest is far too dangerous so instead both the powers signed treaties under which the Portuguese were allowed to carry on living and maintaining their coastal forts while the Mughal ships were allowed to pass by without question. His relations with the Portuguese ended when he asked them to attack the navy of the Ottoman empire because the head of the city requested Akbar to send less pilgrims to Mecca as the holy city is losing too many of its resources.

Akbar maintained good relations or satisfactory relations with others as a strategy to rule in peace and not letting his enemies unite. For example in 1595 Mughals captured Kandhar from the Safavid empire, this led to cordial diplomatic ties between the two. Others kept Mughals close because they learned the fact that it was a rich empire and much needed trading partner.

## EXTENT OF AKBAR'S EMPIRE

### The Deccan Campaign

The Deccan campaign was the first great move of Akbar against Ahmadnagar. Chand Bibi fought bravely against Akbar and the Mughals were only able to annex some parts of it. In 1591, Akbar send his ambassadors to Khandesh, Bijapur, Ahmadnagar and Golconda with the offer of his sovereignty. In 1601, Akbar invaded Khandesh and captured many areas and forts but nothing could have done against Bijapur and Golconda. The Deccan policy of the great Mughals initially worked out well and succeeded but in the end ultimately it turned out as a failure.

## MILITARY ADMINISTRATION

Akbar was responsible for the introduction of a new system of military organization called *Mansabdari* system. The *Mansabdar* was the rank or position of the government official ranging between a number of troops and consisted of 33 classes in total. Each *Mansabdar* was appointed by the king himself and could be asked to perform any civil or military service required. Each *Mansabdar* was required to maintain a given number of cavalrymen and twice the number of horses of the same. According to their ranks the *Mansabdars* commanded so soldiers from 10 to 10,000 and were paid in cash. This system was not hereditary and in addition to the cash, the *Mansabdars* were also given *Jagirs* as their payment. The *Jagirs* were parts of land from which the officer was free to collect the tax. A record was maintained of the each horseman and of branding horses under each *Mansabdar* to prevent the corruption from seeping in the system. They were well paid for their services and maintained a permanent standing army. This ensured a high quality of Akbar's armed forces.



## **CAPITAL**

Akbar had his capital in Agra because the saint, Salim Chishti lived there and Akbar was his follower. Then he founded a new capital on the victory over Chittor and Ranthambore, 23 miles west of Agra and named it Fatehpur and then came into existence Fatehpur Sikhri on the conquest of Gujarat.

He then moved his capital to Lahore in 1585 as water supply was poor in Fatehpur Sikhri and he could not attend the north-western areas of his empire. Some say that it was because he lost interest in the city while others say that the city was not good for defensive purposes. In 1599, he shifted the capital back to Agra which remained so till his death.

## **JUDICIAL ADMINISTRATION**

Akbar did not sit behind in the matters of the judiciary and introduced several reforms in this field as well. Before the reign of Akbar only Islamic law was being used for the subjects of the empire but Akbar made a new rule according to which the Hindu subjects were ruled by the Hindu law while the Muslim subjects were ruled by the Islamic law. The king was the highest authority and court of appeal for all. Capital punishments were rare and were sentenced only by the king himself in the extreme cases. Legal disputes between individuals were dealt in Qadi courts while the disputes between an individual and the government or a matter relating to the complaint of a government official were dealt in Mazalim courts which were presided by the sultan.

## **SOCIAL REFORMS AS AN INITIATIVE UNDERTAKEN BY AKBAR**

Akbar was the emperor who looked after the welfare and goodwill of all his subjects without any discrimination on the basis of religion. The pilgrim tax was nothing but a burden on the Hindus to pay taxes even if they want to go on a pilgrimage, Akbar had this tax abolished. There was another tax known as the Jaziya tax according to which the non Muslims had to pay a tax because the Muslim ruler was protecting them, in 1564 Akbar had this tax also abolished. All this gave a lot of economic relief to the general public. During his reign, child marriages were very much discouraged while widow remarriage was encouraged. The practices of Sati and female infanticide were listed as forbidden.

Akbar tried to bring all the people together, he had Muslim historians in his court along with the Hindus like Bhagwan Das, Man Singh, Todar Mall, Birbal etc who were exceptional in their abilities. He thus was discouraging religious intolerance and displayed his desire of learning about other religions like that of the Portuguese.

In 1581, he introduced the system of census of population and in 1582, the order of liberating all the slaves was passed along with the order of appointing new officials to deal with the transactions of sale and purchase of special articles. Public hospitals were opened and people were induced with the idea of giving something in charity once in a week or a month as it suited one the most. Many charity institutes were opened in this context. Also Akbar promoted studying and rise in literature for whose purpose a great library was opened containing texts in many scripts. Many educational institutions came up where both Hindus and Muslims studied together.

Akbar also understood the problem of intoxicants, drinks etc but he also knew that it would not be possible to completely prohibit it so he allowed drinking to those who were certified by the doctors to do so if needed. Over drinking etc was made an offense and therefore was punishable. The names of all the people who brought liquor from the shops was put into record. For the problem of beggary he installed dormitories known as Khairpura for the Muslim beggars, Dharampura for the Hindu beggars and Jogipura for the Jogis. Here the food was served to the beggars free of cost or we can say at the cost of the state.

Akbar also removed all the taxes on trade and profession along with the inland custom taxes. Now because of the removal of these impositions, the prices of the goods came down to a great level and the movement of the goods was more frequent and free. He also removed the ancient practice of enslaving the prisoners of wars and selling their wives and children, thus saving a lot of innocent lives. The social evils abolished by Akbar and the social measures taken by him gave the sense of modernization in the history of India.

## **CONCLUSION**

Akbar was the third Mughal ruler and the most successful among them all. His reign his counted as the time of peace and prosperity in India. It was one of those times when nearly whole of the India was under the rule of the same king and the developments were seen at a rapid rate. His policies were full of wisdom and he gave India a cultural glory and enriched society. His administrative system was remarkable and was the basis of administration upto the time of the British. He expanded the kingdom but also kept a hold on all of it through his intelligent policies unlike other rulers. His land revenue system is praised by the historians as his policies were to measure the land, classification of land and finally the fixation of prices. His policies ensured a sure income to the state and saved the peasants from oppression of the Zamindars.

His introduction of the Mansabdari system lowered the conspiracies and revolts to a great extent and improves the efficiency of the armed forces. He organized the system as such that focused on the welfare and goodwill of all the classes of subjects because the land was common to Hindus and Muslims alike, as a consequence evolved a nation-state in India. For administrative unity, he strengthened religious as well as cultural unity as well which resulted in a more integrated empire over all.



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## **PREPARATION OF A MARKETING STRATEGY FOR ANY PRODUCT – A CASE OF UNISEX TRIMMER**

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### **WHAT IS PRODUCT?**

In general, a product means things produced by labour of effort but when it comes to marketing its meaning is something different. In marketing, a product is anything that can be offered to a market that might satisfy a want or need. In retail, products are called merchandise. In manufacturing, products are purchased as raw materials and sold finished goods. In Project Management, products are the formal definition of the project deliverables that form the objectives of the project.

Products are of two types:-

- **Tangible Product-** It is a physical object that can be perceived by touch such as building, vehicle, or gadget. Most goods are tangible goods. For example- Pen, Pencil etc.
- **Intangible Product-** It is a product that can only be perceived indirectly such as an insurance policy. It also includes virtual digital goods such as MP3 files JPG etc.

### **MARKETING**

A management process through which goods & services move from concept to the customer. It includes the coordination of four elements called the 4P's of marketing i. e Product, price, place, promotion.

Marketing is based on thinking about the business in terms of customer needs and their satisfaction. Marketing differs from selling because

"Selling concerns itself with the tricks and techniques of getting people to exchange their cash for your product. It is not concerned with the values that the exchange is all about. And it does not, as marketing invariably does, view the entire business process as consisting of a tightly integrated effort to discover, create, arouse and satisfy customer needs."

In other words, marketing has less to do with getting customers to pay for your product as it does developing a demand for that product and fulfilling the customer's needs.

### **MARKETING STRATEGY**

Marketing Strategy is sorting out who your audience actually is, and then finding out what has meaning for them. In Marketing, there is strategy and there are tactics, Marketing strategy allows you to use pathways and footholds that apply your limited marketing budget more effectively.

If we are launching a product we need to know that whether the customers are liking that product or not. If at one moment we get to know that there is a presence of a similar product for which the customers are already having a liking then we need to have a strategy for which we can stand in the market.

We can launch the same product with a little new innovation. We can take the example of Tata Nano. Prior to Tata Nano there were many short car companies present in the market like Maruti 800 etc. But still Tata Motors made a very good penetrating strategy by reducing the price of Tata Nano to rupees one lakh. This was a tough challenge for Tata Motors because if we want to sell a car at one lakh rupees then we need to make it sure that the cost of production of that car is around eighty thousand so that the company earns profit. But Tata Motors by using the latest technology made it possible.

The design of the car also attracted the customers. People who were unable to afford a car, a Tata Nano is/was a dream coming true because of its low price. The main target of Tata Motors was the middle class people who always dream to have a car.

Tata Motors positioned the car as per the following catch lines:-

- 1 lakh car to fulfill all your dreams
- Cars are not just for the rich.

Tata Nano was expected to be a big failure by the experts but after being launched in the Indian Market it now gave the power to the common man of India to dream to own his car. This car attracted huge number of customers captured the market very soon. Now Tata Nano is the first preference of majority of the people.

## UNISEX TRIMMER

Philips has been recently pushing its electric grooming products aggressively in the Indian market. The company has been seriously building its product portfolio in the Indian market with focus more on small appliances, LED, audio devices and personal grooming products. The big push came in 2012-13 when the company launched ad with the celebrity John Abraham for the Philips Men grooming range.

The company estimates that the men's grooming range would be around Rs 1500 crore and the market especially the young consumers are moving towards the more convenient electric devices. The company is now pushing the wet shavers' unisex trimmer because Indian consumers are habituated using the shaving cream + water combination.

Now company has decided to bring a new product with very effective marketing strategy keeping in mind PLC (Product Life Cycle) of a product. It is a unisex trimmer which can be for both male and female. Once it is fully charged it can be used for 2 hours. It has both types of facilities cell and direct using adapter. This trimmer also comes with clean shave blades and different sizes of trimming (adjustable according to consumer's preference). It can be used for both body, trimming hair and facial hair. It is very convenient to use regardless of all the features it comes at an affordable price. It has all type of essentials like: - stainless steel blades, long lasting, it is perfectly adjustable and smooth able to use. It also has great feature like it is water proof, using this product the customers look more adorable or eye catchy in a group of persons. It does not cause any harm to skin and the product is fully scientifically tested and very practical to use. It is very good in looking (perfect in size; which can easily handle and available in various attractive colors).

Since, In order to survive in this competitive market we have decided to keep its pricing policies simple and straightforward. People are more use to online purchasing of the product, so this product will also be available online. This product is also easily available at retailer shops in both rural and urban areas. In the starting time or we can say that those 100 persons who purchase this product first they can purchase at free of cost and after that more 500 persons get 20% discount on purchasing that product. In rural areas mostly people get unaware about all these type of products so we will create awareness and tell various features to them about product, that how it can be used and it can be available at cheap price and this product you can easily afford to purchase, so it will help in more selling in rural areas and more awareness about product in all rural areas. And we can advertise it through social sites, make a site on Google page, give advertisements on television and also during games or on radio. This all will help in making good selling marketing in urban areas because people get attracted mostly by the advertisements so they try to buy it and use it. And advertisements also has something different which can show people that it is the only product which can brings happiness and easiness in your life after using this, and try to take famous good actor and actress which can show that product more good so people get that actresses and actors also using this type of product that's why they are good in looking than us so we also have to try this product. This all will give much more selling and much more profit and popularity in market.

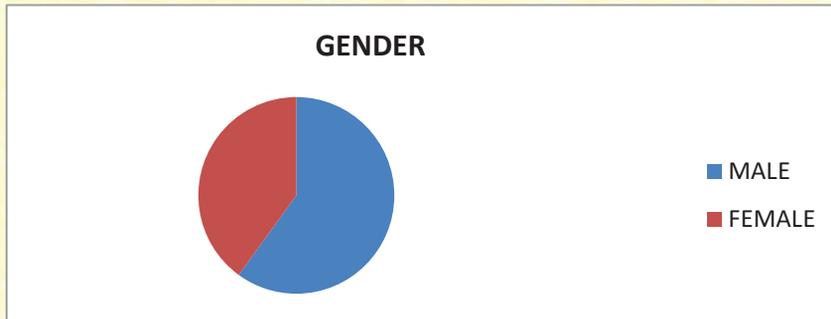
The reason is the increasingly the consumers are now experimenting with their facial hair and body hair especially the younger market. They have now all types of moustache and beard and the conventional shaving razors are not flexible enough to cater their needs. Now many dabble with a trimmer and the good old razor. But soon time will come when these convenient electric shaver + trimmer will capture the upper end of the market. This can drive the expensive Mach and Fusion brand to be irrelevant to the Indian consumer. Looking at the economics, electric shaver is more economical than the expensive cartridges of Gillette. Wondering why Gillette which practiced "Planned Obsolescence" to the core by cannibalizing the existing products with innovative new ranges silent on the direct attack by Philips? Are they practicing Marketing Myopia??



A small survey is conducted to examine the product knowledge about Unisex trimmer of Philips and the information thus obtained is as follows:

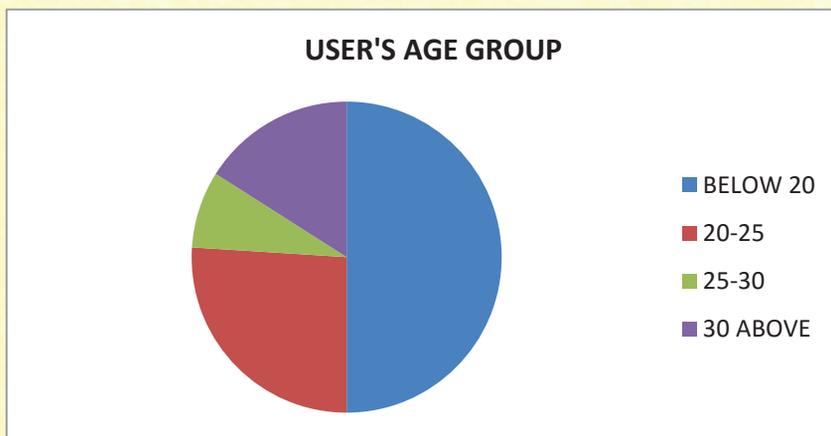
## SURVEY ON “PHILIPS UNISEX TRIMMER”

### 1. GENDER



MALE : 60%  
FEMALE : 40%  
TOTAL : 100% (TOTAL 80)

### AGE GROUP OF USER

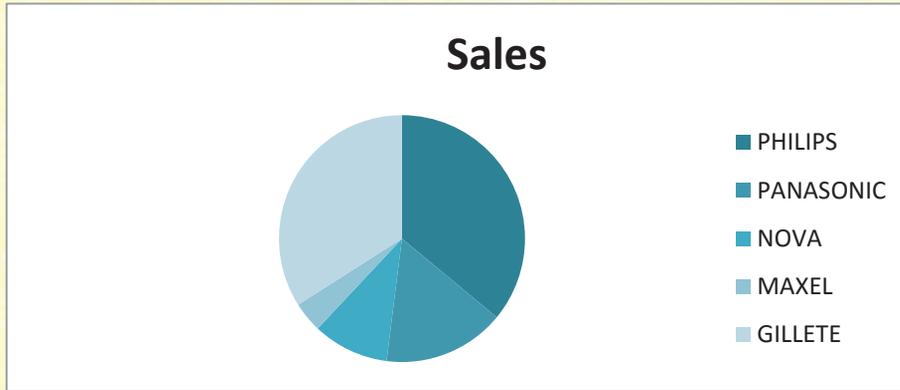


BELOW 20 : USER BELOW 20 YRS.  
20-25 : USER BETWEEN 20-25  
25-30 : USER BETWEEN 25-30  
ABOVE 30 : RESPONDENT AGE ABOVE 30 YRS.

