

PRERANA

Journal of Management Thought and Practice

*A bi-annual journal from
GRG School of Management Studies
Coimbatore, India*

Listed in EBSCO and Indian Citation Index (ICI).

ISSN : 0974-908X
Volume: 13 Issue: 2
September 2021

Subscription rates

Per issue: Rs.300/-

Annual : Rs.500/-

Students' Willingness to use Online Education System:
An Exploratory Study Using TAM

Dr. Sudin Bag & Dr. Abhijit Sinha

Cyber Security Awareness among Women Users
– An Empirical Study

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A Reassessment of the Narada Smriti with Reference to the
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The Leadership Theory Jungle – A Bird's Eye View

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GRG School of Management Studies
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PRERANA: Journal of Management Thought and Practice

PRERANA in Sanskrit means hope and inspiration. The primary objective of PRERANA journal is to enhance the standard of management education by drawing from conceptual and empirical research based articles reflecting current industry practices. PRERANA shall include contributions from eminent members of the academia and sharing of practices by experts from industry. The Journal will also contain book reviews, editorial abstracts and executive summaries of recent publications in management.

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Issue: 2

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FROM THE EXECUTIVE EDITOR

It is my pleasure to place before you the second issue of the thirteenth volume of '*PRERANA: Journal of Management Thought and Practice*.' The objective of *PRERANA* is to disseminate contemporary developments in the field of management in the form of empirical research that tests, extends or builds management theory and contributes to management practice. *PRERANA* encourages manuscripts that present strong empirical and theoretical contributions to the management field. Preference is given to submissions that test, extend, or build strong theoretical frameworks. *PRERANA's* international and multi-disciplinary review team ensures maintenance of standards of excellence with regard to the quality of contents.

Sudin Bag and Abhijit Sinha in their study investigated how willing are the postgraduate students in using online education. The investigation involving a sample of 471 students of higher education applied the Technology Acceptance Model. They explored the relationship between various dimensions of this model in students' willingness to use digital education system.

Kavitha in her study tried to identify the various cybercrimes against women in the cyber space, the level of awareness of women in Coimbatore about the threats in cyber space and their understanding about precautions to be taken in the usage of cyber space, and also the extent of awareness of women about the legal protection against cybercrime available to them.

Ravindhar Vadapalli in his paper made an attempt of reassessment of the Narada Smriti with reference to the lack of ascertainment of optimum scale of Judicial Machinery. He has concluded that adequacy of legal infrastructure as a ratio to the population of the country is one of the vital factors in determining the efficiency of the country's Judiciary. The fundamental flaw in Naradasmruti which does not suggest or provide any formula to ascertain optimum level of legal infrastructure for a given population has shown an adverse impact on the next generation legal infrastructure system of Hindu Countries such as India or in countries wherever Narada Smriti was followed.

Pardhasaradhi Madasu and Nagendra Marisetty have come up with an excellent teaching case entitled 'Role of Competition Law in Merger Activity: Rathod's Quandary.' The case deals with the major provisions of Indian competition law concerning mergers and acquisitions and on issues relating to the role of competition law in corporate restructuring. Mohammed Fasi in his paper focuses on the case studies on Nirav Modi and Mehul Choksi. Paramanandam in his paper reviewed leadership theories and proposed an integrative model of leadership.

I thank all the authors for their contributions towards the second issue of the thirteenth volume of *PRERANA*. I look forward for novel, insightful and crafted conceptual work that challenges conventional wisdom concerning all aspects of organizations from academicians, bureaucrats and business executives for publishing in *PRERANA*. The focus of the articles could be on diverse aspects of management focusing on contemporary issues and future challenges.

- Dr. B. Sripirabaa, PhD

STUDENTS' WILLINGNESS TO USE ONLINE EDUCATION SYSTEM: AN EXPLORATORY STUDY USING TAM

Dr. Sudin Bag*
Dr. Abhijit Sinha**

ABSTRACT

The purpose of this research is to investigate how willing are the postgraduate students in using online education. This investigation which is based on a sample of 471 students of higher education applies the Technology Acceptance Model explores the relationship between various dimensions of this model in students' willingness to use digital education system. The Partial Least Square Structural Equation modeling (PLS-SEM) indicates that perceived benefits and user friendliness have direct impact on students' willingness to use online education platform. In addition, perceived benefits and user friendliness have positive effect on students' attitude which in turn strongly influence their willingness to use online mode of education.

Keywords: Higher Education; Online education, TAM, PLS-SEM

1. INTRODUCTION

Live and collaborative digital learning empowers students to achieve superior quality education without any restriction with regard to timing and place. In all disciplines, the modern technique allows interaction to be engrossing, relevant and realistic (Blessinger & Wankel, 2013). The Indian education sector will certainly see a significant growth in the recent years when it will be more technologically driven than traditionally based (Loane, 2017). Increasing use of technology in education provides new ways of learning such as access to technology through mobile phones especially smartphone and laptops which have seen a rise of 22 percent and 66 percent respectively in 2018 (Al-Emran *et al.*, 2020). The use of technology in teaching-learning process can provide a sound platform for educators and students, as long as they are confident and accustomed to the new process (Arpica, 2019). According to Peytcheva-Forsyth *et al.* (2018), higher education students have developed sufficient attitude about online learning, which means that they are quite ready to adopt future education through technologies. The teenagers and youth are more comfortable in using ICT for continuous and uninterrupted education. It is also seen that with technological advancement, there will be reduction in unemployment due to the integration of technology in the online learning environment. Hence, the changing landscape in the education sector has the capability to generate benefits in

* Assistant Professor, Department of Business Administration, Vidyasagar University, West Bengal, E-mail: sudinbag1@gmail.com

** Associate Professor in Commerce, Vidyasagar University, West Bengal, E-mail: asphd1979@gmail.com

the long-term. However, before we have a policy where a thorough transformation of education is carried out, it is necessary to know the willingness to use modern technology for the purpose of education as most of the youth spend their time on social media, online purchases, entertainment and rarely on learning. Hence, the present holds tremendous relevance as it studies the opinion of that age-group who are a part of higher education in the country.

In social science research, there is a lot of discussion on acceptance and adaptation of new technologies at the individual level and more after the Technology Acceptance Model (TAM), proposed by Davis *et al* (1989) gained popularity. The model is considered to be suitable for estimating users' willingness to use the new technology (Arteaga and Duarte, 2010) which is supported by other researchers (Kastoriano & Halkias, 2020; Hsu, *et al.*, 2006). Thus, the acceptance and suitability of TAM is already proved in the field on digital education. No matter what the trend is in the field of education throughout the globe, education through online platform is still not well accepted by the higher education students as per Babson Survey Research Group. Only one-third of the students in higher education have been availing at least one course through online platform. According to another report published by Learning House, among the 85% of higher education students enrolled for both traditional and online courses, only 37% students gave a superior feedback towards online education. A few researchers also conducted study on acceptance or adoption of online education conducted using platforms like Zoom, Google classroom, and other platforms. Thus, in line with the contributions in other countries, researchers in this study focus on the behavioral intention towards online education system of post-graduate students studying in various universities.

2. LITERATURE REVIEW AND HYPOTHESIS DEVELOPMENT

The extant literature has evidences to show the factors that have an impact on the willingness to use newly developed technology. Of the different models considered, the earliest model that was proposed was the Theory of Reasoned Action (TRA) given by Fishbein and Ajzen in 1975. It was followed by the TAM, a modified version of the TRA given in 1989 by Davis which was closely followed by the extended TRA model given by Ajzen (1991).

Current research is based on modified TAM being the fact that it is widely used to describe the purpose of individual attitude towards the use of newly proposed technology and its benefits. Attitude towards technology uses can be assessed by the practical use and the practical use of technology. Several studies for example have confirmed TAM's robustness in understanding the user's willingness to use and use new technologies in a variety of contexts (Huang *et al.*, 2014; Bruner & Kumar 2005). The model that is formulated by the researchers in this study is presented in the given figure (No. 1).

1.1 User friendliness

‘User friendliness’ pertains to what extent one expects new technologies to be powerful and problem-free (Davis, 1989). There are previous studies that found an

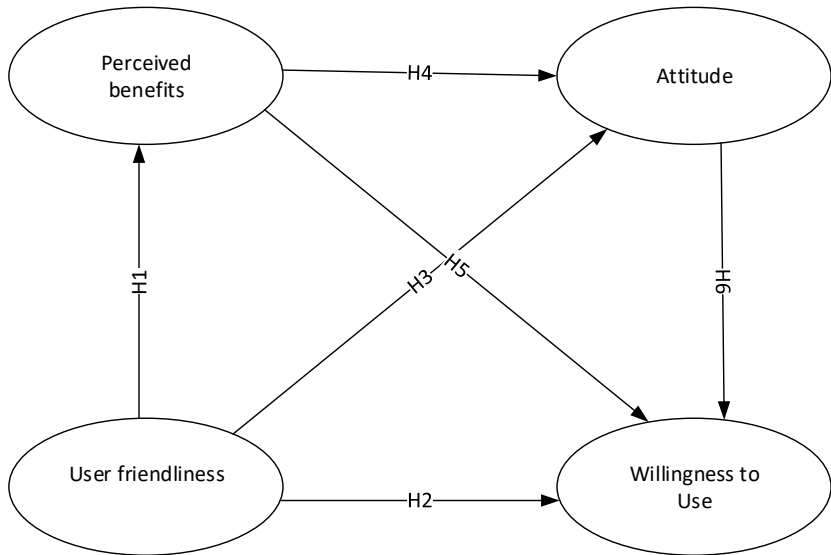


Figure - 1: Proposed model

excellent influence on the use of simple visual cues aimed at the purpose of using a new system (Poon, 2008; Wang *et al.*, 2003). The original technology acceptance model proposed by Davis in 1989 suggested two indirect effects of easy to use viz;

- (1) non-direct impact through perceived benefits, and
- (2) non-direct impact through attitude on willingness to use.

Based on the mentioned literature, the alternative hypotheses are formulated as follows:

- H_1 : User friendliness has significant influence on perceived benefits towards use of online education system
- H_2 : User friendliness has direct impact on willingness in using online education
- H_3 : User friendliness has impact on attitude towards using online education

1.2 Perceived Benefits

Perceived usefulness i.e., benefits used by Davis (1989) is related to the extent to which an user of newly develop technology believes that using a specific technology is likely to bring about improvement in an individual's job performance that will positively impact results. Hence, this would be another influencer on an individuals' willingness to use new technologies. There are research contributions that found a strong relationship between visual usability and the tendency to adapt newly introduced technologies in different sectors like banking services, e-commerce and others (Gefen *et al.*, 2003). A study by Chiu *et al.*, (2005), found an important and positive influence on the perceived practicality of online shopping. The same result is obtained when examining the ethical purpose of using Google classes (Al-Marooof & Al-Emran, 2018). In view of the above-mentioned texts, hypotheses are as follows:

- H_4 : Perceived benefits have influence on attitude to adapt online education.
 H_5 : Perceived benefits have direct impact on willingness to use the online form of education.

1.3 Attitude on online education

The growing popularity of hybrid teaching-learning in higher studies is a serious issue in maintaining students' perception and developing right attitude regarding online education (Dumford & Miller, 2018). The willingness of students to use online mode of education was influenced by users benefits, level of enjoyment and satisfaction too (Guo *et al.*, 2016). The study by Maio and Haddock (2009) shows the importance of attitude in directing behaviour and effective employment of learning strategies. This connection is due to the significant impact on students' motivation and level of self-esteem (Nassoura, 2012). Moreover, the usability of technological orientation affects the competencies and attitude of the knowledge-giver as well as the knowledge-taker because there is a positive correlation with the extent of technology use. The male and female students expressed similar attitude towards use of ICT and e-learning (Bag & Roy, 2019; Rhema and Miliszewska 2014). In the light of above mentioned studies, it is hypothesized:

- H_6 : Attitudes has effects on willingness to use online education

3. METHOD

The primary for this study is collected from the students at the post-graduate level studying in different universities. Online survey method is employed using the google form link. A well-structured questionnaire is the research instrument that is used to get responses about their willingness towards online mode education system. A total of 471 responses are obtained which were considered for empirically testing the hypotheses and analyzing the results. The measurement of all variables

of is based on previous research contributions. The instrument of the research is divided into two sections. The primary section represents the demographic profile of respondents, whereas the second section is dedicated to the measurement of the construct for the proposed model which include perceived benefits, user friendliness, attitude and willingness to use online education. The five-point Likert scale ranging from where 1='strongly disagree' to 5= 'strongly agree' is used to measure the items of the study. The consideration of perceived benefits, perceived use and attitude towards the online program is in line with the previous esearches (Bag *et al.*, 2020; Ray *et al.*, 2020a; Cheon *et al.*, 2012; Davis, 1989). The primary data is analyzed using SEM which is formulated using the Smart-PLS-3.3.2 software. It is a widely accepted method compared to the co-variance based structural equation model (Chowdhury, *et al.*, 2019). The reliability and validity are tested using Cronbach alpha (denoted by α) and composite reliability of all the latent variables (or derived constructs). Moreover, for testing the discriminant validity of the questionnaire, the Fornell-Larcker criterion is used as mentioned in Hair *et. al.* (2014). The scores of reliability are presented in table-1 which depicts that the α values exceed the threshold level of 0.7 (Islam & Bag, 2020; Ray *et al.*, 2020b). The composite reliability of the constructs which is measured using the average variance extracted (AVE) exceeds 0.5 (Bag & Omrane, 2020). The computed rho_A values also exceed the required value of 0.70. Thus, reliability of the latent variables is well established. In addition, Heterotrait-Monotrait ratio shows the values to be less than the required criterion of 0.90 (see table 2), which therefore fulfills the discriminant validity condition (Henseler, *et. al.*, 2015).

