

GLOBAL JOURNAL OF HUMAN SOCIAL SCIENCES

discovering thoughts and inventing future

Volume 10 Issue 7 Version 1.0

ISSN: 0975-587X

December 2010



highlights

Their Behaviors in Sports

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07 Papers
of Innovations



Global Journal of Human Social Science

Global Journal of Human Social Science

Volume 10 Issue 7 (Ver. 1.0)

Global Association of Research

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From the Chief Author's Desk

We see a drastic momentum everywhere in all fields now a day. Which in turns, say a lot to everyone to excel with all possible way. The need of the hour is to pick the right key at the right time with all extras. Citing the computer versions, any automobile models, infrastructures, etc. It is not the result of any preplanning but the implementations of planning.

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People Perceptions and Their Behaviors in Sports

Osman Yildirim¹, Mariana-Florentina Ștefănescu²

GJHSS- A Classification FOR
110699, 170114

Abstract- This research is conducted to determine people's attitudes towards sports, how much they make use of the sports facilities around, and the relationship between their personal characteristics and sports habits. In the research, a questionnaire composed of X questions is conducted. The participants are 62% male, 63% between the ages 22-39, 76% single and 83% undergraduates/graduates. A correlation analysis is done to put forward the relationship between the participants' personal characteristics and how often they do sports. According to the results of the research, out of the five personality dimensions, only awareness of responsibility and sociability dimensions are highly related to the participants' frequency of doing sports. Accordingly, as one's awareness of responsibility and sociability rise, their frequency of doing sports rise as well.

I. INTRODUCTION

Despite the relevance of this research subject from health perspective, there are few data on adolescents' sport activity, notably the correlations between their sport habits and their behaviours attitudes and health, which may have important consequences both somatic and mental. Studies about the correlation between the frequency of sports and variable results (in particular, perceptions of health, self image, substance use and experimental behaviours) and about Internet gambling behaviour are presented in the papers of Ferron (1999), Feinberg (2009) and in report of Responsible Gambling Council (2007). Generally, the field of sports is very extensive and multi-faceted. The mass and also widespread ones can be counted as football, volleyball, basketball, tennis, wrestling, mountain climbing, and water sports. The individual ones are fitness, yoga, aerobic, jogging. However in the literature, sports are classified considering various aspects. For example, Lenk (1983) used some terminology as performance sports, demonstrative sports, and wellness sports when he differentiated among mass sports. People who deal with either individual or mass sports step into the socialization process in one way or another. In this respect, Simmon (1968) evaluated sports as a kind of socialization.

II. METHODOLOGY

1) Participants

Research sample is composed of 102 participants in total, 62% of whom are male, 63% of whom are between the ages

22-39, 76% of whom are single and 83% of whom are undergraduates/graduates

2) Measurements

a) Personality Traits

In the research, a short version of the NNA Personal Inventory developed by Sevinç is used to evaluate the personal characteristics of the participants. Based on The Five Factor Model, Inventory is an evaluation tool which is improved according to the Turkish culture. Validity and reliability analysis (dimensional self consistency cofactors vary between 0,71 and 0,88; test repeat cofactors vary between 0,83 and 0,91) show that inventory consists strong psychometric features. The results obtained from inventory were evaluated by using raw points and not norm points. In the study, the realized Cronbach α values in relation with inventory's dimensions (Openness for Experience: 0,83; Responsibility Consciousness: 0,82; Being Extrovert 0,86; Compatibleness: 0,83; Emotional Balance: 0,80) show that the scale is consistent ($\alpha > 0,60$). In the short version of the Inventory only the five dimensions (openness for experience, responsibility consciousness, being extrovert, compatibleness, emotional balance) of the character are evaluated using total 25 attributes. The answers for the attitudes are classified in Likert scale 5. If the answers are totally suitable the grade given is 5, if totally not suitable the grade given is 1. Consequently; high grade for "Openness for Experience" means that the person is producing new ideas, he is innovative, not conservative and not constant minded and he has different interest fields; high grade for "Responsibility Consciousness" means that the person does not easily give up, he has strong will for his aims, gives attention for details, planned and has discipline; high grade for "Being Extrovert" means that the person is entrepreneurial, confident, can say no if required, protects his interests, does not put barriers for others and he has sympathy; high grade for "Compatibleness" means that the person thinks about others, helpful, not arrogant, easily go with others and he is honest; high grade for "Emotional Balance" means that the person is optimistic, calm, open for criticism, does not concern more.

III. FINDINGS

1) Frequency of Sports

When sportive activities are asked to the participants, the answers show that mainly they involve in such activities (3,86). The participants mostly answer that they make sport because they want a healthy life (4,12) they want to be relaxed (3,76). These are followed by answers as long life desire (3,36), removing boredom (3,35) and leisure activity (3,35).

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The seldom answers are new friendships (2,47), group membership (2,05) and to quit smoking (1,55). The participants mostly prefer open air (3,97) and facility (3,72)

for sports. They make sport sometimes in sport clubs (2,93) and schools (2,74); seldom at home (2,26); almost never at working places (1,19)

Table 1. Mean values and standard deviation for frequency of doing sports

	Mean Value	Standard Deviation
Frequency of doing sports	3,86	0,97
Purposes of doing sports		
Wellness	4,12	1,27
Relieving	3,76	1,22
Living long	3,36	1,52
Avoiding boredom	3,35	1,32
Spare time activity	3,35	1,43
Making friends	2,47	1,43
Socializing	2,05	1,34
Giving up smoking	1,55	1,18
Sports places		
Outdoor areas	3,97	1,18
In sports complex	3,72	1,38
In sports club	2,93	1,71
At school	2,74	1,65
At home	2,26	1,37
At workplace	1,19	0,71

When the personality inventory points of people who took part in the research are explored, it is seen that they have scored the highest point in compatibility (4,23). Responsibility (3,91) and being ready for experience (3,84) follows it. According to these scores, it is seen that the participants are the people who are considerate, helpful, compatible, straightforward, determined, coming up with new ideas, careful about details, organized, having a wide range of interests, creative and who are not showy,

obsessive and conservative. Participants have scored relatively lower points in the area of extraversion (3,50) and emotional balance (3,47). Accordingly, the participants are partially enterprising, confident, and partially sincere and they are the people who can say no when necessary, guard their own interests, who do not get angry easily and who are open to criticism.

Table 2. Mean values and standard deviation for personality traits

Personality Traits	Mean Value	Standard Deviation
Openness for Experience	3,84	0,72
Responsibility Conscientiousness	3,91	0,77
Extraversion	3,50	0,74
Compatibility	4,23	0,56
Emotional balance	3,47	0,62

When the personality features of the participants and their frequency of doing sport are compared with correlation analysis (Table 3), it is seen that only two out of five areas are significantly correlated with the frequency of doing sport

and these are responsibility and compatibility. The parameter of correlation is positive but low ($r < 0,40$). Accordingly, when responsibility and compatibility of a person increases, his frequency of doing sport increases, too.

Table 3. The correlation between frequency of doing sports and personality traits

Personality Traits	Frequency of doing sports	
	r	p
Openness for Experience	0,19	0,06
Responsibility Consciousness	0,20	0,01*
Extraversion	0,12	0,22
Compatibility	0,22	0,03*
Emotional balance	0,13	0,19

, $r > 2.27'''$

IV. CONCLUSION

In short, the participants are partially enterprising, confident, partially sincere and they are the people who can say no when necessary, guard their own interests, who do not get angry easily and who are open to criticism. The interest of public to sports may develop with together using of the sports fields and foundations by sufficient and productive, and the increase of the sports activities and organizations. When the personality features of the participants and their frequency of doing sport are compared with correlation analysis, it is seen that only two out of five areas are significantly correlated with the frequency of doing sport and these are responsibility and compatibility. Accordingly, when responsibility and compatibility of a person increases, his frequency of doing sport increases, too.

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Training Needs of Rural Women in Eri Culture in Assam Province

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{ GJHSS- A Classification FOR
160804 }

Abstract-Rural women in Assam are actively involved in eri culture and being considered it as a subsidiary occupational venture. The women farmers are generally traditionally bound in respect of knowledge and skills being used in eri culture. Hence, imparting training of women on improved practices of eri culture is exist as a gap to be filled. Training is an effective tool for improving ability of the women to do their vocation more efficiently. A good understanding of needs of the farmers is fundamental to make the training programme successful and hence, an assessment of the needs of the farmers was made in the year 2008 for designing the relevant means of training to meet them. The study has also focused on level of knowledge and skills of the women farmers in different activities of eri culture. From the study, it could be observed that majority of the women involved in spinning of eri silk (92.7%) followed by silkworm egg production and silkworm rearing (86.0%), marketing of produces (74.0%) and disinfection of rearing house and rearing appliances (45.3%). Involvement of women in host plant cultivation and management was found very less (4.0%). The study also inferred that level of knowledge and skills of the women farmers was considerably low and the training need was more prominent almost in all the improved practices. The women desired to have practical training at the Research Institute for a period of one or two weeks with the facilities like free boarding, stipend, transportation, exposure visit and teaching through audio-visual aids using local language.

Keyword- 'Eri culture, women farmer, knowledge, skill and training'needs.

I. INTRODUCTION

Sericulture is an integral part of the rural economy and providing gainful employment opportunity particularly to the small and marginal farmers. Assam is one of the traditional states where commercial exploitation of all four type of sericulture viz. eri, muga, mulberry and tassar is enduring since time immemorial. In sericulture, eri culture is mostly popular among the rural women folk and being considered as a subsidiary occupational venture of the family. Eri silkworm is reared in indoor condition and hence, women can play a significant role during rearing and post-rearing activities as it is well synchronized with the other household activities of the women. The women farmers are actively associated in leaf harvesting, silkworm rearing, harvesting of cocoons, spinning of spun yarn and also marketing of produces. In the recent past, both the central and local governments have made several efforts for growth and development of the eri industry in the state.

Various improved technologies were also developed for increasing production and productivity in eri culture. Continuous efforts are also being made for effective dissemination of the technologies to the farmer's field. But, there is still exist gap between real and potential production of eri culture. The main reason attributed to low production is non-adoption of improved practices of eri culture by most of the farmers. The women farmers are generally traditionally bound in respect of knowledge and skills being used in eri culture. Hence, imparting training of women on improved practices of eri culture is exist as a gap to be filled. A good understanding of needs of the farmers is fundamental to make the training programme successful and hence, it is require to be assessed the needs of the farmers for designing the relevant means of training to meet them. Keeping view of the above, a study was conducted to asses the training needs of women eri farmers during 2008 in Assam. The study has also focused on level of knowledge and skills of the women farmers in different activities of eri culture.

II. METHODOLOGY

This study was conducted in five eri growing districts namely, Jorhat, Golaghat, Sibsagar, Dibrugarh and Udalguri in Assam purposively selected for ensuring the accuracy. A total of 150 women eri farmers were identified utilizing the random sampling technique. To know the participation in different activities, level of knowledge, skills, importance of training needs on recommended technologies and various aspects of training needs of eri farmers, data were collected from the respondents through personal contact method with the help of a specially structured interview schedule. Simple frequency counts were utilized to distribute the farmers in different activities and various aspects of training needs of the respondents. To determine the level of knowledge, skills and training needs of the respondents scoring method adopted by Farinde and Ajayi (2005) was followed. Each of the activities was rated on five-point scale and the weighted mean score of the respondents were calculated. The scores 3.0 points and above rated as high and score less than 3.0 points rated as low.

III. RESULT AND DISCUSSION

1) *Distribution of women in different activities of eri culture :*

Data presented in the Table – 1, show that the women performed all the activities of eri culture . Majority of the women were involved in spinning of eri silk (92.7%) followed by silkworm egg production and silkworm rearing

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(86.0%). Involvement of women in disinfection of rearing house and rearing appliances was 45.3% while in marketing of eri pupae and cocoon involvement was 74.0%. Similar finding was also reported by Sen *et al* (1994) that in Assam 60% tribal women attend all the activities of eri silkworm rearing such as leaf plucking, feeding of worms, bed cleaning, collection of dry leaves for spinning and lastly harvesting. They also reported that participation of tribal women in the marketing of eri cocoons was more than tribal men. Above activities are very much suited to the physical strength of the women and need not to be adhered continuously. In major agricultural crops also women generally contribute more in the light agriculture operations. The reasons behind this may be the less physical strength of women than men (Chaudhury *et al.* 2007). However, very less involvement of women in host plant cultivation and management was recorded (4.0%). The activities such as land preparation, pit digging, erection of fencing, transplantation of seedlings, application of fertilizers, plant protection against pest and diseases are hard and need skills. That is why, men normally attend these works as they have more physical strength and skills than women counterpart.

2) Knowledge and skills of the women eri farmers

Present study revealed that mean scores for knowledge of women farmers in all the improved technologies of eri culture had low except in late instars silkworm rearing Data presented in the Table -2 indicates that mean score of knowledge was 2.21 in host plant cultivation and management, 1.91 for disinfection of rearing house and rearing appliances, 1.54 for production of disease free silkworm's egg, 2.86 for early instars eri silkworm rearing, 2.72 for silkworms pest and disease management and 1.50 for spinning of eri silk through motorized spinning device. The mean scores in knowledge of women farmers for late instars silkworm rearing was recorded to be 3.26 which was categorized as high. Similarly, mean scores for skills of women farmers for all the improved technologies of eri culture had found low. Mean score of skills was 2.64 in host plant cultivation and management followed by 2.40 in late instars eri silkworm rearing and 2.10 for early instars eri silkworm rearing. Mean scores of skills were recorded very low in disinfection of rearing house and rearing appliances (1.18), production of disease free silkworm's egg (1.04), silkworms pest and disease management (1.90) and spinning of eri silk through motorized spinning device (0.94). The reasons for the low mean score in knowledge and skills is due to non awareness about the improved technologies and also strong inclination towards traditional belief. From the above observation, it could be inferred that to improve the efficiency in knowledge and skills, imparting of training is highly required for the women farmers involved in eri culture.

3) Training need of the women eri farmers

Data presented in the Table-2 indicates that weighted means score for training needs of the respondents were exceptionally high in all the improved technologies (3.57 –

4.68). The women involved in eri culture are very much aware about the gainful employment opportunity of eri culture. Besides, eri pupae produces from the eri culture is an important by-product and are considered as huge demanding food item in Assam. It is possible that women farmers may have desired for actively participate in eri culture for enhancing income generations through implementation of the improved technologies. As such, the women expressed tremendous needs of training for up-gradation of their knowledge and skills on all the improved technologies. Study on training need of muga farmers conducted by Mech, *et al* (2007) also reported that the traditional muga farmers expressed immense training needs on improved technologies in almost all the activities from soil to silk.