### 2. OPINION ON THIS PRODUCT (LIKE/DISLIKE)



### 3. REQUIREMENT



PHILIPS : 36% PREFER PHILIPS  
PANASONIC : 16% PREFER PANASONIC  
NOVA : 10% PREFER NOVA  
MAXEL : 4% PREFER MAXEL  
GILLETTE : 34% PREFER GILLETTE

### CONCLUSION:

Earlier men used generic unisex brand. However, these days men prefer to use brands which are customized as per their skin and age. This change has transformed the entire beauty personal care industry and every leading consumer products company has ventured to capture male target customers. This report focuses on electric male grooming product such as electric shaver, electric trimmer, and other products like nose and ear hair trimmers, body groomers, and hair clippers, and accessories such as replacement heads, chargers, and cleaning brushes.

There is a growing trend observed among individuals to purchase products online, as it is easier to research on the product features and conduct a price comparison. Marketers are coming up with the advertisements that convey storylines that men can correlate with. In India, male segment grooming will grow at the rate of nearly 27% along with other high growth segments like infant care, which will grow at nearly 23%. With growth of e-commerce; leading brands are focusing on delivering improved sales experience. There is an increased investment on devising account and supply chain management strategies along with enhancement in product assortments. Vendors are launching informative and interactive websites to effectively reach out to customers.'



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# RELIGIOUS POLICIES OF AKBAR AND AURANGZEB – A COMPARISON

## AKBAR AND HIS RELIGIOUS POLICY

### INTRODUCTION

Abul-Fath Jala ud-din Muhammad Akbar famously known as Akbar-I was one of the greatest rulers of Mughal dynasty and third in chronology after Babur and Humayun<sup>72</sup>. In order to unify the vast Mughal empire, Akbar adopted a centralized system of administration and in order to preserve, protect and maintain peace and order in a religious and culture prone diverse empire, he adopted liberal religious policies that won the hearts of the non-Muslims.

### THE REASONS FOR THE BIRTH OF AKBAR'S RELIGIOUS POLICIES

The Religious Policy of Akbar was liberal. Akbar never really gave evidence of narrow religious bigotry. The surroundings in which Akbar was born was comparatively liberal. Bairam Khan, who was a Shia muslim subsequently became Akbar's guardian and protector. Bairam Khan is responsible for molding and shaping his conduct and his early policy. Abdul Latif, Akbar's most notable tutor, taught him the principle of universal peace which Akbar never forgot. Thus, the early environment in which Akbar was brought up influenced the Akbar's religious views in the direction of liberalism. Akbar abolished the pernicious practice of enslaving the prisoners of war and curbed them from converting to Islam even before he turned twenty. On completing his twentieth year he was seized and clutched with the remorse caused by the difficulty of reconciling religion with politics.<sup>73</sup>

### EVALUATION OF AKBAR'S RELIGIOUS POLICIES

The religious policy of Akbar the Great was the most liberal exponent of the policy of toleration among all Muslim rulers in India. However, his religious views went through a process of slow evolution. His Rajput wives and his contact with Hinduism made an impression on his imaginative mind.

In the meantime a new atmosphere in India was created by the Bhakti movement. Until 1575 Akbar observed the external forms of Sunni faith. Akbar's Fatepur Sikri, called Ibadat Khana (*in the picture on the right*) or the House of Worship came the selected men representing various schools of religious thought used to take part in religious discussions. After listening to all of them Akbar came to the conclusion the essence of "All religions are one and the same."<sup>74</sup>



Akbar's religious policy was molded and motivated by his parental and social heritage. He was born and brought up in a Rajput family. His mother herself was Shia Muslim. All of Akbar's teachers and guides in his boyhood incidentally happened to be men of unorthodox religious views<sup>75</sup>. Akbar learnt from him the Nobel lesson of Suleh-i-kul that means peace with all, on universal brotherhood.

The sociopolitical environment also affected his attitude towards the common people. The forerunner of Akbar in adopting the policy of religious toleration was Sher Shah Suri. The main person behind bringing the policy of religious toleration to the pinnacle of secularism was the first monarch of medieval India, Akbar. Without winning the confidence and active support of his Indian subjects, Akbar could not hope to establish and consolidate Mughal Empire in India. Akbar completely understood the centrifugal tendencies of the complex Indian socio-political order and made a serious attempt to eliminate these by separating religion from politics.

The first stage of his tolerant policy was a spiritual awakening towards the Hindus. He had fully realized that basic unity among religions. He married Rajput princess from Amber in 1562 as a part of his secular policy and received voluntary services of Rajput warriors. In 1562, Akbar declared that women and children of the enemy camp must not be molested by Mughal armies on any account. Akbar encamped at Mathura in 1563 when he came to know that, in accordance with the old practice

<sup>72</sup> "Akbar - The Great." Wikipedia. Wikimedia Foundation. Web. 10 Mar. 2016.

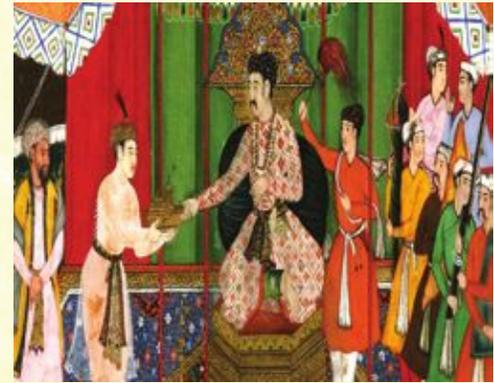
<sup>73</sup> "Religious Policy of Akbar - Important India." Important India. 2013. Web. 10 Mar. 2016.

<sup>74</sup> "Evaluate the Religious Policy of Akbar - Important India." Important India. 2013. Web. 10 Feb. 2016.

<sup>75</sup> "Brief Notes on The Evolution of the Religious Views of Akbar." YourArticleLibrary.com The Next Generation Library. 2013. Web. 10 Mar. 2016.

of the Muslim rulers, his government has also imposed a tax on the Hindu pilgrims who wanted to have a dip in the holy water of Yamuna. After this he abolished pilgrim tax throughout his dominions. In 1564, he also abolished Jaziya.

Saikh Mubarak, a liberal minded scholar of Sufi dispositions came into contact with Akbar in 1573, after the conquest of Gujarat. He and his two sons Faizi and Fazal greatly influenced young Akbar. Badayuni mentions that later on he was so influenced by the philosophies of Brahmanas and Sramanas that he started believing in the philosophy of transmigration of soul. In 1575, he ordered to build Ibadat Khana an ideal place for religious discourse. Thus, he initiated the practice of holding religious discourses there with the learned and the saints of the age; the meetings were held on Thursday night which is a holy day for the Hindus.<sup>76</sup> Akbar's proclamation of Majhar was the greatest ever declaration made during the medieval period. The main objective of this declaration was to separate politics



from religion and give more importance to royal decree than the orthodox Islamic laws. Akbar called himself Imam-i-Adil or the Chief interpreter of the Islamic Law.



In this way, Akbar developed an effective control over Diwan-i-Kaza (see the picture below) or the judicial cum religious department which was earlier dominated by Ulema or Muslim theologians who were always more sympathetic towards the Muslim community and rigid on established conventions of Islam. It seems that by calling himself Mujtahid and declaration of Majhar he made himself temporal as well as spiritual leader.

Akbar's spiritual enlightenment is reflected in his doctrines related with *Tauhid-i-Illahi* which was later on called *Din-i-Illahi*. By founding *Din-i-Illahi* he was eager to weld all the Indians, irrespective of their caste, creed and religious belief and practices, into a homogeneous society. So it seems that like Akbar's Dhamma the whole approach of *Din-i-Illahi* was national integration and developing peace and amity in the society. Akbar was very broadminded. He wanted to work out a synthesis of all religions. His treatment with the Hindus was very tolerant. In fact he was so liberal in his religious outlook that he attempted to find a new religion on the basis of good points of all religions. Of course he made no effort to force his religion on his subjects.

Akbar's religious policy and his treatment towards the Hindus pacified and healed the bitterness and strife which produced an environment of peace and harmony where there had been religious antagonism.

## AURANGZEB AND HIS RELIGIOUS POLICIES: INTRODUCTION

Religious policy of Aurangzeb was based on the Islamic theory of kinship. Aurangzeb felt that he was superior not only had he become superior to administer the empire in a better way but also to protect and strengthen Islam particularly its Sunni faith. He was a strict follower of the Sunni sect, to the extent that he persecuted the members of the Shia sect. In order to achieve his objective of strengthening Islam, he imprisoned his father, killed his brothers. The "Ideas" of Aurangzeb can be judged from his personality. His personality can be studied from two dimensions; as a religious man and as a statesman. As a religious man he was staunch Muslim and careful and conciliatory to non-Muslims. As a statesman Aurangzeb attended in person every detail of state's administration. Due to his long term, campaigns and reduction of taxes, financially he became weak.<sup>77</sup>

## ACCORDING TO THE HISTORIANS - AURANGZEB'S RELIGIOUS INTOLERANCE

According to historians Aurangzeb reversed Akbar's Policy of religious toleration. He basically used those policies which were already introduced by his predecessor but those were not that strong so again Aurangzeb during his reign again used those policies and one of them in Religious policy. In the view of historians Aurangzeb was intolerant towards non-Muslims. In issuing ordinance, Aurangzeb was not favoring Hindus, but only enforcing Islamic law. He destroyed new temples and did not allow old temples to be repaired. Orthodox personality of Aurangzeb is described by historians as anti-Hindu. It is said that Aurangzeb bigotry was responsible for the Hindu revivalist movement.



<sup>76</sup> "Akbar's Religious Views and His Policy towards Hindus." History Discussion Discuss Anything About History. 2014. Web. 10 Feb. 2016.

<sup>77</sup> "Manas: History and Politics, Aurangzeb." Manas: History and Politics, Aurangzeb. Web. 10 Feb. 2016.

## TWO MAIN REASONS BEHIND AURANGAZEB'S OPPOSITION AGAINST THE HINDUS

### INTRODUCTION

As an orthodox Sunni Muslim, Aurangzeb felt that his empire should be a land of pure Islam, administered according to the restrictive rules and regulations laid down by the early Khalifas. Two events apparently set Aurangzeb on his path of bitter opposition and violence against the Hindu religion.

The first is the death of Raja Jai Singh in Deccan in 1667, presumably due to poisoning by his son, Kirat Singh, who did so at the behest of Aurangzeb. As the leading Hindu officer of the realm, Raja Jai Singh had some restraining influence on the anti-Hindu policies of Aurangzeb. Aurangzeb thought that the death of the Raja had provided him with a further opportunity to advance in his policy of humiliating the Rajas and the Hindus in general. He re-imposed the jiziya, the hated poll-tax on non-Muslims, which the wise and compassionate Akbar had abolished early in his region. The historian, Khafi Khan defined the objectives of Aurangzeb as the curbing of the infidels and the demonstration of the difference between a land of Islam (Darul-Islam) and a land of the unbelievers (Dar-ul-harb).



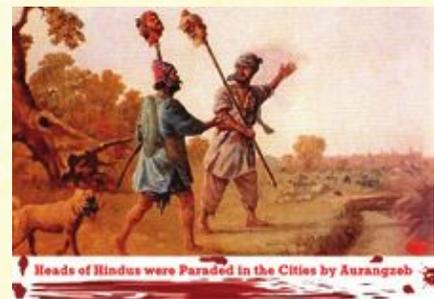
The second was the orthodox reform movement in Indian Islam started by Mujaddid Alf-i-Sani Shaikh Ahmad Sirhindi (1563-1624) which, probably, had a great influence on the life and activities of Aurangzeb. The aims of this reform movement were regeneration and rejuvenation of Islam in strict accord with the shariyat and the "establishment of a true Islamic State conforming to Islamic ideas and practices in all its activities..."

### AURANGAZEB'S RELIGIOUS FANATISM - FROM CHILHOOD TILL HIS DEATH, IN CHRONOLOGICAL ORDER

Aurangzeb, like his predecessors, was determined to reinforce and expand the might of the Mughal Empire to the farthest corners of Hindustan. Shahjahan adhered to the essentials of a liberal rule, but compared to Jahangir he was more inclined to orthodoxy. And finally there were the orthodox bigots like Ahmad Sirhindi, Aurangzeb's mentor, who were against associating Hindus in any manner with the Islamic state and demanded their persecution. Thus Aurangzeb, by nature and association, was inclined towards orthodoxy from his youth and the debate to choose between orthodoxy and liberalism as state policy was apparently always in his mind. When political and economic problems drew the country more and more to a deepening political crisis, his frustrations became more and more acute and apparently he turned towards religion believing it to be the cause and also the resolution of all problems. Once he had crossed the thin line between orthodoxy and fanaticism, Aurangzeb lost the innate sense of keeping the state separate from politics. His principal obsession was to live his life true to the guiding principles of the Sharia/Shariat law. And he was determined to make every Muslim of Hindustan live their life that way. As for the other hapless inhabitants of the country, they would be penalized unless they chose to embrace Islam. Thus, began the intimidation and harassment of other religions that terminated only after the tyrant's death which ultimately resulted in the downfall of the Mughal Empire.

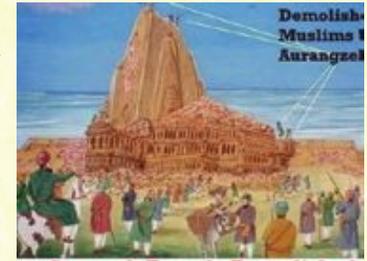
His religious fanaticism was apparent even in his youth. In 1635, aged 17, on Shahjahan's orders he demolished the great temple built by Bir Singh in Orchha and built a mosque on the site. A decade later as the governor of Gujarat, in Ahmedabad and other Parganas, he destroyed many temples. A Brahman revenue officer was beheaded for uttering improper words with reference to the prophet. A year after he assumed power in 1658, Aurangzeb appointed Muhtasaibs, or censors of public morals, from the ranks of the ulema or clergy in every large city.

In 1659, he took the first step in this direction by issuing a number of ordinances to restore the Muslim law of conduct as per the teaching of the Quran. The practice of inscribing the Kalima (the Muslim confession of faith) on the coins, were discontinued to prevent defilement in the hands of the infidels. Aurangzeb declared in a farman granted to a priest of Benaras in 1659, that his religion forbade him to allow construction of new temples, but there was no bar on the destruction of old ones. The repair works of old temples were prohibited in 1664. In 1665, he ordered that the demolished temples that had been recently restored be pulled down. In Orissa, his officers were instructed that every idol house built in the last decade, whether of brick or clay, should be demolished immediately. But the situation changed dramatically around 1668, when he realized that he had not done enough to promote Islam in the ten years that had elapsed since he ascended the throne. He set about harassing Hindus with a renewed vigor and zeal. In 1669, he issued orders to governors of all provinces to destroy all temples and schools of the infidels and put an immediate stop to the teaching and practicing all idolatrous forms of worship. From Rajasthan, several cartloads of idols were taken to Delhi to be cast in the quadrangle of the court, under the steps of the Jama Masjid to be trodden upon.