Table 1 : Measurement of reliability of the construct

Constructs	Cronbach's alpha	rho_A	Composite reliability	Average variance extracted (AVE)
AT	0.865	0.878	0.899	0.598
WoU	0.883	0.891	0.912	0.634
UF	0.809	0.815	0.867	0.566
PB	0.893	0.893	0.918	0.651

Source: Calculation by researchers

Note: AT-Attitude; WoU- Willingness to use; UF- user friendliness; PB- Perceived benefits

Table -2: Results of Discriminant validity

Constructs	AT	WoU	UF	PB
AT				
WoU	0.804			
UF	0.776	0.771		
PB	0.847	0.800	0.868	

Source: Calculation by researchers

4. RESULTS

To assess the goodness of path model, path coefficients (β) are calculated using bias-corrected bootstrapping approach. The alpha value for the hypotheses is set at 5 percent. The model (refer to table-3 and figure-2) shows that all the alternate hypotheses are supported statistically as the p-values are less than 0.05. The construct 'perceived user friendliness' is found to have not only a positive but also and significant influence on perceived benefits ($\beta = 0.743$, $t = 30.049$) and attitude ($\beta = 0.241$, $t = 5.939$). Moreover, it is observed that it also depicts a significantly positive influence on 'willingness to use' ($\beta = 0.148$, $t = 3.554$) online education system.

'Perceived benefits' is also seen to have positive influence on 'willingness to use' this technology-driven online education ($\beta = 0.160$, $t = 2.75$) and 'attitude' ($\beta = 0.574$, $t = 13.874$) of the students. It has also found that the attitude of the students of post graduate has a strong positive influence on use of online education system ($\beta = 0.587$, $t = 12.839$, $p < 0.001$). Thus, it can be said that perceived user friendliness, perceived benefits and attitude have an important role in influencing the willingness to use online system in higher education.

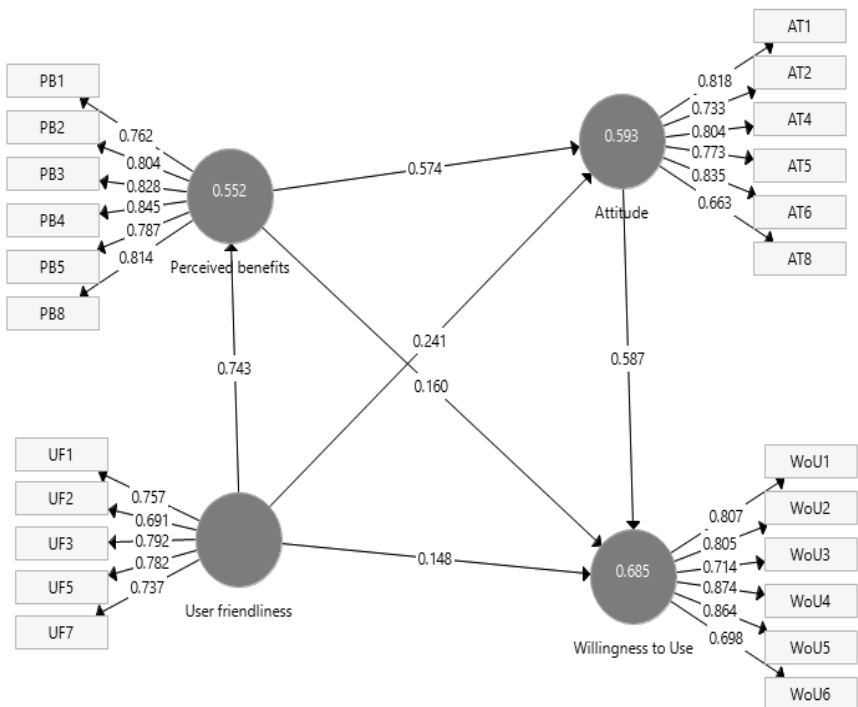


Figure - 2: Path Model

Table-3 Results of Path Model

Hypothesis	Path	Path Coeff.	t-stat.	p-value
H ₁	UF -> PB	0.743	30.049	0.000
H ₂	UF -> WoU	0.148	3.554	0.000
H ₃	UF -> AT	0.241	5.939	0.000
H ₄	PB -> AT	0.574	13.874	0.000
H ₅	PU -> WoU	0.160	2.750	0.006
H ₆	AT -> WoU	0.587	12.839	0.000

Source: Calculation by researchers

5. DISCUSSION AND CONCLUSION

The present investigation is carried out to identify the factors influencing willingness to use online form of education that has been the rule of the day for the last couple of years. The researchers apply the TAM in the arena of intention on the post-graduate students of higher education students. The outcome of the study revealed a significant and positive effect of intention of higher education students from perceived benefits, user friendliness through attitudes. The findings of this research find support from the evidence in previous studies (Nasri, *et al.*, 2013). The findings also show that perceived benefits have a strong positive influence on willingness to use. Though, user friendliness and perceived benefits have a positive influence on attitude, perceived benefits appears to be a stronger predictor which corroborates with previous studies (Martinez-Lopez *et al.*, 2020; Nasri, *et al.*, 2013). Moreover, the attitude of the students influences willingness to use online education platform positively which definitely can go a long way in changing the education system in India (Wankel & Blessinger, 2013).

The findings of the research expose that the post-graduate level students show a positive attitude towards using online education but the rate of adaption is slow which needs to be improved so as to have a smooth teaching-learning environment and with maximum participation from the student community. Therefore, this study promotes the fundamental understanding of the factors that are important to motivate them towards technology-oriented education system that will definitely help the government to take necessary interventions, actions and policies from time to time. This will help in better acceptance by the students to get accustomed with this non-traditional ICT-driven system with no face-to-face interaction that will create a lot of scope for pursuing courses that are difficult in the present system.

6. SCOPE FOR FURTHER STUDY

There are several issues that have not been unveiled in the present study. The investigation considers TAM where other constructs like information and service quality, perceived compatibility, perceived behavioral control, etc. have not been taken into consideration for assessing students' intention towards the usage of

online form of education which is new to many because of the crisis caused by the pandemic. Therefore, the future research works may consider these elements and also think of incorporating moderating and mediating variables that will increase the robustness of the findings. Moreover, future researchers should consider sample selection from private institutions and not just government universities and colleges which is the case in this research contribution.

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ACKNOWLEDGEMENT

“Dr. Abhijit Sinha and Dr. Sudin Bag are the awardees of ICSSR Special Call for Studies Focusing on Social Science Dimensions of Covid-19 Coronavirus Pandemic. This paper is largely an outcome of the Research project sponsored by the Indian Council of Social Science Research (ICSSR). However, the responsibility for the facts stated, opinions expressed, and the conclusions drawn is entirely that of the authors”.

CYBER SECURITY AWARENESS AMONG WOMEN USERS – AN EMPIRICAL STUDY

Dr S Kavitha*

ABSTRACT:

The number of internet users in India is increasing. According to the Datareportal, there are 624 million internet users in India in January 2021 which is almost the 50 percent of the population. The Internet and Mobile Association of India (IAMAI)'s Digital in India report indicates that the number of female users in India is increasing. The split of male to female is 58:42 in metros. Internet world is creating enormous opportunities for women to voice out their opinion without fear in the cyber space. It has created more benefits in terms of access and opportunities. With the fast-growing reach of the internet, speedy spread of mobile information and the escalated use of social media, crimes are also increasing. Women being a vulnerable group often do fall victim to this. In spite of so many efforts to combat the issue of Cybercrime and provide safety to users, cybercrime rates are high and pose a major threat to the dignity and safety of women. There are many security tools and spaces available where women can enjoy the benefits of the cyber world. But lack of awareness on how to use things safely and securely is making women more vulnerable to cyber-attacks than men. This research study is an attempt to understand to what extent women users are aware of threats in cyber-space; precautions to be taken and legal protection available to them.

INTRODUCTION

Internet users in India are around 50 percent of its population with the number increasing exponentially during 2020 because of the COVID 19 Pandemic. According to Statista, with over 560 million internet users, India is the second largest online market in the world. The number of users of internet is consistently increasing over the five years. Actually it was estimated that by 2023, the number of internet users will rise to over 650 million but the introduction of government's Digital India Initiative hand in hand with increasing internet penetration resulted in 688 million active users as of January 2020 itself. Now it is projected that the internet users will grow by 974 million by 2025.

More than 50 percent of internet users are in the age group of 20-39. The number of women internet users is increasing especially in urban areas. According to Statista 2019 report, about 33 percent of internet users are women and out of those internet women users in urban area is 38 percent and in rural area is 28 percent. As per the report by the Internet & Mobile Association of India and Neilson, the

* Associate Professor, GRG School of Management Studies, PSGR Krishnammal College for Women, Coimbatore, Email: kavitha@grgms.ac.in

increase in female internet users is 21 percent as compared to 9 percent for male during march-November 2019.

Today's internet world is creating enormous opportunities for women. Women can voice their opinions freely even anonymously in the cyber space. Although internet and new technologies created more benefits both in terms of power and visibility and also in terms of access and opportunities they are also at threat of violence in different possible ways in the digital world.

With the fast-growing reach of the internet, speedy spread of mobile information and the escalated use of social media, we increasingly see crimes committed in cyberspace. Women being a vulnerable group, often do fall victim to cyber bullying, uploading of objectionable content and threats. The advent of technology has led to the emergence of cyber violence against females of all age groups which is posing a problem at the global level.

Government has taken lot of initiatives to control the cyber crime in India like launching National Cyber Crime Reporting Portal, www.cybercrime.gov.in to enable people to report complaints pertaining to all types of cybercrimes with special focus on cybercrimes against women and children, Implementing a comprehensive central sector scheme by Ministry of Home Affairs (MHA) namely "Centre for Cyber Crime Prevention against Women and Children (CCPWC)" to handle all issues related to cyber-crime against women and children. Government has also made amendments to Code of Criminal Procedure (Cr.PC) to ensure that F.I.R is registered for a cognizable offence irrespective of the jurisdiction of the police stations.

According to NCRB the number of women cyber crime cases reported are increasing over the years especially in metropolitan cities like Chennai and Coimbatore. Even though the number of reported cases is only 1244 but it is only tip of the iceberg but there is substantial under reporting of Cybercrime. The reasons for low reporting may be the lack of awareness of legal provisions and reluctance to report the cyber crimes because of fear of social stigma, lengthy court processes, etc. To add further, users often do not take basic precautions on the usage of social media.

Out of the 28 different states in India, Tamil Nadu is the second largest state economy with sixth largest by population. According to Yourstory.com, the male to female ratio of usage of internet in Chennai is 56:44 and internet penetration in Tamil Nadu is 47 percent as per 2019 report. During this lockdown period, the percentage might have increased considerably as per the different research reports. As per India today Sep 2019 report, among states, Kerala, Tamil Nadu and Delhi have a higher proportion of female Internet users.

As per the NCRB report 2018, the number of cyber crime cases reported in Tamil Nadu is increased from 144, 228 to 295 during 2016, 2017 and 2018

respectively and observed increasing trend. Out of that, the number of cyber crimes reported during 2018 against women is 77. Most of the incidence might not be reported so the actual number may be very high. So doing a research in Tamil Nadu to identify the actual status during the current year may be most relevant in the present context and which will help to recommend appropriate measures to overcome these problems for women.

STATEMENT OF THE PROBLEM

In spite of so many efforts taken by the Government to combat the issue of Cybercrime and provide safety to users, crime rates are high and pose a major threat to the dignity and safety of women. The cyber space provides unique opportunity for the perpetrator (the person who is committing the crime) to abuse the victim without physical presence from anywhere. Adding to this is the anonymity feature that makes the perpetrator unknown to the victim. In this scenario, it is important for every women user to understand the risks associated with transactions in cyber space; implications of data leaks and privacy breaches through social media or email transactions and its remedies.

REVIEW OF LITERATURE

To have the conceptual clarity on the topic chosen for the study, cyber space and cyber crime are defined below.

Cyber Space is the connected internet eco system. It can be defined as “A global domain within the information environment consisting of the interdependent network of information technology infrastructures, including the Internet, telecommunications networks, computer systems, and embedded processors and controllers.” – A Definition of Cyberspace.

According to Techopedia, Cyberspace refers to the virtual computer world, and more specifically, is an electronic medium used to form a global computer network to facilitate online communication. This is a virtual platform where large number of participants can interact. Cyberspace allows users to share information, interact, swap ideas, play games, engage in discussions or social forums, conduct business and create intuitive media, among many other activities. The term cyberspace was initially introduced by William Gibson in his 1984 book, “Neuromancer.”

Cybercrime may be defined as “Any unlawful act where computer or communication device or computer network is used to commit or facilitate the commission of crime.”