4) Various aspects of training needs of women farmers

It is evident from the Table -3 that most of the women farmers expressed almost same attitude on different aspects of training needs. Data in respect of 'nature of training' indicated that majority of the women (87.3%) expressed the need of practical utility training instead of basic training (12.7%). There is no doubt that practical utility training would definitely add to their knowledge and skills that can be used in the field efficiently. As regard to the 'place of training', 54.0% respondents preferred to have training at the research institute directly. On the other hand, 17.3% respondents desired to have training at their door step while 28.7% respondents wanted to have training at the nearest Research Extension Centre or Departmental farm. It is possible that various household activities and sometimes attending of children care, some of the women may have bounded to choose the nearest place for training. In case of 'duration of training' 68.0% respondents suggested for arranging two weeks training programme against the one week training period suggested by 24.7% respondents. On the other hand, very few (7.3%) respondents suggested for month long training period. Season is one of the important aspects of training specially for all kind of farmers. Eri culture is being used as subsidiary occupation and doing mostly during leisure period of the farmers. Most of the time, small and marginal farmers are remain busy with the major seasonal agricultural operations. Opportunely, the crop seasons of eri culture falls in the leisure period of the farmers when major agricultural operations are not done. That is why, majority of the respondents (72.0%) expressed the crop season as the ideal season for training. Pre crop season was chosen by 18.7% farmers and post crop season was chosen by 9.3% farmers only. An effective training programme is largely depend on facilities of training provides to the trainees. The present study shown that all the respondents stated notably for the facilities of free boarding, stipend during training, provide transportation, arrange field visit and audio-visual aids, etc. The above facilities make the farmers convenient for imparting training comfortably and effectively. 'Language' is considered as a key aspect of the farmer's training programme. Educational status of the farmers is generally low and sometime frequency of illiterate farmers also high. These farmers obviously not understand other language. Therefore,

all the respondents suggested only local language as the communicating medium between trainers and trainees. No farmers preferred Hindi or English as teaching medium during training.

IV. CONCLUSION

It is evident from the foregoing that women farmers are actively participated in eri culture, but their level of knowledge and skills on improved practices are not adequate. It is derived from the study that training needs of the women farmers on improved practices of eri culture is more prominent. The study also inferred that the women farmers of eri culture mostly desired practical training at the Research Institute for a period of one or two weeks providing facilities like free boarding, stipend, transportation, exposure visit and teaching through audio-visual aids using local language. Proper implication of all suggested area is an urgent need for sustainable rural development through empowerment of the rural women.

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Table 1: Distribution of women in different activities of eri culture

***** (N=150)

Sl. No.	Activities	Frequency	Percentage
1	Host plant cultivation and management	6	4.0
2	Silkworm's egg production	129	86.0
3	Disinfection of rearing house and rearing appliances	68	45.3
4	Rearing of silkworm and cocoon harvest	129	86.0
5	Spinning of eri silk	139	92.7
6	Marketing of eri pupae and cocoon	114	74.0

Table 2 : Mean scores on knowledge, skill and training need of the respondents in different activities of eri culture

Different activities of eri culture	Knowledge		Skills		Training needs	
	Weighted mean score	Level	Weighted mean score	Level	Weighted mean score	Level
Host plant cultivation and management	2.21	L	2.64	L	3.57	H
Disinfection of rearing house and rearing appliances	1.91	L	1.18	L	4.68	H
Silkworm's egg production	1.54	L	1.04	L	4.36	H
Early instars silkworm rearing	2.86	L	2.10	L	4.25	H
Late instars silkworm rearing	3.26	H	2.40	L	3.94	H
Silkworm's pest and disease management	2.72	L	1.90	L	4.31	H
Spinning of eri silk	1.50	L	0.94	L	4.66	H

H= High and L= Low

Table 3 : Various aspects of training needs of women farmers in eri culture

***** (N=150)

Aspect of training	Frequency	Percentage
1. Nature of Training		
a) Basic training	19	12.7
b) Practical utility training	131	87.3
2. Place of training		
a) At the village level	26	17.3
b) At the nearest Research Extension Centre/ Departmental farm	43	28.7
c) At the Research Institute	81	54.0
3. Duration of training		
a) One week	37	24.7
b) Two weeks	102	68.0
c) One month	11	7.3
4. Season of training		
a) Pre crop season	28	18.7
b) Crop season	108	72.0
c) Post crop season	14	9.3
5. Facilities of training		
a) Free boarding	150	100.0
b) Provide stipend	150	100.0
c) Provide transportation	150	100.0
d) Exposure visit	150	100.0
e) Teaching through audio visual aids	150	100.0
6. Trainer's language		
a) Local language	150	100.0
b) Hindi	-	-
c) English	-	-

National Health Insurance Scheme (NHIS) and Employees' Access to Healthcare Services in Cross River State, Nigeria

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GJHSS- CClassification FOR
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Abstract-Accessibility to healthcare and at affordable cost constitutes a high profile challenge in Nigerian. While government supported universal access to health care through social policy such as National Health Insurance Scheme (NHIS), opinion is polarized among Nigerians on the efficacy of the scheme in addressing the health situation in the country. This study therefore set to investigate the potency of NHIS and employees' access to quality and affordable healthcare in Cross River State, Nigeria. Findings revealed that federal civil servants have more access to NHIS than employees in the state and local government service as well as the self employed. The study also revealed that inadequate personnel and equipment affects the potency of NHIS in Cross River State. The study recommended among others that government should put measures in place to ensure that all civil servants have equal opportunity to NHIS services and that adequate medical personnel and equipment should be provided to ensure effective service delivery.

I. INTRODUCTION

Healthy population and indeed work force are indispensable tools for rapid socio-economic and sustainable development the world over. Despite this indisputable fact, in Nigeria like most African countries, the provision of quality, accessible and affordable healthcare remains a serious problem (WHO, 2007a; Oba, 2008; Omoruan, Bamidele & Philips, 2009). This is because the health sector is perennially faced with gross shortage of personnel (WHO, 2007a), inadequate and outdated medical equipment (Yohesor, 2004; Johnson & Stoskopf, 2009), poor funding (WHO, 2007a&b), policies inconsistency (Omoruan, Bamidele & Philips, 2009) and corruption (Oba, 2008). Evidence shows that, only 4.6 percent of both public and private Gross Domestic Product (GDP) in 2004 was committed to the sector (WHO, 2007a,b&c). Other factors that impede quality health care delivery in Nigeria include inability of the consumer to pay for healthcare services (Sanusi & Awe, 2009), gender bias due to religious or culture beliefs (NCBI, 2009) and inequality in the distribution of healthcare facilities between urban and rural areas (Omoruan, Bamidele & Philips, 2009). Sequel to the

forementioned, the country is continually ranked low in healthcare delivery by international organizations. In 2000 for instance, WHO report on healthcare delivery ranked Nigeria 187 out of 191 countries (Wikipedia, 2009); eight years later, Human Development Report 2007/2008, ranked the country 158 out of 177. In 2005 only 48 and 35 percents of the children within the ages of zero-to-one year old were fully immunized against tuberculosis and measles respectively. Between 1998 and 2005, 28 percent of the children within the ages of 5 years who suffered from diarrhea received adequate treatment. Between 1997 and 2005 only 35 percent of births in Nigeria were attended by skilled health personnel. Furthermore, between 2000 and 2004, only 28 percent of Nigerians in every 100,000 persons had access to physicians (UNICEF, 2006; World Bank, 2007; UNDP, 2008). While the situation in the health sector persists, Nigeria continually loses her professional to other countries. It was reported in 1986 that more than 1,500 health professionals left Nigeria to other countries. In 1996, UNDP report revealed that 21,000 medical personnel were practicing in the United States of America and UK, while there was gross shortage of these personnel in the Nigerian health sector (Akingbade, 2006). The health situation in the country shows that only 39 percent in 1990 and 44 percent of Nigerians in 2004 have access to improved sanitation. In 1990/92 and 2002/04, 13 percent and 9 percent of Nigerians were undernourished respectively (UNDP, 2008). HIV prevalence in Nigeria within the ages of 15 to 49 years was 3.9 percent in 2005 (UNAIDS, 2006). In an attempt to address the precarious and dismal situation in the health sector, and to provide universal access to quality health care service in the country, various health policies by successive administration were made including the establishment of primary health care centres, general and tertiary hospitals. The perennial health problem informed the decision of Gen. Abdulsalami Abubakar on May 10, 1999, to sign into law the National Health Insurance Scheme (NHIS) Decree Number 35 (NHIS Decree No. 35 of 1999); with the aim of providing universal access to quality healthcare to all Nigerians. NHIS became operational after it was officially launched by the Federal Government in 2005 (Kannegiesser, 2009). More than four years of NHIS existence in Nigeria, opinion is polarized among Nigerians on the efficacy of the scheme in addressing the health problem in the country, because of disheartening reports in the continual health situation. For instance, World Bank (2008) survey on the scheme shows that only one million people in Nigeria or 0.8

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percent of the population are covered by NHIS, while many persons have to pay for medical care out of their pockets or do without healthcare. The report further reveals that many low-income persons would not benefit from NHIS for at least another 10 years. The purpose of this study therefore, is to empirically examine the impact of NHIS in Cross River State. Specifically, the study would investigate NHIS and workers access to the scheme in the State.

II. STUDY AREA

This study was carried out in Cross River State, Nigeria. The State lies between latitude $5^{\circ}32'$ and $4^{\circ}27'$ North and longitude $7^{\circ}50'$ and $2^{\circ}20'$ East. It is bordered on the North by Benue State, on the East by Cameroon Republic, on the West by Ebonyi and Abia States, on the South-West by Akwa Ibom State. Occupying an area of 23,74.425 square kilometres, Cross River State is one of the largest states in the Niger Delta Region of Nigeria. The state is made up of three senatorial districts; the state is further divided into eighteen local government areas for administrative convenience, viz: Abi, Akamkpa, Akpabuyo, Bakassi, Bekwarra, Biase, Boki, Calabar Municipality, Calabar South, Etung, Ikom, Obanliku, Obubra, Obudu, Odukpani, Ogoja, Yala and Yakurr. The people of Cross River State are of the Bantu stock who migrated from central Africa. The Efiks, Efuts, Quas, Ejaghams, Ekios occupy the South Senatorial District of the state. Bahumono, Yakurr, Agbo, Boki, Mbembe, Nkim, Olulumo, Ofutop, Abanajum, and Nselle occupy Central Senatorial District, while Yala, Bekwarra, Bette, Utugwang, Mbube, Ekajuk, and Uhelle are of the Northern Senatorial District of the State. Despite the dialectic difference, the people of Cross River State have striking similarities in their mode of dressing, music, drumming and dancing which are indications of common descent. Cross River State people primarily engage in farming, trading and fishing. The state is endowed with natural resources like forestry, rivers solid minerals etc. The state is a home to private and government establishments. Consequently, its work force includes federal, state and local government staff. Others are workers in the private sector and the self employed; the study sample respondents from these categories of workers in Cross River State.

III. HISTORICAL BACKGROUND OF NHIS IN NIGERIA

NHIS was first introduced in Nigeria in 1962, during the First Republic (Johnson & Stoskopt, 2009). The scheme then was compulsory for public service workers. The operation of NHIS was obstructed following the Nigerian civil war. In 1984, the Nigerian Health Council resuscitated the scheme and a committee was set up to look at the National Health Insurance. And in 1988, the then Minister of Health Professor Olikoye Ransome Kuti commissioned Emma-Eronmi led committee that submitted her report which was approved by the Federal Executive Council in 1989. Consultants from International Labour Organization (ILO), and United Nations Development Programme (UNDP) carried out feasibility studies and came up with the

cost implication, draft legislature and guide lines for the scheme. In 1993, the Federal Government directed the Federal Ministry of Health to start the scheme in the country (Adesina, 2009). In 1999, the scheme was modified to cover more people via Decree No.35 of May 10, 1999 which was promulgated by the then head of state, Gen. Abdulsalami Abubakar (Adesina, 2009; NHIS Decree No. 35 of 1999). The decree became operational in 2004 following several flagged off; first by the wife of the then president, Mrs Stella Obasanjo on the 18th of February 2003 in Ijah a rural community in Niger State, North Central Nigeria. Since the Rural Community Social Health Insurance and the Under-5 children Health Programmes of the NHIS scheme were flagged up by the First Lady, other flagged offs were carried out in Aba, Abia State South East Zone among others (Office of Public Communications, 2006). As in September 2009, 25 states of the Federation agreed to partner with NHIS. These include- Akwa Ibom, Rivers, Edo, Taraba, Adamawa, Kaduna, Zamfara, Kebbi, Sokoto, Katsina, Nassarawa, Anambra, Jigawa, Imo and Kogi States. Others include Bauchi, Ogun and Cross River States; these states are at various stages of implementation of the scheme (NHIS, 2009).

IV. NHIS: OBJECTIVES AND STAKE HOLDERS

The general purpose of NHIS is to ensure the provision of health insurance "which shall entitle insured persons and their dependents the benefit of prescribed good quality and cost effective health services" (NHIS Decree No. 35 of 1999, part 1:1). While the specific objectives of NHIS include:

- 1) The universal provision of healthcare in Nigeria.
- 2) To control/reduce arbitrary increase in the cost of health care services in Nigeria.
- 3) To protect families from high cost of medical bills.
- 4) To ensure equality in the distribution of healthcare service cost across income groups.
- 5) To ensure high standard of healthcare delivery to beneficiaries of the scheme
- 6) To boost private sector participation in healthcare delivery in Nigeria.
- 7) To ensure adequate and equitable distribution of healthcare facilities within the country.
- 8) To ensure that, primary, secondary and tertiary healthcare providers are equitably patronized in the federation.
- 9) To maintain and ensure adequate flow of funds for the smooth running of the scheme and the health sector in general (NHIS Decree No. 35 of 1999, part II: 5; NHIS, 2009).

The provision of healthcare is a concurrent responsibility of the three tiers of government in Nigeria. The mixed economy practiced in the country also gives room for private sector participation in medical care provision (Wikipedia, 2009). NHIS is therefore a mixed bag of two broad categories of stakeholders-government and the private sector. A breakdown of these stakeholders include- government at all

levels, employers (in the public or private sector organization), self employed and Rural Community Health Insurance Programme, health maintenance organizations, board of trustees, health providers (including primary, secondary or tertiary healthcare providers), international organizations (including donors and collaborating partners), commercial banks, NGOs, community leaders and the media (Executive Secretary NHIS, 2009). Government under the scheme provides not only standards and guidelines but ensure the enforcement of the same for the smooth and effective running of the programme. Apart from funding by government and donors or partnering organizations, employees under the scheme contribute 5 percent of their basic salary while the employer 10 percent of employees' basic salary to NHIS (Executive Secretary, NHIS, 2009).

V. PAST AND PRESENT CHALLENGES OF NHIS IN NIGERIA

There are a number of challenges facing the actualization of NHIS in Nigeria. Funding remain a major problem to the scheme, the percentage of government allocation to health sector has always been about 2% to 3.5% of the national budget. In 1996 2.55 of the total national budget was spent on health, 2.99% in 1998, 1.95% in 1999, 2.5% in 2000 and a marginal increase to 3.5% in 2004 (WHO, 2007a&c). Consequently, per capita public spending for health in the country is less than US\$5; which is far below the US\$34 recommended by WHO for low-income nations (WHO, 2007a&c). While the Nigeria per capita health expenditure dwindles, South Africa per capita health expenditure is US\$22 in 2001 (The Vanguard Editorial, 2005). NHIS is also impeded by obsolete and inadequate medical equipment. The country suffers from perennial shortage of modern medical equipment such as X-rays, computerized testing equipment and sophisticated scanners (Johnson & Stoskopt, 2009). And where these equipments are available repair/services are always a problem. According to Oba (2009), this situation is not unconnected with corruption. Money meant to boost the health sector ends up in private pockets; example is the 300 million naira scam involving the Minister of health and his assistants in 2008. Lack of adequate personnel in the health sector is another impediment to the scheme. The country for instance had 19 physicians per 100,000 people between 1990 and 1999 (The Vanguard Editorial, 2005). In 2003 there were 34,923 physicians in Nigeria, that is 0.28 physician per 1000 persons and 127,580 nurses (1.03 nurses per 1000 persons) as compared to 730,801 physician (2.5 per 1000 population) in 2000 in the United States of America; and 2,669,603 nurses (9.37 per 1000 persons). Migration of health personnel to USA, UK etc is jointly responsible for the personnel situation in the health sector. For instance in 2005, there were 2,393 Nigerian doctors practicing in the US and 1,529 in the UK. Attributing factor includes poor remuneration, limited postgraduate medical programmes

and poor condition of service in Nigeria (WHO, 2007a). According to World Bank Development Indicators (2005), the personnel situation in the health sector influenced birth attendance in Nigeria. For instance between 1997 and 2005 only 35% of births were attended by skilled health personnel in the country. Cultural and religious practices also impact on the effectiveness of NHIS in Nigeria. Sexual inequality still exists and encouraged by some religious/cultural sects in the country because of lack of awareness; women are discriminated against and have limited access to social services such as education and healthcare (NCBI, 2009). Other challenge includes inequality in the distribution of healthcare facilities between urban and rural areas and policies inconsistency (Omoruan, Bamidele & Philips, 2009). Furthermore, poverty and the inability to pre-pay are significant challenge to NHIS. According to Schelleken (2009) "people are not willing to pre-pay; and because people do not pre-pay there is no risk pool. And because there is no risk pool, there is no supply side."