Heads of Hindus were Paraded in the Cities by Aurangzeb

By an order in 1671 all Hindu head-clerks and accountants were removed from their posts so as to fill those vacancies with Muslims. As, however, not many experienced and qualified Muslims were available to fill in, the order was modified allowing 50 per cent of such posts to be retained by the Hindus.



In April 1679 A.D., *Jizya* (*pilgrimage tax*) was imposed on the Hindus. Pilgrimage tax on the Hindus was also revived and while the Muslim traders remained free from tax, the Hindu traders were asked to pay a certain per cent of the value of their commodities as tax. All these disabilities were imposed on the Hindus with a view to force them to accept Islam. The re-imposition of *jizya* on the Hindus came on 2 April 1679 with the avowed objective of spreading Islam and overthrowing idolatrous practices. By re-imposing this hateful tax, Aurangzeb went against the courageous and compassionate decision of his illustrious great grandfather, Akbar abolishing it. The *jizya* hit the poor-non-Muslim population most, as the rate of taxation in their case was heavy in proportion to their income. Music was banned in the court in 1668 and the musicians were told to go away, in the same year there was a blanket ban on all Hindu fairs.

9 April 1669 came the order (mentioned earlier) to destroy all schools where Brahmins were lecturing on the Hindu scriptures in public. The widespread destructions of temples all over the country followed this order. Aurangzeb imposed the blanket order dismissing all Hindus in the revenue department and replacing them by Muslims, in 1669 for suggesting the sack of one of the two Hindu *Bakshis* and replacing him by a Muslim instead. In March 1695 an order prohibited all Hindus (excepting the Rajputs) to ride in palanquins, elephants and pedigree horses. They were also forbidden to carry arms.

In the last year of his reign when he was enmeshed in the hopeless war against the Marathas, he wrote to his officers in Gujarat, "The temple of Somnath was destroyed early in my reign. I do not know what the present state of affairs there is. If the idolators have taken to worship of images again, ensure that the temple is destroyed in such a way that no traces remains of the building. Expel every worshipper from the place". He then ordered that the temple in Pandharpur be demolished, the butchers of the camp be taken there and all the cows of the temple be slaughtered in the temple. And so his tyranny continued until death stilled his hand.

The consequence of all these discriminatory, demeaning and humiliating measures of Aurangzeb was far-reaching and ultimately disastrous for the stability of the empire.

### AURANGZEB AS A DIE HARD SUNNI

Aurangzeb as a die-hard Sunni Muslim he believed in the Islamic theory of kingship and wanted to follow its precepts. The essential feature of this theory is that the ruler should strictly enforce the Quranic law in the administration of his empire. That is why even liberal Shias and Sufis were not spared, they were punished during the reign of Aurangzeb. He displayed a particular animosity towards the Shia sect and persecuted them with an intent of trying to establish the superiority of the Sunni sect. There were a number of different ways in which he tried to put down the Shias and curb their practices. One such measure was the banning of the *Tazia* procession. Shias observe ten days of mourning in Muharram in remembrance of the martyr Imam Hussein, then on the tenth day there is a big procession. A *Tazia* is built, a replica of his cenotaph, to which are added various symbols of Hazrat Ali and his family. The *Tazia*, and a horse representing the Holy Caliph's horse, a mount kept especially for this occasion which nobody is allowed to ride, take their places in the procession, while the mourners follow reciting elegies and chanting, with some indulging in self-flagellation. It is a highly emotionally charged march that many times has led to sectarian conflict. Even though he allowed this practice to be followed in the early part of his reign, he later banned the *Tazia* procession.

The celebration of *Nauroz*, the Zoroastrian New Year's Day, was stopped, thus discontinuing a custom followed by his predecessors in imitation of the Persian kings. They also had the power to punish the Muslims for heresy, blasphemy, failure to say the prayers (*namaz*) and to observe the fast of the *Ramzan*. As regards Islam, he reinforced the religion rather stringently on its followers. He framed certain laws to be observed by the Muslims as their religious duty and appointed a new class of officers who were assigned the duty to enforce these laws. These officers were given powers to punish all the people who were found guilty of blasphemy- (Blasphemy is the act of insulting or showing contempt or lack of reverence for God, to religious or holy persons or sacred things, or toward something considered sacred or inviolable.) Aurangzeb's religious policy led to series of contradictions, which he found hard to resolve.

Aurangzeb was non-tolerant towards other religious beliefs besides Islam. He stopped celebrating the Hindu festivals like *Holi*, *Diwali* etc. at the court. Nearly all famous temples of northern India including the temple of *Vishwanath* at *Varanasi* and *Somnath* at *Patna* were destroyed during the reign of Aurangzeb. Therefore, religious intolerance practiced by Aurangzeb led to several revolts by the *Marathas*, *Satnamis*, *Sikhs* and the *Jats*. These revolts destroyed the peace of the empire, disrupted its economy and weakened its military strength which, ultimately, led not only to the failure of Aurangzeb but also to the downfall of the *Mughal Dynasty*.

## COMPARISON BETWEEN AKBAR AND AURANGZEB'S RELIGIOUS POLICIES

Akbar's religious policy was based on the Sulh-i Kull (Peace with All). Akbar abolished the pilgrimage tax and Jizya tax on non-Muslims. State services were opened to people of all faiths. He also ordered the construction of the Ibadat Khana, a meeting place for all religions. Akbar came up with the Din-i-Ilahi (Divine Faith), incorporating the principles of all religions. Effects of Akbar's Policies Policy Effect Din-i-ilahi (Divine Faith) It never gained a real following as an official religion. But its ideals laid the foundations for policies of tolerance throughout the Mughal Empire, whereas during Aurangzeb people were discouraged from Hinduism. The influence from Aurangzeb was intended to force his Hindu subjects to convert to Islam. However this only caused more violence and the gap between the ruler and his Hindu subjects widened to great proportions. The empire expanded southward; they got involved in various wars, against the Pathans, the Sultans, the Golkonda, the Marathas, and the Ahoms. Thus, the extent of reign stretched, and he intended for even more people to become Muslim. This led to many more civil wars, and the Mughal empire overextending itself beyond what the government could control. Sulh-i Kull Policies Extricated India from the clamps of theocracy and endeavored to fuse together the different classes by bonds of common citizenship to a secular state. -Deeply associated his government with Islam, Re-instituted Jizya tax, took away valuable items and accessories from Hindu temples, despoiling them.<sup>78</sup>

## CONCLUSION

Akbar the great was a generous and a kind hearted man. He loved art and architecture, music and dances, he was equal to everyone, the Hindus and the Muslims. He had appointed many Hindus on high positions in his court. He did this because he wanted to see his kingdom strong prosperous and united and also to consolidate his power. Akbar made many reforms, mostly in favours of the Hindus. In the whole history of the Mughal Empire Akbar was the only Emperor whom the Hindus trusted. Akbar also married a Raj put (Hindu) princess, Jodha Bai. Akbar tired his best to bring the Muslims and Hindus together although for sometime there was peace amongst them but it didn't last very long. Aurangzeb on the other hand was a total opposite of his Ancestor Akbar. Aurangzeb was a strict but a just ruler.<sup>79</sup> He was also a very good administrator. Aurangzeb, unlike his ancestors did not love architecture and not many monuments are credited to him. Aurangzeb disliked music and banned any form of music or dance in his kingdom. The religious policies of Aurangzeb widened the gap between Hindus and Muslims. He had a very strong hand and is generally considered to be the last successful Mughal emperor.

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BBA, LLB, Semester 2

# ISIS - RISING FROM THE ASHES OF FAILED POLITICAL STRATEGIES

## INTRODUCTION

Self-proclaimed ISIS Emir Abu Bakr Al Baghdadi delivered a sermon as the new Caliph "Ibrahim" at a Mosul Mosque.<sup>FN1</sup> While it was a hard truth for Americans to swallow; the enthusiastic Salafists raised slogans in his honor. He called his new caliphate as IS, simply Islamic state, dropping Iraq and Syria thus demanding the loyalty of all the Jihadist groups across the world.<sup>FN2</sup> Out of the blue, a small mob of radicalized people with sectarian approach not fighting outside the Islamic community but within the community rose to become a global terrorist organization. Unlike Osama Bin Laden's Al Qaeda, neither was the target of ISIS just America nor was the funding based on charity. Who were the targets of ISIS? How did it get the monetary support? Who facilitated the exponential growth of a local jihadist organization? Can we call it as "Making of Islamic state, the state of terror?"



Islamic state, having dropped Iraq and Syria from its Abbreviation is now claiming for Global Dominion. ISIS is the brain child of Abu Musab Al Zarqawi, a Jordanian thug turned terrorist. His Idea of Jihad was to bewilder the world with brutal and sectarian approach thus marketing Savagery.<sup>FN3</sup> The strategy of ISIS is to:

- Disrupt the economy of enemies and exhaust people's faith on their own government by frequent and ghastly terrorist attacks, to create fear and thus demoralize them.
- Create a phase of extreme violence, such violence that is visible to all.
- Create global caliphate by establishing caliphates in every small region controlled by Jihadists.

One can't deny the fact that ISIS to an extent has been successful in its vision as they are having control over large areas of Iraq and Syria.

ISIS might have been like every other Jihadist organization struggling for funds and facing identity crisis. Though we can't deny that Zarqawi and Baghdadi's strategies are pivotal in making of ISIS, there are many other factors that influenced it. While De-baathification of Iraq government and Military rendered many jobless, Baathification of ISIS occurred.<sup>FN4</sup> As the prison camps maintained by United States did not distinguish between the hard core Jihadists and Petty criminals, it lead to the radicalization of anybody and everybody who lived in the same room with the hardcore Jihadists.<sup>FN5</sup>



After Saddam Hussein's fall, Maliki who was expected to rule Iraq secularly, indulged in sectarianism, thus abusing Sunni population.<sup>FN6</sup> Zarqawi who was dead against Shia Muslims channelized the anger of Sunnis for his vested interests. The ex-militants of awakening movement who played a major role in destabilizing terrorist organizations in 2008 were not made part of Military or local force as guaranteed by Maliki.<sup>FN7</sup> Thus leading them into arms of ISIS. There are umpteen numbers of factors that facilitated the rise of ISIS. This article will analyze the issues stated above in a detailed manner.

Civil rebellion broke out in Syria to condemn and uproot the Despotic ruler Assad (picture on the right), under whose regime the state of emergency has continued.<sup>FN8</sup> Syrian revolutionaries were moderately opposing the rule of Assad in a peaceful manner until Jawlani established Al Nusra. Jawlani's Al Nusra forged relationship with the forces having diverse ideologies but common background i.e. to oust Assad out of power.<sup>FN9</sup> When Al Nusra had become quite famous for heroically fighting back Assad and his regime, Baghdadi announced the merger of Al Nusra and ISI, thus came into existence Islamic state of Iraq and Levant.<sup>FN10</sup>

As one can clearly make out, America's intervention in Iraq, in the very own words of Bush is to fight terrorism.<sup>FN11</sup> But the terrorism that Bush spoke of, was barely existent in Iraq before America's intervention. Strategies such as, failure to build sustainable relationship between sectarian communities, withdrawal of political influence along with its troops, sheer negligence in the maintenance of Camp prisons were all the part of failed political strategies. Like adding fuel to the fire, Maliki failed to win the trust of Sunni Muslims rather disenfranchised them and fed ISIS with potential Human resource on a silver plate.<sup>FN12</sup>

Assad's failure to realize the wants of his citizens and citizens' failure to distinguish between Moderate local Syrian rebels and Jihadi fighters lead ISIS to boom.<sup>FN13</sup>

## ROLE OF AMERICA

While Baghdadi and his Fanatical followers were drafting a new model for jihadi movements, Barack Obama, the president of America took it too lightly. Most of the western security services which bothered to look through, agreed ISIS was a problem, but not their problem. When the whole world turned blind towards it, ISIS grew into a giant feeding itself with frequent atrocities in its homeland. By the time, Western countries noticed ISIS it was a very huge organization which would drain their economy and defense power, if they ever try to tackle it. Obama in an interview with the New Yorker in January, 2014 dismissed concerns about ISI and Syrian fighters by saying,

“The analogy we use around here sometimes, and I think is accurate, is if a Jayvee [junior varsity] team puts on Lakers uniforms that doesn't make them Kobe Bryant. I think there is a distinction between the capacity and reach of a bin Laden and a network that is actively planning major terrorist plots against the homeland versus Jihadists who are engaged in various local power struggle and disputes often sectarian.”<sup>FN14</sup> By September 10, 2015 ISIS dragged US to announce the goal of U.S intervention in the matter. Obama said, “Our Objective is clear: *“We will degrade, and ultimately destroy, [ISIS] through a comprehensive and sustained counter terrorism strategy.”*”<sup>FN15</sup>



America's sheer negligence was paid off by ISIS. Now ISIS stands as a bewildering giant, in whose destruction lie the peace of America. But what role did America play in the rise of ISIS? Dating back to the rule of Saddam Hussein when George Bush was waging war against Iraq, the intermediate time in which American troops roamed around in Iraq, to the present day where in ISIS has successfully established itself, America has played a major role.

### DEATH OF SADDAM HUSSEIN AND DE-BAATHIFICATION:



During the rule of Saddam Hussein, (picture below) a Sunni Muslim, Shia population of Iraq suffered unprecedented atrocities. They were treated similar to the Jews of the Rome in Medieval times. Denied of political representation, being persecuted and massacred in tens of thousands, Shia Muslims were orphaned by their own homeland. His Baath party was full of Sunnis based from Tikrit area.<sup>FN16</sup> Iraq erupted into civil war as America launched war against it in full Zeal. While President Bush proclaimed, “We are taking the fight to terrorists abroad so that we don't have to face them at home.”<sup>FN17</sup> and “*Iraq became central front in terrorism*”, but to enlighten his senile memory, it was the front that America created and fed.