Types of Cyber Crime

The cyber crime portal of India lists the various types of cyber crime with its explanation. The following table lists the women specific cyber crimes.

Type of Crime	Description
Cyber Bullying	A form of harassment or bullying inflicted through the use of electronic or communication devices such as computer, mobile phone, laptop, etc. Harassment of colleagues, classmates or acquaintances through electronic means with the intent to hurt the victim
Cyber Stalking	Cyber stalking is the use of electronic communication by a person to follow a person, or attempts to contact a person to foster personal interaction repeatedly despite a clear indication of disinterest by such person; or monitors the internet, email or any other form of electronic communication commits the offence of stalking.
Cyber Grooming	Cyber Grooming is when a person builds an online relationship with a young person and tricks or pressures him/ her into doing sexual act.
Online Sextortion	Online Sextortion occurs when someone threatens to distribute private and sensitive material using an electronic medium if he/ she doesn't provide images of a sexual nature, sexual favours, or money.
Sexting	Sexting is an act of sending sexually explicit digital images, videos, text messages, or emails, usually by cell phone.
Impersonation and identity theft	Impersonation and identity theft is an act of fraudulently or dishonestly making use of the electronic signature, password or any other unique identification feature of any other person.
Cyber Trolling	Trolling, as described earlier, is when a user purposely tries to upset people by posting offensive messages online.
Cyber Flaming	Flaming is when Internet users send each other offensive messages due to a heated argument or debate. Flaming is common because people often debate on the internet. These debates range from anything such as politics to religion.
Cyber Eve teasing	The making of unwanted sexual remarks or advances by a man to a woman in Internet

The empirical research studies conducted by different researchers in India on the topic cyber crime on women is very less as it is an emerging area and the type of cyber crimes have started increasing in recent times. So few of the conceptual and empirical studies conducted on cyber crime on women are listed below to develop a conceptual understanding on cyber crime against women and its impact.

Sunil Kumar *et.al.*, (2020), in their research article on “Cybercrimes against women in Delhi: An analytical Study”, analyzed the cases of cybercrimes in Delhi statistically and drawn appropriate recommendations to Delhi police and crime branch. They analyzed NCRB report 2018 and found that Women are still victims of different forms of cyber-crimes and their number also keep increasing. They recommended that there should be workshops in colleges, schools and university related to cyber networking, cyber-crimes so that students would get know what exactly these crimes are and how to protect from such cases.

Mayura U. Pawar, Archana Sakure (2019), in their article on Cyberspace and Women: A Research, discussed the major reasons for the growth of cyber violence against women in the arena of cyber socialisation. According to them, the constant increment in cyber violence against females are because of Easily available information of the victims, ignorance and carelessness of users, Hiding one's real identity under fake profiles, Torpid reaction of social networking websites and Lack of adequate laws, statutes and legal provisions. The paper discussed the substances of every type of offence, analyse the relevant laws and highlight the cases and

their judgements on this matter. They also analyzed the gaps between cybercrimes against women and the laws made to protect them. The research finally concluded that to combat cyber violence against women in India, not only severe legislative changes are required but also awareness is needed on the large scale. These reforms can not be brought by just a group of people, rather several institutions like NGOs, women assistance cells as well as the government need to join hands to bring them in to action.

The International Center for Research on Women (ICRW) (2019) conducted a research study on the Technology-facilitated gender-based violence: What is it, and how do we measure it? in partnership with the World Bank and has developed a conceptual framework that allows to visualise the scope of cyber violence and hate speech at a glance focusing on both hate speech and online sexual harassment including cyberbullying, cyberstalking, gender-based hate speech, image-based sexual exploitation (...), and rape threats". They define technology-facilitated gender-based violence (GBV) as "Action by one or more people that harms others based on their sexual or gender identity or by enforcing harmful gender norms. This action is carried out using the internet and/or mobile technology and includes stalking, bullying, sex-based harassment, defamation, hate speech, exploitation and gendertrolling." (Hinson, Mueller, O'Brien-Milne, & Wandera, 2018). According to the report despite the increasing prevalence and harmful effects of technology-facilitated GBV, there is limited research on how to best assess or measure it, much less prevent it (Backe *et al.*, 2018). With standard measures and better data, we can leverage resources to prevent it and support those who experience it..They also developed a conceptual model for measuring the GBV. They analyzed the physical, psychological, social, functional and economic impact of motivation, intent and behavior of perpetrator on victims and their varied coping behaviors. According to the report, without first acknowledging the full range of gender-based violence enacted online or via technology, we will be unsuccessful at preventing it and effectively supporting those who experience it.

Komal Bankar *et al.*, (2018) in their article on "Cyber security and women safety application" proposed an application for protecting the women from cyber crimes. According to them, to safe guard the women against cyber crimes women safety application is one of the good options. They proposed to develop an application which will be designed keeping in mind the concept of personal safety, device safety and awareness of cyber security. It will incorporate all the essential features such as GPS tracking, emergency contact numbers, directions to safe locations, fake application and link detection,etc.

Dr. Monika Jain (2017), in her article on "Victimization of women beneath cyberspace in Indian upbringing", analyzed the various types of cyber crimes against women. She also analyzed the impact of cyber crime. She explained that privacy and personal security of the individual are under threat with this growing

issue of cybercrime in the cyberspace. The article also explains the role of cyber laws in the Indian context in protecting the women against cyber crime.

Tanaya Saha(2014) *et al.*, in their article on Indian Women at Risk in the Cyber Space - A Conceptual Model of Reasons of Victimization discussed the reason for victimization of women in the cyber space as Globalization, Women's' Identity Crises and Emotional Exploitation: Psychological reasons, Computer Knowledge: Partial computer illiteracy, Sociological Perspective: Nurturing practices and the patriarchal Indian society and the last reason is gap between law and technological advancements. But the model is not empirically tested and validated.

The above literature reviews indicates that only few research studies are conducted on cyber crime against women and there is enormous scope for exploring the possible cyber crimes on women and the level of awareness of women about cyber crime and their preparedness.

OBJECTIVES OF THE STUDY

- ▶ To understand the various cyber crimes against women in the cyber space
- ▶ To identify the level of awareness of women in Coimbatore, Tamil Nadu about the threats in cyber space and their understanding about precautions to be taken in the usage of cyber space
- ▶ To know about the extent of awareness of women about the legal protection against cyber crime available to them

RESEARCH DESIGN AND METHODOLOGY

The nature of study is empirical which is verifiable with evidence. Quantitative data is collected from College students and working women using a structured questionnaire through Google forms. The secondary data is collected from NCRB websites. Google forms are circulated to about 200 women and 186 women have filled the forms completely. Convenience sampling is adopted to select the sample size. The collected data is analyzed using Simple percentage analysis, Multiple response analysis and Chi-square analysis.

ANALYSIS AND MAJOR FINDINGS

DEMOGRAPHIC PROFILE OF THE RESPONDENTS

Age of the Respondents

AGE	Number of Respondents	Percentage	Cumulative percentage
18-22 Years	95	51.1	51.1
23-25 years	53	28.5	79.6
26-30 Years	11	5.9	85.5
above 30 years	27	14.5	100.0

From the above table we can infer that, about 51.1 percent of respondents were in the age group of 18-22 years and 28.5 percent of respondents are in the age group of 23-25, 5.9 percent are between 26-30 years and 14.5 percent are above 30 years of age. It can be concluded that about 50 percent of respondents are in the age group of 18-22 years. (Mostly data filled by college students)

Marital Status

Marital Status	Number of Respondents	Percentage	Cumulative percentage
Single	144	77.4	77.4
Married	42	22.6	100.0
Total	186	100.0	

From the above table in can be observed that about 77 percent of respondents are single and 22.6 percent of respondents are married. Hence it can be concluded that about 77.4 percent of respondents are single and college students.

Occupation

The respondents are asked about their occupation. The responses are tabulated below.

	Number of Respondents	Percentage	Cumulative percentage
Student	143	76.9	76.9
Self Employed	14	7.5	84.4
Professional	19	10.2	94.6
Others – Social Worker, Family business	10	5.4	100.0

From the above table it is observed that about 76.9 percent of respondents are students, 7.5 percent are self-employed, 10.2 percent are professional and 5.4 percent are others including social workers, family business. It can be concluded that about 76.9 percent of respondents are student and the result is consistent with age and marital status.

Place of Residence

The respondents are asked to give their place of residence whether they reside in village, small town, large town or mega city. The cyber crime and place of residence may have some relationship. That is the reason that this data is being collected from the respondents. The results are shown in the following table.

Place of Residence	Number of Respondents	Percentage	Cumulative percentage
Village	27	14.5	14.5
Small town	65	34.9	49.5
Large town	61	32.8	82.3
Mega City	33	17.7	100.0

From the above table it can be observed that 14.5 percent of respondents dwell in village, 34.9 percent from small town, 32.8 percent of from large town and 17.7

percent from mega city. It can be concluded that about 34.9 percent of respondents are from small town.

Educational Qualification

The respondents are asked to give their educational qualification, because educational qualification may have an impact on cyber crime awareness. The results of the analysis is given below:

Educational Qualification	Number of Respondents	Percentage	Cumulative percentage
Under Graduate	23	12.4	12.4
Post Graduate	158	84.9	97.3
Others	5	2.7	100.0
Total	186	100.0	

From the above table, it can be observed that 12.4 percent of respondents are under graduates and 84.9 percent of respondents are post graduates and 2.7 percent are others – schooling, diploma etc., It can be concluded that about 84.9 percent of the women respondents are Post Graduates.

RESPONDENTS' USAGE PATTERN OF INTERNET

Respondents are asked to give their usage pattern of internet. Questions like how do they access internet, why do they use, how much time they spent on social media are asked and the results are given below. The first two questions are multiple response questions where respondents are asked to give more than one answer. The results of the analysis are given below.

How do you access Internet?

The respondents are asked how they access internet using multiple response options. The results are given below in the table.

Sno	Device	Number of Respondents (186)	Percentage	Percent of Cases
1	Mobile Phone	185	45	99.5
2	Laptop	148	36	79.6
3	PC	42	10	22.6
4	Tablet	33	8	17.7
5	Cyber Cafe	3	1	1.6
	Total	411	100	

From the above chart it can be observed that about 99.5 percent of cases access internet through mobile phone, 79.6 percent of access it through laptop, 22.6 percent of cases through PC, 17.7 percent of cases through tablet and 1.6 percent of cases access it from cyber café (Computer centre). It can be concluded that about 99.5 percent of cases access internet through mobile phones.

Purpose for which you are using Internet

The respondents are asked about the purposes for which they are using Internet. They are allowed to choose multiple responses.

S.No	Device	Number of Respondents (186)	Percentage	Percent of Cases
1	Social Media	170	17	91.4
2	Banking	126	13	67.7
3	Entertainment	151	15	81.2
4	Education	170	17	91.4
5	Email	163	16	87.6
6	Online Shopping	146	15	78.5
7	Professional Work	71	7	38.2
8	Infotainment/Online Class	3	0	1.5

The above table indicates that 91.4 percent use internet to access social media platforms, 67.7 percent use it for doing online banking, 81.2 percent use it for entertainment, 91.4 percent for education, 87.6 percent for email, 78.5 percent use it for online shopping, 38.2 percent for professional work, other 0.5 percent use it for infotainment (combination of information and entertainment), online class and online business.

Number of hours spent on Social Media

The respondents are asked how many hours they spent on Social Media each day. The results are given in the following table.

S.No.	No of hours spent on social media	Number of Respondents	Percentage	Cumulative Percentage
1	0-2 hours	34	18.3	18.3
2	2-4 hours	56	30.1	48.4
3	4-6 hours	62	33.3	81.7
4	6-8 hours	26	14	95.7
5	>8 hours	8	4.3	100
	Total	186	100	18.3

The above table shows that about 18.3 percent spend 0-2 hours per day, 30.1 percent for 2-4 hours, 33.3 percent for about 4-6 hours, 14 percent for 6-8 hours and for above 8 hours. It is concluded that about 33.3 percent spend 4-6 hours per day in social media platforms. So it indicates that they are more vulnerable for lot of crimes in the cyber space.

AWARENESS ABOUT CYBER CRIME

The respondents are asked to give their awareness on various cyber crime. The following table summarizes the awareness of different cyber crime among the respondents.

Cyber Crime	Fully Aware	Aware	Moderately Aware	Slightly Aware	Not at all aware
Cyber Bullying	20	72	39	31	24
Cyber Stalking	14	63	41	42	26
Cyber Grooming	7	45	48	49	37
Impersonation and identity theft	19	56	47	36	28
Cyber Eve teasing	15	57	39	51	24
Cyber Trolling	17	53	45	46	25

From the above table it is clear that about 50-60 percent of respondents are either fully aware or aware of the different cyber crime but about 40-50 percent is either moderately aware to not at all aware. Hence creating awareness among women about cyber crime is very important

Cyber Security Practices

The respondents are asked about their cyber security practices and the results are given below.

