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The Zakariya Journal of Social Sciences (ZJSS) publishes empirical, theoretical, conceptual and methodological papers of the highest quality on topics in the fields of education, pedagogy and all allied disciplines of social sciences. Any submission to ZJSS is expected to meet the journal requirements and focus on practicably empirical research. Typically, a paper suitable for ZJSS should attempt to replicate, create, advance, deepen, or repudiate existing published theory about professional teaching and learning and allied social sciences disciplines through conspicuous and vivid illustrations and models that can be tested through the evidence for the purpose of empirical support. ZJSS also encourages a variety of disciplinary perspectives, methods, conceptual approaches, and substantive problem areas. ZJSS at AIRSD is interested in publishing articles derived from experiential paradigm and field-based exposures along with conceptually robust theory rooted in social and cultural practices within the allied disciplines.

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Financial Literacy and Financial Inclusion

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ABSTRACT

The study employed the Probit regression on the National Bureau of Statistics general households survey data to appraise the effect of financial literacy on financial inclusion in Niger State. The estimation result shows that financial literacy positively and statistically influences financial inclusion options (account ownership, bank access, and credit access) in Niger state. Similarly, education status, age, and gender are determinants of financial inclusion. The study concluded that financial literacy is necessary for achieving financial inclusion. To encourage financial inclusion among youth, the government should include financial education in secondary school and tertiary to teach skills and information on how to utilize and manage financial services and products. The central bank should also mandate the financial institutions to establish customer financial advisory units to educate their clients on managing and using financial products and services available to them to create wealth, thus improving living standards.



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INTRODUCTION

Achieving universal financial inclusion and stability is a task that has vast dimensions. Until recently, the primary focus of discussion throughout the world has been on expanding people's access to financial goods and services. Despite the widespread availability of financial goods and services, many people still lack the knowledge and experience to make the most of them (Andarsari and Ningtyas, 2019; Falak et al., 2022). This is particularly true

in emerging nations. Because of their lack of financial knowledge, individuals are easy targets for scams perpetrated by banks and other financial organizations.

Between 2011 and 2017, financial inclusion expanded dramatically from 62% to 69% globally, and from 54% to 63.0% in emerging countries (Demirguc-Kunt et al., 2018). Accordingly, 22% of persons in key developing economies and 57% in Europe are financially literate (Klapper et al., 2016). Increasing people's knowledge of financial matters may help open doors to more banking options. (CBN, 2018). Consumers gain knowledge of their financial options and service providers as a result of increased financial literacy. Garg and Singh (2018) believe that inadequate financial literacy (financial illiteracy) raises significant doubts about people's ability to take charge of their financial lives. It leaves individuals vulnerable to exploitation, greater costs and debt, a lack of investment guidance, credit problems, and retirement savings plans, among other things (Fanta and Mutsonziwa, 2021).

Because of this, several nations have had trouble boosting citizens' financial literacy. In New Zealand, they have the National Strategy for Financial Literacy (NSFL), in Indonesia, it's the National Strategy for Financial Literacy (INSFL), in Australia it's the National Financial Literacy Strategy (NFLS), in India the Reserve Bank of India has established Financial Literacy and Counseling Centers (FLCC), in Malaysia it's the Financial Education Network (FEN), and in the United Kingdom, it's the Financial Services Authority (FSA). Financial education (FE) in Kenya, the Strategy for National Financial Literacy (SNFL) in Uganda, and the National Strategy on Financial Literacy (NSFL) in South Africa are just a few of the financial literacy initiatives underway across the continent.

Attaining financial inclusion in underdeveloped countries depends heavily on financial literacy (Okere et al., 2020). It would be a lifeline for families experiencing a financial crisis as a result of regular household expenses and help them climb out of poverty (Garg and Singh, 2018). Financial literacy boosts savings and demand, as well as stimulates economic activity (Alwee Pg Md Salleh, 2015; Bongomin et al., 2018; Baker et al., 2019), whereas financial inclusion gives access to financial services.