After the death of Saddam Hussein, U.S made efforts to institute a democratic system in Iraq and elevated the long suppressed Shia to power. While Shia rose to political power, removal of Baathist leaders from the Politics and Military rendered them jobless. The rising intolerance of Sunnis towards the America lead them to join Jihadist groups. The Baathist leaders who were in jail were radicalized to the core and a few volunteered to join Jihadist groups to avenge the death of their leader.<sup>FN18</sup>

### RAMPANT RADICALISATION IN PRISON CAMPS:

As Major General Douglas Stone says, Prison is the center of reformations, wherein you decriminalize the mindset of human beings who enter into the prison. But in Iraq it was not reformation in the prison but it was reforming the prison itself. Iraq's prisons were in dire need of reformed prison conditions and installation of innovative de-radicalization, rehabilitation, and reintegration techniques, which expedited the release of low-risk prisoners and appeared to reduce recidivism.<sup>FN19</sup>



In Iraqi prisons most of the Muslims were largely ignorant about Islam and were susceptible for radicalization and recruitment in Prison. The structure of the camp often facilitated radicalization among prisoners. Petty Thieves, aggressive terrorists and unknown personalities were put together to be separated only on sectarian lines. This was a golden opportunity for extremists to spread their word of extremism. If any detainee was disinterested in radicals, they were punished under “Sharia Courts”. The malign environment in which extremism was induced into brains of people was evident, but least attention was paid to it.<sup>FN20</sup>

Baghdadis spent most of his time in prison. He got enough time to think and devise his hideous plans. In the prison camp, in between four walls, he plotted and rolled out whole plan of the Islamic State.<sup>FN21</sup> Often Jihadists who get out of U.S Detention, develop a kind of Aura when integrated with the society, making it easy for them to recruit others, or to symbolize defiance against a western power. According to some reports, the “Baathification” of ISIS may have been the brainchild of a former colonel in Saddam Hussein's army who spent time with Baghdadi at Camp Bucca.<sup>FN22</sup>

What most of the American military officers miserably failed to understand, Baghdadi not only understood but learnt a big time lesson from it. He has designated an individual to run ISIS detainee operations, to not let detainees organize themselves against ISIS.<sup>FN23</sup>

## WITHDRAWAL OF AMERICAN TROOPS:

After coming to throne, Iraqi Prime Minister, Maliki, (*picture below*), was extensively pressurized by Iran which led him to insist U.S to withdraw its forces.<sup>FN24</sup> Once US withdrew its force from Iraq, it spontaneously withdrew its influence and interest in Iraqi politics. U.S was hard-wired into Iraqi political system, it was nearly impossible to function effectively and communicate between sectarian communities.<sup>FN25</sup> America was busy cultivating the Democracy which in no way comes naturally to Iraq. According to Vali Nasr, America imagined Sunni democracies would rise in the wake of its intervention and was ill prepared for religious politics that followed.<sup>FN26</sup> Postwar Iraq was the recipe for sectarian conflict. The rise of Jihadi groups and the violence followed by it alarmed US military in Iraq. Instead of consolidating U.S. troops on big bases and handing the job as quickly as possible to Iraqi forces, they sent U.S military to fight Jihadi violence.<sup>FN27</sup>



Often initiating and mediating talks between sectarian communities U.S remained in the Central position. It never tried to bury the hatchet between sectarian communities. It did not leave behind a neutral group that would bridge the gap between Shia and Sunni. Having spent millions of dollars on Iraq's military forces, America failed to create the trust of civilians on the same army and government. It could not stop rampant radicalization in the prison camps, thus America created a holistic environment for the growth of terrorist organizations.

## ROLE OF MALIKI

*“Mr. Maliki is not to blame for everything that has gone wrong in Iraq, but he played a central role in pushing the Sunni community into the arms of ISIS.”*

*Patrick Cockburn, reporter in Middle East.*

In 2006, the newly elected president Jalal Talabani, was pressurized to appoint Nuri al Maliki as prime minister, replacing another Shia politician who was perceived to be favoring Sunni Arabs.<sup>FN28</sup> At the time Maliki was perceived to be less sectarian option and less influenced by neighboring Iran. But these expectations proved out to be spectacular disappointment.

## FALL OF AWAKENING MOVEMENT:

Sunni Arabs were recruited by US against Al Qaeda to reassure them that they would be safe. US Commanders were forced to work with Former insurgents who had been earlier targeting U.S Forces.<sup>FN29</sup> Over a period of time, tens of thousands of former insurgents joined the fights to secure their communities against violence, as part of the Sunni awakening, or sons of Iraq. Militia members were promised that they would be integrated into the Iraqi army and local police forces on a permanent basis. But Maliki's distrust of Sunni Iraqis led to a crackdown on the leaders of awakening movement.<sup>FN30</sup> They particularly felt betrayed that Maliki didn't keep up his promise. Some angry members joined ISIS, while others chose to sit out of the battle.

## REMOVAL OF ELITE SUNNIS FROM POLITICS:

After U.S troops left Iraq, Maliki issued arrest warrant for his Sunni Vice president, Tariq Hashmi, on charges of terrorism.<sup>FN31</sup> His removal led Sunni political leaders to boycott Parliament. Rather than curbing the sectarian tendencies, Maliki brought terrorism charges against his popular finance minister and a Sunni Arab Parliamentarian.<sup>FN32</sup> Maliki himself was terrorized when he saw the flag of Al Qaeda flying sporadically in the protest against the government.<sup>FN33</sup>

## DISENFRANCHISED SUNNIS SUPPORTING INSURGENCY:

On one hand, whenever Sunnis raised their voice against government, Shia Militias emerged with the encouragement and support of the Iraqi government, wearing Military uniforms killed Sunni Arabs with impunity.<sup>FN34</sup> On the other hand, many Sunni Arabs were fed up of Maliki regime, which had continued to describe Sunni Arab uprising against his sectarian policies as terrorism.<sup>FN35</sup> As a result Iraqi army that was equipped with American arms and ammunitions turned tail and fled, unable to bare the anger of 80 Sunni tribes that fought ferociously against government sponsored militia and ISIS claimed the victory.

## SYRIA FALLING INTO THE HANDS OF ISIS: CIVIL REBELLION:

The “Arab Spring” protests began in Tunisia in December 2010, and from there spread throughout the Arab League.<sup>FN36</sup> The protests were fueled by inequality, corruption, and frustration with injustices suffered under long-standing dictatorships.<sup>FN37</sup> When these protests unseated long standing oppressive dictators in Egypt and Tunisia, Syrians were motivated to follow them. Many turned out to protest against the vicious acts of regime and long standing state of emergency. While elites lived a happy life, commoners were the victims of emergency. Syrian Emir responded in a despotic manner, protestors were ruthlessly tortured, many were killed in open fire. But Syrian revolutionaries bravely but peacefully fought back the oppressors, until Jabhat Al Nusra was established.



### **JAWLANI'S JABHAT AL NUSRA:**

If the sectarian clash in Iraq provided an opening for ISI to regroup, the violence in Syria gave Baghdadi a pretext to expand. Abu Mohammed Al Jawlani, a Syrian-born member of Al-Qaeda was sent to Syria to establish a new jihadist organization.<sup>FN38</sup> Jawlani established Jabhat al Nusra, as an independent Jihadist organization. While Moderate opposition (Syrian rebellions) were struggling for funding, Islamist groups were enriched by foreign donations. Al Nusra for a long time bombed urban areas, killed civilians and targeted the alleged government sympathizers. These tactics alienated both the civilian population and local Syrian revolutionaries<sup>FN39</sup>. In 2012, Al Nusra changed its approach, cooperating with Syrian nationalities and forged relation with any group howsoever divergent their ideologies may be, as long as ousting Assad was common ground.<sup>FN40</sup> By late 2012, Aaron Zelin describes, Al Nusra as one of the opposition's best fighting forces, and locals viewed its members as fair arbiters when dealing with corruption and social services.<sup>FN41</sup>

### **MERGER OF ISIS AND AL NUSRA:**

On April 9 2013, Baghdadi announced a merger of ISI and Al Nusra, calling the new group Islamic state of Iraq and Levant, to the greater surprise of Jawlani who was never concerned.<sup>FN42</sup> Thus Baghdadi established himself as leader of both the organizations. Unlike Al Nusra, which had forged alliances and won respect from other rebel factions, ISIS took an unyielding approach, refusing to share power in areas which it operated. Thus marking the upcoming period with the fight between ISIS and other rebel factions in Northern Syria.<sup>FN43</sup>

### **CONCLUSION**

The political strategies are often temporary. The wise political strategy is the one where you don't make the mistake the quelling of existing turmoil as the main mission. They transcended the immediate context to lay the foundations for a durable strategy that would not only be futuristic but also productive. Without understanding the ground situation, America poked its nose into the Iraqi politics. In the case, while dealing with ISIS, Maliki's lack of farsightedness and sectarian approach lead to change in the course of devastating events. The rising public anger against the rule of Assad was influenced by the Syrian revolutionaries to fight the oppressive system. But the failure of Assad was in understanding his citizens and dealing with them in the most unscrupulous manner.

But ISIS never failed in its political strategies. Often waiting for an opportunity to use the already catastrophic situation in its political favor is not new to them. They learnt from the mistakes of the prior terrorist organization. From Zarqawi to Baghdadi, from breaking the wall, a plan wherein they released all the Baathist and jihadists to win the trust of Sunnis to Baghdadi planning entry of Al Nusra, they were politically conscious.

Idealistic approach when it comes to governance and post war rule are considered to be foolish. Today ISIS has claimed caliphate not because Jihadi ideologies are favored by the Muslims but because most of the native Muslims of Iraq were rendered jobless and helpless during the rule of Maliki while American prisons provided for jihadi training in their own prison camps even without noticing it and Syrians were totally unaware of real face of Al Nusra. If Sunnis were not disenfranchised in Iraq, if their problems were heard by the government and if Assad stepped out of power or did not retaliate his citizens by smothering their voice today ISIS might have not existed or it might have not grown big.

***ISIS IS THE PRICE THE WORLD PAID FOR UNREALISTIC AND BULLHEADED POLITICAL STRATEGIES.***

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# GOOGLE'S CORE BRAND VALUE - DECISION OF TAKING ON MICRO-SOFT WITH THE CONCEPT OF CLOUD COMPUTING AND APPLE IN THE FIGHT FOR SMART PHONES – AN ANALYSIS

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## GOOGLE'S CORE BRAND VALUE

Core brand values are a theory that explains an organization's internal conduct and the relationship between the company and the external world. The things which relate to the products, pricing, the delivery or other aspect of service which cause the people to buy one company's product or service rather than another are the company's core brand values. The core brand values should be infused in every aspect of the business.

Google, which is one of the most successful companies in the world, developed their core brand values and used them to manage and handle their employees in subtle way. The core brand values of Google are:-

### 1. They want to work with great people

- Hiring great people and expecting a lot from them
- Creating an environment where people can flourish and grow
- Treating people with fairness and respect
- Challenging each other's ideas openly
- Valuing diversity in people and ideas
- They are a quantitative company that uses data to make decisions



### 2. Technology innovation is their lifeblood

- Building the world's best technology and products
- Applying technology and creativity to solve important problems

### 3. Working at Google is fun

- Expecting their people to know and enjoy each other
- Having a challenging/energetic work environment
- Celebrating their successes and each other's accomplishments-both professional and personal

### 4. Being actively involved; you are Google

- Honor commitments
- Openly communicating and trusting you with a great deal of information and expecting you to honor their confidentiality
- Understanding when you are representing Google and acting appropriately

### 5. Not taking success for granted

- Thinking and acting like an underdog
- Being humble with success; Don't be arrogant
- Being scrappy and resourceful

### 6. Doing the right thing; don't be evil

- Honesty and integrity in all they do
- Their business practices are beyond reproach
- Making money by doing good things

### 7. Earning customer and user loyalty and respect everyday

- Creating, enhancing and maintaining great products and services

### 8. Sustainable long-term growth and profitability are key to their success

- Think scale and efficiency
- Every dollar is yours
- Doing things that matter

### 9. Google cares about and supports the communities where we work and live

- They encourage and enable their people to support local community involvement and expect them to participate

## 10. Aspiring to improve and change the world

- Aiming high; thinking BIG; taking risks
- A healthy disregard for the impossible

### CLOUD COMPUTING: GOOGLE v. MICROSOFT

Cloud computing is the practice of using a network of remote servers hosted on the internet to store, manage and process data rather than a local server or a personal computer. It is an alternative for computer's hard drive. Microsoft's cloud computing is known as Microsoft's OneDrive and Google's cloud computing is known as Google Drive. Microsoft's OneDrive and Google Drive are the most popular cloud storage applications available on the Internet.



#### *Google Drive:*

Google Drive offer functionality with keeping minimalistic design in mind. It offers the host to vary the privacy setting when they share a file. Google gives security a priority keeping in mind the increasing number of cyber hacking happening on the cyberspace. It data is encrypted using SSL, which keeps the data safe no matter what happens to one's Smartphone, tablet or computer. Google also allows the users to directly take a photo of a document and save it one the drive as a pdf file. One can also access the files when offline and see the changes made to a file up to 30 days.

#### Pros:

- **Real time editing options** – with Google Drive you can prepare spreadsheets, documents, presentations and more and also edit them over the internet. You can have real-time working experience with it and all changes you make are immediately saved on the drive.
- **Accessibility anywhere anytime** – irrespective of which part of the world you are in, you can access your files and documents. Accessing them is as simple as logging into your Google Drive account.
- **Not dependent on any specific device** – You don't need any particular devices to access Google Drive. Any device will do, as long as it is connected to the network and you will enjoy the benefit of using your account.
- **Easy searching option** – searching documents with Google Drive is easy. Using Optical Character Recognition (OCR) technology, you can search both text and images from Google Drive.
- **Sharing files** – of any size – is easy – if a specified group is given specified editing permission, then sharing files with Google Drive is easy. Moreover, since there is no specific file size, users can share files of any size.
- **Easy Integration** – with any other Google app, you can easily open the documents stored on Google Drive. This service integrates very easily with other cloud applications – thus making your work hassle free.
- **Access old versions with a click** – Google drive monitors every little change you make – all your revised versions are saved. You can take a look at changes as far as 30 days old or you can opt to save these changes and leave proof of those revisions forever.
- **Working together is simpler** – allows for easy collaboration since you can create comments and reply to them.
- **Makes other programs more efficient**– for example, there is no need for bulky email attachments anymore. Just send the Google Drive link and your message will be forwarded.

#### Cons:

- **Google holds the authority** – the authority to index your data. Thus if the keyword given in the Google Search Engine matches the title of your image or text, then it might float into public search results.
- **Web dependency** – you will have to rely on the internet to access your files unless you keep copies on your machine. This can be taken as a disadvantage, though this feature is more or less true of all cloud services.
- **Limited File Formats** – Google drive supports different file formats – but the list isn't exactly endless.
- **Security Issue** – any other person can also access your drive if Firefox is open and you are logged into Gmail but your PC is left unattended.

#### *Microsoft's OneDrive:*

Microsoft's OneDrive comes pre-installed when you buy a Windows 10 and the user has the ability to share and access the files on PC, Mac, Android and iOS. OneDrive brings a new feature to the Cloud storage world called Cross-platform syncing. This feature basically allows users to share data across the web, mobile phones and tablets securely. Businesses have also started using OneDrive to store, sync and search the files securely and access them anywhere in the world.

#### Pros:

- **Free storage:** OneDrive offers users 15GB of free storage space as well as the chance to earn extra free storage space. Microsoft has introduced a referral incentive where users gain extra storage for every friend that signs up to an account through them. Additional storage is also offered if users link OneDrive to their mobile phone's camera so that it automatically backs up their photos online.

- **Easy organisation:** You can store any kind of file on OneDrive be it photos, video, and documents, and then access them from any of your Windows PCs or mobile devices. Files are organised by type, so it's easy to find what you need.
- **Close collaboration with Office:** As a Microsoft platform, OneDrive works closely with Microsoft Office apps, such as Word or PowerPoint – when you launch one of these applications you'll see a list of recent documents, including those saved to OneDrive. If you have an Office 365 subscription and open a document saved in OneDrive, you can collaborate with it in real-time with other people.
- **Social networks:** On the web version, leading social networks can be linked to your OneDrive account. This allows the sharing of files with colleagues and permissions can be set for each user from read-only to complete access to editing documents.