Cyber Security Practices	Never	Rarely	Sometimes	Often	Always
Reading privacy policy or terms of use before installing/using any app/web site	25	47	61	28	25
When selling your mobile phone do you reset the factory settings	27	23	16	21	99
When giving your mobile phone for repair do you reset the factory settings	47	26	31	19	63

The above table shows the respondents opinion on cyber security practices. About 53 respondents read the privacy policy or terms of use before installing/using any app/website but 61 respondents said they will read sometimes, 47 read rarely and 25 said they will never read. When selling the mobile phone about 99 respondents said they will always reset the factory settings, but 21 do often, 16 sometimes, 23 rarely and 27 never reset their mobile phone before selling the same. About 63 people reset the factory settings before giving mobile phone for repair, 19 often, 31 sometimes, 26 rarely and 47 never do factory settings. The cyber security practices of the respondents indicate that still lot of awareness is required among women internet users in the safety usage of Internet.

Cyber Insecure Practices

Question	Never	Rarely	Sometimes	Often	Always
Do you share personal photos, videos outside your group	123	40	15	8	0
Do you share details of your bank account/credit card details with a stranger or a website	160	11	11	3	1

About 123 people out of 186 said they will not share personal photos, videos outside their group. That is good to know that most of the respondents are sharing their photos, videos among their groups only. But about 40 people said they will

share rarely and 15 said sometimes and 8 said they share often. The women may do this without the awareness about the possibility of morphing the photographs in Internet. For the question whether do you share bank or credit card details with stranger or a website, about 160 about of 186 said never, whereas 11 said rarely they will share and 11 sometimes, 3 often and 1 always. Again few respondents don't have the awareness that they should not share bank/credit card details to strangers. The analysis of cyber insecure practices indicates that women users have to taught regarding the proper usage of Internet.

Awareness about Cyber Security Features and Protection Laws

Question	Fully Aware	Aware	Moderately Aware	Slightly Aware	Not at all aware
Are you aware about security features available on social networking sites and the process of reporting	12	53	48	56	17
Are you aware that Privacy is a Fundamental Right?	37	57	45	39	8
Are you aware of Information Technology (IT) Act, 2000?	13	44	52	46	31
Are you aware about cyber crime reporting website launched by Ministry of Home affairs, Govt. of India?	10	40	57	48	31

The above table indicates that only 12 out of 186 respondents are fully aware about security features available in SNS and 53 aware, 48 moderately aware, 56 slightly aware and 17 not at all aware. Regarding the awareness about privacy is the fundamental right, 37 fully aware, 57 aware, 45 moderately aware, 39 slightly aware and 8 not at all aware. About 13 people fully aware, 44 aware, 52 moderately aware, 46 slightly aware and 31 not at all aware of Information Technology Act 2000. About 10 people fully aware, 40 aware, 57 moderately aware, 48 slightly aware and 31 not at all aware of Cyber crime reporting portal launched by Ministry of Home Affairs, Government of India. The analysis reveals that still women users are not fully aware about the cyber security features available in social media and also the legal provisions available. Initiatives have to be taken by the government to create awareness about the IT act and Cyber Security Reporting Website among women internet users.

CHI-SQUARE– DEMOGRAPHIC PROFILE OF RESPONDENTS AND CYBER SECURITY AWARENESS

In order to find whether the demographic profile of the women respondents have any relationship with the cyber security awareness, chi-square test is applied and the results are given below.

Demographic Profile	Chi-Square Value	P-value	Result
Age	12.897	0.045	Significant
Marital Status	1.816	0.403	Not Significant
Occupation	12.198	0.044	Significant
Place of Residence	11.916	0.064	Not Significant

The above table indicates that the demographic variables like age and occupation are having a relationship with the respondents' awareness regarding cyber crime, whereas marital status and place of residence is not having any relationship with the awareness level of cyber crime among women internet users.

CONCLUSION

Cyber crime and security awareness in women is found less and still there are many women who are not very much aware of the cyber crimes and security opportunities available to them. The awareness has to be created among the women of the entire age category both by the government and NGOs. Cyber crime is increasing day by day and in today's context we can't stay away from internet. Hence the women being most vulnerable to cyber crime should give importance to understanding the various cyber crime and also the various security options available to them against Cyber Crime and use them effectively as and when required.

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A REASSESSMENT OF THE NARADA SMRITI WITH REFERENCE TO THE LACK OF ASCERTAINMENT OF THE OPTIMUM SCALE OF JUDICIAL MACHINERY

Dr. Ravindhar Vadapalli*

ABSTRACT

Naradasmriti has earned acceptance not only in Indian Subcontinent, but also in Southeast Asia. During Champa Empire of Jaya Harivarman 12th-century, now known as Vietnam, has affirmed that its court officials have earned expertise in all Dharmasastras, especially Naradiya and Bhargaviya. Narada abridged ninth chapter of Manu's Code which was designed as matrika or vyavahara-matrika which means "summary of proceedings at law or general rules of procedure. Pontius of Carthage also mentioned Narada Smriti and its socio-legal applications and injunctions at Carthage. Adequacy of legal infrastructure as a ratio to the population of the country is one of the vital factor in determining the efficiency of the country's Judiciary. The fundamental flaw in Naradasmriti which does not suggest or provide any formula to ascertain optimum level of legal infrastructure for a given population has shown an adverse impact on the next generation legal infrastructure system of Hindu Countries Such as India or in countries wherever Narada Smriti was followed. This paper made an attempt of Reassessment of the Narada Smriti with reference to the lack of ascertainment of optimum scale of Judicial Machinery.

Keywords: Narada Smriti, legal infrastructure, optimum scale, Judicial Machinery, Pontius, Carthage, Champa Kingdom

INTRODUCTION

Smriti means "what is remembered, represent what was recorded by the Sages in their own words of what they heard from the Deity. With smritis, a systematic study and teaching of Vedas started. Many Sages, from time to time, have written down the concepts given in Vedas. In other words, Smritis are a written memoir of the knowledge of the sages.

NARADA SMRITI

Immediately after Vedic period, a need for the regulation of the society arose. The Narada Smriti (4th Century A.D.) and Brihaspati Smriti which deal largely with legal subjects. Narada smriti recognized the power of the kings to make laws without going beyond the injunctions of vedas. Narada was from Nepal and this smriti is well preserved and its complete text is available. Narada Smriti gave paramountcy to custom even overriding sacred laws. This smriti was liberal in dealing with women in Hindus.

* Professor of Fintech, Finance and Blockchain, Presidency University, Yelahanka
Email ID : vadapalli.ravindhar@presidency.edu.in

Narada Smriti is the only Smriti that does not deal with religion and morality at all but concentrates only on civil law. This Smriti is very logical and precise. Basis of Narada Smrithi are Manusmrithi and Yajnavalka Smrithi but differ on many points due to changes in social and civil structure from time to time. Narada also gives lot of importance to customs.

VIVADA ARNAVA SETHU

Warren Hastings (1772–1785), during his time for facilitating the administration of justice a Code of Hindu Law was prepared in Sanskrit language by ten learned pundits. It was called Vivada Arnav Sethu (Bridge over the ocean of litigation) and was completed between, 1773 and 1775. This was translated into Parisian language from which an English Version was prepared by Halheid known as Halheid's Gentoo Code.

VIVADA BHANGARNAVA

During the Governor-Generalship of Lord Cornwallis, Sir William Jones, a great linguist, a judge of the Calcutta Supreme Court undertook the translation of the sacred laws of Hindus.

In 1794 he translated the ordinances of Manu. Under his direction Jagannadha Tharka Panchanan (Jagannadha, the lion of dialectics) prepared a digest of Smriti writings called Vivada Bhangarnava (Ocean of solved legal problems). Jones intended to translate this work, but died before he could do so. The translation was made by Colebrooke. It was very useful to the British in the early stages of the administration of justice in India. The British Judges were assisted in the administration of justice by native pundits, who gave their opinions on the Dharma Sastra Law applicable to Hindus. This system was abolished in 1864 as the English Judges felt that they could administer the native laws without the assistance of pundits.

ACCEPTANCE OF NARADASMRTI

Naradasmriti has earned acceptance not only in Indian Subcontinent, but also in Southeast Asia. During Champa Empire of Jaya Harivarman 12th-century, now known as Vietnam, has affirmed that its court officials have earned expertise in all Dharmasastras, especially Naradiya and Bhargaviya. Narada abridged ninth chapter of Manu's Code which was designed as matrika or vyavahara-matrika which means "summary of proceedings at law or general rules of procedure.

SPREAD OF NARADA SMRITI TO CARTHAGE

Narada Smrithi, enlisted in its ninth chapter the general rules of procedure and legal remedies seeking basic needs such as food, shelter and safety from the king in times of emergency situations such as Pandemic, Epidemic, Famine, etc. Narada

Smriti was composed in around 200 AD. Post 200 AD many rulers have applied the general rules of procedures as specified under Narada Smriti. The same even spread to Roman Empire a part from South East Asia. In

Roman Empire a Pandemic afflicted from AD 249 to 262, that time The Plague of Cyprian caused widespread manpower loss and food production loss. This severely weakened the empire during the crisis of the third century. In 250 AD to 262 AD nearly 5000 people a day were dying in Rome. Cyprian's biographer and saint Pontius of Carthage wrote about the plague at Carthage. Pontius of Carthage also mentioned Narada Smriti and its socio-legal applications and injunctions at Carthage. (In Carthaginian Civilization, Carthage was the capital city situated on the eastern part of Lake Tunis, now Tunisia).

HEALTH AND SAFETY RIGHTS DURING CHAMPA EMPIRE

During Champa Empire of Jaya Harivarman 12th-century, now known as Vietnam, Narada Smriti was applied particularly general rules of procedure in Socio-legal applications and injunctions of Narada Smriti in the cases of general public health, epidemics, pandemics and deprivation basic food, safety and living, thus ensuring social welfare of its citizens. Narada Smriti mentions legal remedies for the violation of rights given to the citizens, Jaya Harvarman in 12th century gave the following health and safety rights to his citizens who are living in his kingdom.

1. Right to Safety
2. Right to Personal Health Information
3. Right to Treatment Choice
4. Right to Basic Health Education
5. Right to seek Medical Redressal
6. Right to be Heard / Right to Representation

Champa Empire of Jaya Harivarman entrusted the following health and safety responsibilities in exchange of the above rights, no right is given without attaching corresponding responsibilities.

1. Be health conscious
2. Beware of misleading health remedies
3. Responsibility to check or inspect the health remedy
4. Responsibility to keep Proof of medical treatment
5. People should be aware of their medical and health rights in using public health facilities
6. Complaint for genuine grievances for ill-treatment
7. Proper use of medicine as per Doctor's Prescription

THE SIZE OF JUDICIAL MACHINERY

King Jaya Hari Varman administered public health of his kingdom very efficiently by adopting legal remedies under Narada Smriti in cases of any violation of the above-mentioned rights and wrong discharge of responsibilities. But The Judicial machinery of King Jaya Hari Varman was very small with a few number of courts which was not sufficient given the number of people in the country. Though Narada Smriti was adopted, rights, responsibilities of its citizens were incorporated in the charter, due to a small sized judicial machinery given the size of the country justice could not be delivered due to heavy workload in the courts which resulted in poor performance of the Judicial Machinery in Champa Empire of Jaya Harivarman.

Pandemics, Epidemics in Correlation to the Size of Judicial Machinery During Champa Empire.

During Champa Empire when epidemics broke out between 1810 and 1821, like influenza, plague, tuberculosis and malaria, people could not get their living rights and judicial machinery was inadequate to provide legal remedy and thereby people lost fear of punishment which resulted in high rate of crime against people especially during epidemics or pandemics. People expect sovereign protection through appropriate judicial machinery for their health by the king or ruler of the country. Champa Empire could not provide any such protection or any such legal remedy to its own citizens on account of poor or negligible size of the Judicial Machinery.

IN-APPROPRIATE SIZE OF JUDICIAL MACHINERY IN CARTHAGE

Cyprian's biographer and saint Pontius of Carthage upheld the importance of Size and Scale of Judicial Machinery, as in Roman Empire though partial and tacit adoption of Narada Smriti took place, the size and scale of Judicial Machinery was ignored completely and only centralized courts were empowered to provide legal remedies and award of punishments. When the pandemic of 'The Plague of Cyprian' broke out, Judicial Machinery failed to provide any protection to the common people of Carthage.

Fallacy of Vivada Arnava Sethu, Vivada Bhangarnava and Narada Smriti with reference to the size of Judicial Machinery

Vivada Arnava Sethu (Bridge over the ocean of litigation) and Vivada Bhangarnava (Ocean of solved legal problems) or Narada Smriti, these writings are fundamentally flawed as they did not come out with any logical direct formula of Population to Courts Ratio or Population to Judicial Machinery Ratio. It is thus a mistaken belief that Narada Smriti adoption provided a complete legal structure to various Kingdoms or/and Countries.

JUDGES TO PEOPLE RATIO IN MODERN INDIA

As on February 06, 2019 There are 20 judges per 10 lakh people in India as compared to 17 in 2014. Optimum sizing problem or scale of operation at an optimum scale in Judicial Machinery is an age-old problem, Narada Smriti which focused on legal side of functioning did not address the scale of operation of courts given the number of population. The same lacuna in Narada Smriti Continued to replicate in Champa Empire, Roman Empire and to the Current Modern India.