More people need to get involved in the stock market for the economy to thrive in a way that benefits everyone. According to Falak et al. (2022), this is possible only if people have the knowledge to assess financial goods and services. The growth and security of the financial system are influenced by the degree of financial literacy in the public (Blue et al., 2014). Andarsari and Ningtyas (2019) found that higher levels of financial literacy are associated with a healthier financial system and a more prosperous economy. Similar to how financial inclusion is shown to increase with financial literacy, (Ramakrishnan, 2012; Antonia & Lukas, 2017; Kaiser & Lukas, 2017; Berry et al., 2018; Bire et al., 2019) this is an established empirical fact.

Coupled with the COVID-19 pandemic and insecurity, low levels of financial inclusion persist in developing countries like Nigeria. This is despite the proliferation of financial services and products around the world and the launch of numerous public

improvement financial inclusion programs by governments and international organizations (World Bank, United Nations, and Organisation for Economic Cooperation). From 53.7% in 2010 to 60.3% in 2012 and 60.5% in 2014, financial inclusion in Nigeria has increased steadily. (CBN, 2018). More than half of the adult population is financially excluded, as financial inclusion dropped to 58.4% in 2016 and is projected to remain at 40% in 2017, 2019, and 2020. Therefore, the Financial Literacy rate remains at 26%, indicating that 74% of Nigerians do not have enough knowledge of, or experience with, financial services and products (CBN, 2021). Despite the ongoing dangers, this prompts important policy questions about the causes of perverse financial exclusion in Nigeria, particularly at the state level. Nonetheless, when compared to South Africa (42% financial literacy and 69% financial inclusion [access to an account]), Kenya (38%) (82%), Malawi (35%) (34%), and Ghana (58%)] (Demirgüç-Kunt et al., 2018; Sakanko, 2020), Nigeria does poorly.

Therefore, growing financial exclusion in Nigeria has increased focus on financial literacy and inclusion. Also, it has been suggested that a lack of financial literacy is a contributing issue (for examples, see Shibia (2012), Antonia (2017), Lukas (2018), Hussain (2018), Adetunji (2019), and Falak et al. (2022)). This is the first research to use microdata and World Bank financial inclusion metrics such as account ownership, loan availability, and bank access to investigate the influence of financial literacy on inclusion in Nigeria at the state level. There are four parts to this study. The first part is the preface. Next comes the introduction, then the methods, then the results, then the discussion of the results, and finally the conclusion and suggestions.

LITERATURE REVIEW

Consumers who are equipped with the knowledge and tools necessary to make sound financial choices are said to be financially literate (Shibia, 2012). By providing the information and skills necessary to make informed decisions about the use and management of limited financial resources, financial education helps people make the most of their money (Nelson & Wambugu, 2008). Access to a safe and reliable financial system that is simple to use is what we mean when we talk about financial inclusion.

The research originates from the work of financial literacy theorists (Simpson & Buckland, 2009). They argue that people don't see the value in joining in because they have a limited view of the services and goods available to them financially. Therefore, the financial system may be strengthened via people's increased knowledge of the goods and services available to them. Recent empirical investigations, such as (Falak et al., 2022; Lahiri and Biswas 2022) lend credence to the positive. They discovered that spreading financial education may help more people get access to banking services.

A weakening correlation between financial literacy and financial inclusion in China was shown by Liu et al. (2021) using SmartPLS. Using dynamic panel techniques, Hussain et al. (2021) found that financial education improves people's chances of being included in the financial system. Morgan and Long (2020) investigated the relationship between financial

literacy, financial inclusion, and savings. Statistics show that financial education has a positive impact on people's ability to save and get access to financial services. Bongomin et al. (2020) used a structural equation model to find that financial education positively impacts financial inclusion. Financial literacy was shown to be a major driver of both formal and informal saving habits across financial institutions by Adetunji and David-West (2019). Kodongo (2018) used Probit and fixed effect regression analysis to determine that learning about personal finance increases one's likelihood of gaining access to conventional banking services. When examining the relationship between financial literacy and financial inclusion, Antonia et al. (2018) and Antonia & Lukas (2017) employed OLS methods and discovered a positive and statistically significant correlation. Using partial least squares, Shen et al. (2018) discovered a favorable correlation between financial literacy and economic participation. Using MedGraph, Bongomin et al. (2018) found that financial literacy has a major impact on rural Ugandans' access to banking services. Using a similar approach, Okello et al. (2016) found the exact reverse, arguing that financial literacy does not influence financial inclusion. In addition, Shibia (2012) used Multinomial Probit regression to investigate the connection between financial literacy and access to financial services in Kenya and found that financial literacy significantly affects financial inclusion (Tufail, M et.al., 2022, Khan, S., Ali, S., & Urooge, S. 2019)..