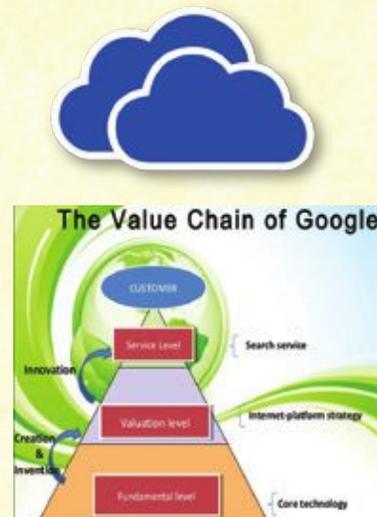
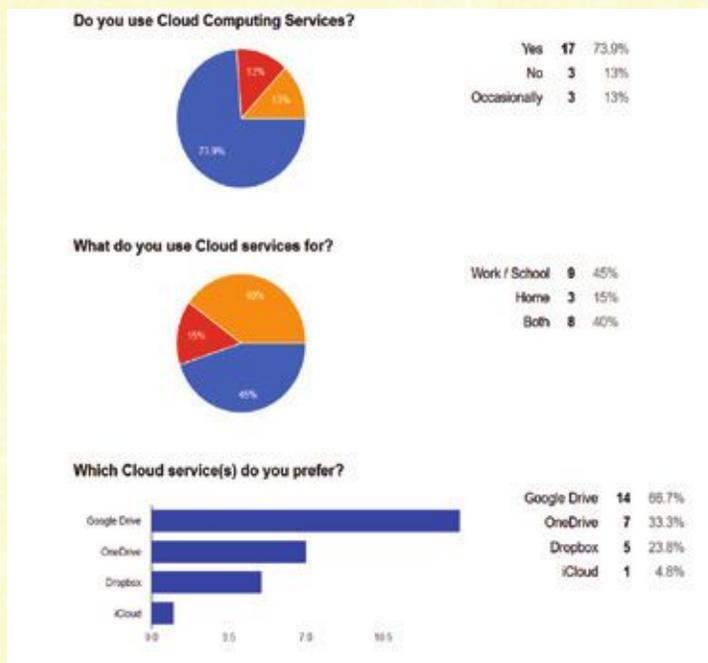
**Cons:**

- **Document management:** OneDrive works well for the individual, but is limiting when it comes to sharing files with colleagues, and clients/suppliers too. This also limits its effectiveness as a project management tool. Microsoft's Sharepoint is a much better option when it comes to supporting collaboration.
- **Privacy concerns:** Some users have cited concerns over privacy because Microsoft has reserved the right to scan files saved in OneDrive to look for what it calls 'objectionable content', such as copyrighted material or explicit images. Apple has a similar policy for its cloud service Apple iCloud – but the fact remains file security cannot be guaranteed if it is deemed objectionable.
- **User error:** Microsoft Windows remains the number one targeted platform for hackers and while OneDrive has remained fairly free of any serious breaches, users must follow standard security procedures. To ensure security users must use strong passwords and ensure they have chosen the right file sharing permissions.
- **Encryption:** Users of the standard OneDrive service will find that data is encrypted in transit using SSL but it will remain unencrypted at rest. However OneDrive for Business incorporates per-file encryption which encrypts files individually each with a unique key; so if it is compromised only one individual file would be accessed rather than the whole store.
- **Syncing:** There are also suggestions that some files can get altered when they are synced or uploaded to OneDrive but it is unclear how common this problem is.

**Is it right taking on Microsoft with the concept of cloud computing?**

Microsoft has been the pioneer in cloud computing services for the masses, but in recent years, despite the rebranding and updating of features of their OneDrive, they have massively lost out to Google and its Drive service, which boasts of many of OneDrive's once exclusive features, an unmatched search feature within its cloud suite and the sheer simplicity and convenience that comes with being linked to the email and search provider which is synonymous with email and search. In the below illustration of our survey, it is clear that Google Drive has double the number of OneDrive users from our small but diverse group of volunteers. Therefore, it is clear that Google not only did right by taking on Microsoft with cloud computing, but have comfortably dethroned them as the undisputed kings of the cloud.

A small survey is conducted to understand the decision of Google which is below:



## SMARTPHONES: GOOGLE v. APPLE

A mobile phone which performs a lot of functions of a computer, typically having a touch screen interface, access to internet and an operating system capable of running downloaded apps is known as a smartphone. The smartphone of Google is Nexus and that of Apple is iPhone.

### *Google Nexus:*

Google Nexus is a line of consumer electronic devices which runs the Android operating system. These devices in the Nexus line come under Google's flagship Android products. The design, development, marketing and support of these devices is managed by Google but some development and all the manufacturing are performed by the partnering Original Equipment Manufacturers. The phones which are currently available in this line, as of November 2015, are Nexus 6P, Nexus 5X and Nexus 6. All the Nexus devices have the feature of an unlockable bootloader to permit further development and end-user modification. The latest model is Nexus 6P. It has certain pros and cons.

#### **Pros:**

- Camera quality is one of the most important factors for a good smartphone and this is the first time a Nexus phone comes with a great camera with 12 megapixel camera sensor which can record 4K resolution videos.
- The price is not ridiculous like iPhone, Xperia or Galaxy. Its maximum price is Rs. 38,000.
- It has the latest version of Android v6.0 known as operating system Marshmallow.
- The 5.7 inch Quad HD display has a pixel density of 501 ppi. This makes the screen so vivid that it is not possible to distract from the details of whatever you view on it.
- It has USB Type-C reversible connector which can be used to bridge the gap between HDMI/USB OTG/MHL TV-Out cable and the smart phone when connecting to other media devices.
- It includes important sensors like Accelerometer, Gyroscope, Ambient Light, Proximity, Compass and Barometer.
- It has a large 3450 mAh battery which lasts for 2 days of normal usage, avid gamers can get whole day backup.
- It is powered by a Snapdragon 810 chipset and a RAM of 3 GB for processing.
- It is scratch resistant display which is the latest Gorilla Glass 4 from Corning.

#### **Cons:**

- It does not have a microSD card slot.
- The issue of protruding camera hood for the lens and led flash is a bit annoying.
- The SAR value which is of 1.2 W/Kg in the head and 1.13 W/Kg in the body is very close to the maximum limits 1.6 W/Kg which is allowed by the government.
- It doesn't have a temperature sensor.
- Radio is absent for station listeners.

### *Apple iPhone:*

iPhone is a line of smartphones which are designed and marketed by Apple Inc. They run iOS mobile operating system of Apple. The first generation iPhone was released in 2007 and the latest models, iPhone 6s and iPhone 6s Plus, were released in 2015. In total, there are 9 generations of iPhone models, each accompanied by one of the nine major releases of iOS. The pros and cons of iPhone 6s Plus are:

#### **Pros:**

- It comes with a 5.5 inch LED-backlit IPS LCD capacitive display, upto 401 ppi pixel density and 16M colours yet multi touch supporting. It is also armed with shatter proof glass.
- It delivers more power while driving a larger display and being assisted by M8 motion coprocessor, it can gather and deal with various data with faster speed more efficiently.
- The Apple Pay application, in this model, combines the convenience and security of Touch ID and Passbook with NFC technology. It is very helpful to those who prefer to shop online and supports to pay in stores via MasterCard, Visa and American Express withing apps with merely a single touch.
- Inherent with Non-removable Li-Po 2915 mAh battery, it acts as a strong power supply which lets you to have talk time up to 24 hours(3G), stand-by to 384 hours(3G) and up to 80 hours for music playback.
- It has an improved 8MP camera with 3264x2448 pixels, optical image stabilization, phase detection autofocus and dual-LED flash.

#### **Cons:**

- The price of the phone is high. It may cost up to \$1000 for 16GB and \$1250 for 128GB.
- iPhone 6s Plus absorbs some features from Android like 5.5 inch screen, NFC, video chat, custom keyboards, etc. Besides, it lacks Android MicroSD support and the speed barely goes up to Cat 4
- iOS 8 demands a massive amount of space to install; noticeably slow down older models, Apple's own native keyboard, laggy notifications, etc.

- You can charge the battery with the whole iPhone, which may lead to a lot of inconvenience to the users sometimes.
- It lacks of dust proof and water resistant display.

**SURVEY:**

Google and Apple has always been rivals from a very long time. Apple through launching new features is trying to distort the market for Google by applying pressure.

Below are the results of the survey being conducted for the students of SLS and SIBM, Hyderabad.

**Questionnaire**

1. Which Smartphone would you prefer- Google or Apple?
2. What is the reason that you prefer one over the other?
  - a. Structure
  - b. Services
  - c. Price
  - d. Features
  - e. Others
3. Which phone is most likely preferable in terms of security concept- Google or apple?

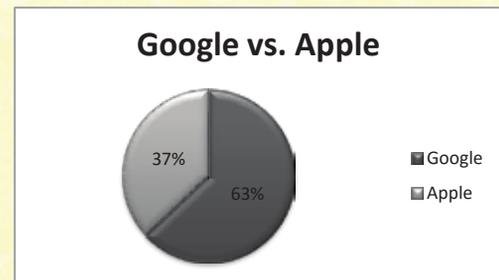
**SURVEY RESULTS:**

Google and Apple has always been rivals from a very long time. Apple through launching new features is trying to distort the market for Google by applying pressure.

**• Which phone would you prefer- Google or Apple?**

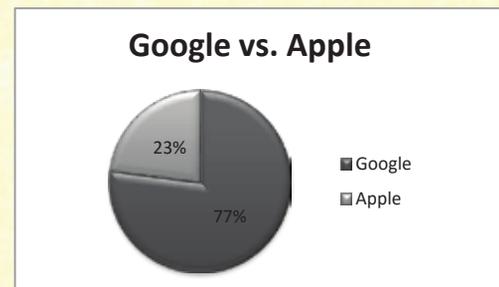
For SLS:

For the students of SLS, Google has more demanding value than Apple. They prefer Google Smartphones over Apple.



FOR SIBM

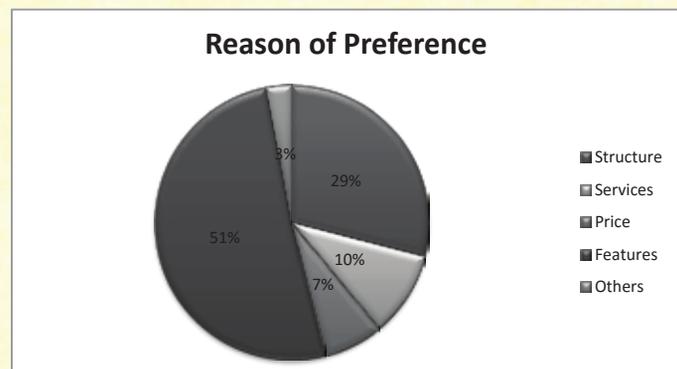
For the students of SIBM as well, Google has more brand and demand value over Apple.



**• What is the reason that you prefer one over the other?**

- a. Structure
- b. Services
- c. Price
- d. Features
- e. Others

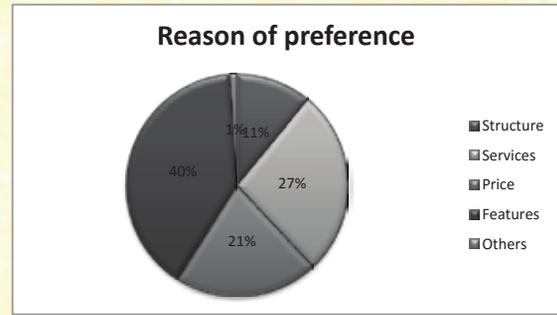
AT SLS



Many of them while selecting a particular Smartphone, likely prefer FEATURES over every other thing. In the above case, 51% of the total population prefers feature as a basis of selecting the product and then the eye-catchingness of the phone that is being preferred and the price and the other concepts are the least preferred when purchasing a smart phone of that of Google or Apple.

**For SIBM:**

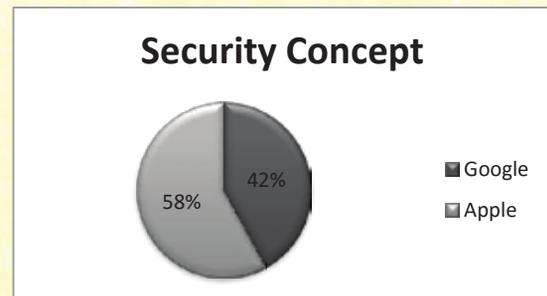
Most of the people of SIBM as well prefer FEATURE as a basis for purchasing a Smartphone. Feature being 40% of the population's choice, is comparatively lesser than the percentage rate of features in SLS students. But these people are more relied on Price of the Smartphone as well and also about the services being given by the respective Smartphone.



**• Which phone is more likely preferable in terms of Security concept?**

**FOR SLS:**

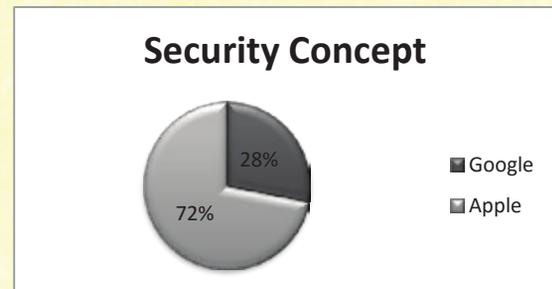
Students of SLS think that Apple is more secured than Google Smartphones. Security as in security while using the phone, security when the phone is lost ect. Apple has a special feature of tapping the phone wherein the actual user of the phone can locate the position of the phone if missing. This features makes the security stronger and therefore, the consumers are more than satisfied and prefer Apple over Google in smartphones when it is about Security.



**FOR SIBM**

Even the students of SIBM prefer Apple over Google for the security mainly because the securities of Apple phones are better than Google.

This survey makes it clear that Google is right in competing with Apple in smartphones. Google has to further improve in its security concept.



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# ANALYSIS OF THE RULE OF NDA GOVERNMENT FROM MAY 2014 TO JANUARY 2016

## INTRODUCTION

Narendra Damodardas Modi is the fifteenth and current Prime Minister of India, in office since 26 May 2014. Modi, a pioneer of the Bharatiya Janata Party was the Chief Minister of Gujarat from 2001 to 2014 and is the Member of Parliament from Varanasi. He drove the BJP in the 2014 general election, which gave the party a larger part in the Lok Sabha, the first for any political party in India since 1984.

The general election of 2014 was the 16th Lok Sabha election, electing MP for the Indian parliament. This election was the longest election in the history of India.<sup>80</sup> According to the Election Commission of India (ECI), 814.5 million citizens were eligible to vote, with an increase of 100 million voters since the last general election in 2009, making it the largest-ever in human history.



Objectives of the Present Project is to analyse the following subject matters-

- 1) Foreign Policy of NDA government
- 2) Bilateral Relations
- 3) Schemes and plans initiated by the NDA government from may 2014 to January 2016
- 4) Whether India could become a permanent member of the United Nations by the end of NDA's rule.

The present project highlights and analysis the various incentives taken by the NDA government from the year 2014 to 2016, India's foreign policy also known as the Modi doctrine and its chances of becoming a permanent member of the United Nations by the end of the term of Narendra Modi by analyzing various factors which are responsible for a countries chances of becoming a permanent member of UN like its economic and military strength and its support offered to the UN.

## NDA Government's foreign policy

Among the many aspects of Narendra Modi's leadership that were being propagated during the election campaign last year, his acumen for foreign policy and international affairs was definitely not one. It has been almost a year since the National Democratic Alliance (NDA) formed the government under Modi's leadership—a good time to examine its foreign policy. The expectations about Modi himself steering the foreign policy might have been minimum, but the expectations from the NDA government were, indeed, great; particularly against the backdrop of the dismal performance of the United Progressive Alliance (UPA)-II government, even in the foreign policy arena.



It may be an appropriate initial remark that the NDA has restored some sense of purpose and direction to India's foreign policy, which was conspicuous by absence during the previous five years. The recent trip to three Indian Ocean island countries—Seychelles, Mauritius and Sri Lanka—by Prime Minister Modi is an indication of this. The itinerary underlines the importance of Indian Ocean region for the security of India's sea lanes of communication, especially amidst growing Chinese presence in the region. For some time now, India has looked to reinforce a necklace of diamonds outside the perceived string of pearls of China. However, for the first time the Indian establishment used a term such as Sagar Mala. In another notable development, India recently concluded a deal with Iran for the development of Chabahar port. This will provide India crucial access to Afghanistan as well as Central Asia. The idea came up during the previous NDA government but was put on the backburner because of US pressure—the US resented close India-Iran ties over the issue of Iran's nuclear capability. As the nuclear talks with Iran have progressed, India has taken the opportunity to conclude this long-pending deal.