VI. METHODOLOGY

Survey design was adopted in this study, it was opted for because the design uncovered, interpret and integrate data, as well as point to their implication in interrelationships (Cohen & Manion, 1986). It allows for random sampling and the use of questionnaires. It is also used to study people attitude, feelings and opinions (Babbie, 1985). Purposive technique was used in selecting 1200 respondents from among four categories employees in Cross River State, Nigeria. These groups of workers are – federal, state, local government staff and the self-employed. With the aid of purposive technique, 300 respondents (150 from rural and 150 from urban area) were selected from each of the four categories of employees. That is a total of 600 respondents were purposively selected from urban areas and another 600 from rural communities. The distribution of respondents across the 3 senatorial districts shows that four hundred respondents were selected from Northern Senatorial Districts; another 400 each from the South and Central senatorial Districts respectively making a total of 1200 respondents. The study elicited data from respondents via structure questionnaire. The questionnaire was self administered and was divided into two sections. Section A, was the demographic variables of respondents. Section B accorded the study the needed topical data on National Health Insurance Scheme (NHIS) and employees' access to healthcare services in Cross River State, Nigeria. As depicted in Table 1, items in the four point Likert scale questionnaire with positive response were ranked 4, 3, 2, 1, with 4 standing for strongly agree (SA), 3 for agree (A), 2 for disagree (D), 1 for strongly disagree (SD). On the other hand, items that shows dislike were ranked from 1 to 4, with 4 standing for strongly disagree (SD), 3 for disagree (D) 2 for agree (A) and 1 for strongly agree (SA).

Table 1: Coding of Variables

Response Option	Positive	Negative
SA	4	1
A	3	2
D	2	3
SD	1	4

Where

SA = Strongly Agree

A = Agree

D = Disagree

SD = Strongly Disagree.

Descriptive and inferential statistics were employed in the analysis of data collected from respondents. We first analyzed the socio-demographic distributions of respondents in percentage for each variable and then a comparative analysis was made to ascertain the impact of NHIS on each category of workers' access to healthcare. A comparative analysis was also made to ascertain the effect of the scheme on rural and urban workers access to quality healthcare.

VII. RESULTS

The socio-demographic data of respondents is presented in table 2. As depicted in table 2, majority of the respondents

were between the ages of 36-40 years (N = 331, 27.6 %). Those within the ages of 31-35 were 22.0 percent (N=264). While respondents within the ages of 51-55 years were 2.9 percent (N=35). Majority of the participants were male (N=659, 54.9%). Female respondents were 45.1 percent (N=541). More than 57 percent of the respondents were married, 17.4 percent were separated, 8 percent were single

Table 2: Socio-demographic Data of Respondents

Variable	Frequency	Percentage (%)
1. Age		
20 – 25	60	5.0
26 – 30	161	13.4
31 – 35	264	22.0
36 – 40	331	27.6
41 – 45	237	19.8
46 – 50	75	6.3
51 – 55	35	2.9
56 and above	37	3.1
Total	1200	100%
2. Gender		
Male	659	54.9
Female	541	45.1
Total	1005	100
3. Marital status		
Married	694	57.8
Separated	209	17.4
Widow	114	9.5
Widower	87	7.3
Single	96	8.0
Total	1200	100%
4. Residential area		
Urban	600	50
Rural	600	50
Total	1200	100%
5. Category of employees		
Federal civil servants	300	25.0
State civil servants	300	25.0
Local government staff	300	25.0
Self employed	300	25.0
Total	1200	100%

Source: Field Work 2010.

The distribution of respondents as depicted in table 2 also revealed that equal proportion of participant live in urban and rural areas (N=600, 50%). The study further revealed that a large proportion of the beneficiaries were civil servants (N=900, 75%). Their distribution shows that federal civil servants were 25.0 percent. State and local government staffs were 25.0 and 25.0 percent respectively. Self employed participants accounted for only 25 percent (N=300). The result presented in the upper part of table 3 shows the size, mean and standard deviation of the three

groups of respondents on their access to NHIS in Cross River State, Nigeria. The actual result of ANOVA is presented in the lower part of table 3. This shows a calculated f-ratio of 4.671 which is higher than critical F-ratio of 3.00 at .05 level of significance with 2 and 1197 degree of freedom. This implies that respondent's access to NHIS was influenced by the senatorial district they reside. It reveals that, participants in Southern Senatorial District have more access to NHIS than those in Central and Northern Senatorial Districts.

Table 3: Results on one-way ANOVA of Respondents Access to NHIS in the Three Senatorial Districts

Group	N	\bar{X}	SD
Central Senatorial District	400	2.5550	.95617
Northern Senatorial District	400	2.6425	1.06655
Southern Senatorial District	400	2.7650	.89822
Total	1200	2.6542	.97913

Source of variance	Sum of square	Df square	Mean square	F-ratio	Sign
Between groups	8.902	2	4.623		
Within groups	1140.578	1197	.953	4.671	.010
Total	1149.479	1199			

*Significant at .05 level, critical F = 3.00; N = 1200

Table 4: T-test Comparism of Respondents Access to NHIS Urban and Rural Areas

Group	N	\bar{X}	SD	Df	t-cal
Urban	600	2.8467	.93699	1198	6.943
Rural	600	2.4617	.98326		

Significant at $p > .05$, critical $t = 1.968$, $df = 1198$

Table 4 shows that the value of t-cal (6.943) is greater than t-table (1.968), that is $t\text{-cal} > t\text{-table}$ at 0.05 level of significance. Suggesting that, there is significant difference

between urban and rural dwellers access to NHIS in the three senatorial districts of Cross River State.

Table 5; Analysis of Variance of Employees Access to NHIS among employees in Federal, State, Local Government and the Self Employed

Group	N	\bar{X}	SD
Federal Civil Servant	300	3.2267	.70018
State Civil Servant	300	2.5867	.84352
Local Government Staff	300	2.6767	.82120
Self Employed	300	2.1267	1.16410

Source of variance	Sum of squares	Df	Mean square	F – ratio	Sign.
Between groups	183.323	3	61.108		
Within groups	966.157	1196	808	75.645	.000

* Significant at .05 level, critical F=3.00; N=1200

There is discrepancy among civil servants in regard to their access to NHIS. The result presented in the upper part of table 5 shows the size, mean and standard deviation of the four groups of respondents (Federal, States and Local

Government Staff as well as the self employed) on their access to NHIS. The lower part of table 5 shows the ANOVA, which revealed that the calculated F-ratio of 75.645 is higher than the critical F-ratio of 3.00 at .05 level

of significance with 3 and 1196 degree of freedom. The implication is that federal civil servants ($N=300$, $X = 3.2267$) have more access to NHIS than the state employees,

local government staff and the self employed in Cross River State.

Table 6: Independent T-test of Availability of Medical Equipment and Effectiveness of NHIS

Availability	N	X	SD	Df	t-cal
Adequate Equipment	694	2.3127	.98264	1198	2.102
Inadequate Equipment	506	2.4447	1.18818		

Significant at .05 level, critical $t=1.968$, $df = 1198$

Result of the analysis in table 6 shows that the calculated t-value of 2.102 is greater than the critical t-value of 1.968 at .05 level of significance with 1198 degree of freedom. This

means that health centers and hospitals that are well equipped have a significant impact on NHIS service delivery.

Table 7: Independent T-test of the Availability of Medical Personnel and the Effectiveness of NHIS

Availability	N	X	SD	Df	t-cal
Adequate Personnel	655	3.1481	.84107	1174	6.009
Inadequate Personnel	521	2.8484	.86048		

Significant at .05 level, critical $t=1.968$, $df = 1174$

Result of analysis in table 7 shows that the calculated t-value of 6.009 is greater than the critical t-value of 1.968 at .05 level of significance with 1174 degree of freedom. This means that hospitals or health centers with adequate personnel affect NHIS service delivery positively vis-a-vis.

VIII. DISCUSSION OF FINDINGS

Quality health care delivery constitutes a high profile challenge in Cross River State, Nigeria. The drive by government to ensure universal access to healthcare and at low cost through NHIS is proving even difficult. The study demonstrated that there is discrepancy among employees in their access to the NHIS. Specifically the study revealed that federal civil servants have more access to the scheme in Cross River State than state government and local government staff. This may be attributed to Cross River State Government late acceptance of the scheme. According to NHIS (2009), it was only in September, 2009 that 25 states including Cross River, Akwa Ibom, Rivers States among others agreed to partner with NHIS. Awareness, among federal civil servants in different ministries, parastatals, departments and agencies where NHIS was accepted and implemented could constitute a major factor why workers at federal level have more access to NHIS facilities than state and local government staff and the self employed. The discrepancy among employees in their access to NHIS could also be attributing to funds. The cost implication of agreeing to partner with NHIS by state governments and private firms might have delayed the

introduction of the scheme in Cross River State. According to WHO (2007 a&b), the provision of quality, accessible and affordable healthcare remains a serious problem because of inadequate funding and lack of government commitment to the provision of health care policies that covers all citizens. Respondents acknowledge that workers in Southern Senatorial District of Cross River State have more access to NHIS than those in the North and Central Senatorial Districts. The reasons could be tied to awareness level in each of the senatorial districts. The Nigerian Television Authority (NTA) station, the Cross River Broadcasting Corporation (CRBC) Radio and Television Stations are all located in Southern Senatorial District. The only state government television station in Central Senatorial District is epileptic in its operation. The distribution of newspapers in the Northern and Central Senatorial Districts of the state is also poor. NHIS programme awareness in the Northern and Central Senatorial Districts of Cross River State is therefore affected negatively by the near absent of information dissemination agencies or bodies. The study also revealed that workers access to NHIS in rural and urban areas recorded significant difference. That is federal civil servants, who are in rural areas had less access to NHIS as against their urban colleagues with high access to the scheme. Similarly, there is discrepancy among colleagues in the state and local government service who work in rural and urban areas. State government staffs in rural and urban areas have unequal access to NHIS. In the same vein, there is significant difference between local government workers in rural and urban areas in their access to NHIS. This could be attributed to the inequality in the distribution of healthcare facilities between rural and urban areas.

According to Omoruan, Bannidele and Philips (2009), the distribution of health care facilities between rural and urban areas constitute a high profile challenge to NHIS in Nigeria. More so, the study revealed that self employed in rural and urban areas recorded significant difference in their access to NHIS. This shows that, there is discrepancy between the level of programme awareness in rural and urban areas. This finding contrast with the observation of NHIS (2006) that, the self employed in urban and rural areas stand a great chance of benefiting from NHIS through Rural Community Social Health Insurance Programme (RCSHIP). Respondents across the three senatorial districts in Cross River State, acknowledged that inadequate and obsolete equipment affects the efficacy of the NHIS in the state. This finding corroborate Yohesor (2004), Johnson and Stoskopf (2009), Omoruan, Bamidele and Philips (2009) and Oba (2009), who observes that NHIS in Nigeria, as in other part of Africa is impeded by obsolete and inadequate medical equipment. This implies that workers and the self employed who have access to the NHIS could not get the best treatment because of lack of adequate medical facilities. The dearth and inadequate medical facilities in Nigerian hospitals is attributed to poor funding of the health sector by government. According to WHO (2007 a,b&c), poor funding of the health sector constitute a major challenge facing the actualization of NHIS in Nigeria. WHO (2007 a&b) observed that the percentage of government allocation to the health sector has always been about 2% and 3.5% of the annual budget. This allocation is very marginal to cater for the operation or implementation cost of NHIS in the country. Corruption could also be responsible for the near absent of medical facilities in Nigeria hospitals. According to Agba, Ikoh, Ushie and Agba (2008), bureaucratic corruption is responsible for government inability to effectively provide social services and reduce poverty in Nigeria. Corruption undermines and weakens vital institutions of development including that of health. Agba, Ushie, Ushie, Antigha and Agba (2009) observed that corruption is responsible for the continual ranking of Nigeria by United Nations Development Programmes (UNDP) as one of the countries with health crisis, high mortality, food insecurity and poor nutrition. Lack of adequate medical personnel in hospitals and clinics is another impediment to the effective implementation of NHIS in Cross River State. Participants both (civil servants and self employed) acknowledge that, though they have access to NHIS, they do not receive the best because of lack of adequate personnel. The situation is even worst in rural areas where medical consultants hardly reside because of poor condition of service. This finding is consistent with WBDI (2005) and WHO (2007^a), who observed that lack of adequate medical personnel's in clinics, primary care centres, general and tertiary hospitals is limiting the effectiveness of NHIS in Nigeria. According to WHO (2007a), the exodus of medial personnel from Nigeria to the United States of America and the United Kingdom is jointly responsible for the personnel situation in the health sector. WHO (2007a) observe that in 2005, there were 2,393

Nigeria doctors practicing in the US and 1,529 in the UK. Vanguard Editorial (2005) observed that the movement of medical personnel outside the country is detrimental to the health sector; since Nigeria is still managing with 0.28 physicians per 1000 persons and 1.03 nurses per 1000 persons. Under this condition the realization of NHIS objectives in Nigeria becomes an uphill task. It is therefore not surprising that government workers and the self employed who have access to NHIS in Cross River State are not getting the very best of treatment because of inadequate medical personnel. The movement of medical staff outside the country according to WHO (2007) is not unconnected with poor remuneration, limited post graduate medical programmes and poor condition of service in Nigeria.

IX. RECOMMENDATIONS

On the strength of this study finding, the following recommendations were made:

- 1) Government and other stakeholders should gear up the awareness campaign in all the senatorial districts in Cross River State. The print media, television and radio stations should be mobilized to air NHIS programmes in the state. Village heads, chiefs and religious leaders should also help in the propagation of programme in Cross River State and the nation in general.
- 2) Hospitals, clinics and health care centres providing health service for NHIS beneficiaries should be properly equipped. Since private clinics and labs are involved in the scheme, government should also provide counterpart funding to ensure that these establishments are properly equipped.
- 3) Adequate and well trained medical personnel's should be employed to manned the various hospitals, clinics, labs and health care centres where NHIS is providing health services to its beneficiaries. In-service training should be organized to boost the knowledge of the existing staff in the health sector. Private hospitals/clinics participating in the scheme should be mandated by government to ensure that proper and adequate personnel's are employed and trained.
- 4) Government should increase funding to NHIS in particular and the health sector in general.
- 5) Government agencies responsible for fighting corruption should peruse the activities of NHIS to ensure that corruption do not limit and weakened the scheme like other programmes in the country.