Garg and Singh (2018) utilized OLS to investigate the relationship between financial inclusion and financial literacy in Nigeria and discovered that it is determined by financial inclusion. This is despite the fact that there are many studies on financial inclusion and financial literacy throughout the world but very few in Nigeria. This survey is distinct from its predecessor since it is undertaken at the state level.

METHODOLOGY

The study used the National Bureau of Statistics (2018/2019) general household survey-panel data in Nigeria in collaboration with the World Bank group. The National Bureau of Statistics (NBS) is one of Nigeria's major household data collection banks, with branches in every state. The survey-panel data covered all the states in Nigeria except the Bornu state in North-East Nigeria. However, this study extracted data for financial literacy and financial inclusion indicators (access to financial institutions, credit, ownership of account). Since the data are binary, the data collected were analyzed using the Probit model. The model is specified in equation 1. Where FI is the financial inclusion, j represents financial inclusion indicators, FL is used for financial literacy, X connotes control variables in the model, α is the constant variable, and δ and β are the coefficients estimated.

$$FI(j) = \alpha + \delta FL + \beta X \quad (1)$$

Equation 1 expressed a functional relationship between financial inclusion and financial literacy. The model is formulated based on the (Simpson and Buckland, 2009) theoretical framework and adapted (Antonia *et al.*, 2018) methodology. The Probit model is given as follows;

$$Pr\left(FI = \frac{1}{x}\right) = \beta_0 + \beta_1 FL_i + \beta_2 X_i + \mu_i \quad (2)$$

Where: $Pr\left(FI = \frac{1}{x}\right)$ = Probability of the financial inclusion, FI = Response variable, FL and X_i = Explanatory variables vector, β_0 = equation Intercept, $\beta_1 - \beta_2$ = parameters estimated Vector and μ_i = stochastic term

According to Demirguc-Kunt et al. (2018), financial inclusion is having access to financial institutions or banks, account ownership, and credit. Financial inclusion is also influenced by educational attainment, age, and gender (Bongomin et al., 2018; 2020; Sakanko et al., 2018). Equation (3) specified financial inclusion, financial literacy, and other financial inclusion determining variables estimated.

$$FI(j) = f(FL, Edu, Age, Gen) \quad (3)$$

Where: FI = Financial literacy, Edu = Educational status of respondents, Age = Age, Gen = Gender

$$FI = (AWA, A2b, A2c) \quad (4)$$

Where financial inclusion is measured as AWA is the account ownership, A2b represents access to a bank, and A2c is given as access to credit.

The estimated econometrics model is presented in equation 5;

$$Pr\left(FI(j) = \frac{1}{0}\right) = \delta_0 + \delta_1 FL_i + \delta_2 EDU_i + \delta_3 AGE_i + \delta_4 GEN_i + \mu \quad (5)$$

DISCUSSION OF RESULTS AND FINDINGS

Table 1 shows the results of the probit regression. The result revealed that financial literacy has a positive and statistically significant effect on the financial inclusion measured by bank access, account ownership, and credit access. Educational status is a positive and significant determinant of account ownership and access to the bank. Still, it is negatively reported for access to credit. At the same time, age is a positive and significant determinant of credit availability and a declining determinant of account ownership and access to a bank in Nigeria. The dash (-) signifies the insignificance of the variable.

Table 1: Probit result of financial literacy and financial inclusion

ACCOUNT OWNERSHIP (AWA)				
MODELS	FL	EDU	AGE	GEN
1	0.727***			
2	0.474***	0.133***		
3	0.340***	0.139***	-0.015***	
4	0.285**	0.139***	-0.016***	0.240**
ACCESS TO BANK				
1	0.389***			

2	-	0.119***		
3	0.006**	0.126***	-0.016***	
4	-	0.129***	-0.017***	0.120*
ACCESS TO CREDIT				
1	-			
2	0.212*	-0.076**		
3	0.266**	-0.079**	0.005*	
4	0.287**	-0.080**	0.006*	-

Source: Author Computation extracted from STATA 14.2 (2022)

Specifically, a unit-level increase in financial literacy would lead to a probability of a 73% increase in the ownership of accounts, a 39% increase in access to banks, and a 21% increase in access to credit. A percentage increase in financial literacy would cause a cumulative probability of 1.33% improvement in financial inclusion among households in Niger state.