Three important agreements deserve mention as examples of New Delhi's successful bilateral diplomacy during the previous year. First, Japan agreeing to invest more in India's development and infrastructure. The other two were agreements with Australia and Canada respectively, for supply of uranium for India's nuclear power plants. Considering there was stiff resistance from both countries earlier with respect to supplying uranium to India, this is indeed a significant development. It has to be noted, however, that negotiations for all these three began under the UPA regime. Among the two most important bilateral relationships for current Indian foreign policy, the NDA has brought about an expected change in the previous government's

<sup>80</sup> "GENERAL ELECTIONS – 2014 : SCHEDULE OF ELECTIONS" (PDF). <http://eci.nic.in>.

policy on the US. There is a renewed sense of cordiality and broad convergence of interests, without being apologetic about it. The policy on China, however, reflects more continuity. The only change is the effort to invite Chinese investment to boost Make in India.

Modi's personal contribution to Indian foreign policy is manifest in the emphasis he places on the Indian diaspora. He has attempted to link the diaspora to the Make in India campaign. This is understandable given the track record of Modi as Chief Minister in inviting investment from abroad to Gujarat. The previous NDA government under Atal Bihari Vajpayee had made similar overtures. The success of the Make in India campaign abroad, however, hinges on NDA's ability to bring the goods and services tax (GST), amending the land acquisition Law and introducing labour reforms. In addition, it must be said that New Delhi's ability to use the diaspora as soft influence gets severely limited because while it looks upon the Indian diaspora in North American and European countries, it tends to ignore the same in countries such as Malaysia, Singapore or South Africa. Modi's invitation to heads of states and governments of SAARC (South Asian Association for Regional Cooperation) countries to attend his swearing-in ceremony was a masterstroke of symbolism. Yet, beyond the recent constitutional amendment for the land border agreement with Bangladesh and the renewed cordiality in India-Sri Lanka relations due mainly to its new pro-India government, South Asian relationships have not changed much.

The above analysis leads to a perception that the bureaucracy, not the political executive, is currently in the driving seat of India's foreign policymaking process. Two major issues about Indian foreign policy need attention, sooner rather than later. One, is India's self-perception about its role in world affairs. It aspires to be a major power, but continues to cling to its *Third Worldism*; it would like to influence events but shies away from proactive policymaking. Second, is, India's perception of the impact of China's role in world affairs and its response. India has legitimate concerns about growing Chinese ambitions and presence in the Asia-Pacific and Indian Ocean region. Yet, it has kept a cautious distance from any likely anti-China grouping led by US and/or Japan. In order to avoid band wagoning with the US and to meet the challenge of a rising China, India will have to assert itself and lead rather than being led. This will require some bold decisions and the political executive will have to take control of the steering wheel. Being the first government in three decades with a single party majority, the government has the wherewithal for the same. Whether it has the willingness, will be seen in the coming years.

#### **Prime Minister Narendra Modi's performance-**

Indian Prime Minister Narendra Modi completed 2015 on the foreign policy front in the same manner that he had started it – with great flourish and finesse. While the beginning of 2015 witnessed the unexpected but highly successful visit of President Barack Obama, the first U.S. president to visit India twice in his tenure and the first as Chief Guest at India's Republic Day, the last visit saw Modi make a stopover in Lahore for a meeting with his Pakistani counterpart Nawaz Sharif. Although the road ahead remains strewn with pitfalls, this brief interaction between the two prime ministers has the potential to radically transform bilateral relations.

It is a good occasion to take stock of Modi's achievements – and his misfires – in this vital arena during 2015. Modi set a scorching pace in 2015 by visiting 28 countries and welcoming leaders from 12 countries, including the U.S., Germany, Sri Lanka, Afghanistan, and Bhutan. In continuation of his most significant initiative "Neighborhood First" – launched even before Modi assumed office – relations with Bangladesh witnessed a decisive upswing with ratification by India of the Land Boundary Agreement, something that had been pending for 40 years. Ties with Sri Lanka received a strong push, in large measure due to a change in domestic leadership in that country as a result of presidential elections early in the year with Maithripala Sirisena replacing Mahinda Rajapaksa as president. Modi took this forward by touring Sri Lanka in March 2015, the first visit by an Indian prime minister in 30 years.

In contrast, relations with Nepal and Maldives deteriorated, partly because India got sucked into the vortex that is the domestic politics of these countries. New Delhi could perhaps have adopted a more hands-on approach to developments in Nepal in the final stages of the latter's adoption of its Constitution, which might have led to a different outcome – one more in tune with both bilateral ties and the interests of Nepal itself.

Modi has been remarkably successful in establishing a close nexus between his country's foreign policy and domestic transformation. He has sought to attract foreign capital and technology while opening foreign markets for Indian products. He has aggressively marketed his government's flagship programs like Make in India, Digital India, Smart Cities, Clean Ganga, Swachh Bharat, and Skill India.

#### **Personal Rapport**

Another huge success experienced this year was the sharp upsurge in ties with the U.S., elevating the strategic partnership to unprecedented levels. The personal rapport established by Modi with Obama and other world leaders like Shinzo Abe and Angela Merkel significantly advanced India's interests and enhanced India's profile.

The inking of the civilian nuclear cooperation agreement as well as the decision to construct the high-speed rail line with an outlay of \$15 billion during Abe's recent visit has catapulted the relationship with Japan from what had been a purely economic one to a vital strategic partnership. The civil nuclear agreement with Australia is also a big accomplishment.

India's expanding relations with ASEAN and East Asia under Modi's "Act East Policy" is yielding rich dividends. Particularly as the centre of gravity of the world economy shifts towards Asia. Modi's productive visits to Kuala Lumpur and Singapore have helped in this regard. China continues to be a challenge that India will have to contend with in the coming years. China's growing political, military and economic prowess make it increasingly assertive in areas where India's interests are involved. Beijing's support for Pakistan, notably with the \$46 billion **China-Pakistan Economic Corridor** that crosses territory claimed by India, has led to a further straining of ties.



Modi has emphasized that the bilateral relationship will not reach its full potential if India's core sensitivities are not respected.

In another remarkable accomplishment, Modi has been able to energize and enthuse the Indian diaspora in each of the countries he has visited. He has been greeted wildly and passionately. India's overseas communities are increasingly prosperous and have emerged as a significant factor in the domestic politics of several countries, including the U.S., Canada, U.K., and others.

Some other major successes Modi has notched during the past twelve months include hosting the Africa Summit, the largest diplomatic gathering ever in India, with the participation of 41 African leaders; decision by the UN to celebrate June 21 every year as "International Yoga Day"; his short but path-breaking visit to Kabul; robust engagement at the Paris Climate Change Summit and Nairobi WTO Ministerial, notwithstanding strident opposition from developed countries; his tour of all five Central Asian states, increasingly important in strategic, economic and energy terms in recent years; his visits to Sri Lanka, Mauritius and Seychelles, the first by an Indian prime minister in 30 years as part of his "*sagar yatra*"; his meeting with the leaders of Fiji and Pacific Island nations; and the visit by leaders of Pacific Island countries to India to further solidify relations.

Modi has significantly raised the pitch on India's justified demand that it become a permanent member of the UN Security Council during the 70th anniversary of its establishment. Still, it is unrealistic to expect that a final decision on expanding the Security Council will be taken anytime soon.

One significant partnership that has so far not received sufficient attention and has tended to stagnate is with Russia. Russia is a time-tested friend to India and should once again become the key pillar of India's foreign policy. Modi's recent two-day visit and his interaction with Russian President Vladimir Putin have given a strong fillip to the "**special and privileged strategic partnership**" in areas of defence procurement and indigenization, nuclear energy, hydrocarbon prospecting, trade and economic ties.

Significant advances have been made in relations with several strategic partners and progress registered in many vital and critical areas. Of course, challenges abound in dealing effectively with neighbours including Pakistan, China, Nepal, and Maldives, as well as on issues such as terrorism and climate change. Overall, though, the Modi government deserves an A for its performance in the area of foreign policy.

**Will India become a permanent member of the United Nations towards the end of the NDA government's rule?**

### **Foreign policy of Narendra Modi**

The foreign policy of Narendra Modi concerns itself with the policies and plans made by the reigning NDA government. It is also known as the Modi doctrine. The ministry of external affairs looks after and handles the foreign policy of India. The ministry of external affairs is headed by the minister of external affairs Mrs. Sushma Swaraj. She is the first minister after Mrs. Indira Gandhi to assume that post. The Modi government's external affairs policy is at present aimed at improving relations with its neighbouring countries in south Asia, dealing with major global economies and extended neighbourhood in south east Asia. In order to achieve this objective, the Prime Minister Narendra Modi made personal visits to Japan, Nepal and Bhutan during the first hundred days after coming to power followed by the Fiji, Australia, Myanmar and the USA.

The minister of external affairs Mrs. Sushma Swaraj also made official visits to Bangladesh, Maldives, United Arab Emirates, South Korea, Bhutan, Nepal, Myanmar, Bahrain, Afghanistan, Tajikistan, United States, United Kingdom, Mauritias, Singapore, Vietnam, Manama, China, Oman and Sri Lanka.

Narendra Modi during the election campaign time and again stressed that he was born in the year 1950 and that he was going to be the first prime minister to be born in independent India and that it was natural to expect a shift in world policy. Narendra Modi also asked the External Affairs Ministry to focus more on trade deals instead of other geopolitical initiatives and border disputes.

### **Indian Economy**

In the contemporary world, the strength of a country is measured not in terms of its military but also in terms of its economy and its share and control in the world market. At present all the current permanent members of the United Nations Security Council are major economies on a global level.

The Economy of India is the seventh-biggest on the planet by Nominal GDP and the third-biggest by Purchasing power equality (PPP).<sup>81</sup> The nation is delegated a recently industrialized nation, one of the G-20 noteworthy economies, an individual from BRICS and a creating economy with a normal development rate of around 7% throughout the most recent two decades. Maharashtra is the wealthiest Indian state and has a yearly GDP of US\$220 billion, almost equivalent to that of Pakistan or Portugal, and represents 12% of the Indian GDP took after by the conditions of Tamil Nadu and Uttar Pradesh. India's economy turned into the world's quickest developing significant economy from the last quarter of 2014, supplanting the People's Republic of China.

### **Military**

To be a permanent member of the United Nations Security Council, it is very important for a nation to be a significant military power in the world. India has the third largest armed force in the world, the first being the communist China. The Indian army is a voluntary service, the military draft never being imposed in India. The union has the world's largest standing army of 11 lakh twenty nine thousand nine hundred active troops and a massive reserve of 9 lakh sixty thousand reserve troops making it the country to have the largest standing voluntary army in the world. Besides this the Indian armed forces have a rich combat experience in different terrains because of India's varied geographical diversity. Our country also has a unique record of serving in the UN peacekeeping operations.

### **India and the United Nations-**

India was among the first countries from the United Nations that marked the Declaration by United Nations at Washington on 1 January 1942 furthermore took part in the United Nations Conference on International Organization at San Francisco from 25 April to 26 June 1945. As a founding country from the United Nations, India emphatically underpins the reasons and standards of the UN and has made huge commitments to executing the objectives of the Charter, and the development of the UN's particular projects and organizations.<sup>82</sup>

India has been an individual from the UN Security Council for seven terms (an aggregate of 14 years), with the latest being the 2011–12 term. India is an individual from G4, gathering of countries who back one another in looking forward to become a permanent member of the Security Council and advocates reforms in the UNSC.

India is one of the main contributors of funds to the United Nations. Indian contribution to United Nations Democracy Fund (UNDF) was recorded to be USD 16 million in the year 2009. Also India has never fluctuated in providing the United Nations with the required funds.

### **India's Contribution in United Nations Peacekeeping Operations**

Through its large, sustained troop commitments India has come in for much praise for taking part in difficult operations for prolonged periods. The Indian Army has participated in several United Nations, including the ones in Cyprus, Lebanon, Congo, Angola, Cambodia, Vietnam, Namibia, El Salvador, Liberia, Mozambique and Somalia. The army also provided a paramedical unit to facilitate the withdrawal of the sick and wounded in Korea.

India was reappointed to the Organizational Committee of the Peacekeeping Commission in December 2010, for a third 2-year term. India is steady of broadly driven arrangements for peace combination, while contending for a valuable methodology and a "lighter touch" by the Peacekeeping Commission in broadening exhortation, support and in amplifying its contribution. India has additionally been adding to the United Nations Peacekeeping Fund.

### **Trade and Commerce and Economic position of India under Modi Government**

A conclusion was drawn by the Hudson Institute titled "Modi one year on" that Modi government relies heavily on bureaucrats for political guidance rather than making the civil servants follow and implement the ideas of political leaders and bring them to effect<sup>83</sup>. This is very evident in the way the Ministry of commerce dealt with the fallout of the EU against the

<sup>81</sup> International Monetary Fund. Retrieved 2014-04-08

<sup>82</sup> <http://www.un.org/en/members/index.shtml>

<sup>83</sup> "Why the Commerce Ministry Should Not Act as Spokesperson for Indian Pharma." The Wire. 2015. Web. 10 Mar. 2016.

GVK Biosciences, an Indian company as it manipulated the data for the approval of generic drugs from the clinical trials conducted. On one hand Modi government is promoting India to the maximum extent through the “**Make In India**” campaign whereas on the other hand due to a section of Indian pharmacy industry setting its foot back which make the buyers today to look at the generic drugs of India with great suspicion, with each such instance the campaign is losing its credibility.

The major contribution by NAMO Government for the trade sector was “**Make In India**” to encourage the national and multi-national companies to manufacture their products in India. The main motive behind this was to make India as the top Foreign Direct Investment country globally surpassing the United States of America. The main aim of Modi government is to make India an electronic manufacturing hub and targeting to achieve net zero imports of electronics by 2020 making the economy of India more better, self- efficient and self – sufficient. The ultimate goal of “**Make in India**” is to make India as the manufacturing hub of the world thereby making an immense contribution for the rapid growth of the GDP of India.

With an unbiased view there are certainly many advantages as well as disadvantages of the above said project. This project will curb the unemployment problem which has been haunting the country since ages, this export oriented model will help the country to accumulate foreign exchange reserves and improve the balance of payments, which will ultimately help to market brand India to the world at large<sup>84</sup>. But reiterating negative aspect as said Raghuram Rajan, the Governor of the Reserve Bank of India that unlike China, India does not have time advantage while it undertakes the manufacturing frolic which would even have a negative impact and devastating consequences on the Import Bill if it focuses on the export unsustainably because ultimately such measure would undervalue the Rupee. This project is also and might also face problems of dependency on various states. India should focus on agriculture not at the cost of manufacturing. Modi government has also tried to make several reforms in the agriculture sector as well which can be witnessed in the present Budget which was great for the farmers wherein the Finance minister said the government is committed to Rural India. But the target made by the Prime minister is unrealistic; Modi says that 50% of the Indian farmers – 100 million hectares – will have access to crop insurance in two years. There is also no plan to move away from the role of corrupt patwaris in assessing crop damages. The current farming crisis is not an outcome of low productivity but unremunerated prices. Finally, in the 2014 elections Modi had promised the farmers a support price that would guarantee them a 50% profit over cost production ; this promise has yet to make it to the budget.<sup>85</sup>

Whether it is Keki Mistry of HDFC, Onno Ruhl of World Bank or G.M. Rao of GMK Group; everyone agrees on one thing that the worst has come to an end for the Indian economy and various bodies fight from OECD to the world bank have started projecting GDP growth will quickly pick up. Economists point out that there has been tremendous improvement in the Macro- economic indicators such as inflation has been reined in, FDI (Foreign Direct Investment) has been picking up along with the money foreign institutions in the stock and bond markets and finally the incredible increase in the GDP of India.