X. CONCLUSION

The NHIS is a social security system put in place by the federal government to provide universal access to health care service in Nigeria. The scheme covers civil servants, the armed forces, the police, the organized private sector, students in tertiary institutions, self employed, vulnerable persons, the unemployed among others. More than four years after the scheme became operational in Nigeria, inadequate and outdate medical equipment, perennial shortage of medical personnel, lack of awareness and poor funding is jointly affecting the potency of NHIS in Cross

River State and the nation in general. The provision of quality, accessible and affordable health care to all Nigerians would remain a mirage if these problems that weaken the potency of the scheme are not properly addressed. We therefore suggest that the recommendations made therein be strictly followed.

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The Vital Role Played By Caste And Patriarchy In The emerging women Leadership In The Governance Of Local Self-Government Of Pithoragarh And Almora district Of Uttarakhand

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{ GJHSS- CClassification FOR
940299, 160606 }

Abstract- This paper discusses the bearing of the Primordial Institutions of caste and Patriarchy on the emerging women's leadership in local self- Government in Uttarakhand. The state of Uttarakhand was established in the year 2000 dated 9 Nov. The introducing of reservation for the women in local self-Government for the first time in the country, has also led to make similar provisions in the Uttarakhand Panchayati Raj Act, 2003 following the 73rd constitution Amendment in relation to Panchayati Raj Act, 1992 in the constitution of India. This has enabled larger participation of women of deprived sections of our society in local self-governance. However, the caste and patriarchy have larger implication in the emergence and performance of women leaders at the gross root level. This paper is based on the women leaders who hail from the lower stratum of the society who are more democratic and people centered, whereas those people from the upper caste are more conservative and family centered. The lower caste women leaders outnumber their male counterparts in the panchayats which provides explanations for the presence have more than one third women elected members in panchayats. The paper is based on the fieldwork carried out in the Almora and Pithoragarh district of Uttarakhand during 2003-2008.

Keywords- Primordial Institution, caste, Patriarchy, emergence, leadership.

I. INTRODUCTION

The independence of the country and the republican form of polity with universal adult franchise has initiated the process of political modernization and democratization in the country. However, the political modernization is confined only to the state and national level politics. When India emerged as a republican country, the rural society was mostly feudal in nature. Therefore, the first task the nation building process confronted was how to transform the rural feudal and conservative society into a democratic and modern society. This necessitated the implementation of democratic decentralization in the country. The novel idea of democratic decentralization is conceived in the form of Panchayati raj institutions in India. Panchayati Raj institutions in India constitute three tiers Panchayati Raj system, Panchayats are constituted at the district level, block level and village level. At district is called Zilla Panchayat, of block it is called Kshetra Samiti and village level is called village Panchayat.

1) Provision about Panchayati Raj

The constitution (73rd Amendment Act, 1992). This is known as the seventy-third constitution amendment bill, 1992. It was passed by the parliament of India in December 1992 and became operative in May 1993 (24 April: 1993) on its satisfaction by fifty percent of the States.

2) Structure of Panchayati Raj system in the State of Uttarakhand

According to the 73rd Amendment Act, 1992 of the Indian constitution, Uttarakhand Panchayat Act, 2003 was passed. According to the constitutional amendments three-tier i.e. Gram Panchayat, Kshetra Panchayat and Zilla Panchayats were accorded statutory status (Mishra, 1999:10-13) Mukta Bannerji (1998) observes that women from the lower socio-economic order have been emerging as effective leaders of panchayats. In fact, her study shows that women from the affluent sections of the society lack initiative and are dummy representatives who are controlled by their family members. This raises an important issue wherein the socio-economic positions of women do not necessarily determine their political participation. Snehlata Panda (1997) made an attempt to explain this phenomenon by relating it to the caste structure and norms of the backward castes in the society. She argues that the high caste women are restricted to domestic activities despite their poor economic condition. The traditional caste panchayats, which were decision-making bodies of the village, denied access to women as they did in case of Dalits. The rural socio-political life of upper caste was male-dominated and women were more voiceless spectators. However, the democratic decentralization has brought revolutionary changes in the rights of women at the gross-root level governance. The constitutional mandate making one-third of the seats in the local self-government reserved for women has brought drastic changes in the male dominated decision-making traditional bodies. The rise of women's leadership in male-dominated politics at the gross root level is a significant development in post independent India. It is well known all over India that Uttarakhand was a pioneer in launching Panchayati raj institutions as true organs of gross root governance. A decade well before the historic 73rd Amendment act was passed. The Uttarakhand state under the leadership of Narayan Dutt Tiwari brought legislation in

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2003 that initiated radical changes in the local self-governance.

II. OBJECTIVE

The objective of this study are as follows -

- 1) To study of the socio-economic background of the respondents of the local self-government.
- 2) To study caste and gender representation in the governance of local self-government.
- 3) To study caste and political-traditional society of women leaders.

III. METHODOLOGY

The members of Panchayati raj institutions at all three levels (Gram Panchayat, kethra Panchayat, Zilla Panchayat) in the Almora & Pithoragarh district of Uttarakhand constitute the population under the study. The data under the study was collected in the year 2003 to 2008. The members of zilla panchayat, kethra panchayats and gram panchayats who were elected on the basis of panchayat elections held in the state in 2003 are considered as the population of the present study. This paper is based on the primary data collected from members of local self-government. All these members were randomly selected. The total number of 350 members of PRIs (Panchayat Raj Institutions) from different levels was selected which are as follows: 251 from gram panchayats, 67 from the kethra panchayats and 32 from the Zilla panchayats are under the study. Out of 350 respondents under study, 145 constituted female respondents. This paper

basically focuses on the study of these 145 women respondents who are panchayats members of Almora & pithoragarh district of Uttarakhand. Data for the study was collected through interview by using an interview schedule. Therefore simple percentage method is used in analyzing the socio-economic background, caste and gender representation and caste and political-traditional society of the respondents in the governance of the local self-government.

IV. THE ANALYSIS AND INTERPRETATION OF DATA

It is observed that the caste background of the women is an important factor in their emergence as panchayats leaders, unlike in case of male leaders. The dominant caste has not facilitated the emergence of women leaders in their communities. It is not worthy that most of the panchayats women leaders are from the lower social order. The fact that in some states the number of women in local self-Government has exceeded the one-third provision can be explained very convincingly with reference to the caste system and its bearing upon the rise of women's leadership⁸. It is observed that the upper castes because of their stronger thrust on patriarchy are reluctant to let their women folk to enter the village politics. This has been observed from the analyses and interpretation of the data under study is that the prevailing rigid caste system and cultural values and social norms surrounding the system of patriarchy have stronger implications in the good governance at the grass root level.

Name of respondent	Age group				Caste wise category			No. Of literates and illiterates					Occupation			Type of family		Total
	25-35	36-45	46-55	56 Above	Gen	Obc	Sc/st	Illite rate	Prim ary	Met ric	Intermediate /higher secondary	Gra duat es	Agric ulture	H.w ife	Labours	Joint family	Nucle ar family	
Gram panchayat	85 (33.86)	95 (37.84)	56 (22.32)	15 (5.89)	130 (51.17)	68 (27.10)	53 (21.11)	71 (28.28)	105 (41.84)	40 (15.94)	20 (7.96)	15 (5.98)	104 (24.30)	61 (24.30)	86 (34.26)	145 (57.76)	106 (42.24)	251
Kethra Panchayat	17 (25.38)	26 (38.80)	13 (19.40)	11 (16.42)	34 (50.76)	18 (26.86)	15 (22.38)	4 (5.96)	8 (11.94)	24 (35.84)	27 (40.28)	4 (5.96)	29 (43.28)	25 (37.32)	13 (19.40)	31 (46.26)	36 (53.54)	67
Zilla Panchayat	8 (25.00)	18 (56.25)	6 (18.75)		16 (50.00)	9 (28.13)	7 (21.87)			12 (37.50)	8 (25.000)	12 (37.50)	22 (68.75)	4 (12.50)	6 (18.75)	7 (21.88)	25 (78.12)	32

Note: figures in parenthesis shows percentages to the total

(i) The above table shows that out of 251 respondent of gram panchayat 85(33.86%) respondent are of the age group of (25-35) years, 95(37.84%) are of age group of (36-45) years, 56(22.32%) are of the age group of (46-55) years and 15(5.89%) are of the age group of (56 and above) years. Thus from the above analysis of data, it has been concluded that majority of gram panchayat respondents lies between the age group of (36-45) years.

(ii) The above table shows that out of 251 respondents of 130 belong to general category, 68 belong to OBC category and 53 to sc-st category. The highest number (51% i.e. 130) seats are occupied by general category, (27% i.e. 68) seats are occupied by OBC category and (23% i.e. 53) seats are occupied by SC/ST category. Thus by caste wise categorization of the members it has been observed from the above table that maximum number of seats have been

occupied by the members of general category which constitute 50% of the reservation.

(iii) The above table shows that out of 251 respondent of gram panchayat 71(28.28%) are illiterate, 105(41.84%) are educated up to primary level, 40(15.94%) are metric/higher school pass, 20(7.96%) are intermediate and 15(5.98%) are graduates.

Result – The following inference has been reached from the analysis of above table that majority of respondents of gram panchayat are either illiterate or educated up to primary level (i.e. 70.12%).

(iv) The above table shows that out of 251 respondent of gram panchayat 104(41.44%) are agriculturist, 61(24.30%) are housewives and 86(34.26%) are labors.

Result- From the above table it has been concluded that maximum no. of respondents of gram panchayat are agriculturist.

Discussion – By the combined analysis of socio-economic background of gram panchayat, keshra panchayat and Zilla panchayat, it has been concluded that maximum no of

respondents of these panchayats come from general category, who are of the age group (25-35) years, are illiterate and are agriculturist.

Table: 2

The percentage of caste-wise category and gender representation in local self-government of Uttarakhand.

Caste	Gender		
	Male	Female	Total
Gen.	103(64.77)	56(32.23)	159(100.00)
OBCs	65(57.52)	48(42.48)	113(100.00)
SC/ST	37(47.43)	41(52.57)	78(100.00)
Total	205(58.57)	145(41.48)	350(100.00)

Note: figures in parenthesis shows percentages to the total

The above table shows that out of 205 male respondent 103(64.77%) are of general caste, 65(57.52%) are respondents of other back ward caste and 37(47.43%) respondents belong to SC/ST caste. That out of 145 female respondents 56(32.23%) are of general caste, 48(42.48%) respondents are of OBC caste and 41(52.57%) females respondents are of SC/ST. This study has found that a large number of women respondents are being elected from the SC/ST cadre. This has been earmarked for the women in this

modern era. The lower caste (SC/ST) is electing more women to represent them in the panchayat where as the upper caste (Gen.) are just adhering of the legal provision of one-third. It can be argued that contradictory to the earlier picture whenever the dominant upper caste (Gen.) used dummy lower caste (SC/ST) women to contest election from the seat reserved for general women, the lower caste women have rested more seats from their male counterparts than from the upper caste women.

Table: 3

Percentage of caste wise emergence of women leader in contesting elections

Factors responsible for motivating women in contesting elections					
Caste	Personal Desire	Family Background	Caste/community Insistence	Party Insistence	Total
Gen.	2(3.57)	49(87.50)		5(8.93)	56(100.00)
OBC	1(2.08)	40(83.32)	3(6.26)	4(8.34)	48(100.00)
Sc/st	4(9.76)	10(24.39)	20(48.78)	7(17.08)	41(100.00)
Total	7(4.82)	99(68.28)	23(15.86)	15(10.34)	145(100.00)

Note: figures in parenthesis shows percentages to the total

The above table shows that out of 145 respondent of local self-government 7(4.82%) have personal desire, 99(68.28%) have family background, 23(15.86%) have caste/community insistence and 15(10.34%) have party insistence as their motivators. It is observed that most of the women leaders belong to upper castes (Gen.) and other backward classes have reported the insistence of their families as the motivating factor for contesting panchayat elections. In case

of women leaders from the scheduled castes and schedule tribes, the insistence of the community is reported as the main reason for contesting the panchayat elections. The implication of this is that it is found that in the fact the women leaders from the upper castes (Gen.) are more oriented towards their family background and feel that the leadership position in the panchayat is their family due. This resulted in their position in the masses.

Table: 4

Percentage of effect of Political traditions on the women leaders belonging to different castes.

Caste	Effect of Political traditions of families on women leaders		
	Yes	No	Total
Gen.	48(85.72)	8(14.28)	56(100.00)
OBCs	20(41.66)	28(58.34)	48(100.00)
SC/ST	7(17.08)	34(82.92)	41(100.00)
Total	75(51.72)	70(48.28)	145(100.00)

Note: figures in parenthesis shows percentages to the total

The above table shows that out of total 145 women leaders 56 belong to General caste in which 48(85.72%) have effect of their political tradition of their families and 8(14.28%) are those women leaders who do not have any effect of their political tradition of families, 20(41.66%) are women leaders of OBC caste having effect of their political tradition of families and 28(58.34%) are those women leaders who do not have any effect of their political tradition of families and traditional society, 7(17.08%) are women leaders of SC/ST having effect of their political tradition of families 34(82.92%) are those women leaders who do not have any effect of their political tradition of families. Thus by analyzing the above table it has been concluded that the majority of the lower caste (SC/ST) women leaders hail from families with no political background, whereas the upper caste women (Gen.) are mainly from families which have strong political standing in the village Panchayats. Since the families having political tradition are also the elite groups in the village, it can be argued that the upper caste women's leadership is in the hand of elite political traditional families. This certainly has implications on the working on panchayats. In fact it is found that the upper caste women leaders (Gen.) lack interest in the development of the panchayats.

V. CONCLUSION

The democratic and efficient functioning of women leaders in panchayats is a crucial issue that needs careful academic attention. The important observation of the study is that the prevailing rigid caste system and cultural values and social norms surrounding the system of patriarchy have stronger implications in the good governance at the grass root level. This also pin points that one should bear in mind that literacy and training to women panchayat members is not sufficient to enable them to work in a democratic fashion and spirit. This requires thorough and radical changes in our socio-cultural system. The emerging women's leadership from the lower castes is found relatively more democratic and people – centered precisely because of the lesser degree of patriarchy among them and the more liberating and radical ideologies of their castes. Further, the developmental and livelihood issues of lower castes transcend the issues of patriarchy. This has enabled the lower caste women to rise to the level of panchayat leaders. The women panchayat leaders from the upper castes are found to be more passive and less democratic precisely because the dominant upper caste men are against their more assertive role as panchayat leaders. The issues of livelihood and development have been unable to evoke much effective participation from the women from landed communities. This explains the phenomenon of the rise of more vocal and assertive leadership among lower castes in the panchayat raj institutions.

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Electronic Infringement of Copyright: A Real Challenge Ahead

By Dr. Shashi Nath Mandal

{ GJHSS- CClassification FOR
390112, 180115 }

I. INTRODUCTION

The scientific and technological development has brought all the nations very close to each other and world have become very small one. The territorial boundaries no more remain the barriers for the expansion and dissemination of any concept. The concept of Copyright is not an exception. Hindu philosophy has a Vedic origin. From the Vedic era the concept of 'Vasudhaiva Kutumbakam' i.e., the whole world is a big family also preaches us the tenets of co-existence, brotherhood and devotion for the universal peace, unity and integrity. It is important to remember the purpose of copyright which is public welfare, enlightenment and „the encouragement of learning Justice Hugh Laddie observed, „The whole human development is derivative. We stand on the shoulders of the scientists, artists and craftsmen who preceded us. We borrow and develop what they have done, not necessarily as parasites but simply as the next generation. It is at the heart of what simply we know as progress.”² The provisions for infringement and piracy may concentrate the copyright materials with the powerful corporation, particularly the Hollywood studios and this may not only lock way various copyrighted materials from public domain whose access would be unaffordable for the population of a country whose 70% still live in rural areas but may also seriously erode the common cultural products through a systematic homogenization thereby also affecting the most prolific, colourful and culturally diverse industry, Bollywood³.