DHARMASUTRAS INDICATING SCALE OF OPERATION OF JUDICIAL MACHINERY

The Dharmasutras were written during 800 to 200 BC. They were mostly written in prose form but also certain verses. It is clear that they were meant to be training manuals of sages for teaching students. Some Important Sages whose dharma sutras are known are: Gautama, Baudhayan, Apastamba, Harita, Vashistha, and Vishnu. They explain the duties of men in various relationship. They do not pretend to be anything other than the work of mortals based on the teaching of vedas, and the legal decisions given by those who were acquainted with vedas and local customs. Only Gautama out of top six sages (Gautama, Baudhayan, Apastamba, Harita, Vashistha, and Vishnu), who belonged to Samveda School and deals exclusively with legal and religious matter, mentioned about adequacy of legal infrastructure and it is the duty of the King to provide adequate legal infrastructure, but did not specify any formula or logic or guideline for ascertaining optimum legal infrastructure, this resulted in the manipulation of optimum legal infrastructure by Kings and Ministers in the Kingdom. The same kind of manipulation scale of legal infrastructure by the governments continued till today not only in India but in many countries.

STRESS TRIGGERED BY PANDEMICS ON THE LEGAL INFRASTRUCTURE

People in times of Pandemics demand and rely more on the legal remedies for protecting their lives against wrong-treatment by health authorities and government officials. This causes heavy stress on the legal system and exposes structural weaknesses particularly poor legal infrastructure in terms of ratio of courts and judges to the people in the country.

CONCLUSION

Adequacy of legal infrastructure as a ratio to the population of the country is one of the vital factors in determining the efficiency of the country's Judiciary. The fundamental flaw in Naradasmriti which does not suggest or provide any formula to ascertain optimum level of legal infrastructure for a given population has shown an adverse impact on the next generation legal infrastructure system of Hindu

Countries Such as India or in countries wherever Narada Smriti was followed. This paper is an outcome of exhaustive research conducted on the reassessment of the Narada Smriti.

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TEACHING CASE:

ROLE OF COMPETITION LAW IN MERGER ACTIVITY: RATHOD'S QUANDARY

Pardhasaradhi Madasu*

Nagendra Marisetty**

BACKGROUND:

Vikram Rathod (VR), who has just returned from the board room meeting, was trying to get some fresh air by opening the glass windows of his office cabin. VR is exhausted concerning physical energies but is very active concerning thoughts in the mind. His thoughts are strengthening around the points that have come up for discussion during the board meeting. Till the day, VR felt that valuations and tax issues alone would be major points of discussion in the case of a corporate restructuring decision such as a merger or acquisition. Being predominantly from a finance background and a specialist in investment banking, he was more into spreadsheet modelling and corporate valuations. In his previous job as an intern, he worked on a minor project where he was majorly called in for his advice on financials and valuations. As of now, in his new role as an associate to Vice-President at Downtown Agrochemical Products Ltd (DAPL), [i] he must understand and work on many dimensions of mergers and acquisitions, including legal issues also.

ABOUT VR AND OVERVIEW OF MERGER DEAL

VR is a 31-year-old finance specialist who got his master's from one of the premier B-Schools in London. After graduation, he joined one of the Big-Four audit firms and worked in Singapore for two years. Later on, he migrated to India as the situation warranted him to stay with his parents. In this backdrop, recently, he decided to move across the job roles and domains and took a major step by joining as an associate to VP (Finance) at DAPL. This is his fourth month of working, and he is very much involved in the merger talks of DAPL. VR, along with the senior team of members, is working on merger-deal finalization. DAPL's top management took VR on Board such that his expertise is useful in valuations.

DAPL is a 70-year-old listed company that has made a respectable name as a crop-protection company and has a strong presence in agrochemicals (such as Insecticides, Fungicides, and Herbicides). DAPL is in the preliminary stage of a merger proposal with another well-established agrochemical company, *Uptown Agriculture Products Limited (UAPL)*. The speciality products of UAPL include

* Associate Professor (Finance Area), Siva Sivani Institute of Management (SSIM Secunderabad, India, Email: mpardhasaradhi@ssim.ac.in

** Faculty, Reva Business School (RBS), Reva University, Bangalore, Email: nagendra.marisetty@gmail.com

Insecticides, Seeds, Packaging, and Industrial Polymers. DAPL (acquirer company) is keen to acquire UAPL (the target company) such that the product range of both companies complements each other and the merged entity has a dominance. Either of the parties to the merger does not have a shareholding in each other's company. DAPL and UAPL are the two major players in the segment, and other players have insignificant market shares. DAPL and UAPL serve similar markets with different product offerings, and the product range does not overlap to a major extent. Before the merger, both companies compete for market share only in the case of insecticides product sales.

The all-stock-merger between DAPL and UAPL is considered the mega-merger in the field of the chemical industry. The combined, merged unit would be referred to as *Indian Agriculture Products Ltd. (IAPL)* and is expected to be a highly focused business entity in the space of agriculture and speciality chemicals. Even before the approval from the respective Boards, the proposed deal got a lot of media attention, and the press reported that both the companies were contemplating signing a definitive agreement by the end of nine months from now.

Legal experts of both companies are preparing a checklist of various compliance documents to be filed. At one point in time, VR heard the legal experts deliberating on compliance with merger control guidelines and deciding between Form 1 (shorter form) or Form II (longer form to notify the merger proposal). The legal experts were also working on the combined market share after the merger. In this process, at many meetings, VR also heard legal experts referring to some jurisdictional thresholds of assets and turnovers that may make the present merger deal a subject matter of 'Combination Regulations.' [ii] The legal experts stated that due to the combined asset base and turnovers of UAPL and DAPL, the merger would be the subject of CCI's approval. VR also observed that the legal experts were referring to some sort of litmus test being passed such that the proposed merger happens.

When everything was looking good and vibrant, few media news articles started to report the possibility of the DAPL and UAPL deal missing the bus because it may be under the scanner of CCI due principle of '*Appreciable Adverse Effect on Competition (AAEC)*'. The media houses started to report various interesting issues related to these kinds of mergers. Issues such as identifying relevant markets during a merger and the major points that are considered to determine relevant products and relevant geographic markets were discussed. One of the news articles stated that had the horizontal merger proposed was between few small players in the segment, it would have been considered beneficial to the markets. But because the present merger is between equal and major players in the market, it may have some anti-competitive effect on the customer's choice.

Out of many favourable news articles, the reference of CCI and its scrutiny did not get the attention of everyone, but these undesirable remarks caught the

attention of VR and few senior team members. This is the starting point of the present dilemma of VR. He is all set to understand the implication of competition law and merger control regulations in the Indian context. VR being more of a finance person, wanted to seek some help from legal experts to understand this. He has two major questions to be answered for himself. The first being, application of jurisdictional thresholds, and the second is the practicality of AAEC. VR feels that once he understands the finer points of competition regulations, he would be better positioned to assist his boss VP (Finance) in the merger deal negotiation.

VR'S PRELIMINARY UNDERSTANDING OF MERGER CONTROL GUIDELINES

Being from the core finance and investment domain, VR wanted to understand the legal and accounting issues relating to M & As. VR's interest in getting more information on the competition angle of M & As is not only in light of the present merger but also relates to VR's future career plans of moving up in the hierarchical ladder. After joining DAPL, he understood that the company's growth strategy is more into inorganic growth. VR is already well-versed with valuations, and even if he gets a helicopter view of the legal and accounting issues, he will be considered more worthy for the next job role. During his college days, he was exposed to one module of corporate law wherein he got to know few interesting aspects like pre- and post-market share, market power, and Herfindahl-Hirschman Index (HHI). VR also knew that majority of the merger control regimes focus on horizontal mergers. [iii] Being educated in London, he was exposed to a bit of European competition law. [iv] Now, he has to get into the zone of understanding the competition law and merger control regulations in the Indian context.

Quick internet research by VR has yielded a lot of information on the required topic. The finer points that made way into the scribbling pad of VR were that the merger control regulations are a way of reviewing M&A under the competition law. The majority of the nations around the world have merger or combinations control regimes in place. One of the interesting aspects that got the attention of the VR is that almost all the merger control regimes are ex-ante in nature. [v] The litmus test to pass the merger control scrutiny is to find a non-affirmative answer to the questions such as a) does the present merger or acquisition impede effective competition? or b) does the merger or acquisition lead to change in the market structure, wherein the number of competitors declines? or c) does the merged entity become so dominant that other minor players may find it difficult to survive in the market?

VR understood that the Indian version of regulations relating to combinations came into force from the 1st of June, 2011. [vi] The primary legislation that regulates the combinations is the Competition Act, 2002. Further, from time to time, the Ministry of Corporate Affairs (MCA), GOI, issues regulations about the control of combinations. CCI follows a suspensory regime in the case of regulating

combinations. [vii] To gain some hands-on experience on the finer points, VR has decided to study some relevant case laws relating to the regulation of combinations. The time and efforts of VR are being directed towards the understanding application of merger control regulations in different situations. Let's wish and hope the efforts of VR in this direction make him more information and be ready for the next round of meetings with required clarifications.

- [i] Character and the business entities referred to in this case are fictional.
- [ii] The combination regulations worldwide follow the simple rule of not reviewing every M&A. it is not feasible and advisable to review all the corporate restructurings; hence basic thresholds are notified. The M&As which have assets and turnovers above this threshold limit is expected to notify the proposal to competition authority. Generally, the thresholds are applied both at the individual enterprise level as well as group level. Assets and turnovers in India and abroad are also considered. The value of the assets is determined by aggregating the book-values of the assets as per the audited books of accounts of the enterprises in the previous FY immediately preceding the FY in which the date of the proposed merger is expected to happen.
- [iii] Horizontal mergers refer to combining two business entities at the same level of production or distribution in the relevant market. Horizontal mergers are generally contemplated to either explore cost-based or revenue-based synergies.
- [iv] The law relating to regulating the combinations in European Union is embedded in The European Community Merger Regulations (ECMR) 2004.
- [v] Ex-ante in nature implies that the merger control authority is required to assess and approve the merger or acquisition even before it takes place. Few competition regulators such as CCI also provide pre-filing consultation to the parties. CCI provides Pre-filing consultation on substantive issues as well as interpretational issues. In the case of a merger, all the parties are jointly required to file the notification.
- [vi] Combinations include mergers, acquisitions, and amalgamations.
- [vii] In the case of a suspensory regime, the parties cannot go forward with the notifiable merger or acquisition, or amalgamation until CCI receives approval.

‘The evidence will show that companies like Microsoft and Intel that develop complementary products must talk to each other on a routine basis – to prevent the creation of technical incompatibilities that adversely affect consumers.’

– MS trial attorney John Warden, Day Two

TEACHING NOTE

SYNOPSIS

Let it be Mergers & Acquisitions or any kind of corporate restructuring activity, many times the management graduates are made to understand the financial, taxation, operational, HR and strategic perspectives. Rarely is seen that management students are given guidance concerning Competition Law or provisions of Companies Law. Even the management case studies and research endeavours on these topics is minimal. The present case is aimed at sensitizing the participants in case discussion on issues relating to the role of competition law in corporate restructuring. The case provides a bird's eye view of the major provisions of Indian competition

law concerning the M&A. The teaching case uses the experiences encountered by Vikram Rathod (VR) as the basis to peep into the major issues of competition law regulations. For the teaching case, two notional (non-existent) companies *Downtown Agrochemical Products Ltd (DAPL)* and *Uptown Agriculture Products Limited (UAPL)* are assumed to be going through a merger deal.

PRE-READ AND ASSIGNMENT QUESTIONS –

Before taking up the case for discussion in the classroom environment, it is better to make the participants prepare notes on the following points:

1. Merger & Acquisition (Combinations) Process
2. Due Diligence procedures in M&A
3. Origin of Competition or Anti-Trust Laws
4. Evolution from MRTP Act 1969 to Competition Act 2002
5. Herfindahl–Hirschman Index (HHI)
6. The difference in impact on competition due to horizontal and vertical mergers
7. Meaning of Unilateral and Co-ordinated effects in horizontal mergers.

Learning Objectives: *After working through the case and assignment questions the participants in the case discussion will be able to:*

- LO1** – *Understand that the deals of corporate restructuring are complex and involves not only financial details but also many legal issues.*
- LO2** – *Elaborate on the evolution of antitrust and competition laws (especially in India).*
- LO3** – *Explain the consequences of not regulating the combinations (M&As).*
- LO4** – *Discuss the steps involved in getting approval from the Competition Commission of India.*
- LO5** – *Elaborate on how Appreciable Adverse Effect on Trade-Related Competition in relevant markets is determined (AAEC).*

TARGET AUDIENCE

Participants of undergraduate courses or participants in the introductory (101 topics) courses of PGDM programs are the target audience for this case. Students who are new to legal issues in corporate action would benefit from the participation in the discussion of this case study. On the other hand, students who are pursuing Strategic Financial Management with a focus on M&As could also be exposed to this case, for providing a glimpse of legal issues while finalizing the M&A deals.