Other notable improvements to the Indian economy under the lucky Modi government are reduction in current account deficit due to the reduction in oil rates, reforms in the labour laws, dismantling of the 5 year Planning Commission with an overturned model of the previously existed Planning Commission showcased an evolved federalism model. Whereas the Congress had major twists and turns in its economic and development ideologies such as the long – term planning loosely adopted from the Soviet model, the License Raj and the Draconian labour laws and the failed attempts by Manmohan Singh to push through the reforms and throwback the socialist policies followed by the previous congress governments. Now, clearly Modi government while making terrific and tremendous changes in certain areas such as abolition of the Planning Commission on the other hand it is also following certain schemes of its predecessors namely the Food Security Bill, direct transfer of subsidies using Aadhar card; which makes it transparent that Modi is changing the broken policies while retaining, refining and fine tuning the policies which he considers to be sensible even if they were made by the predecessor governments<sup>86</sup>. Certainly the economic thinking of Modi government is free- enterprise oriented which leads to the development of the Indian economy at large.

But the fact that the Modi government has taken up a broken economy; fixing it is not an easy task. To change the Indian economy from Deal economy to Rule economy is indeed the biggest challenge of the Modi government and this cannot happen overnight. Will India turn totally into a Rule based economy in the future is yet another question mark in the present phase of Indian economy. “Ache Din Aa Gaye” – Good Days have certainly come but will it prolong and sustain and add up to the Indian economy? This is a question which would be answered in the coming years of the rule by Modi government.

There can be no denial to the fact that Modi has positioned himself as a great champion of economic progress as India’s economic growth has languished past 10 years and that he is a man of his own thoughts and definitely more charismatic leader

<sup>84</sup> "What Are the Advantages and Disadvantages of Make In India?" - Quora. Web. 10 Mar. 2016.

<sup>85</sup> "The Budget – Is It Really 'Pro-Poor' As the Newspaper Headlines Said?" The Wire. 2016. Web. 10 Mar. 2016.

<sup>86</sup> "Indian Economy Is Increasingly Showing Signs of Revival." Indian Economy Is Increasingly Showing Signs of Revival. Web. 10 Mar. 2016.

than the former Prime Minister Manmohan Singh. The strong sweep by Modi and his government in the economic sector that is trade and commerce field makes it very evident that there won't be any continuous stymie in the economic reforms as there were during the Congress rule. In fact Modi has come to power mainly due to the Gujarat's economic success at the time of his rule as the Chief Minister of Gujarat. There has been a great criticism by Jim Rogers the trading Guru. He said that "though Modi has been telling and planning a lot to make India economically stable and efficient there has been only a little done in action as there Indian debt is 90% over GDP and it is difficult for any country to grow economically when there is a big hurdle known as 'debt' because no matter what the previous debts must be paid off." Major Developments during the NDA Regime. It has almost been two years since the inception of the NDA government in which Narendra Modi has assumed the post of India's Prime Minister. During this period, his administration has taken plenty of steps – some of which have been lauded for their potential to create a positive impact from the perspective of the country while some have not been so popular. While criticising Modi, it needs to be taken into consideration that it is not entirely possible to bring about a drastic improvement in the lives of people in a country as huge as India. There have been many pros and cons in the administration of the NDA Government from 2014-2016. Let us take a look on a few of them:

### **Positive Impact:**

#### **Bringing back Indians stranded in Iraq during the ISIS crisis**

In the crisis surrounding the ISIS militants in Iraq there was worldwide uproar about how civilians had been held captive. The INS Mysore ship was deployed by the Indian Government led by Narendra Modi in order to bring back the Indian nurses who had been working over there.

#### **Bringing out the IB Report on NGOs**

The IB Report has shown that protests organized by NGOs, who are financially backed by other countries, have led to an assumed loss of 2-3% to the national GDP in the last few years. Now, it is mandatory for NGOs to seek permission from the Ministry of Home Affairs before they can receive the foreign funds.

#### **Improving the railways through various reforms**

The government has started a new website for the railways and this has helped IRCTC achieve improved levels of performance. The rail budget of 2015 also needs to be credited for the same reason as it has tried to make sure that railways is economically in a better place and has a greater impact on the national economy as a whole. Experts have also praised the way the government has tried to bring in private capital by way of partnerships.<sup>87</sup>

#### **Imposing fines on Reliance**

Narendra Modi's government recently slapped an INR 320 crore fine on Reliance Industries. Modi also said that the rules cannot be different for various people. This restored a lot of credibility to his government.

#### **Increasing height of Narmada dam**

This was done so that people, who live in that area, have more water to drink as well as for irrigation.

#### **Health facilities for poor**

The government has taken a major step by making X-rays, CT scans and MRIs free for the economically disadvantaged sections. This facility will be available at all government hospitals.

#### **Planting trees along national highways**

200 crore trees will be planted in the one lakh km area covered by the national highways of India. This is also expected to generate employment for young people. Same schemes are also being planned by the national administration and they will be implemented in the state highways and roads in various districts and villages under the MNREGA programme.

#### **Steps taken to bolster defence**

Building roads and infrastructure in Arunachal Pradesh is a major step in this regard. Posts are also being built in this area along the border shared with China. The Karwar naval base at Karnataka has also received an extension of two billion US dollars. Government is also looking to set up a new radar station at Andaman and Nicobar Islands so that the Bay of Bengal area can be properly monitored.

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<sup>87</sup> <http://pmindia.gov.in/>

### **Superb foreign policy**

Narendra Modi has been following an exceptional foreign policy that has endeared India to countries across the world. Till date, every foreign visit undertaken by him has been highly successful. Under him, foreign policy of India has received new dimensions and this can be because of the levels of popularity he enjoys among people of Indian origin in other countries. Modi is highly popular in countries as diverse as Nepal, the US, Australia, Japan and Bhutan. It is expected that this scenario will help India attain the sort of international prestige it has always wanted but never really had.<sup>88</sup>

### **Encouraging economic growth and entrepreneurship**

According to several financial experts, several steps have been taken by the Modi government to make sure that more people are encouraged to become business owners. The stock market has been performing consistently. This is an indication of the decent health of the Indian economy. Nirmla Sitharaman, the Minister of Commerce, has brought about several changes so as to remove the legal issues that hinder investments and other operations of entrepreneurs.

### **Doing away with the Planning Commission**

While many have criticised the way the Planning Commission was ended, many experts have also agreed that it had become a relic of late having not much use or practical purpose. The fact that people like Arvind Panagariya and Professor Bibek Debroy are being included in the Niti Ayog is refreshing and also assures people. Now the states have a greater role to play in the planning process and they also have larger slices of resources to work with.

### **Decent and realistic budgets**

While the 2014 budget was highly ambitious one and probably resulted from not taking proper stock of the financial situation and capabilities that had been inherited, the 2015 budget was very realistic in nature. Steps were taken to bring about economic growth – incentivising it was a major decision – and doing away with tax evasion.

### **Dealing with the power crisis**

Piyush Goyal, the Union Minister of Power, has been taking a number of steps to deal with supply and power issues pertaining to power distribution and generation. Nitin Gadkari has also been credited with bringing about innovative plans for ports and road transport.

### **Other reforms**

The Ministry of External Affairs has also done away with the second verification done by police officers when people renew their passports. The government will also set up 660 crisis centres for dealing with rape cases. These will be named Nirbhaya centres. Kisan mandis are also supposed to be set up so as to counter food inflation.

### **Various Schemes issued by Modi**

The Modi government has come up with various new schemes and ideas like Clean Ganga campaign, Beti Bachao Beti Padhao scheme, Digital India Programme, Swachh Bharat Abhiyan, One Rank One Pension Scheme, Smart City Mission, HRIDAY, Pradhan Mantri Jan Dhan Yojna, Pradhan Mantri Awas Yojna, Atal Pension Yojna, Skill India Mission and many other schemes which have changed the dimension of the country in every sphere.<sup>89</sup>

Some other steps have been taken. These include, making it mandatory to monitor 3,206 units in 17 industries that are known to be critically polluting ones and strengthening the electronic media monitoring centre.

### **Negative impact of Modi Government in First Year:**

There have been several areas, however, where the Modi Government has not done as well as it would have liked. When Modi became the Prime Minister he had started a number of ambitious projects like Clean Ganga and Smart Cities programmes. Interestingly, both these plans are yet to get off the ground due to various reasons such as administrative, financial, conceptual etc. The Supreme Court has time and again pulled up the national administration for being unable to start the Clean Ganga programme.

The supreme court of India responded to BJP government's lack of stand in initiating the programme. Ganga is a river which is 2,500 km long and is considered to be holy. "You should be keener than us... You said this (cleaning up the river) for which you are so committed. So, do you want to complete this task in this term of the government or not?"<sup>90</sup> Justice T.S. Thakur, heading the bench hearing a 30-year-old PIL to rid river Ganga of pollution, asked.

In reply, Solicitor-General Ranjit Kumar assured the job would be completed by 2018. "No matter what name you give, Ganga Action or Rejuvenation, we want you to give us details of the cleaning-up plans in such a manner that the court can verify the

<sup>88</sup> <http://www.mapsofindia.com/>

<sup>89</sup> [www.pradhanmantriyojana.in/](http://www.pradhanmantriyojana.in/)

<sup>90</sup> <http://www.thehindu.com/news/national/supreme-court-seeks-verifiable-progress-in-ganga-cleansing/article6789207.ece>

progress you make. And fortunately, money is not a constraint for you in this case, you have already spent Rs. 2,000 crore on this," Justice Thakur orally observed. "Do you want to complete it this term or the next term... keeping the issue alive?" a three-judge bench headed by Justice TS Thakur told the Centre. The government has also been unable to achieve much headway in terms of modernising the railways. The superfast trains are yet to be seen and privatisation has not happened to the extent that the government would have liked. Even though provisions have been made for making it more effective, they haven't matched public expectations.<sup>91</sup>

The 'Make in India' programme is also facing problems of dependency on various states. It can primarily be described as a re-modelled version of import substitution<sup>92</sup>. It is basically a process whereby a country addresses the imbalances between its import and export. The NDA government's Make In India campaign has till early October attracted INR 2000 crores worth investment proposals. The campaign has, despite this, found its fair share of critics. The topmost of these criticisms is levelled against the incumbent government.

It has been felt that the government does not walk its talk - labour reforms and policy reforms which are fundamental for the success of the Make In India campaign have not yet been implemented. A number of layoffs in companies such as Nokia India cast long shadows over the campaign. A number of technology based companies have not been enthused by the campaign launch and have professed to continue getting their components manufactured by China<sup>93</sup>.

No effective plans were set to stop the hoarding of black money of Indians in the Swiss banks. While some party leaders continue giving non realizable statements like bringing all of the black money back in the country by the end of the year, no serious step is taken for the insurance of the act. Also, a great deal of black money is hiding in the form of assets that the corrupt leaders and government workers have accumulated over time. A very small fraction of the Indian population pays the right amount of income tax, and the need of the hour is to regulate it<sup>94</sup>.

The Land Acquisition Bill has been a major setback for the government as well. It has caused many people, who were ardent supporters of the Modi regime, to be disillusioned with both the leader and the administration in general. The biggest issue with this bill is that it has affected the smallholders as well as the landless farmers, who are the most helpless section of the agrarian population of India. It has also given the opposition the much-needed ammunition to attack the center. The results of the elections in Delhi have also hit the party's image hard – questions have also been raised regarding the continued efficacy of Modi that worked so spectacularly during the 2014 parliament elections.

"I will make it in 10-12 places. Stations should be better than airports as most travelers are poor people. We can easily have trains running below and commercial properties above (floor),"<sup>95</sup> Modi stated in his speech. Yet, there are no steps taken to improve the infrastructure of railways.

There has been some controversy regarding some steps taken by the Modi government that have been deemed to be religiously motivated by many people. There has been an increase in attacks on religious institutions such as churches and rape cases have also increased around the country. So, evidently the law and order situation leaves a lot to be desired.

Yet another ill-advised decision was to try and curb the power of the judiciary, one that did not reap the intended dividends. Modi has also not been able to bring about many reforms in the labour market. However, experts have also stated that they may not be that easy to achieve.

### Foreign visits

One of the first things Modi did after taking office as prime minister was to visit Bhutan. It triggered off a travelling spree, one that has overshadowed his predecessor Manmohan Singh's foreign travel record by a significant margin. Having travelled 17 times out of the country on state visits and international summits in his first year in office, Modi has tried to overtly attract international investment far more than Singh, who travelled an average of 6.8 times a year in his first term and an average of five times in his second term.

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<sup>91</sup> <http://economictimes.indiatimes.com/news/economy/indicators/narendra-modi-government-presses-acceleration>

<sup>92</sup> <http://www.mapsofindia.com/my-india/india/one-year-of-modi-government-a-look-back>

<sup>93</sup> <http://www.mapsofindia.com/government-of-india/make-in-india.html>

<sup>94</sup> <http://www.youthkiawaaz.com/2014/07/5-positive-5-negative-developments-2-months-bjps-rule/>

<sup>95</sup> <http://timesofindia.indiatimes.com/india/Narendra-Modi-favours-privatization-modernization-of-railway-stations/articleshow/45319370.cms>

## Conclusion-

The present project makes an attempt to understand and analyze the impact of various incentives and policies implemented by the NDA government under the leadership of Prime Minister Narendra Modi and its positive and negative effects on the Indian societies. The project also looks at the various initiatives taken by the Modi government for increasing trade and commerce with the developing countries and with the ASEAN countries. The project also discusses the important steps taken by the Indian government to lead a change in foreign policy in accordance with the transformation in domestic sphere.

The instant project also tries to analyze and predict India's changes of becoming a permanent member of the United Nations by the end of the term of NDA government. This has been done so by assessing India's economic and military power into consideration. Also, India's connection and contribution to the United Nations in form of troops and funds have also been taken into account to see whether India can become a permanent member of the UN.



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## STRENGTHS AND RISKS RED BULL OF WHEN COMPETITORS ENTER THE ENERGY DRINK CATEGORY TO GAIN MARKET SHARE

### ABOUT RED BULL

Red Bull is one of the most successful cases of a brand which grew due to a massive intelligent marketing strategy. Without that the brand would be only known in Austria and Thailand at best. Through marketing and sui generis advertising campaigns, Mateschitz made an ordinary mix of sugar and trace amounts of caffeine and taurine, turn into a 5 billion dollar best seller touted as a miraculous pharmaceutical mind and body enhancer. During the past 15 years, the drink has been copied by more than 100 competitors, but such companies as Coca-Cola and Pepsi have been unable to take market share away from Red Bull.

Red Bull GmbH is an Austrian-headquartered business developed and founded by Dietrich Mateschitz in the mid-1980s (Red Bull, 2014). Mateschitz was a traveler and a technician who developed the formula for a new energy drink based on those he had sampled while in the Far East. Red Bull energy was first introduced into the market in April, 1987, when it was launched in Austria. By 2014, over 4 billion cans of the energy drink had been sold in more than 166 countries worldwide (Euro monitor, 2014). To date, the company has been highly successful, reporting large year-on-year growth figures in terms of both sales volumes and company value. However, in recent years, it has encountered a number of challenges. Competitive rivalry in the industry is growing, and there are concerns that the key product is deleterious in terms of health, adolescent behavior and use of materials.