Correspondingly, improving educational qualifications would bring about a probability of 13% and 12% increases in financial inclusion (account ownership and access to bank) while decreasing the access to credit by 8%. Furthermore, an appreciation in household age deflated account ownership and access to credit by a probability of 2% and inflated access to credit by 1%. Lastly, the gender of the household decreases the account ownership and access to credit by a probability of 24% and 12%.

Implications of the Findings

When evaluated by account ownership, access to a bank, and credit, financial inclusion is positively correlated with and statistically significant for financial literacy. Insinuating that expanding access to financial education would help expand the sector in Niger State. One of the prerequisites for attaining financial inclusion in Nigeria is educating individual households on the skills and knowledge needed to utilize and manage accessible financial services and products. According to a number of studies (Antonia and Lukas, 2017; Antonia et al., 2018; Morgan and Long, 2020; Hussaini et al., 2021; Lahiri and Biswas, 2022; Falak, 2022), having a good grasp of money matters may have a significant impact on people's chances of gaining access to financial services. On the other hand, as shown by (Okello et al., 2016; Liu et al., 2021), the opposite is also true. Researchers discovered that raising financial awareness actually reduces opportunities for financial participation.

There is a statistically significant positive correlation between education and both account ownership and bank access, but a negative correlation between education and access to credit. That is to say, a rise in educational attainment favorably affects economic participation. Therefore, having a higher level of education increases the likelihood of having a bank account and using a bank's services, but decreasing the likelihood of having access to credit. These connections are supported by research by Blue et al. (2014), Alwee Pg Md Salleh (2015), and Sakanko (2018).

There is a strong and declining relationship between age and having a bank account and using that account. Symbolic of the decline in bank account ownership and accessibility that occurs as a population ages. Therefore, old age is a dampening factor on economic participation. Together, these findings complement the one made by (Sakanko, 2018). Credit availability tends to improve with increasing age, implying that one may get a loan from a financial institution for the sake of health or financial business even if one is already in their senior years. Credit eligibility is hence increasingly dependent on age.

There is a clear and statistically significant gender gap in bank account ownership and access. The importance of gender equality in the financial sector is implied. The same results were found by Filipiak and Walle (2015) and Falak et al. (2022).

CONCLUSION AND RECOMMENDATIONS

Using data from the National Bureau of Statistics' survey of all American households, this research looks at how better financial education affects people's ability to participate in the financial system. Probit regression methods were used to examine the implemented structural model. Empirical findings in Niger state showed that financial literacy positively and significantly predicted financial inclusion opportunities (account ownership, bank access, and loan access). In Niger, factors such as age, gender, and educational attainment all play a role in deciding who has access to banking services.

According to the study's findings, the best way to increase access to financial services and products among young people is to include financial education in secondary and postsecondary curricula. In order to help their customers better understand and use the many financial products and services available to them, financial institutions should be required by the central bank to form consumer financial advising units. Finally, pension programs and college enrolment for both sexes should be promoted because of their impact on economic participation.

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REFERENCES

- Alwee Pg Md Salleh, A. M. H. (2015). A comparison on financial literacy between welfare recipients and non-welfare recipients in Brunei. *International Journal of Social Economics*, 42(7); 598-613.
- Adetunji, O. M. & David-West, O. (2019). The Relative Impact of Income and Financial Literacy on Financial Inclusion in Nigeria. *Journal of internal development*, 31(4); 312-335. <https://doi.org/10.1002/jid.3407>
- Andarsari, P. R. & Ningtyas, M. N. (2019). The Role of Financial Literacy on