TEACHING PLAN

The case discussion and the attainment of the learning objectives could take 90-minutes of class time. The preparation for the case could consume approximately 120 minutes of library time. The time allotment for the classroom discussion may be as follows:

Listing out the case facts.	5 Minutes
Discussing the role of compliance to Competition Law provisions during combinations (M&As) in general and specifically in the case of DAPL and UAPL.	10 Minutes
Introducing AAEC.	10 Minutes
Introducing relevant markets.	10 Minutes
Introducing HHI.	10 Minutes
Encouraging participants discussion on the issues involved in DAPL and UAPL proposed merger.	30 Minutes
Conclusion	15 Minutes

OPENING THE CASE

The case could be opened with an leading question such as ‘Are the worries of Vikram Rathod justified?’ This question could lead the class to few divergent views from participants. The facilitator could make the class notice that complex processes such a corporate restructuring (M&As) certainly do involve some sort of hurdles and frictions till the deal is fully closed. At this point, it would be useful to pose a question for seeking the participant’s opinion on equally important should be given or not in an M&A deal for both financial valuations and legal compliance. Based on the answer to the given question the facilitator of the case could take the case discussion as per the time plan allotted for the case. Depending on the progress of the class the facilitator could introduce and let the participants deliberate on the following questions:

CASE QUESTIONS (CQS)

- CQ1** – What was the concerns of the VR concerning the DAPL and UAPL deal?
- CQ2** – How do horizontal and vertical mergers differ?
- CQ3** – Why do horizontal mergers tend to reduce competition or create a situation similar to monopoly?
- CQ4** – How is the market share of any firm determined?
- CQ5** – What is the purpose of applying HHI?
- CQ6** – How to interpret the scores of HHI?
- CQ7** – What is the concept of ‘Relevant Markets’?
- CQ8** – What do we mean by ‘Dominance Position’ in the case of competition regulation?
- CQ9** – How do competition authorities determine the relevant market?

CQ10 – What do you mean by relevant product market and relevant geographical market?

CLOSING THE CASE

While closing the case, the facilitator could bring out all the major discussion points to one common point on the board or screen. Facilitator of the case discussion could list out few prominent cases where the concept of AAEC was applied. It would be better to refer to a few Indian M&As where CCI was involved.

CASE STUDIES ON NIRAV MODI & MEHUL CHOKSI

Dr. Mohammed Fasi*

ABSTRACT

The present research study focuses on the case studies on Nirav Modi & Mehul Choksi. The topics covered are the brief introduction, their business in India, PNB Scam, bank-wise amount borrowed, reason for downfall of business and conclusion. After studying the detail case study, recommendations are drawn based on the conclusion.

Keywords: Nirav Modi, Mehul Choksi, PNB Scam.

1. CASE STUDY ON NIRAV MODI

1.1. A brief introduction on Nirav Modi:

Nirav Modi is the son of Deepak Modi (Diamond businessman, Belgium) born on 27th February 1971 at Palanpur, Gujarat. He is an Indian businessman and founder owner of Firestar Global Diamond Jewellery House. His family has been associated with the precious stone & diamond business since last seven generations. At the beginning of his life, he joined The Wharton School for business studies at the University of Pennsylvania where he met his future wife Ami Modi (resident of USA, daughter of Diamond Businessman). Eventually, Nirav Modi became the dropout and returned to India to work in diamond business. At 19 years of age, he and his father came to Mumbai to work in Mehul C. Choksi's (Uncle of Nirav Modi) diamond business called Gitanjali groups. He got complete training in Gitanjali groups and then started his own business with the company "Firestone Diamond Trading Company" in the year 1999.

1.2. Nirav Modi's Business:

Nirav Modi started his business with Firestone Diamond Trading Company. This company was manufacturing the jewellery on contract basis. To expand his business, he acquired Fredrick Goldman Company in the year 2005 with the help of his wife and later acquired Sandberg & Sikorski and A Jaffe in 2007 in USA. This acquisition helped him in setting up USA's business. In the year 2010, he designed "The Nirav Modi's Golconda Necklace" which brought him lot of success. This necklace was auctioned and sold for Rs. 16.29 crores. In the same year, he started the diamond company called "Nirav Modi Global Diamond Jewellery House". This was the beginning of his growth and development. Since then, he has many branches in more than 16 countries like USA, Hong Kong, Britain, and Japan etc. At present

* HOD & Assistant Professor, Department of Business Management, The Crescents College of Business Management, Warangal Urban, Telangana, E-Mail ID: mohdfasi34892@gmail.com

he is the most wanted criminal by the Interpol. He is wanted for fraud, criminal conspiracy, money laundering, cheating and dishonesty, criminal breach of trust, corruption, embezzlement and misrepresentation. He left the country in January 2018 by misleading the 6 banks in which Punjab National Bank is the major bank.

1.3. Punjab National Bank Scam:

After setting up the international business, Nirav Modi requested the Punjab National Bank to borrow the money. PNB accepted the proposal and decided to pay currency in INR with 10 per cent interest rate. Nirav Modi said he wanted the money for foreign trade and his purchases are in dollars, hence he requested the PNB to give loan in foreign currency. PNB decided to sanction the money from foreign branches by issuing the Letter of Undertaking (LoU). This LoU was the guarantee of on behalf of Nirav Modi the PNB will repay the bank defaults in the case if he becomes willful defaulter. As per the banking act, LOU can be given when a borrower gives the collateral security of the same amount. But in this case, collateral security was taken by some of the bank officials due to their personal relations.

Modi took loans from foreign branches of Indian banks through LoUs issued by PNB. SWIFT (a banking message, stating that PNB will pay the default in case if Nirav Modi fails to repay) based LoUs issued to PNB which was deliberately operated by some of the unreliable employees at PNB. These rogue employees hid the SWIFT messages and the requests never appeared in the center saving money framework i.e., Core Banking System for monitoring the transactions. Some of the PNB's Mumbai branch employees had fraudulently issued LoUs for the Nirav Modi Global Diamond Jewellery House since March 2011. The total number of LoUs issued to Nirav Modi Global Diamond Jewellery House are 1213. LoUs were being used by Nirav Modi since 2011 to 2017, and potentially expanded after some time as well if the rogue employees continued to work. But, in the year 2017, these rogue officers retired from their services and the new officer declined to move over the LoUs which came due in Jan 2018 on the grounds that he couldn't find the past exchanges in the system. No rollover implies a default, since there was no cash to pay. PNB filed an FIR supposing they have lost Rs. 280 crores. on the January 2018 LoUs. After that the honest bank officials verified all the LoUs of Nirav Modi. They found the actual fraud amount was Rs.11400 crores. Further, it increased to Rs. 12,700 crores.

After filing the complaints on Nirav Modi, PNB tried to recover the borrowed amount, but it was too late because till that time Modi left the country. He escaped from the nation on first week of January 2018, exactly when the officials recognized his fraud. Since then PNB & other banks are making every effort to recover the given loan amount. The following is the total amount borrowed by Nirav Modi from various banks.

Table – 1.1: Bank-wise Amount Borrowed by Nirav Modi¹ – Details as on 31st March 2018
(Amount in ₹ Crores)

Name of the Bank	Amount Borrowed
Punjab National Bank	More than 11,400 Cr
Dena Bank	127.52 Cr
Bank of Maharashtra	112.43 Cr
Corporation Bank	67.42 Cr
Union Bank of India	55.38 Cr
Axis Bank	29.20 Cr
Total	More than 11,791 Cr

Source : Compiled from secondary data
credit information bureau India limited

¹Reference : Credit Information Bureau India Limited, Suit
Filed Accounts of Nirav Modi.

The available information is collected from Credit Information Bureau India Limited and it is up to 31st March 2018. As per the available information, Nirav Modi has borrowed more than Rs. 11791 crores from 6 banks out of which PNB has given more than Rs. 11400 crores. This amount may vary because the PNB is still verifying the further frauds committed by him. Dena bank has given the loan of Rs. 127.52 crores; Bank of Maharashtra has given Rs. 112.43 crores; Corporation Bank Rs. 67.43 crores; Union Bank of India Rs. 55.38 crores and Axis Bank Rs. 29.20 crores.

1.4. Conclusion:

In this case of Nirav Modi, we can say that banks must be very careful with the fraudulent borrowers as well as bank officials. It is the primary duty of the bank to identify the nature of the borrower. Nirav Modi was deliberately taken the loans from overseas branches of Indian Banks by taking the support of LoUs since 2011, but no one is identified the total amount borrowed by him till December 2017. It took more than 6 years to identify the fraud committed by Modi and some of the bank officials. The Enforcement Directorate (ED) has been investigating the scam since February 2018. The cases registered against him as fraud, criminal conspiracy, money laundering, cheating and dishonesty, criminal breach of trust, corruption, embezzlement and misrepresentation. The administration has issued non-bailable warrants against him and Interpol red notification is also being issued.

In the present situation, we can suggest that there is an urgent necessity of an incorporated arrangement in banks particularly in public sector banks. The arrangement ought to be fit for incorporating, grouping and breaking down information from different storehouse frameworks inside a Bank like CBS, SWIFT, Loan Origination System, Document Management System, Trade Finance Module etc. An incorporated arrangement like Asymetrix's Early Warning Signals (EWS)

framework can be utilized in any Bank (for breaking down data from different frameworks inside a bank like SWIFT, CBS, Trade Finance Module etc.) for viably distinguishing doubt exchanges inside a pool of huge number of exchanges did in a Bank and alarming the concerned specialist about the equivalent.

2. CASE STUDY ON MEHUL CHOKSI

2.1. A brief introduction on Mehul Choksi:

Mehul Choksi is the son of Chinubhai Choksi (founder and owner of Gitanjali Gems) born on 5 May 1959 in Mumbai. After completing his secondary education, he joined the University of Mumbai to complete his graduation, but became the dropout. Later, he graduated from G.D. Modi College, Palanpur, Gujarat. He started his career at the age of 18 years by joining his father's business i.e., Gitanjali gems which was producing the rough and polished diamonds. In the year 1985, he took the leadership of Gitanjali Gems and became the director of this business. Later, he owns the Gitanjali Group of companies which is one of the largest retail jewellery in the world having more than 4000 stores.

2.2. Mehul Choksi's Business:

Mehul Choksi joined the gem and jewelry sector by joining Gitanjali gems in the year 1975. After 10 years, he was appointed as the director of that company. He wanted to become the World's Largest Luxury Player in branded jewelry therefore he carried the Gitanjali gems business to international market and expanded its market in countries like Italy, Japan, Hong Kong, China, Thailand, Antwerp etc., and succeeded. To compete in the international market, he designed stylish and popular brands and endorsed famous Bollywood celebrities like Aishwarya Rai Bachchan, Katrina Kaif etc. His popular brands were Nakshatra, D'damas, Maya, Diya, Asmi, Gili, Sangini, Gold Expressions, Collection G, etc.

In the year 1998, he became the Managing Director of Gitanjali Exports Corporation Limited. Thereafter, he became the Director of Gili India Limited, Modali Gems Private Limited, MMTC Gitanjali Private Ltd, Nakshatra World Ltd, Gitanjali jewelry Retail Pvt. Ltd, Asmi Jewelry India Pvt. Ltd, and other Gitanjali Group of companies. In the year 2006, he acquired the famous retail jewelers of USA i.e., Samuel Jewelers Inc along with 111 famous jewelry stores to access the business in US retail market. Currently, his groups of companies are having more than 4000 stores in across the world.

2.3. Punjab National Bank scam:

Mehul Choksi is the co-accused of PNB scam. The main accuse is Nirav Modi who is the nephew of Mehul Choksi. He and his nephew both are involved in the biggest fraud in Indian banking system which is famous as PNB scam. They have cheated

the PNB through fraudulent letters of Undertakings (LoUs). PNB's Mumbai branch employees had fraudulently issued LoUs for the Gitanjali group of companies since March 2011. The total number of LoUs issued to Gitanjali Groups are 377. The Enforcement Directorate (ED) has been investigating the scam since February 2018. The first case is registered against him as a case under the Prevention of Money Laundering Act. The administration has issued non-bailable warrants against him and Interpol red notification is also being issued. There are some other charges too filed against him. We made an attempt to study the total number of cases registered against him.

2.4. Cases registered against Mehul Choksi:

At present, Mehul Choksi is a fugitive businessman who is residing in Antigua, Barbuda. He is most wanted criminal by the Indian Judicial Authorities. He is wanted for fraud, criminal conspiracy, money laundering, cheating and dishonesty including delivery of property, criminal breach of trust, corruption, embezzlement and misrepresentation. He left the country in the first week of January 2018 by misleading 34 banks. The following is the bank-wise details of amount borrowed by him with the cases registered against him.

Table – 2.1: Bank-wise Amount Borrowed by Mehul Choksi (Gitanjali Groups)
– Details as on 31st March 2018

(Amount in ₹ Crores)			
S.No.	Bank	No. of Cases Registered	Amount Borrowed
1	AllBank Finance Ltd	02	5655.00
2	IDBI Trusteeship Services Limited	02	4056.07
3	Allahabad Bank	12	2143.82
4	SBI	13	1108.48
5	PNB	17	1052.97
6	SBICAP Trustee Company	01	725.00
7	Corporation Bank	11	484.05
8	Bank of Baroda	09	421.65
9	IDBI	03	407.36
10	ICICI	05	376.00
11	United Bank of India	04	332.00
12	Andhra Bank	07	240.00
13	Syndicate Bank	05	225.81
14	Union Bank of India	04	221.00
15	Canara Bank	03	215.00
16	Central Bank of India	04	206.00
17	Bank of India	05	189.99
18	Export-Import Bank of India	04	179.25
19	IOB	06	174.00
20	Other 15 Banks	34	901.20
Total		151	19314.65

Source: Compiled from secondary data, credit information bureau India limited.