II. ELECTRONIC COPYRIGHT

Copyright Act 1957 provides exclusive right to the author which includes publication rights also. When an author or creator or publisher publishes his creation in electronic modes or put its creation on electronic medium in that case also the author's copyright remain with them which is known as electronic copyright of the author. When other users of internet manage to copy the creations of the author etc. without paying a penny even without permission by use of their electronic devices, it is called electronic infringement, of copyright. The issue of copyrights has until recently been in the foray for both its use and abuse since the dawn of the renaissance period, a time in history when the world marveled at the birth of new inventions philosophies in science, arts and industry; inventions that redefined the limits of our capabilities at achieving hitherto what had been

considered unachievable. The most remarkable feature worthy of appreciation would be the analysis of the development and evolution of copyright law in parlance with the development of legal theory. Home taping by video audio recording has posed further challenges to the rights of copyright owner of cinematographic films and sound recordings⁴. By using audio and video recording devices any number of copies of the films or sound recording can be made available at a very low cost which may result into a substantial loss to the copyright owners.⁵ Further home taping reproduction of a broadcast may also be made by recording of the air from the satellite broadcast, thereby infringing the rights of broadcasting organisations and performers.

III. ELECTRONIC INFRINGEMENT

Right to reproduction is the core of all economic rights. It occupies the central importance amongst the bundle of copyrights. To establish the case of infringement, the copyright owner must show only that he or she (1) owns a valid copyright, and (2) the defendant exercise one or more of the owner's exclusive rights to reproduce, to publicly distribute, to publicly perform, to publicly display or to adapt the copyrighted work.⁶ Section 51 of the Indian Copyright Act, 1957 discussed in detailed that when Copyright in a work shall be deemed to be infringed, In particular clause(b) states that Copyright shall be deemed to be infringed when any person:

- (i) makes for sale or hire, or sells or lets for hire or by way of trade displays or offers for sale or hire, or
- (ii) distributes either for the purpose of trade or to such an extent as to affect prejudicially the owner of the copyright, or
- (iii) by way of trade exhibits in public, or
- (iv) imports (except for the private and domestic use of the importer) into India, any infringing copies of the work.

Opinion of Justice S. Murtaza Fazal Ali quoting from American Jurisprudence in the case of *R.G. Anand Vs Deluxe Films*⁷ can be referred here: "Infringement of a copyright is a trespass on a private domain owned and occupied by the owner of the copyright, and, therefore, protected by law, and infringement of copyright, or piracy, which is a synonymous term in this connection, consists in the doing by any person, without the consent of the owner of the copyright, of anything the sole right to do which is conferred by the statute on the owner of the copyright" Section 2(m) defines „infringing copy" to mean:

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(i) In relation to a literary, dramatic, musical or artistic work, a reproduction thereof, otherwise than in the form of a cinematographic film;

(ii) In relation to a cinematographic film, a copy of the film made on any medium by any means;

(iii) In relation to a sound recording, any other recording embodying the same sound recording, made by any means;

(iv) In relation to a programme or performance in which such a broadcast reproduction right or a performer's right subsists under the provisions of this Act, the sound recording or a cinematographic film of such programme or performance, if such reproduction, copy of sound recording is made or imported in contravention of the provisions of this Act. The infringer invades a statutorily defined province guaranteed to the copyright holder alone. But he does not assume physical control over the copyright; nor does he wholly deprive its owner from its use.⁸ Copyright law confers upon the owner of the copyrighted work a bundle of exclusive rights in respect of the reproduction of the work and other acts. The owner of the copyright alone has a sole right in relation to such work without his permission.⁹ If anybody else does any of the acts without the authority of the owner of the copyright, the owner of the copyright can maintain an action for infringement of his copyright against the wrongdoer. Copyright law grants the owner exclusive right to authorize reproduction of the copyrighted works, preparation of derivative works, distribution etc. However application of this concept on the internet cannot be strictly applied to copyright. Duplication of the information is an essential step in the transmission of information on the internet and even plain browsing information at a computer terminal (which is equivalent to reading a book or a magazine at book store) may result in the creation of an unauthorized copy since a temporary copy of the work is created in the RAM of the user's computer for the purpose of access. The law on the subject evolving and the general view is that mere accessing a web page would not be an infringement as the copy created is temporary or ephemeral. Another common issue amongst web site owners is to create links to other sites within the design of their own web pages. Would such linking be considered a copyright violation as these links give access to other copyrighted sites? Although strictly speaking it may be a violation of copyright. But there is an implied doctrine of public access for linking to other web pages. The Internet was created on the basis of being able to attach hypertext links to any other location and it is assumed that once a page is put on the net, implied consent is given, unless specifically prohibited by the web site owner. The question of infringement of copyright comes into picture when the people intend to take under advantage and causes economic loss to the people who by virtue of hard labour have earned those rights. What is apparent is that the technological change has made reproduction of copyright material easy and cheap, and also at the same time it has made piracy of copyright work simple and difficult to control.¹⁰ They have made copyright infringement international in character. When a work is transmitted from one access point to another or made available for the public

to access, numerous parties are involved in the transmission. These include entities that provide internet access or online services. When such service providers participate in transmitting or making available materials provided by another, which infringe copyright or alter rights, they are liable for the act of infringement.

IV. NATURE OF ELECTRONIC INFRINGEMENT

With the emergence of the internet and increasing use of the worldwide web possibilities of infringement of copyright have become mind boggling, free and easy access on the web together with possibilities of downloading has created new issues in the area of copyright infringement. Taking content from one site, modifying it or just reproducing it on another site has been made possible by digital technology and this has posed new challenges for the traditional interpretation of individual rights and protection. Any person with a PC (Personal Computers) and a modem can become a publisher. Downloading, uploading, saving, transforming or creating a derivative work is just a mouse click away. A web page is not much different than a book, a magazine or a multimedia CD-Rom and will be eligible for copyright protection, as it contains text, graphics and even audio and videos. Following transactions are some of the areas which certainly caused the infringement of copyright in electronic forms: (a) Transmission of information from one computer system or network to another involving temporary storage (RAM) of the information; (b) An unauthorised storage of such information is a violation of the copyright owner's exclusive right to make copies, i.e. to reproduce the copyrighted work; (c) A violation of the copyright owner's exclusive distribution right; (d) An appearance of a copyrighted image in a web browser infringing the copyright owner's public display right; (e) An infringement of copyright owner's exclusive right to make adaptation, (re-arrangement or alteration).

V. ELECTRONIC ISSUES

The reference to on-line copyright issues can be found in the following two major enactments: (1) The Copyright Act, 1957, and (2) The Information Technology Act, 2000 (with amendment 2008).

1) *Electronic Issues And Copyright Act*

The following provisions of the Copyright Act, 1957 can safely be relied upon for meeting the challenges of advanced technology etc:

- a) The inclusive definition of computer is very wide which includes any electronic or similar device having information processing capabilities.¹¹ Thus, a device storing or containing a copyrighted material cannot be manipulated in such a manner as to violate the rights of a copyright holder.
- b) The term computer programme has been defined to mean a set of instructions expressed in words, codes, schemes or in any other form, including a machine readable medium, capable of causing a computer to perform a particular task or achieve a

particular result.¹² It must be noted that Section 13(a) read with Section 2(o) confers a copyright in computer programme and its infringement will attract stringent penal and civil sanctions.

- c) The inclusive definition of literary work includes computer programmes, tables and compilations including computer databases.¹³ Thus, the legislature has taken adequate care and provided sufficient protection for computer related copyrights.
- d) The copyrighted material can be transferred or communicated to the public easily and secretly through electronic means. To take care of such a situation, the Copyright Act has provided the circumstances which amount to communication to the public. Thus, making any work available for being seen or heard or otherwise enjoyed by the public directly or by any means of display or diffusion other than by issuing copies of such work regardless of whether any member of the public actually sees, hears or otherwise enjoys the work so made available, may violate the copyright.¹⁴ The communication through satellite or cable or any other means of simultaneous communication to more than one household or place of residence including residential rooms of any hotel or hostel shall be deemed to be communication to the public.¹⁵
- e) The copyright in a work is infringed if it is copied or published without its owners consent. The Copyright Act provides that a work is published if a person makes available a work to the public by issue of copies or by communicating the work to the public.¹⁶ Thus, the ISPs, BBS providers, etc. may be held liable for copyright violation if the facts make out a case for the same.
- f) The copyright in a work shall be deemed to be infringed when a person, without a licence granted by the owner of the copyright or the Registrar of Copyrights under this Act or in contravention of the conditions of a licence so granted or of any condition imposed by a competent authority under this Act: (i) Does anything, the exclusive right to do which is by this Act conferred upon the owner of the copyright, or Permits for profit any place to be used for communication of the work to the public where such communication constitutes an infringement of the copyright in the work, unless he was not aware and had no reasonable ground for believing that such communication to the public would be an infringement of copyright.
- g) The Copyright Act specifically exempts certain acts from the purview of copyright infringement. Thus, the making of copies or adaptation of a computer programme by the lawful possessor of a copy of such computer programme from such copy in order to utilize the computer programme for the purpose for which it was supplied or to make back-

up copies purely as a temporary protection against loss, destruction, or damage only in order to utilize the computer programme for the purpose for which it was supplied, would not be copyright infringement.¹⁸ Similarly, doing of any act necessary to obtain information essential for operating inter-operability of an independently created computer programme with other programme by a lawful possessor of a computer programme is not a copyright violation if such information is not otherwise readily available.¹⁹ Further, there will not be any copyright violation in the observation, study or test of functioning of the computer programme in order to determine the ideas and principles, which underline any elements of the programme while performing such acts necessary for the functions for which the computer programme was supplied.²⁰ The Copyright Act also makes it clear that the making of copies or adaptation of the computer programme from a personally legally obtained copy for non-commercial personal use will not amount to copyright violation.²¹

- h) If a person knowingly makes use on a computer of an infringing copy of a computer programme, he shall be held liable for punishment of imprisonment for a term which shall not be less than seven days but which may extend to three years and with fine which shall not be less than fifty thousand rupees but which may extend to two lakh rupees. However, if the computer programme has not been used for gain or in the course of trade or business, the court may, for adequate and special reasons to be mentioned in the judgment, not impose any sentence of imprisonment and may impose only a fine which may extend to fifty thousand rupees.²² It must be noted that copyright can be obtained in a computer programme under the provisions of the Copyright Act, 1957.²³ Hence, a computer programme cannot be copied, circulated, published or used without the permission of the copyright owner. If it is illegally or improperly used, the traditional copyright infringement theories can be safely and legally invoked.

2) *Electronic Issues And Information Technology Act 2000*

The following provisions of the Information Technology Act, 2000 are relevant to understand the relationship between copyright protection and information technology:

- (a) Section 1(2) read with Section 75 of the Act provides for extra-territorial application of the provisions of the Act.²⁴ Thus, if a person (including a foreign national) violates the copyright of a person by means of computer, computer system or computer network located in India, he would be liable under the provisions of the Act.
- (b) If any person without permission of the owner or any other person who is in charge of a computer,

computer system or computer network accesses or secures access to such computer, computer system or computer network²⁵ or downloads, copies or extracts any data, computer data base or information from such computer, computer system or computer network including information or data held or stored in any removable storage medium,²⁶ he shall be liable to pay damages by way of compensation not exceeding one crore rupees to the person so affected. Thus, a person violating the copyright of another by downloading or copying the same will have to pay exemplary damages up to the tune of rupees one crore which is deterrent enough to prevent copyright violation.

- (b) While adjudging the quantum of compensation, the adjudicating officer shall have to consider the following factors:
 - (i) The amount of gain or unfair advantage, wherever quantifiable, made as the result of the default;
 - (ii) The amount of loss caused to any person as a result of the default;
 - (iii) The repetitive nature of the default.²⁷ Thus, if the copyright is violated intentionally and for earning profit, the quantum of damages will be more as compared to innocent infringement.
- (c) A network service provider (ISP) will not be liable under this Act, rules or regulations made there under for any third party information or data made available by him if he proves that the offence or contravention was committed without his knowledge or that he had exercised all due diligence to prevent the commission of such offence or contravention.²⁸ The network service provider under section 79 means an intermediary and third party information means any information dealt with by a network service provider in his capacity as an intermediary.

VI. INTERNET AND ESTABLISHED BODY RESPONSIBLE FOR ELECTRONIC INFRINGEMENT

The advent of information technology has made it difficult to apply the traditional theories to various cyberspace entities and organizations. These cyberspace players can be grouped under the following headings:

- (1) Internet Service Providers (ISPs),
- (2) Bulletin Board Services Operators (BBSO),
- (3) Commercial Web Page owner/operators, and
- (4) Private users.

1) *Internet Service Providers*

Internet Service Providers most often provides Internet access and he may be held liable for copyright infringement. But in India neither under Copyright Act, 1957 nor under Information Technology Act, 2000, ISP has made unconditional liable instead a flexible conditional liability

has been imposed. As per I.T. Act ISP shall be made liable only if it has previous knowledge about the materials and it has not taken appropriate steps to protect the interest of the authors/owners³⁰. The provision for liability has been clearly provided under US copyright law. In *Religious Technology Center Vs Netcom On-Line Communication Services, Inc.*³¹ a former minister uploaded some of the copyrighted work of the Church of Scientology to the Internet. He first transferred the information to a BBS computer, where it was temporarily stored before being copied onto Netcom's computer and other Usenet computers. Once the information was on Netcom's computer, it was available to Netcom's subscribers and Usenet neighbors for downloading for up to eleven days. The plaintiffs informed Netcom about the infringing activity; nonetheless, Netcom refused to deny the subscriber's access because it was not possible to prescreen the subscriber's uploads, and kicking the subscriber off the Internet meant kicking off the rest of the BBS operator's subscribers. Thus, plaintiffs sought a remedy against Netcom for infringement under all three theories: direct, contributory, and vicarious. The Court first analyzed whether Netcom directly infringed plaintiff's copyright. Since Netcom did not violate plaintiff's exclusive copying, distribution, or display rights, Netcom was held not liable for direct infringement. The court then analyzed the third party liability theories of contributory and vicarious infringement. The court held that Netcom would be liable for contributory infringement if plaintiffs proved that Netcom had knowledge of the infringing activity. The court then analyzed whether Netcom was vicariously liable. Here, once again the court found that a genuine issue of material fact supporting Netcom's right and ability to control the uploader's acts existed. The court found that Netcom did not receive direct financial benefit from the infringement. Thus, the court found that the Netcom was not liable for direct infringement, could be liable for contributory infringement if plaintiffs proved the knowledge of infringement activity.