In this study, the strengths, weaknesses, opportunities and threats facing the business are outlined and discussed through the application of a SWOT analysis. A PEST analysis is used to examine the political, economic, social and technological aspects of the business environment affecting the company. The paper concludes by outlining the competitive advantage of the business and expectations for its future.

### OBJECTIVES:

- Strengths and risks of Red Bull
- Marketing Strategy of Red Bull and its competitors.
- Scope of Improvement to increase the sales.

## METHODOLOGY:

- **Scope of Studying-** Strengths and weakness of Red Bull can be understood by studying their and their competitors marketing strategy.
- **Data Collection-** Two sources are depended upon for compiling this study which are as follows:
  - Red Bull on content marketing by Rohan Ayyar
  - The Powerful Sales Strategy behind Red Bull by GERHARD GSCHWANDTNER

## HOW DOES RED BULL GAIN ITS MARKET SHARE?

Red Bull is a youthful brand, targeting the youth; it is as of now the overall business pioneer in caffeinated drinks. Red Bull's coordinated promotion has been successful that the organization has made an altogether new drink category—functional energy drinks—and has turned into a multibillion-dollar brand among rival brands from refreshment kings like Coca-Cola and Pepsi. Initially brought in 1982, the beverage was established in Austria in 1987 and went international in 1992. In less than 20 years, Red Bull has turned into the energy drink market leader by skillfully associating with the worldwide youth. Dietrich Mateschitz established Red Bull in Austria and brought the caffeinated drink into Hungary, its first foreign business sector, in 1992. Today, Red Bull sells 4 billion cans of energy beverages every year in more than 160 countries.

## SO HOW DOES REDBULL DO IT?

The answer is, it is unique from others. For several years, Red Bull offered only one item, Red Bull Energy Drink, in one size—a smooth silver 250 ml. (8.3 oz.) can with a European look and feel. Red Bull's contains—amino acid taurine, B-complex vitamins, caffeine, and carbohydrates—which mean it is exceptionally caffeinated and energizing, so Red Bull lovers call it as "liquid cocaine" and "speed in a can." Over the last decade, Red Bull has presented three extra products: **Red Bull Sugar free**, **Red Bull Energy Shots**, and **Red Bull Cola**—all three have slight variations from the from the original energy drink. Since starting, Red Bull has utilized minimal advertising techniques and no prints, billboards and banner ads. While the brand runs less TV advertisements, the animated spots and slogan "Red Bull Gives You Wings" are intended to entertain the young customer group and believe in no pushy way to advertise products. Red Bull creates buzz about the product through grassroots, viral advertising strategies, starting with its "seeding program" that smaller scale targets in vogue shops, clubs, bars, and stores. As one Red Bull official clarified, "the product gets a lot of visibility and attention. We adopt individual accounts and not big chains." Red Bull is effectively acknowledged at clubs because "in clubs, individuals are interested in new things."



## TARGET MARKETS:

Once Red Bull has gained some market in bars, it next moves into convenience stores situated near universities, gyms, health stores and grocery stores, prime areas for its targeted interest group of men and women aged 16 to 29. Red Bull has additionally been known to target college students directly by providing them with free cases of red bull and encouraging them to throw a party. Initially, Red Bull moves into restaurants and then finally into general stores.

## MARKETING STRATEGIES:

Red Bull's marketing efforts strive to fabricate its brand image of originality, innovation, and community in a several ways. Initially, Red Bull targets customers by sampling its product. Free Red Bull energy drinks are accessible at sports competitions, in limos before award shows, and at restrictive after-parties. Free samples are passed out on college campus and city streets. Next, Red Bull combines itself to a wide range of compelling games, competitors, groups, occasions, and specialists (in music, move, and film). From motor games to mountain biking, snowboarding to surfing, dancing to sailing, there is no restriction to the craziness of a Red Bull event or sponsorship.



A few have become notorious for taking originality and extreme sporting to the limit, including the annual Flugtag. At Flugtag, contestants build homemade flying machines that must weigh less than 450 pounds, including the pilot. Teams then launch their contraptions off a specially designed Red Bull branded ramp, 30 feet above a body of water. Crowds of up to 300,000 young consumers cheer on as the contestants and their "planes" stay true to the brand's slogan: "Red Bull gives you wings!" Another annual event, the Red Bull Air Race, tests the limits of sanity. Twelve of the world's top aerobatic stunt pilots compete in a 3.5 mile course through a low-level aerial racetrack made up of air-filled Red Bull branded pylons 33 feet apart and reaching 65 feet in height. In other words, pilots fly planes with a 26-foot wingspan through a gap of 33 feet at 230 mph. These Red Bull-branded planes crash occasionally, but to date no fatalities have ever occurred. Red Bull's Web site provides consumers with information about how to find Red Bull events, videos of and interviews with Red Bull-sponsored athletes,

and clips of amazing feats that will be tested next.

For example, **Bull Stratos** is a mission one man is undertaking to free-fall from 120,000 feet, or 23 miles high. The jump will be attempted from the edge of space and, if successful, it will mark the first time a human being has reached supersonic speeds in a free fall. Red Bull buys traditional advertising once the market is mature and the company needs to reinforce the brand to its consumers. As one Red Bull executive explained, "Media is not a tool that we use to establish the market. It is a critical part. It's just later in the development." Red Bull's "anti-marketing" IMC strategy has been extremely successful connecting with its young consumers. It falls directly in line with the company's mission to be seen as unique, original, and rebellious—just as its Generation Y consumers want to be viewed.

Different types of market strategies adopted by Red Bull:

a) **STABILITY**

Red Bull does not adhere to this strategy as it already is the market leader, has its fixed set of faithful customer base and does not need to anticipate many changes.

b) **DIFFERENTIATION**

Red Bull attempts to develop products that are unique in the industry. This is something that red bull associates itself to. They charge a premium price for the blend and taste they offer in their drink

c) **MARKET LEADER**

Currently Red Bull is the largest selling energy drink in the world. Every new entrant in this sector looks to compete with it someday. It is hence the market leader in the categories of energy drinks.

**DEMOGRAPHIC SEGMENTATION:**In demographic segmentation, the market is divided into groups on the basis of variables such as age, gender, income, occupation etc; Red Bull segments its customer base by age as follows:

**Age:** 16 to 30 years – they account for the major share of the customer base

Below 16 – They account for most of the sales of their other line of products of red bull soda. Middle age and elderly – red bull came out with zero calorie and special edition (cool breeze) for the elderly tastes.

**Gender:** They mainly target males, although females are a part of their customer base

– **Income:** Red bull associated a certain luxury with their brand name and hence caters to a segment that is 'well off' in terms of income.

– **Occupation:** Students, working professionals, sports enthusiasts, athletes

**PSYCHOGRAPHIC SEGMENTATION:**

Lifestyle:	Business class, working class executives, students
Personality:	Ambitious, open to experience
Occasions:	Regular to special
Benefits:	Quality
User status:	Regular user
Usage rate:	Medium
Loyalty status:	Medium Loyal
Readiness stage:	Intending to buy
Attitude toward product:	Enthusiastic

**GEOGRAPHICAL SEGMENTATION:**

The Geographical variables of Red Bull have been used to segment markets in following ways:

**Area:** Red bull limits itself to semi urban and urban India as that is their major consumer base

**City:** Class-A and Class-B cities i.e. metro politician cities

**Region:** Distribution of Red Bull is constant across regions in India.

### Strengths:

- Red Bull essentially started the energy drink market and is the current market leader. Everyone else in the category has been trying to play catch up both in terms of brand awareness and adoption as it has an identifiable product and image.
- Red Bull has an extensive distribution channel that goes far beyond your traditional grocery and convenience stores. The drink can be found at bars, restaurants, bike shops, extreme sports stores, and many other types of vendors.
- Amount of caffeine per 8 ounce can is greater or equivalent to what most 12 and 16 ounce energy drinks offer, creating a more effective, higher quality product.
- Less traditional marketing tactics of hosting and sponsoring events has increased their brand credibility as they have become defined by adventure, risk, and originality all while exuding a sense of naturalness about themselves. This has created a loyal, culture following.
- Product can be associated with the lifestyles of so many different types of people, making it seem more versatile. Red Bull users range anywhere from cliff divers and race car drivers to students and party goers.

### Weaknesses:

- Red Bull is a one trick pony. Red Bull's future lies within an 8.3 ounce silver can that has had a single design and flavor since its inception.
- Current pricing strategy is at least 10% above its competitors; despite offering a product that is 2/3 or even 1/2 of the size of its competitors' products.
- Red Bull has not invested into much traditional marketing which has made it more difficult to quantifiably measure the effectiveness of what they have done.
- Product is somewhat controversial as far as its health benefits and effects as it was banned in Denmark, Norway, Sweden and France. In addition, Canada had banned the product but has since lifted the ban and put warning labels on the product concerning overconsumption.
- Oversaturation of the market has taken away the feeling of exclusivity surrounding the product.

### Opportunities:

- Energy drink sector is rapidly growing, somewhere between 58-73%.
- Increasingly health conscious consumer is creating a new segment of energy drinks.
- Consumers are looking for more variety in the product offerings.

### Threats:

- Competitors like Monster and Rockstar have been steadily gaining market share while soft drink giants, Pepsi and Coca-Cola have recently dove into the energy drink sector with an abundance of resources and established distribution channels at their disposal.
- Ingredients used in Red Bull are no longer unique to just their product. Most competitors are now using them in their products too.
- Competitors' products provide a far better value in both price and volume.
- Brand and line extensions by competitors have created options for consumers which were previously unavailable in the energy drink market.

### Overall SWOT Analysis:

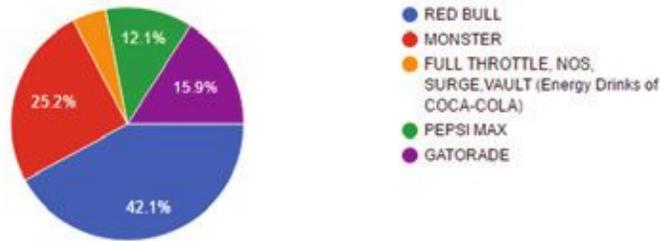
The primary strength of Red Bull is the incredible brand awareness it has not only domestically but internationally too. Complementing brand awareness perfectly; is the extensive channel coverage, which no other energy drink currently has. Red Bull's biggest weakness is the fact they are a one trick pony, in an industry seeking more variety. Red Bull's product has not changed in the slightest since its introduction into the American market. The premium pricing strategy Red Bull uses, has allowed competitors to offer their products for substantially cheaper rates despite offering larger volumes. Red Bull has seen its market share shrink over time because of this and the lack of variety in its offering. Red Bull needs to take advantage of the favourable primary demand and extend its brand line while offering a more consumer sensitive price.

### ENERGY DRINK SURVEY

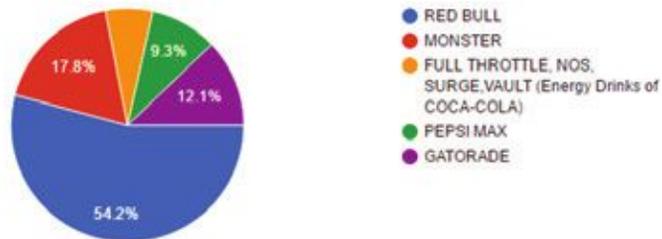
We Found 5 major brands of Energy Drinks and we conducted a survey with the help of Google forms. We received 107 Responses.

The Following results were notified –

Which Energy Drink Do you Prefer Most ? (107 responses)



Which Energy Drink Brand's Commercial Advertisement you have witnessed the most ? (107 responses)



The below survey was conducted on 15 people in Symbiosis Law school, Hyderabad

A. Which of the following Energy Drinks are you most aware of?

1. Red bull
2. Coca-Cola
3. Monster

Out of 15 people, all 15 know about Red bull, 12 people know about Monster and 5 people know about coca cola as an energy drink.

B. Which brand do you prefer to buy?

1. Red bull
2. Coca-Cola
3. Monster

Out of 15 people 6 prefer coca cola, 3 prefer Red bull and 6 prefer Monster

C. If Red bull, why Red bull why not monster?

9 Of them said that Red bull contains considerably less amount of caffeine than monster and it is preferable to consume 1 can of monster a day whereas 3 cans of Red bull can be consumed in a day. Another reason was attractive advertisements which Red Bull carries out (it gives you wings). Some said they liked the taste whereas few found it easily available

D. Where have you bought Red bull most of the time

1. Wholesaler
2. Vending machine
3. Convenience store
4. Restaurant
5. Super market
6. Bar/pub
7. Other

11 people said they found red bull in a convenience store.

E. Do you think Red bull is reasonably priced?

- Yes
- No

All of them answered yes that it was reasonably priced

F. When would you be most likely to drink Red bull?

- General usage
- When waking up early
- At a sporting event
- Night club/bar
- Playing sports

10 out of 15 people preferred drinking at a sporting event whereas 3 preferred drinking it in night clubs and 2 of them said for general usage

G. Why not Red Bull?

- Taste
- Price
- It is not healthy

12 out of 15 said the taste was bad whereas 3 of them said it is not healthy as it contains 16gms of caffeine in a 250 ml bottle which is not healthy.

H. Why Red Bull over Monster?

Red Bull has a larger market than Monster, some people said it is reasonably priced, some said Red Bull is easily available.

## OBSERVATIONS

- Red Bull is the market leader and uses best promotion techniques to reach its consumers.
- Red bull contains considerably less amount of caffeine than monster and it is preferable to consume, 1 can of monster a day whereas 3 cans of Red bull can be consumed in a day.
- Another reason was attractive advertisements which Red Bull carries out (it gives you wings). Some said they liked the taste whereas few found it easily available
- Red Bull is reasonably priced.
- Red Bull can be used as a beverage for a sport event , night club parties and general usage.

## CONCLUSION

Instead of giving its customers reasons to buy its brand of energy drink, Red Bull has stepped into its users' shoes and is saying, "You guys are so cool! Let's hang together." And its users seem to prefer being cool and doing exciting things with their favorite brands over being "sold to." The internal and external audit conducted above has yielded a number of insights about the current activities and future outlook of Red Bull. Firstly, there is little doubt regarding the success of both the company and the brand. Red Bull was the first product of its kind, and largely as a result of creative sports and event marketing initiatives, the Red Bull energy drink brand and energy drinks as a whole are synonymous. This has been translated into vast growth in terms of both volume sales and company value. On the whole, and in the context of likely rising global demand, the outlook for the company is good. However, the analysis has raised some concerns. In terms of its formulation, the Red Bull energy drink has barely changed since it was first produced 26 years ago, and very few variants of the formula are available. This is a crucial weakness of the brand, particularly given the strength and growing sales of key competitors like Monster and Burn, which are available in a range of flavors and formulas.

Furthermore, Red Bull pursues an undifferentiated pricing strategy, which may place the product out of the reach of low-income consumers in some of the markets to which it is expanding. Another challenge facing the company is how to deal with criticisms of the key product by health groups and educators. In the future, it is possible that the key product will need to be reformulated in order to counteract claims that Red Bull is linked with obesity, poor levels of concentration and bad behavior among young people. The company needs to be cognizant of these issues and respond to them appropriately if it is to remain the leader in the energy drinks market.



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