The following are the inferences of the table.

- i. Mehul Choksi has taken the total loan of Rs. 19314.65 crores from 34 banks.
- ii. The total number of cases registered against him are 151 with amount outstanding Rs. 19314.65 crores on various offences.
- iii. The highest number of cases registered is 17 by PNB with amount outstanding Rs. 1052.97 crores.
- iv. The highest loan i.e., Rs. 5655 crores is given by the AllBank Finance Limited (formerly known as Allahabad Bank Nominee Limited).
- v. The second highest is Rs. 4056.07 crores given by IDBI Trusteeship Services Limited. This trusteeship services is jointly promoted by IDBI Bank.
- vi. Allahabad Bank has given the loan amount of Rs. 2143.82 crores to Mehul Choksi. Further, SBI has given the loan of Rs. 1108.48 crores and SBICAP Trustee Company has given Rs. 725 crores.
- vii. Other 28 banks have given less than Rs. 500 crores to Mehul Choksi.

2.5. Conclusion:

In this case study we can say that, Mehul Choksi started his business with high ambitions and achieved the international standards. But defrauding the banks with his nephew i.e., Nirav Modi has affected his personal and professional life. Recently in an interview, he denied his involvement in PNB scam by stating that all the allegations leveled against him by the Enforcement Directorate are baseless and false. Further, he blamed ED for illegally attaching his properties without any basis.

He has surrendered his Indian passport to the high commission in Guyana on 21st January 2019. (Indian citizens are expected to surrender their passports when they acquire a foreign nationality.) Enforcement Directorate (ED) of India continues to pursue his return with the government of Antigua through diplomatic and legal channels. In August 2018, Indian government gave a request to Antigua for his extradition. One team of officials was also sent to Antigua to pursue the request. So far, ED has attached assets of worth of over Rs. 4488 crores.

3. RECOMMENDATIONS:

1. The first case study is on Nirav Modi the owner of Nirav Modi Global Diamond Jewellery House. This case study is popularly known as PNB scam. In this case study the main reasons for conversion of loans to NPAs are the fraudulent approach of borrower and willful default nature of the borrower. Modi intentionally borrowed huge sum of money from overseas branches of Indian Banks by taking the support of LoUs and left the nation without paying back. The other reasons are fraudulent and irresponsible attitude of bank officials,

long standing relationship with the bank employees, political interference in sanctioning of loan, incomplete and defective legal documentation, improper inter-bank coordination and cooperation among the bankers, delay in identification of NPAs and delay in initiating remedial measures and actions.

2. In case of Mehul Choksi (owner of Gitanjali Group of Companies) the main reason for conversion of bank funds to NPAs is indulgent approach to family, group connection and long standing relationship than to the project viability. He started his career with high ambitions and achieved the international standards. But defrauding the banks with his nephew i.e., Nirav Modi has affected his personal and professional life. The other reasons are improper inter-bank coordination and cooperation among the bankers, willful default nature of the borrower, delay in identification of NPAs and delay in initiating remedial measures and actions.
3. Non-performing assets are arising on account of willfully evasion by the borrower or bank irregularity and negligence in collecting the amount. To minimize the loss on account of NPAs the government has to take strict action against evading borrowers and negligent officials.

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THE LEADERSHIP THEORY JUNGLE – A BIRD’S EYE VIEW

Dr. P. Paramanandam*

ABSTRACT

Things are changing faster. The world is becoming more and, more unpredictable. Now it is very difficult to analyze the environment and to arrive at rational conclusions. The world is harder to interpret. In this volatile, uncertain, complex, and ambiguous world, organizations have to adapt to changing environment. Leading groups and organizations is becoming increasingly challenging. The focus of much of leadership research is on the determinants of leader effectiveness. Organizational psychologists have tried to identify the traits, behaviours, and aspects of the situation that determine leadership effectiveness. This paper is an attempt to review leadership theories with a focus on research during the last few decades. Based on the review an integrative model of leadership is proposed.

Key Words: Authentic leadership, Charisma, Consideration, Contingency, Ethical leadership, Initiating Structure, Spiritual leadership, Strategic leadership, and Trait.

INTRODUCTION

The world is rapidly changing. Changes in technology changes the way we live. Organizations operate in a VUCA world. VUCA stands for volatility, uncertainty, complexity, and ambiguity. The world has become unpredictable. Organizations have to adapt to rapidly changing environment. They have to modify their products and services as well as the way they operate. Effective leaders are required to provide strategic direction to groups and organizations. Leadership is the process of influencing people in a desired direction. Organizational psychologists are interested in leadership for several decades. Leadership theory, and research have resulted in vast literature. One way to classify leadership theories is according to the type of variable that is projected the most. The present paper is an attempt to review leadership theories.

TRAIT THEORIES

Trait theories of leadership focus on personal characteristics that differentiate leaders from nonleaders. They try to identify the personality, social, physical, or intellectual attributes that differentiate leaders from nonleaders. Effective leaders possess certain traits that are different from those who are less effective leaders. Judge *et al.*, (2002) found that extraversion predicts effective leadership. Leaders who scored very high in assertiveness, a component of extraversion, were less

* Professor, GRG School of Management Studies, PSGR Krishnammal College for Women, Coimbatore, Email: paramanandam@grgsms.ac.in

effective than those who were moderately high (Ames and Flynn 2007). Another trait of effective leaders is emotional intelligence (EI). Empathy is a component of EI. Empathetic leaders can easily sense other's needs. A leader high in EI will find it easier to influence the feelings of followers by expressing sympathy and enthusiasm for good performance, and by showing irritation when employees perform poorly (Humphrey *et al.*, 2008). Conscientiousness and openness to experience may predict leader effectiveness.

Conscientiousness components such as achievement striving and dutifulness are related to leader emergence (Marinova *et al.*, 2012). Ensari *et al.*, (2011) concluded that traits can predict leadership. Traits help to predict emergence of leaders better than differentiating between effective and ineffective leaders. Trait theories failed to provide a definitive list of leadership traits and also failed to consider the leadership situation.

BEHAVIOURAL THEORIES

The assumptions underlying behavioural theories are that leaders are made, rather than born, and successful leadership is based on definable, learnable behaviour (Pareek, 2004). These theories focus on what leaders actually do. Ralph Stogdill and Edwin Fleishman and their colleagues at Ohio State University developed a taxonomy of leader behaviour. According to these researchers, leader behaviour can be broken down into initiating structure and consideration (Fleishman *et al.*, 1955). Rensis Likert and his colleagues at the University of Michigan classified leader behaviour into job-centered leadership behaviour and employee-centered leadership behaviour (Likert, 1961). Blake and Mouton (1964) developed managerial grid in which they made a distinction between concern for production and concern for people. Initiating structure, job-centered leadership, and concern for production relate to leader behaviours aimed at facilitating task completion. Consideration, employee-centered leadership, and concern for people relate to leader behaviours designed to enhance interpersonal relations.

Judge *et al* (2004) revealed that both consideration and initiating structure were found to be moderately related to leader and group performance. Research from the GLOBE programme suggested that there are international differences in the preference for initiating structure and consideration (Javidan *et al.*, 2006). Researchers were not able to show a consistent association between job-centered and employee-centered leader behaviours and consequences such as morale, job satisfaction, and productivity.

CONTINGENCY THEORIES

Contingency theories explain how aspects of the leadership situation can determine leaders' influence and effectiveness. Fiedler's (1967; 1978) model explains how

the situation moderates the impact of a leader trait called least preferred coworker (LPC) score on group performance. The relationship between a leader's LPC score and group performance depends on situational favourability. Situational favourability is jointly determined by task structure, position power, and leader-member relations. Hersey and Blanchard's (1977) model pinpoints the appropriate type of leader behaviour for a subordinate in different situations. For a low-maturity subordinate the leader should use more task-oriented behaviour. As the maturity of the subordinate increases the leader can decrease the amount of task-oriented behaviour and increase the amount of relations-oriented behaviour. For a highly matured subordinate the leader should use only a minimal amount of task-oriented and relations-oriented behaviour.

Path-Goal theory was an attempt to blend leadership and motivation into one theory (House, 1971; House and Mitchell, 1974). The role of a leader is to help his or her subordinate become successful. A leader must be able to adapt his or her style to subordinates being supervised and the situation. Leader must be capable of using four leadership styles: directive, supportive, achievement-oriented, and participative leadership. Kerr and Jermier (1978) identified aspects of the situation, called substitutes and neutralizers, that make leader's task-oriented behaviour or relations-oriented behaviour redundant or ineffective. According to Cognitive Resources Theory (Fiedler, 1986; Fiedler and Garcia, 1987) the performance of a leader's group is determined by an interaction among two leader traits namely intelligence & experience, behaviour of the leader (directive leadership), and two aspects of the leadership situation namely interpersonal stress and knowledge about the task.

The evidence supporting contingency theories of effective leadership is inconsistent. The ambiguity and conceptual problems in these theories make them more difficult to test, and most studies used weak research methods (Schriesheim and Kerr, 1977; Yukl, 1989). Alternative methods for measuring leadership behaviours like observation, diaries, interviews, and critical incidents should be used. Ineffective forms of leadership behaviour should be examined in addition to effective forms of behaviour (Amabile *et al.*, 2004).

Leader-Member Exchange (LMX) Theory explains the role making processes between a leader and each of his or her subordinates and the exchange relationship that unfolds over time (Graen and Cashman, 1975). These relationships are established on the basis of personal compatibility, and subordinate competence and reliability. Most leaders develop a high-exchange relationship with a small number of subordinates. This relationship is based on leader's control over outcomes that are desirable to a subordinate.

Wang, H *et al.* (2005) in a study showed that leader-member exchange fully mediated between transformational leadership and task performance as well as

organizational citizenship behaviours. Zhou and Schriesheim, (2010) found that only a limited number of studies have assessed LMX from the perception of both the superior and the subordinate. Lee, K *et al.*, (2016) found that leaders high in affiliation motive had less differentiated relationships, and leaders high in power motive had more differentiated relationships.

Definition of LMX varied across studies. According to Liden *et al.* (2006) some LMX differentiation may enhance the performance of group if it is perceived by team members as fair and needed to improve team performance. Results of a meta-analysis revealed that LMX differentiation was harmful to unity and solidarity of the work group (Yu *et al.*, 2018).

ETHICAL LEADERSHIP

The construct ethical leadership has been defined in several different ways. One of the key characteristics of ethical leadership is leader's efforts to influence the ethical behaviour of followers (Trevino *et al.*, 2003). For example, leader communication about the importance of ethics, ethical guidelines, ethical behaviour as performance assessment criterion, responding to unethical behaviour etc. Conclusions about ethics of a specific decision or action take into consideration the objective (end), the degree to which behaviour conforms to moral standards (means), and the result (outcomes). Ethical standards used to appraise behaviour include the degree to which behaviour violates the laws, interferes with other's rights, affects the well-being of others, or exploits others.

Personal integrity is an essential component of ethical leadership though the meaning of integrity is debateable (Trevino *et al.*, 2006). Integrity involves honesty and consistency between leader's espoused values and behaviour. Moral standards are used to evaluate behaviour which include the degree to which behaviour violates basic laws, interferes with other's rights, negatively affects the wellbeing of others, or involves deception or exploitation (Yukl, 2014).

Trevino *et al.* (2000) based on a study among the corporate ethics officers showed that a reputation for ethical leadership depends on two factors: the executive's appearance as a moral person based on perceived traits, and behaviours, and his or her appearance as a moral manager based on role modelling, reinforcement, and communication. Mayer *et al.*, (2012) from a study concluded that there was a negative relationship between ethical leadership and unit unethical behaviour and relationship conflict. Chin-Shan Lu & Chi-Chang Lin (2013) found that ethical leadership had a significant impact on ethical climate and the ethical behaviour of employees. Ethical climate was found to be positively associated with employee ethical behaviour. Some of the theories in leadership literature emphasise ethical leadership. These include transforming leadership, servant leadership, spiritual leadership, and authentic leadership.

TRANSFORMATIONAL LEADERSHIP

Transformational leadership is a process in which leaders and followers elevate each other to greater levels of morality and motivation (Burns, 1978). According to Burns, these leaders try to raise the consciousness of followers by appealing to ethical values like liberty, justice, equality, peace etc. This kind of leadership may be exhibited by anyone in an organization at any level. Another researcher Bernard M. Bass (1999) revealed that transformational leaders exhibit four qualities namely individual consideration, intellectual stimulation, inspirational motivation, and idealized influence. Studies have shown that transformational leadership predicts positive outcomes (DeGroot *et al.*, 2000; Dvir *et al.*, 2002; Judge and Piccolo 2004). Psychological empowerment mediates the relationship between transformational leadership and follower organizational commitment (Avolio *et al.*, 2004).

Bednall *et al* (2018) in their studies found that knowledge sharing mediates the relationship between transformational leadership and innovative behaviour. Amor *et al.*, (2020) in a study found that structural empowerment partially mediates the relationship between transformational leadership and work engagement. This implies that transformational leaders enhance engagement by enabling access to information and opportunities, and by providing support and adequate resources. Since it covers a wide range of behaviours it is difficult to define the criteria of transformational leadership. Transformational leadership and charismatic leadership are frequently treated as synonyms.