2) *Bulletin Board Services*

The BBSs are more vulnerable to copyright infringement litigations than the ISPs because they can operate independent of the World Wide Web. The first case in this category was *Playboy Enterprises, Inc Vs Frena*.³² In this case, the defendant operated a subscription that allowed the subscribers to view, upload, and download materials. The court held that Frena had violated Playboy's exclusive distribution right and their exclusive display right. Because Frena supplied a product containing unauthorized copies of copyrighted work, he has violated the distribution right. Moreover, because Frena publicly displayed Playboy's copyrighted photographs to subscribers, he violated the display right. The court concluded that Frena was liable for direct infringement, though Frena himself never placed infringing material on the BBS and despite his arguments that he was unaware of the infringement. The court relied upon the strict liability theory and held that neither intent nor knowledge is an essential element of infringement. In

Sega Vs Maphia³³ the BBS was providing services to numerous subscribers who upload and downloaded files to and from the BBS. The evidence clearly showed that the BBS operator knew that subscribers were uploading unauthorized copies of Sega's video games to and downloaded from his BBS. The court held that since the BBS operators only knew and encouraged uploading and downloading, but did not upload or download any files himself, he was not liable for direct infringement. The court, however, found the BBS operator contributory liable. Regarding the knowledge element, the BBS operator admitted that he had knowledge of the uploading and downloading activity. The court rejected the BBS operator's asserted fair use defense since their activities were clearly commercial in nature.

3) *Commercial Web Sites*

The Web Page owners must be cautious of the things they post on their Web Pages so that they do not violate the stringent provisions of the copyright laws. A Web Page owner cannot successfully plead and prove that they were unaware about the copyrighted material because copyright notices are prominently given in authorized software. They also have the controlling power over the content of their pages. The owners are usually the parties that actually perform upload to their pages. A computer user who uploads copyrighted material to the Internet is liable for direct infringement. This liability could be avoided only if he can prove the fair use doctrine. Thus, an Internet user should not post copyrighted materials on the Internet in a casual manner also because it can also lead to the violation of copyrighted act.

VII. AREAS OF ELECTRONIC INFRINGEMENT

1) *Software Piracy*

The infringement of copyright in computer software simply means copying and distribution of computer programmes without the copyright holder's permission. The software industry, generally, consists of creation and distribution of computer programmes. Creation of computer programme is similar to writing a novel or other literary works and it requires intellectual skill and training in software programming. Though a software can be written by individual programmer, most of the major software's are the outcome of group efforts, where medium to large sized teams spend months or even years to write a complete programme. Distribution of computer programmes in most of the developed countries occurs through a two-tiered system of wholesalers and dealers, similar to that of many other industries. The software publishers make a substantial amount of their shipments to a small number of distributors in any given country, who maintain well-stocked warehouses and can respond quickly to orders from hundreds or thousands of individual retail dealers or resellers. The dealers market and provide the software products directly to end-users of computers. The end users can be individuals, commercial enterprises, educational institutions and government establishments. Sometimes,

software publishers also deal directly with a small number of the larger dealers or resellers in an individual country. Licensing is a common practice in software industries. The publisher of software generally authorises its end users through the mechanism of the shrink-wrap license contained in the package. Like other copyright based industries, the software industry also faces several forms of piracy. In fact, infringement of copyright in software is more than in others because it is relatively easy to copy software in computer especially in PCs and for all practical purposes the pirated version looks and performs in an identical manner as the original. The five principal types of software piracy involve (1) counterfeiters (2) resellers (3) mail order houses (4) bulletin boards and (5) end-user piracy. Counterfeiters are relatively new phenomenon in the software industry and most flagrant software counterfeiters produce disks, documentation and packaging that look very similar to those of the software publisher. Reseller infringement of copyright occurs in the software distribution channel, when distributors or dealers either make copies of software onto floppy disks, or the internal storage device or the „hard disk“ of computers that they are selling, without authorization from the software publisher. Identifying pirated software is not an easy task. This is primarily for two reasons. First, as mentioned earlier there is hardly any difference between original software and pirated software, once it is copied onto hardware. Second, detection of infringement of copyright requires access to software or hardware or both, which may not be feasible in many cases. In case of installed software it is more difficult to identify a pirated copy. Once a computer is searched, the programmes copied onto it can be found and identified. Then users can be asked to produce the proof of original possession (e.g. original packages, documentation, purchase record, license cards etc.) of such programmes. If users fail to do so, there is a prima facie case of infringement. In some cases even test purchases can be made to secure evidence of infringement of copyright. In India software piracy is costing the IT industry quite dear. Total losses due to software piracy in India stood at a staggering figure of about Rs. 500 crores (US \$ 151.3 million) showing about 60 per cent piracy rate in India.

2) *Computer Software And Internet Piracy*

Software is defined as a set of instructions which when incorporated in a machine readable form or in capable of causing a computer to perform a particular task. To put it simply, it is a series of commands which can be understood by the machine. There are three essential types of software which help to function the computer, micro code it is a programme which controls the details of execution, the operating system software which control the sources of a computer and manages routine tasks and is a necessary requirement for a computer to function and the third is a application software which is designed to perform a particular task. Piracy occurs when copyrighted software is made available to users to download without the express permission of the copyright owner. Such illegal software is

offered over online sources such as online advertisements newsgroups bulletin board service and auction sites. Piracy hampers creativity, hinders the development of new software and local software industry and ultimately effects e-commerce. A piracy harms consumers and has negative impact on local and national economy. Consumers run the risk of viruses and having corrupted and defective programs.

3) *Infringement In Playing Television Channel*

The concept of „Communication to Public“ is central to Copyright and a subject of intellectual property protection. The question as to what constitutes communication to public depends on the particular act of communication. The exhibition of any copyrighted work in a closed circle of family or friends or personal viewing is outside the purview of infringement. However, when such an exhibition is to an audience who avail the facility in hotels, it amounts to communication to public, which if done without licence or permission of copyright holder may invite infringement proceedings. In *Performing Right Society v. Hammonds Bradford Brewery Co. Ltd.*³⁵, where it was held that the hotel which through its wireless set makes available to its guests acoustic presentations was in fact communicating it publicly. He also cited the judgment of *Garware Plastics and Polyester Ltd. v. Telelink*³⁶, where the Court held that broadcasting of content through cable channels to various households etc. amounts to public performance.

4) *Infringement And Fair Use*

Most of the infringement of copyright has been made in the name of „fair use“. Recognizing a fair use defence under these condition gives copyrights and other user free access to whatever works happen to be created by the creator. Thus, in presence of transactional barriers in bargaining, the fair use doctrine serves the important function of facilitating diffusion without significantly chilling creativity. It has been now settled that fair use rule has evolved as an equitable response to market failure as a way to ensure that socially desirable uses will not be blocked. But in reality one of the sole causes of failure of the measures for the protection of copyright infringement is the defence of „fair use“ because there is no guideline to determine the term „fair use“ in Indian copyright laws. Sometimes socially responsible citizens are also not convinced as whether an act is the fair use or not? Actually the purpose of incorporation of „fair use“ was very clear. Once Justice Govdon, Professor of law, Boston University, School of Law, argued that if a market does not develop for a creative work or use because high transaction costs impede bargaining, then prohibiting copying makes little sense from economic uses, without providing any monetary return to creators.

VIII. CONCLUSION

The globalization and value addition to the copyright related industries have converted the domestic copyright related property into global property and electronic development on the other hand made the process of infringement like nothing. Any person from any part of the globe can get the

access to the electronic resource of any place by click on mouse only. The Copyright Act 1957 is, to some extent able to protect the interest of the author from the traditional i.e. manual modes of infringement of copyright only. It is measurably failed to tackle the problem of electronic infringement of copyright in this modern electronic age. The present copyright law in India requires a thorough examination and alteration to cope with the technological advancement. The copyright law is a form of societal governance. The Copyright Law must be examined in the context of social development.³⁷ Dr. Sundara Rajan has aptly writes that Copyright reform in India suggests a fundamental rethinking of India's approach to the public interest in particular, the right of the public to use works that are protected by copyright. India has long recognised that excessively restrictive copyright laws may impede public education, particularly where knowledge from advance countries is needed for modernization.³⁸ The report of the International Intellectual Property Alliance (IIPA) on India documented that India suffered trade losses worth 496.3 million US dollars due to copyright piracy³⁹. Thus, it require a serious thought from the person concerned so that our copyright industry can also remarkable contribute to the revenue of the nation at the one hand and the creator could get the appropriate value for his creation on the other. Indian Government has taken a remarkable step ahead in right direction by enforcing the Information Technology Amendment Act 2008, on 27th October 2009, but which does not mention a single word about copyright except under Section 81. While the copyright is one of the most complicated areas of cyber law, Jurisdiction, cybersquatting, trademark, patent, domain name, media convergence, taxation, payment issues are also not covered by the said Amendment Act. Therefore we should prepare our legal institutions for the production of information superhighway gateway. We have to go a long way to realise the true potential of information technology for protection of copyright from its electronic modes of infringement. A lot depends upon the policy of the government to built necessary infrastructure for the protection of a huge IP market by way of proper protective mechanism. The revision of Copyright Act should be made considering the following remarkable suggestions which shall be helpful to make the law at par with the advancement of the age.

- Improvisation of establishment of Internet Use Education Programme
- Piracy should be made Strict Economic Crime
- Customs Departments should be Empowered
- Frequency of Raids at the doubtful place should be Increased
- Copyright Law should be made more Dynamic
- Need to redefine the term Fair Use
- Intensive Training for Judges Etc
- Creation of National Anti-Piracy Task Force
- Introduction of Preventive Technical Measures
- Improvisation of Establishment of Internet Use Education Programme

At the end there would always be some group who circumvent the system which will certainly become a temporarily hurdle for which we shall have to create a socially motivated strong civil society. The strong civil society can help in the process of enforcement of copyright law in this civil society and hold back the cases of infringement of copyright to enrich the Indian revenues by contributing to the GDP of India like developed countries

i.e. United Kingdom, USA etc.

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Indigeneous Art and Religion in Africa

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{ GJHSS- AClassification FOR
950501 }

Abstract- Traditionally it is generally believed that indigenous art and religion perform similar function in different forms. This paper attempts to X-ray the importance of indigenous art in religion in the African context and discuss the issues in Art, Christianity and Islamic ideas. It equally discusses different relationships of art to the cultural experiences of African society .The use of masks in religious festival in Nigeria and some African societies as a whole and conclusively the paper shows the reflection of African Art culture with religion

I. INTRODUCTION

Majorly a Art performs different functions such as funeral, initiations and festivals in different parts of Africa. Whatever form like drawing, paintings, carvings and casting the work of art takes in African setting, its religious function covers mainly of rituals, Ancestral worship, worship of deities and rite of passage to the loved ones. The word religion can be defined as belief in the existence of supernatural ruling powers, the creator and controller of the universe who has given to man a spiritual nature, which continues to exist after the death of the body. Religion is differentiated from philosophy in that it operates by faith or on the basis of faith and intuition and not by reason. Religion is an aspect of human behaviour and culture. It permeates every society. It has diverse manifestations in every human society. Religion addresses human behaviour and gives meaning to human-culture and institution. Religion involves groups and organizations. Religion addresses the main issue yet it cannot be defined with precision. This is because it has a wide range of phenomena and conflicting beliefs. Another reason is that it suppresses certain realities, which are beyond description. That is death is a reality. It addresses personal and intense experiences, which are beyond the knowledge of other person for example mysticism. Religion participates in impression speech and indefinable mystery of life. African religion is seen in myths liturgies, proverbs and aphorisms. In this manner, one can say that the traditional African is religion conscious. Africans believe in the existence of a supreme being who consolidated the affairs of the universe.(Idowu 1987) This is evident in their ritualistic observation and worship or appeasement of ancestral spirits and deities in reference of their belief in the Supreme Being. It was (and it still is) the belief of the traditional African that there is a supreme being who cannot be reached or approached by man but through an agent or deity. This agent or a deity varies in form of, object and material from land to land and culture to culture. Some are represented in carved wood, moulded clay, stone and other objects. There are many

Africans who ,in spite of their adherence to either Christianity or islam,still openly perform certain rites or rituals of traditional religion . Adherents of traditional religion worship the supreme God.(Olodumare in Yoruba, Chukwu in Igbo,Osanobua in Edo,Ubangiji in Hausa and Abasi Ibom in Ibibio) through a number of intermediaries or lesser gods. The worship of deities by the traditional African is a means to an end, Traditional African religion is mixed with culture and it will be very difficult for anybody to separate religion from culture . Nevertheless it is, the distinctiveness of religion that gives direction, goal, and completion to culture. Without religion, culture will have no goal or destination. Religion affects the cultural dimension. Culture consists of pattern implicates commands of behavior acquired and transmitted by symbols constituting this destined achievements of human groups including their embodiment artifact. Religion is not an object with a single fixed meaning, or even a zone with clear boundaries, It is an aspect of human experience that may intersect, incorporate, or transcend other aspects of life and society and in some other sense religion includes patterns of behaviour but also pattern of language and thought .It is sometimes a highly organized institution that sets itself apart from a culture, and it sometimes an integral part of a culture.

II. ART AND RELIGION

Religion as defined by the Oxford Advanced Learner Dictionary is the belief in the existence of a god or gods and the activities that are connected with the worship of them ,and since religion cannot be separated from culture, and culture in Africa extents so many things including art. Africa has one of the best cultures in the world. To an average African, art or creative work is a natural thing. There is always a very strong relationship between religion and art. The traditional art in Africa is basically for worshipping purpose. Except in the area of pottery and textile where some of their works are for utilitarian purpose, that is for domestic and day-to-day use, but some of the textiles and ceramics are still being associated with some religious beliefs. A close relationship could be identified between art and religion across history .Art could serve as a means of expression in religion as well as an object in the process of worship. Art and religion sometimes exhibit similar features. In addition, meanings derived from and functions ascribed to both do sometimes overlap. Thus, the relationship between art and religion could be regarded as being polemic. Art, like religion, could be regarded as a means of revelation. Like religion, art re-creates by offering assets of symbols of our own being, of community, and of sacred. Again , like religion ,art heals and recreates, just as it offers categories for evaluations in the society. The precinct of the connection between art and religion seems largely

confined to rituals in religion though not exclusively so. Ritual space provides the avenue for the expressions of art in religion. These would include verbal arts (recitations, songs, praises and worships) and visual arts (sculptures, paintings, and decorations). The traditional carvers work mainly for the worshipping of one deity or the other. The art of Africa has one thing in common irrespective of language or culture and that one is the relationship of art and religion. Going from the South to the North, and East to the West, distinctive commonness is found everywhere in African continent. Let us consider the Egyptian art for instance. The belief in life after life by the Egyptians made the rich and the powerful among them to take enormous trouble to make sure that their bodies were preserved forever. That is the reason why the pyramids and the rock tombs were built at such cost. The worship of ancestral Egyptian mummy helps the Egyptians to advance in the area of grave or tomb architecture and the work of art used to decorate the tomb and ancestral resting place of their loved ones. (Rukeme, 2000) Also the belief of the Egyptians in many gods has been the reason for their art. They worship different gods and one of these gods or the strongest of their gods was Ra, the sun god. Though the Ra god, Amen, became identified with the sun god as Amen-Ra. Osiris was another god. He was known as god of the Nile and life; oddly enough, he was also god of the underworld, or Kingdom of the dead. There were other gods peculiar to each city some of which took form of Animals, such as Anubis, the jackal-headed god, and Amemit the Devourer, with crocodile head, for parts of a lion and hind quarters of a hippopotamus. Religion was the major cause of the reason for the Egyptian art. The belief of religion of Egyptians made them to go to the extent they ventured into in the world of art and this has helped to print Egyptian's name on the stone as far as art is concerned in the whole world. Egyptian Art has also demonstrated their adherence to tradition. Until the reign of Akhnaton (18th dynasty). Egyptian Art has always been to religion. Due to his introvert nature, he was only interested in the philosophical aspects of religion, he disbanded the worship of the ancient gods and introduced the worship of only one god, the sun, Aton the sun disc was the object of worship. Hence he was the first to introduce the worship of one god (monotheism in Egypt). This decision affects the Egyptian Art. It was not very easy, because the Egyptian priesthood was very powerful as at that time.