- Financial Behavior. *Journal of Accounting and Business Education*, 4 (1); 24 – 33. <http://dx.doi.org/10.26675/jabe.v4i1.8524>
- Antonia, G., Theres, K. & Lukas, M. (2018). Does financial literacy improve financial inclusion? Cross country evidence. *World Development*, 111; 84-96. <https://doi.org/10.1016/j.worlddev.2018.06.020>
- Antonia, G. & Lukas, M. (2017). Financial literacy promotes financial inclusion in both poor and rich countries. *Berlin*, 7(41); 399-407. <http://hdl.handle.net/10419/170500>
- Baker, H. K., Kumar, S., Goyal, N., & Gaur, V. (2019). How financial literacy and demographic variables relate to behavioral biases. *Managerial Finance*, 45(1); 121–146. <https://doi.org/10.1108/MF-01-2018-0003>
- Berry, J., Dean K. & Menno P. (2018). The Impact of Financial Education for Youth in Ghana. *World Development*, 102; 71-89.
- Blue, L., Grootenboer, P., & Brimble, M. (2014). Financial literacy education in the curriculum: Making the grade or missing the mark? *International Review of Economics Education*, 16(Part A); 51-62. <https://doi.org/10.1016/j.iree.2014.07.005>
- Bire, A. R., Sauw, H. M. & Maria (2019). The Effect of Financial Literacy towards Financial Inclusion through Financial Training. *International Journal of Social Sciences and Humanities*, 3(1); 186-192. <https://doi.org/10.29332/ijssh.v3n1.280>
- Bongomin, G. O. C., Ntayi, J. M. & Malinga, C. A. (2020). Analyzing the relationship between financial literacy and financial inclusion by microfinance banks in developing countries: social network theoretical approach., *International Journal of Sociology and Social Policy*, 40(11/12); 1257-1277. <https://doi.org/10.1108/IJSSP-12-2019-0262>
- Bongomin, G. O. C., Munene, J. C., Ntayi, J. M. & Malinga, C. A. (2018). Nexus between financial literacy and financial inclusion: Examining the moderating role of cognition from a developing country perspective. *International Journal of Bank Marketing*, 36(7); 1190-1212. <https://doi.org/10.1108/IJBM-08-2017-0175>
- Bongomin, G. O. C., Ntayi, J. M., Munene, J. C. & Nkote N. I. (2016). Social capital: mediator of financial literacy and financial inclusion in rural Uganda. *Review of International Business and Strategy*, 26(2); 291-312. <https://doi.org/10.1108/RIBS-06-2014-0072>
- Central Bank of Nigeria (2021). *National financial inclusion strategy (Revised)*. Abuja: CBN
- Central Bank of Nigeria (2018). *National financial inclusion strategy (Revised)*. Abuja: CBN
- Demirguc-Kunt, A., Klapper, L., Singer, D., Ansar, S. & Hess, J. (2018). *Measuring financial inclusion and the fintech revolution*. Washington DC: World bank <https://doi.org/10.1596/978-1-4648-1259-0>.
- Fanta, A. & Mutsonziwa, K. (2021). Financial literacy as a driver of financial inclusion in Kenya and Tanzania. *Journal of Risk and Financial Management*, 14; 561. <https://doi.org/10.3390/jrfm14110561>
- Falak, K., Muhammad, A. S. & Salma, I. (2022). Role of financial literacy in achieving financial inclusion: A review, synthesis and research agenda. *Cogent Business & Management*, 9(1); 1-37. <https://doi.org/10.1080/23311975.2022.2034236>
- Filipiak, U. & Walle, Y. M. (2015). The financial literacy gender gap. *Discussion Papers No. 176, Courant Research Centre: Poverty, Equity and Growth*.
- Garg, N. & Singh, S. (2018). Financial literacy among youth. *International Journal of Social Economics*, 45 (1); 173-186. <https://doi.org/10.1108/IJSE-11-2016-0303>.
- Hussain, J., Salia, S., & Karim, A. (2018). Is knowledge that powerful? Financial