TRANSACTIONAL LEADERSHIP

Researchers have differentiated transactional leaders from transformational leaders (Bass and Riggio, 2006). Transactional leaders guide and motivate followers towards goals by explaining role and task demands. Transactional leaders exhibit four qualities: contingent reward, management by exception (active), management by exception (passive) and laissez-faire. Transactional and transformational leadership complement each other. They are not incompatible approaches to getting things done (Robinson and Boies, 2016). The best leaders are transactional and transformational.

SERVANT LEADERSHIP

Robert Greenleaf (1970) proposed the concept servant leadership. Providing service to followers is the key responsibility of leaders and the crux of ethical leadership. It is about helping others to accomplish common goals by supporting individual development, empowerment, and collective work that is aligned with the health and welfare of followers. A servant leader must take care of the needs of his or her followers and help them become healthier, enlightened, and more inclined to accept their responsibilities.

Research on the outcomes of servant leadership is limited. But some studies have found positive results such as increased commitment, self-efficacy, and organizational citizenship behaviour (Liden *et al.*, 2008; Neubert *et al.*, 2008; Walumbwa *et al.*, 2010). There may be some negative outcomes also for an organization when the welfare of the employees is considered more important than financial performance (Anderson, 2009).

SPIRITUAL LEADERSHIP

Spiritual Leadership explains how to increase the intrinsic motivation of followers by establishing conditions that enhance their sense of spiritual meaning in work. Fry (2003) defined spiritual leadership as the values, attitudes, and behaviours that are needed to intrinsically motivate people so that they have a sense of spiritual survival through vocation. People seek deeper meaning in their work (Fairholm, 1997). People prefer to be interconnected to others in a mutually supporting group of people who are jointly involved in productive activities (Duchon and Plowman, 2005; Pfeffer 2003). The opportunity to express spiritual values in one's work is associated with one's intrinsic motivation, mental health, and life satisfaction (Fry *et al.*, 2005).

AUTHENTIC LEADERSHIP

Authentic leadership relates to positive psychology and psychological theories of self-regulation. Increasing interest in this kind of leadership is driven by the need for credible and trustworthy leaders. There are different versions of definition for authentic leadership but all of them emphasize the significance of consistency in a leader's words, actions, and values. Other aspects of authentic leadership include positive leader values, trusting relationship with followers, and self-awareness. Authenticity is the attribute of "knowing oneself" and acting in accordance with one's "true self" (Harter, 2002). Leaders who attain authenticity have higher level of self-esteem, less defensive biases, and are capable of forming transparent and open relationships (Kernis, 2003).

The core values of authentic leaders include altruism, honesty, fairness, kindness, optimism, and accountability. These motivate authentic leaders to do what is right and fair for followers and to establish a relationship marked by mutual trust, transparency, guidance to achieve common objectives, and a focus on followers' welfare and development. Authentic leaders have a strong and consistent self-concept, and a high degree of self-acceptance. There is consistency between the behaviour of authentic leaders and their actual values. They are interested in self-improvement and so are willing to learn from feedback and mistakes. Followers of authentic leaders tend to identify with the leader and the team.

Researchers have developed and validated an instrument to assess authentic leadership, The Authentic Leadership Questionnaire (Walumbwa *et al.*, 2008). In a study follower perception of authentic leadership predicted employee job satisfaction (Cerne *et al.*, 2014). Though interest in authentic leadership is increasing there are several criticisms against this construct. These include lack of conceptual clarity, leader-centricity, bias towards the person and not the leader, philosophical ambiguity etc. (Crawford *et al.*, 2020).

CHARISMATIC LEADERSHIP

This theory proposes that members perceive heroic or extraordinary leadership abilities when they observe certain behaviours (House, 1992). Charismatic leadership is based on the premise that charisma is an attributional phenomenon (Conger and Kanungo, 1987). Attribution of charismatic qualities to a leader is influenced by the behaviour of the leader, his or her expertise, and aspects of the situation. Leader behaviours include novel and appealing vision, emotional appeals to values, unconventional behaviour, self-sacrifices, and confidence and optimism. The primary influence process is personal identification. Followers desire to please and imitate the leader (Conger and Kanungo, 1998).

To some extent transformational leadership and charismatic leadership are similar. There are differences. One of the important differences is in the emphasis on attributed charisma and personal identification. Another difference is in how often each type of leadership occurs. Also, there is a difference in how followers react to the leaders. The reactions to charismatic leaders are usually extreme and diverse than reactions to transformational leaders (Bass, 1985).

Howell and Shamir (2005) distinguished between two types of charismatic relationships - personalized and socialized. They also hypothesized about how the self-concepts of followers shape the type of charismatic relationship they establish with the leader. Sharma & Grant (2011) argued that a leader's narrative and storytelling skills play a critical role in constructing his or her charismatic identity.

LEVEL 5 LEADERSHIP

Collins, JC observed 11 most effective leaders and developed Level 5 leadership model. Level 5 is the highest level of leadership in the hierarchy of leadership. A level 5, the leader blends personal humility with intense professional will (Collins, 2001). Leaders at the other levels also can achieve results but not enough to raise their organizations to excellence. Transformations from good-to-great do not happen without level 5 leaders.

Level 1 leader is a highly capable individual who makes productive contributions through talent, knowledge, skills. At level 2, the leader is a contributing team member. At level 3, the leader is a competent manager and at level 4, the

leader is an effective leader. Finally, at level 5, the leader is an executive. Leader builds lasting greatness through a paradoxical combination of professional will and personal humility. A leader need not move sequentially through each level of hierarchy to reach the top. However, in order to be a level 5 leader a person needs all the capabilities of all the four lower levels along with the unique characteristics of level 5.

Wilbur Reid *et al.*, (2014) developed a scale to measure level 5 leadership attributes. They conducted a study in which 349 participants assessed level 5 attributes of their superiors on a 10-point semantic differential scale. Researchers concluded that there is a statistically significant positive relationship between level 5 leadership and servant leadership. Caldwell *et al.*, (2017) in a study compared 12 ethical perspectives and revealed humility as a construct that is ethically relevant which helps leaders to increase trust, commitment, and followership.

STRATEGIC LEADERSHIP

Early leadership studies were concerned more with supervisors or middle managers in organizations. But in recent years there seems to be an increasing interest in strategic leadership by top executives (Cannella and Monroe, 1997). Organizational effectiveness refers to long-term profitability and survival of the organization. To be successful organizations must adapt to their environment, procure necessary resources, and operate efficiently (Katz and Kahn, 1978). Leaders influence organizational performance in different ways which include decisions about business strategies, talent acquisition, organization structure etc. one of the important determinants of financial performance is competitive strategy (Carmeli, 2010; Narayanan *et al.*, 2011). Leaders can do number of things to influence organizational performance. Flexible Leadership Theory (Yukl, 2008) describes two approaches. One approach is to use leadership behaviours (task oriented, relations oriented, and change oriented) directly to influence individuals and groups. The second approach relates to making decisions about business strategy, organization structure, and management programmes. Research on leadership by chief executives of organizations revealed that they can affect organizational processes and outcomes. But this impact varies greatly depending on the situation, traits, and skills of the leaders (Yukl, 2014, 299).

INTEGRATIVE MODEL OF LEADERSHIP

Based on the review of literature an integrative model of leadership is proposed. Effective leaders possess certain traits that are different from those who are less effective leaders. Several traits like emotional maturity, stress tolerance, integrity etc. have been identified that predict leader effectiveness. Leader behaviours include task-oriented and employee-oriented behaviours. A leader may adopt different

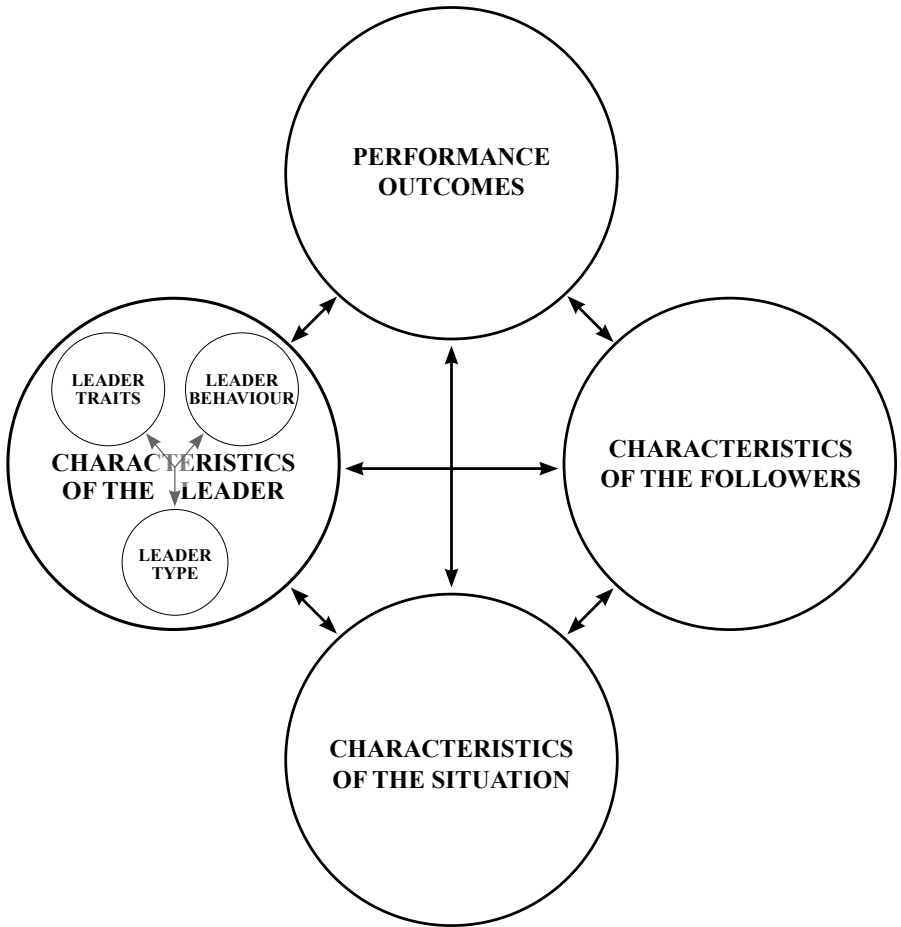


Figure: Proposed Integrative Model of Leadership

Source: Paramanandam (2021)

styles like directive, supportive, consulting, and delegating style. Different types of leaders are identified based on their characteristics. These include charismatic, transformational, transactional, ethical, servant, spiritual, authentic, adaptive leaders, etc. Follower characteristics like ability, motivation, satisfaction with the job, identification with the leader, confidence, etc. will affect performance outcomes. Characteristics of the situation like leader-member relations, task structure, position power, organizational culture, environmental uncertainty etc. will affect leader effectiveness. Leader effectiveness refers to the extent to which the performance of the team or organization is enhanced.

CONCLUSION

The study of leadership as a systematic discipline started early in the twentieth century. Now there is a massive leadership literature. During the last decade, there was an increased rigor in the research questions posed in leadership research and the ways of finding answers to these questions. In this paper an attempt is made to review the various leadership theories. Based on the understanding of various approaches to leadership an integrative model of leadership is proposed.

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1	Title of the newspaper	<i>PRERANA</i> : Journal of Management Thought and Practice
2	Registration Number of the Newspaper	TNENG/2012/49627
3	Language/Languages in which it is published	English
4	Periodicity of its publication and the day/days/ dates on which it is published	Half-yearly
5	Publisher's Name	Mrs. R. Nandini
	Nationality	Indian
	Address	Founder Trustee GRG School of Management Studies PSGR Krishnammal College for Women Peelamedu, Coimbatore - 641 004, Tamilnadu, India
6	Printer's Name	Mr. R. R. Bharath
	Nationality	Indian
	Address	Ace Data Prinexcel Private Limited 16, Bharathi Colony Main Avinashi Road, Peelamedu Coimbatore - 641 004 Tamilnadu, India
7	Editor's Name	Dr. B. Sripirabaa
	Nationality	Indian
	Address	Associate Professor GRG School of Management Studies PSGR Krishnammal College for Women Peelamedu, Coimbatore – 641 004, Tamilnadu, India
8	Premises of Printing	Ace Data Prinexcel Private Limited 3/304 F, Kulathur Road off NH 47 by-pass Road Neelambur Coimbatore – 641 062 Tamilnadu, India
9	Place of Publication	GRG School of Management Studies PSGR Krishnammal College for Women Peelamedu, Coimbatore - 641 004, Tamilnadu, India

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Issue No.1 - March	December 31
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URL: www.grgsms.ac.in | Email to: prerana@grgsms.ac.in

Published by Mrs. R. Nandini on behalf of GRG School of Management Studies and published from GRG School of Management Studies, PSGR Krishnammal College for Women, Peelamedu, Coimbatore – 641 004 and printed by Mr. R.R. Bharath at Ace Data Prinexcel Private Limited, 3/304 F, Kulathur Road, off NH 47 by-pass Road, Neelambur, Coimbatore – 641 062. Editor: Dr. B. Sripirabaa.