III. ART AND CHRISTIANITY

Christianity has influenced painting and sculpture to the degree that images have played a part in the Christian religious experience. It has influenced architecture through buildings dedicated to worship and through the founding of religious communities. In a critical sense, it is more accurate to speak of artistic theories and practice inspired by Christianity than of Christian art as such. For the fathers of the church, the problem of images and their role in religious experience arose from the conflict between the two traditions to which Christianity was bound, the Hebraic and

the Grecian or Hellenistic, which had assumed opposing attitudes with respect to the function of images in religious experience. Christianity had, in a certain sense, to choose between sedulity to the Hebraic interdictions and assimilation of the representationism to which the Gentile cults were deeply committed. The first alternative would have seriously affected Christian proselytism; the second presented the danger of idolatry. St. Theodore Martyr, emphasized the beauty of places of worship as an element of great importance to religious experience. It was not a question of presenting divinity directly but of narrating events to edify the soul of the observer with examples. A fundamental role was that of painting that portrayed the deeds of a Martyr and the cruelty of his persecutors, depicting such episodes in the manner of a book, which benefits those who seek instruction from it, and adorning the words of the temple with colour. Man and human activity were to be represented, in the comprehensible events of this world. (Olopade 2006) According to this view, the custom of adoring places of worship with images was sanctioned without contravening either the inner meaning of the Biblical interdictions, which forbade giving God a human appearance, or the repugnance of Christian culture of the early centuries to anthropomorphism and idolatry of popular pagan worship.

IV. CHRISTIAN ICONOGRAPHY

It is in religious art, where Christianity has been adopted in the place of paganism, that we ought to find the most profound and interesting changes of both content and expression. But it is extraordinarily difficult to find works of early original Christian African art which are genuine. Protestantism did not normally encourage the arts, fearing that the primitive African might place a magical value on material works of art. The mission churches combined to produce the Christian influence on primitive civilizations and the adaptation of local art to the new religious subjects introduced by the mission churches combined to produce a form of Christian art predominantly devotional, Western Iconography was generally imitated, and naïve element was limited to background and decorative motif. The Christian themes most widely diffused among native populations in every country are, first, the crucifix, then the feeling. Africa offers an extensive production of Christian art. Many iconography themes are treated, including even the Stations of the Cross, Nativity. The regions best documented are Western Africa (Nigeria, Dahomey), Congo, Rwanda, Burundi, Kenya and Tanzania should also be included. One of the earliest representations of Christ is the good shepherd of Benin (Rome, Lateran Museum), a small bronze group representing a Negro Shepherd Bearing a lamb on his shoulders; he holds the lamb's legs together with his left hand and carries a pail in his right. This is a reinterpretation of the Good Shepherd in accordance with a purely indigenous understanding; it is a Shepherd bringing water to his sheep. In Nigeria, painted wood statuettes of Magi adorned with red mantles and ornamental necklaces (in the style of the heads from Benin),

Casqued, fans, etc. Protestantism did not normally encourage the arts, fearing that the primitive African might place a magical value on material works of arts. Catholicism took the risk, and we are given a most interesting account in *The Arts in Belgian Congo and Rwanda* published during the Holy year of 1950. Here, we find a description of “The era of Christ the Redeemer”, the first Catholic evangelization of the ancient kingdom of Congo from the end of the fifteenth century to the end of the seventeenth century. Here, crosses and crucifixes were so absorbed into indigenous culture that they received a type of veneration which differed little from that of fetish objects.(Toyin et al(2002).

V. ART AND CHRISTIANITY IN NIGERIA

The first impact of Christianity on Nigerian Art was purely destructive. The early missionaries associated African wood carving with what they called “Idol worship and there was a time when missionaries publicly burnt the “fetishes”, not realizing that they were destroying a great cultural heritage of the people of Nigeria. Later on, the Catholic Church in Nigeria tried to stimulate a new Christian art. Wisely enough, no attempt was made to impose entirely foreign styles and ideas on these art. In Nigeria, Christian art was developed from traditional forms, the late Pope Pius XII had ruled that traditional cultures were not to be suppressed by the missionary, unless they could prove that they are “inseparably linked to error or immorality”(Toyin et al 2002) The traditional carvers were made to attempt the representation of Christian themes and stories. They were told the story of Christ and the ideas he stood for. It was very easy for the missionaries to make use of Yoruba carvers since it was the Yoruba belief that “Yoruba art can be adapted for Christian purposes, because they were not very much linked with the “pagan” religion as believed by some people.

VI. ISLAM AND ART

Islamic art is the art of Middle East. It is associated with the religion of the Mohammedan conquerors of the Persia, Mesopotamia, Egypt, North Africa and Spain, was even more rigorous in this matter than Christianity had been. Islamic Art forbid making of images or anything that could be used to represent God. This is as a result of their belief that there is only one Allah and Mohammed is his prophet. He has no rival or competitor. Representation of human beings was not allowed in this sect of religion. Most of their works were subtle lacework ornamentation known as arabesques. We may owe their subtle designs and rich colour schemes to Mohammed who directed the mind of the artist away from the objects of the real world to his dream world of lines and colours. Later on, some sects among the Mohammedans were less strict in their interpretation of the ban on images. They did allow the painting of figures and illustrations as long as they had no connection with their religion. Among the media in Islamic Art are textiles, carpets, mats jewelries and silk brocade. Islamic architecture and mosques were given the same treatments.

The materials used were varied according to their dictate. A motif of ornamentation can be adapted, It can be formed from Islamic writings, plant, animals; most of the forms are stylized. Their Sculpture is informed of relief stucco or plasterwork. Islamic art are based on free flow of lines having no beginning and their Idea of rugs was taken from the Persian culture. Having fought and won the Persians, the Arab killed Ruston's and his army was routed, and their possessions plundered. They discovered in one of the apartments palace decorated with carpet of silk called the “Spring of Chortles; sixty cubes one hundred feet in length and as many in breadth; a paradise or garden was depicted on the ground; the flowers, fruits and shrubs were initiated by figures of gold embroidery, and the colures of precious stones were on these materials. They weave rugs by means of wool of different colours, taken from all kinds of beast; they weave on them birds, beasts, human figures and dead objects, grass, trees, clouds and numerous astonishing tricks, apart from Arabic calligraphic to the work of visual/creative arts like painting and sculpture, Islamic architecture, Music ,folklore and clothing, The relationship between Islamic religion and art starts and end at ornamentation.

VII. SOCIAL ORGANIZATION OF MASKS

Majority of African Art stems from communal activity for example among the Ibo community. Olopade; (2006; 41) concludes that “the environment of art in African follows upon the interaction between players, objects and audience; several different art forms or expressive media appear simultaneously or at least are overlapping and interdependent form, such as masks and figures in African context. It is practically impossible to determine either the meaning or use of a mask by its appearance alone, since there is a learned and inherent pattern of conduct of each culture. The importance of mask can be determined only by the reference to account or personal observation of the masks in the setting of their own culture although they have aesthetic and religious effects since they derive their forms and the disposition within the design which, can readily be evaluated as art objects. The various organizational set-ups of masks accounts for their importance in the socio-religious life of any community.

VIII. MASKS OF INITIATION

The importance attached to some social phenomena such as the initiative ceremony becomes more of annual ceremony with much communal attachment and seriousness. The use of masks makes the ceremony an event for the society and individual. In some societies, masks are used to mark the passage of childhood to adulthood in boys and at circumcision in girls. In Bayaka dance mask, the boys dance in masks in all the villages after their district. There is no secrecy about the identity of the dancers, who receive prizes for their skill. The initiation masks of the Basuku are related to those of the Bayaka. At times the officials are the ones that wear these masks, for example the women's Bundu Society mask worn by official at the initiation

ceremonies. The Balwalwa, Congo also use masks at dances after circumcision. Masks are also worn at the third birth (i.e masks appear again at the burial of the initiated and take care of their passage). Among the Dogon of Mali mask is used in rites to expel the souls of the recently dead. The use of these masks, tend to bring together children of the same age group thereby giving them the opportunity to know each other, hence appositive growth and unity is expected to affect the community as a whole.

1) *Funerary And Commemorative Masks*

In some cultures where burial customs are important, anthropomorphic masks are often used in ceremonies associated with the dead and departed spirits. Funerary masks were frequently used to cover the face of the deceased. Generally, their purpose was to represent the features of the deceased, both to honour them and to establish a relationship through the mask with the spirit world. Sometimes, they were used to force the spirit of the newly dead to depart for the spirit world. The face mask for the Egungun cult among the Yoruba is connected with funeral ceremonies but also provides entertainment. In Egypt (C 2040 – 1786 BC) middle kingdom, the funerary mask served to guide the spirit of the deceased back to its final resting place in the body. Among the Romans of North Africa, masks resembling the deceased were often placed over his face or worn by an actor hired to accompany the funerary cortage to the burial site.

2) *Fertility Masks*

Africans attach great importance to procreation, growth of crops, seasons of agricultural year, the sowing and harvesting of the crops, these whole cycle of events that preserve and renew the community. Pregnant women in Ghana carry the Akuaba doll. Thus, having a psychological belief for safe delivery, this symbolic spiritual authority in a ritual context is to bring an order of reality through their presence in everyday affair. The dance mask is worn among the Igbo Community during the yam festival to show the beginning of new yam every year. This is worn at the celebration of the festival of the first yam harvested in the community. The Ogoni mask of Southern Nigeria is used during the dedication of farming season to the local deity, the Guro mask is the mask of the Zamle society, which produces antelope's rhythm dances by the wearers to ensure increase of the crops, all these masks were used to appease their gods to pray for a bountiful harvest during the season

3) *Secret Societies*

Social class cults, form cults of pressure and influence in the society because of their wealth, hence the insignias are worked in most expensive taste with beads, bronze and precious stones and wood. Their drums are carved and their dresses heavily embroidered e.g. Ogboni, Ozo Okpalas. These masks are simple since they are meant only to hide personal identities. These masks serve as a means of social stratification and designate their ranks e.g. large secret societies like the Poro society. The Dea mask of the Dan of

Ivory Coast and Liberia that are worn by the Poro society, have been able to exert political power via the power of masks. Political practices are often linked with social function. women are at times involved in cultic association example of this can be seen among the Mwo society of Ibo land in Nigeria which shows the crested mask of the Mwo society worn by women. The involvement of these secret society serves as a social check and balance for its members in case of misappropriation, misconduct or any unruly behavior, within the society.

4) *Law Enforcement Masks*

Like the policeman or soldier's uniform, a mask serves as a symbol of authority and it can also be used as an instrument of law enforcement agent. Certain masks used in African tribunals could be compared to the wig, traditionally worn in British court. But the wig is invested with no force, the mask not only represents, but also embodies authority – full power of ancestral spirits, the mother mask of the Dan and the large-masks of the Kono and Guere administer justice to any irate offender.

5) *Witch hunting Masks*

In many African traditions, there are masking societies that identify witches and take steps to remove the danger they represent and they were also being used to avert misfortune, as with the Goli mask of Ivory Coast. The Kifwebe mask is used by witch doctors among the Baluba of Congo. These masks are used to search of witches and at times for their appeasement. The Yoruba wears the Gelede mask, as a headgear during the Gelede festivals, in order not to be identified by the said witches. The Ngi society masks in Gabon and among the Fang are worn by members when they were detecting and punishing sorcerers within the society.

IX. FUNCTION OF ARTS IN RELIGION

Works of Art in Yoruba land cover woodcarving, black-smithing, bronze casting, knitting, hand woven textile etc. However, woodcarving is regarded as the most prestigious among the forms of arts, it is mandatory that the carver must come from a wood carving family so that it will be easier for such carver to start the art of carving early in life, an example of such family in yorubaland are the Lamidi Fakeye, Bamidele Areogun families etc. The works carved for religious purposes includes diviners' figures like Ifa trays/bowls (Opon Ifa), twins figure, fertility doll and masks used for masquerades and shrines in some Yoruba religious festivals or during the egungun festival in Yorubaland some of the masks which are used for religious purposes also serves some other functions,.

X. AMONG THE BAMBARA

Bambara Sculptures are carved from the kapok tree and blackened with red-hot iron; shea butter is rubbed into them and finally decorated with little rings, glass, beads, cowries' shells or red bean. The figures are composed of cubic forms with arms hanged down at the side. The Chi-wair-head

dressers for the antelope dance for which the Bamabara have become world famous are amongst the most beautiful and indigenous works of African Sculptures. The proud Eland, the emanation of the creator god Faro is the tribal animal of the Bamabara and the mythical spirit of work, for it once taught men how to cultivate grain. Thus dance ceremony commenced before the clearing of the land or at the time of harvest among the Bambara.

XI. DOGON

The Dogon statue with their through going simplification produces a solemn and overwhelming monumental effect. Abstract to the ultimate degree and reduced as it were to a sign and these figures were found on cult objects, doors, door-locks butter ditches, pulleys and other implements. Dogon themes refer to the event of mythology and the laws of life and growth. For example, in the Dogon mythology, you see Yasgi who committed incest or Duugu-Seru, who hides his face from shame, raised arm signify entreaty for the protection mythical creative forces or an appeal to the rain cloud to pour rain upon the land. Dogon masks are made for religious purposes. It is usually for the art of carving to be hedged round with rituals since the tree which provide the wood is generally regarded as the home of the spirit which needs to be placated (appeased).

XII. CONCLUSION

In conclusion, African art is the type of art that reflects the culture of a people and since culture and religion are two inseparable ways of life, we can then say that religion influences African art and it is for this reason that will make indigenous or traditional art to remain art of religion. African culture was interwoven with Africa religion, Art is therefore a mediating factor within both religion and culture in Africa. The predominant bearing of rituals on art in the African milieu becomes even more glaring with the appreciation of the fact that both art and religion are considered twins of the same transcendental offshoot. Thus, for most Africans, visible forms of art were but mirror of the unutterable myth of earth and heaven reflecting on each other. If art expresses reality in images and religion expresses ultimate reality in symbols, then art expresses religious symbol in artistic images. Art and Religion could therefore be designated ritualistic art.

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Farmers Perception of Impact of Climate Changes on Food Crop Production in Ogbomosho Agricultural Zone of Oyo State, Nigeria

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Abstract- The study assessed farmer's perception of impact of climate change on food crop production in Ogbomosho Agricultural zone of Oyo State, Nigeria. It highlights the socio-economic characteristics of the farmers, farmer's perception on climate change, impact of climate change on crop production and adaptation strategies adopted to mitigate the effect of climate change. Data were collected by using structured interview schedule administered on 360 farmers randomly selected from the three agricultural extension blocks in the study area. Description and analysis of data were carried out using frequency counts, percentages means and tables, while multiple regression was used to test the hypothesis. About 72.0% of the respondents were male, and 95.8% were between 31 and above 51 years old. While 29.4% had no formal education, 70.6% have various levels of formal education. About 90% of the farmers had many years of farming experience ranging from 6 years to 21 years and above. Only 31.1% and 24.7% of the respondents indicated delayed rainfall and higher temperature respectively as their perception of climate change. About 12% indicated unusual heavy rainfall, 9.4% indicated undefined season, while 4.4% and 4.2% respectively indicated flood with serious consequences and later fruiting of tree crops respectively as their perception of climate change. About 80.3% of the respondents mentioned low yield of crops as the impact of climate change on crop production, stunted growth (37.2%), ease spread of pest and diseases attack on crops (31.1%). Even though only 68.3% indicated increased water conservation as adaptation strategies, 74.7% mentioned planting of different crops while 54.4% change row orientation with respect to slope, as the adaptation strategies to mitigate impact of climate changes. A significant relationship at 0.05 significant level with coefficient of ($R^2 = 0.612$) was found between perceived climate change and adaptation strategies. Therefore Arable food crop farmers are more knowledgeable of climate change and even its impacts on their livelihood that should be considered in policy formulation on adaptation of agricultural production systems to climate change.