- literacy and access to finance an analysis of enterprises in the UK. *Financial Literacy and Access to Finance*, 25(6); 985–1003. <https://doi.org/10.1108/JSBED-01-2018-0021>
- Hussain, M., Yahya, F. & Waqas, M. (2021). Does strong governance stimulate the effect of economic freedom and financial literacy on financial inclusion? a cross-country evidence. *Future Business Journal*, 7(41). 245 – 255. <https://doi.org/10.1186/s43093-021-00090-9>
- Liu, S., Gao, L., Latif, K., Dar, A. A., Zia-UR-Rehman, M. & Baig, S. A. (2021). The Behavioral Role of Digital Economy Adaptation in Sustainable Financial Literacy and Financial Inclusion. *Front. Psychol.* 12; 1 - 11. <https://doi.org/10.3389/fpsyg.2021.742118>
- Kaiser, T. & Lukas M. (2017), Does Financial Education Impact Financial Literacy and Financial Behavior and If so, When? *World Bank Economic Review*, 31(3); 611-630.
- Klapper, L., Lusardi, A. & Oudheusden, P. V. (2016). *Financial literacy around the world*. Washington DC: World bank.
- Kodongo, O. (2018) Financial Regulations, Financial Literacy, and Financial Inclusion: Insights from Kenya, *Emerging Markets Finance and Trade*, 54(12); 2851-2873. <https://doi.org/10.1080/1540496X.2017.1418318>
- Lahiri, S. & Biswas, S. (2022), "Does financial literacy improve financial behavior in emerging economies? Evidence from India", *Managerial Finance*, ahead-of-print (No. ahead-of-print). <https://doi.org/10.1108/MF-09-2021-0440>
- Morgan, P. J. & Long, T. Q. (2020). Financial literacy, financial inclusion, and savings behavior in Laos. *Journal of Asian economics*, 68; 101-197. <https://doi.org/10.1016/j.asieco.2020.101197>
- Nelson, C. & Wambugu, A. (2008). Financial education in Kenya. Kenya: FSD Kenya.
- NBS (2018, 2019). General Household Survey-Panel. Abuja: NBS
- Okere, P. A., Mbanasor, C. O. & Uzokwe, N. J. (2020). Relevance of Financial Literacy in Financial Sector Development and Stability in Nigeria. *International Journal of Research and Innovation in Social Science*, 4(7); 387- 391
- Ramakrishnan, R. (2012). Financial Literacy and Financial Inclusion. 29th SKOCH Summit 2012 Refueling Growth 8th & 9th June, Mumbai India: Karthikeyan Institute of Management Sciences, Warangal, 506006 India
- Sakanko, M. A., Audu, A. U., Lawal, M. C. and Onimisi, A. M. (2018). Analysis of the impact of financial inclusion on poverty reduction in Minna Niger State, Nigeria. *Abuja Journal of Economics and Allied field*, 8(4); 80 – 90.
- Sakanko, M. A. (2020). Financial inclusion and women participation in gainful employment: an empirical analysis of Nigeria. *Indonesian Journal of Islamic Economics Research (IJIER)*, 2(1); 1-13. **Error! Hyperlink reference not valid.**
- Shen, Y., Hu, W. & Hueng, C. J. (2018). The Effects of Financial Literacy, Digital Financial Product Usage and Internet Usage on Financial Inclusion in China. *MATEC Web of Conferences* 228, 05012. <https://doi.org/10.1051/mateconf/201822805012>
- Shibia, G. A. (2012). Effects of Financial Literacy on Financial Access in Kenya. *KIPPRA Discussion Paper No. 142*. Nairobi: Private Sector Development Division Kenya Institute for Public Policy Research and Analysis.
- Simpson, W. & Buckland, J. (2009). Examining Evidence of Financial and Credit Exclusion in Canada. *The Journal of Socio-Economics* 38; 966-676.
- Saliu, F., & Taqi, M. (2022). Exports and Economic Growth. A case study of US.