Keywords- Farmers Perception, impact, climate change, Food Crop Production, Agricultural Zone, Oyo State.

I. INTRODUCTION

Agriculture places heavy burden on the environment in the process of providing humanity with food and fiber, while climate is the primary determinant of agricultural

productivity (Apata et al 2009). The fundamental role of agriculture in human welfare, concern has been expressed by federal agencies and others regarding the potential effects of climate change on agricultural productivity. Because the effectiveness of rainfall for crop and fish production is a function of the temperature values which affect evaporation and transpiration (Rudolf and Harmann 2009) Smith and Skinner (2002) asserted that climate plays a dominant role in agriculture having a direct impact on the productivity of physical production factors, for example the soil's moisture and fertility. Adverse climate effects can influence farming outputs at any stage from cultivation through the final harvest. Even if there is sufficient rain, its irregularity can affect yields adversely if rains fail to arrive during the crucial growing stage of the crops (Mowa and Lambi, 2006, Rudolf and Hermann 2009). Interest in this issue has motivated a substantial body of research on climate change and agriculture (Lobell et al, 2008) climate change is expected to influence crop and livestock production, hydrologic balance input supplies and other components of agricultural systems. However, the nature of these biophysical effects and the human responses to them are complex and uncertain. It is evidence that climate change will have a strong impact on Nigeria particularly in the areas of agriculture, land use, energy consumption, biodiversity health and water resources (Apata et al, 2009). Nigeria like all the countries of sub-Saharan Africa is highly vulnerable to the impacts of climate change (NEST, 2004, IPCC 2007 and Apata et al, 2009). Though climate change is a threat to agriculture and non-agricultural socio-economic development, agricultural production activities are generally more vulnerable to climate change than other sectors. (Kurukulasuriya, et al, 2006) . Ole et al, (2009) asserted that analysis of 9000 farmers in 11 African countries predicted falling in farm revenues with current climate scenarios. Also Butt et al, (2005) predicted future economic losses and increased the risk of hunger due to climate change. It seems clear the combination of high climatic variability poor infrastructure, economic poverty, drought, excess rainfall, poor livestock health, reduced crop yields, low productivity and a range of other problems associated with climate variability will constitute important challenges for Africa countries in particular (Adger et al, 2007). Food crop farmers in Oyo State Nigeria provide the bulk of arable crops that are consumed locally. The local farmers are experiencing climate change even though they have not considered its deeper implications (Apata et al 2009). This is evidenced in the late arrival of rain, the drying-up of stream

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and Small Rivers that usually flows year round. Also the gradual disappearances of flood-recession cropping in riverine areas of Ondo State are among the effects of climate disturbances in some communities of south-western Nigeria. (BNRCC, 2008 and Apata *et al* 2009). In Srilanka when precipitation increases it results in a positive and significant impact on farmers revenues, whereas temperature has a strong negative impact. Also in Cameroon net revenue falls as precipitation decreases or as temperature increases while in South Africa climate change has significant effects on net revenue per hectares of sugarcane with higher sensitivity to future increase in temperature than precipitation Ole *et al*, 2009).

II. STRATEGIES TO MITIGATE IMPACTS OF CLIMATE CHANGES

To approach the issue of climate change appropriately, one must take into account local communities understanding of climate change, since they perceive climate as having a strong spiritual, emotional, and physical dimension. It is therefore assumed that these communities have an inborn, adaptive knowledge from which to draw and survive in high-stress ecological and socio-economic conditions. Thus, the human responses is critical to understanding and estimating the effects of climate change on production and food supply for ease of adaptation. Accounting for these adaptations and adjustments is necessary in order to estimate climate change mitigations and responses (Apata *et al* 2009 SPORE, 2008 BNRCC 2008). There are identification of production systems which are most resilient to climate variability, that is production systems with the ability to adjust or recover from negative impacts and take advantage of positive impacts of the current climate variability. One of the factors that contribute to increasing resiliency of agricultural systems is the identification of appropriate mixes of production activities. For example, establishing crop/livestock mixed systems, using a mix of crop species, cultivar types and sowing dates, combining less productive drought - resistant cultivars and high yield but water sensitive crops. In other words, modifying the production systems by introducing four strategies:

- a) Increased diversification including activities that are less sensitive to drought and/or temperature stresses.
- b) Compatibility: activities that take full advantage of beneficial climate conditions.
- c) Escaping sensitive growth stages: This is by establishing crop practices that avoid the concentration of sensitive growth stages in the same period of the year (e.g different season lengths, sowing dates etc
- d) Elimination: another pathway for increasing resiliency is by eliminating climate related factor which is most limiting to crop productivity (e.g. introducing irrigation in water-limited summer crops)(IPCC, 2007). Nevertheless rural communities in Nigeria have always managed their resources and livelihoods in the face of challenging environmental and socio-economic conditions (Mortimore and Adams 2001, and Ole *et al*

2009). They have to a large extent been able to develop their livelihood strategies in a way which enables them to constantly cope with and adapt to an erratic climate change, severe pest attack, changing agricultural policies at local, national, global levels and other natural factors (BNRCC,2008 Apata *et al* 2009,IPCC,2007, ODI,2007and Molua 2008). There is need to gain as much information as possible, and learn the positions of rural farmers and their needs, about what they know about climate change, in order to offer adaptation practices that meet these needs. (Royal Society 2005 and Apata *et al* 2009 Lobell *et al* 2008 Hassan and Nhemachem 2008).This study therefore intends to assess farmers perception of impact of climate change on food crop production, it also describe socio-economic characteristics of the respondents, examine farmers perception on climate change, identify impact of climate change on crop production and to ascertain adaptation strategies adopted to mitigate effect of climate change.

III. METHODOLOGY

The study was conducted in Ogbomoso Agricultural zone of Oyo State. This zone consist of five agricultural extension blocks out of which three namely, Ikoyi, Ajaawa and Iresa were purposively selected for the study due to rural based of those extension blocks. Multistage sampling technique was used to select, Three hundred and sixty (360) farmers for the study. Four extension cells, out of eight cells in each selected extension block were randomly selected and two communities were selected randomly from each cell making a total of 24 communities selected for the study. Fifteen (15) respondents were systematically selected from each community making One hundred and twenty (120) respondents chosen from each extension block. Finally, a total of three hundred and sixty (360) respondents constituted the sample size for the study. Structured interview schedule was administered on respondents through Personal contact, with assistance of employed trained enumerators in their various communities. The adaptation strategies adopted by the respondents to mitigate effect of climate change on food crop production was grouped into five categories. These strategies are (i) soil water management (ii) Farming operations (iii) Protection measure (iv) household livelihood and (v) education and finance. Data collected were subjected to descriptive statistics, such as frequency counts, tables and percentages. However for testing research hypothesis multiple regressions was used.

IV. RESULT AND DISCUSSION

1) Socio-Economic Characteristics of the Respondents

Table 1 show that 22.2% of the respondents were above 51 years of age, 21.7% fell between the age range of 41-45 while 21.1% and 17.5% were between the age ranges of 46-50, and 36-40 years respectively, also 13.3% fell between the

age range of 31-35 and 4.2% were less than 30 years of age. Data further shows that about 72.0% of the respondents were male, 70.5% were literate and 90.3% of the respondents had involved in farming for more than 5 years. This implies that majority of the respondents had being in farming for many years.

2) *Farmers' perception on climate change*

Data in Table 2 revealed the responses of sampled farmers perception on climate change in their area as 31.1% indicated delayed rainfall, 24.7% indicated higher temperature 11.7% indicated unusual heavy rainfall, 9.4% indicated fast water evaporation and undefined season while 5.0%, 4.4% and 4.2% indicated more longer days than knight, flood with serious consequence and late fruiting of tree crops respectively as the determinant of climate change in their environment. This result conform with Lobell,(2008) Apata et al (2009) who reported that 89.0%, 72.0% and 65.0% of the respondents respectively indicated higher temperature, water evaporation from the ground is fast and delayed rainfall as the determinants of climate change.

3) *Impact of Climate Change on Crop Production*

Table 3 reveals that low yield on crop is the dominant impact (80.3%) stunted growth of crop (37.2%) ease spread of pest and diseases attack on crops. (31.1%) Drying of seedling after germination (27.2%) and ineffectiveness of agriculture chemicals due to delayed of rainfall 26.9%. These agree with findings of Molua (2008) who reported that performance of agriculture sector depends largely on the return of good rains and the timely and adequate provision of agricultural inputs.

4) *Perceived Adaptation strategies to mitigate impact of climate change on crop production.*

Table 4 presents adaptation strategies actually adopted by the respondents. These strategies are: increase water conservation (68.3%), shading and shelter/ mulching (59.4%) soil conservation (55.0%) move to different site (38.3%) while 34.2%, 20.6% and 19.2% of the respondents implement water conservation techniques practice, increase irrigation, and increase or reduction in land size cultivated respectively. Also respondents adopted planting of different crops (74.7%) Treat seed with fungicides before sowing (60.0%) planting different varieties of crops (58.9%), mixed cropping (96.7%) change use of chemical (68.9%). Furthermore 54.4% and 52.5% of the respondents adopted change of row orientation with respect to slope and Application of soil amendments e.g. farmyard manure

respectively as the strategies to mitigate effect of climate change. Table 4 further revealed that 96.1% adopted ration food, 86.7% reduce expenditure and 59.2% avoid selling remaining food stocks. However, 86.1% and 11.9% revealed that adequate access to extension facilities and credit facilities are the strategies adopted to mitigate effects of climate change on crop production in the study area. These results are in line with Molua (2008) Rudolf and Hermann (2009) and Apata et al (2009) who reported that main strategies for reducing climate risk is to diversify production and livelihood systems like soil and water management measures, and plant protection measures that varied to maintain adequate crop yields. Results of regression analysis in Table 5 shows that increased or reduced land size cultivated (X1), shading and shelter /mulching (X2) mixed cropping (X3) change row orientation with respect to slope (X4) Access to extension facilities (X5) Access to credit facilities (X6) education level (X7) years of farming experience (X8) and zero tillage (X9) had positive significant relationship with the dependent variable and predicted 60% of the variations in the farmers perceptions of impact of climate change. This explains that the more the perceived impact of climate changes the more the adoption of adaptation strategies to mitigate climate change impact on food crop production.

V. CONCLUSION AND RECOMMENDATION

It is established from this study that farmers were aware of climate change and its impacts on food crop production. Further more, they are able to develop their livelihood and adaptation strategies in a way that enables them to constantly cope with an erratic impact of climate change on food crop production. Increase/reduce farm size, mulching, mixed cropping, row orientation with respect to slope, access to extension facilities credit facilities, zero tillage, educational level and years of farming experience were found to be significantly related to the perceived climate change in the study area. Hence, there should be off-farm employment that could stabilize income in the face of low crop production as a result of impact of climate change on crop production, also small scale irrigation project are of more sustainable nature that show a promising effect on climate change, income and risk reduction and there should be formulation of policy that considered arable food crop farmers experience in climate change with reliable and effective measure of adaptation. that need to be implemented that must be easily accessible to the end users.

Table 1
Source: Field Survey 2009

Variables Age	Frequency	Percentage
>30	15	4.2
31-35	48	13.3
36-40	63	17.5
41-45	78	21.7
46-50	76	21.1
51 and Above	80	22.2
Total	360	100.0
Sex	Frequency	Percentage
Male Female	258	71.7
	102	28.3
Total	360	100.0
Educational Level	Frequency	Percentage
No formal Education Primary Education Junior Secondary Education Senior Secondary Education Tertiary Education Others Quranic Education Adult literacy education	106	29.4
	85	23.6
	52	14.4
	61	16.9
	24	6.7
	32	8.9
Total	360	100.0
Years of farming experience	Frequency	Percentage
	106	29.4
		23.6
1-5	85	14.4
6-10	52	16.9
11-15	61	6.7
16-20	24	8.9
21 and Above	32	
Total	360	100.0

Table 2:
Farmers perception of Climate Change

Perception	Frequency	Percentage
Higher temperature	89	24.7
Fast water evaporation from the ground Delayed rainfall	34	9.4
Undefined season	112	31.1
Flood with serious consequences	34	9.4
Later fruiting of tree crops	16	4.4
Unusual heavy rainfall	15	4.2
More longer days than knight	42	11.7
Total	18	5.0
	360	100.0

Source: Field Survey 2009

Table 3: Impact of Climate Change on Crop Production

Impact*	Frequent	Percentage
Low yield of crops	289	80.3
Stunted Growth	134	37.2
Drying of seedling after germination Ease spread of pest and diseases attack on crops	98	27.2
	112	31.1
Ineffectiveness of agricultural chemicals used due to delay in rainfall	97	26.9

Source: Field Survey 2009

Table 4: Adaptation strategies to Climate Change

Adaptation*	Frequency	Percentage
Soil water strategies implement water conservation techniques	123	34.2
Increase or reduce land size cultivated	69	19.2
Move to different site	138	38.3
Increase irrigation	74	20.6
Increase water conservation	246	68.3
Soil conservation	198	55.0
Shading and shelter /Mulching	214	59.4
Farming Operations	269	74.7
Planting of different crops	212	58.9
Planting of different varieties	172	47.8
Early Planting	89	24.7
Early harvest when dry soil is expected	76	21.1
Apply more or fewer inputs	83	23.1
Different planting dates	216	60.0
Treat seeds with fungicides before sowing	348	96.7
Mixed cropping	237	65.8
Mixed farming	215	59.7
Zero tillage	23	6.4
Changes from crop production to livestock production Change use of chemicals fertilizer and pesticides	248	68.9
Protection measure	196	54.4
Change row orientation with respect to slope	189	52.5
Apply soil amendments eg farmyard manure	98	27.2
Increase fertilizer application three days prior to sowing		
Household Livelihood	149	41.4
Undertake non-farm economic activities	213	59.2
Avoid selling remaining food stocks	312	86.7
Reduce expenditure ration food	346	96.1
Ration food	89	24.7
Migrate		
Education and finance	310	86.1
Access to extension facilities	43	11.9
Access to credit facilities	07	1.9
Government Policies		

Source: Field Survey 2009

Table 5: Regression analysis on perception of Climate Change and adaptation strategies.

Independent Variables	
Constant	56.501 (3.743)*
Farm size (X1)	0.132 (2.062)*
Shading, shelter and mulching (X2)	0.313 (2.189)*
Mixed Cropping (X3)	0.549 (2.520)*
Change row orientation with respect to slope (X4)	0.723 (3.147)*
Access to extension facilities (X5)	0.834 (2.128)*
Access to credit facilities (X6)	0.379 (2.832)*
Educational level (X7)	0.284 (2.568)*
Years of Farming experience (X8)	0.127 (3.231)*
Zero tillage (X9)	0.615 (2.586)*

Source: Data Analysis 2009

 R^2 - 0.612

Adj R - 0.734

F - Value - 4.5

* Significant at 0.05 level

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<i>References</i>	Complete and correct format, well organized	Beside the point, Incomplete	Wrong format and structuring



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