- Taqi, M., Shah, S. Z. A. (2021). An Empirical analysis of the Influencing Factors of Foreign Trade in Pakistan: Based on the Gravity Model. *Indian Journal of Economics and Business*, 20(1).
- Taqi, M., Mohsin, I., & Khan, I. H. (2022). A Study into Sustainable Ethical Business Practices of CPG (Consumer Packaged Goods) Companies. *INTERNATIONAL JOURNAL OF SPECIAL EDUCATION*, 37(3).
- Faridi, M. Z., Mehmood, K. A., Azam, A., & Taqi, M. (2019). Fiscal decentralization and economic growth in South Asian countries. *Pakistan Journal of Commerce and Social Sciences (PJCSS)*, 13(2), 529-546.
- Taqi, M., Abbas, M., e Ali, M. S., & Ashraf, M. R. (2021). Foreign direct investment, trade performance, and sustainable development goals: An analysis of BRI selected countries. *International Research Journal of Management and Social*, 2, 67–79.
- Taqi, M., Rizwan, M., Ahmad, W., & Umair, M. (2021). Effect of the Tax Rate on Economic Growth: A Panel Analysis. *International Research Journal of Management and Social Sciences*, 2(2), 12-26. [https://doi.org/10.53575/irjmss.v2.2\(21\)2.12-26](https://doi.org/10.53575/irjmss.v2.2(21)2.12-26)
- Rehman, S. U., Taqi, M., ur Rahman, S., & Ahmad, W. (2021). Impact of Trade Deficit on Economic Growth: A Case of some selected Countries. *International Research Journal of Management and Social Sciences*, 2(2), 27-39. [https://doi.org/10.53575/irjmss.v2.2\(21\)3.27-39](https://doi.org/10.53575/irjmss.v2.2(21)3.27-39)
- Taqi, M., e Ali, M. S., Parveen, S., Babar, M., & Khan, I. M. (2021). An analysis of Human Development Index and Economic Growth. A Case Study of Pakistan. *iRASD Journal of Economics*, 3(3), 261-271. <https://doi.org/10.52131/joe.2021.0303.0042>
- Taqi, Muhammad and Ali Shah, Salyha Zulfiqar and Sibt e Ali, Muhammad and Ali, Muhammad and Yousuf, Muhammad, Access to Finance for African SMEs: Do Women Entrepreneurs Face Discrimination (2021). *Journal of Contemporary Issues in Business and Government* Vol. 27, No. 06, 2021, Available at SSRN: <https://ssrn.com/abstract=4270966>
- Naveed, T. A., Sarwar, K., e Ali, M. S., Irshad, M. S., & Taqi, M. (2022). Globalization and Gender Disparities: A Social, Economic and Political Perspective for South Asian Countries. *Journal of Contemporary Issues in Business and Government*, 28(3), 160-185.
- e Ali, M. S., Taqi, M., & Parveen, S. (2021). Role of Political Instability in Attracting FDI Inflow to Pakistan. *Review of Politics and Public Policy in Emerging Economies*, 3(1), 41-49. <https://doi.org/10.26710/rope.v3i1.1739>
- e Ali, M. S., Khan, M. I., Taqi, M., & Khan, F. (2021). Determinants of Foreign Direct Investment in Pakistan. *Meritorious Journal of Social Sciences and Management (E-ISSN# 2788-4589| P-ISSN# 2788-4570)*, 4(1), 38-47.
- Taqi, M., Zainab, F., Anwar, S., & Zia, A. (2022). Nexus between Carbon emission per capita and Urbanization. *Journal of Economics, Management & Business Administration*, 1(2), 15-26. <https://doi.org/10.59075/jemba.v1i2.116>
- Yuan, M., Hu, H., Alharthi, M., Ahmad, I., Abbas, Q., & Taqi, M. (2022). Nexus between energy pricing and carbon emission. A policy mix response of developing economies. *Economic Research-Ekonomska Istraživanja*, 35(1), 6541-6557.
- Khan, S., Ali, S., & Urooge, S. (2019). The analysis of regional bilateral trade between Pakistan and Central Asian Republics. *Pakistan Journal of Applied Economics*, 29(1), 93-106.
- Tufail, M., Song, L., Ali, S., Wahab, S., & Hassan, T. (2022). Does more immigration lead to more violent and property crimes? A case study of 30 selected OECD countries. *Economic Research-Ekonomska Istraživanja*, 1-19.



Inter-Caste Gender Performativity in Indian Hindu Culture: A Postcolonial Gender Study in Mulk Raj Anand's *Untouchable* and Arundhati Roy's *The God of Small Things*

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ABSTRACT

This study uses Judith Butler's concept of "gender performativity" to examine Mulk Raj Anand's *Untouchable* and Arundhati Roy's *The God of Small Things* in order to draw conclusions about the inter-caste gender performativity in Indian Hindu culture. Some autobiographical writings preserved evidence of voluntary and 'non-theatrical inter-caste connection' which transcends the boundary of untouchability, despite the dogmatic and historic hostility against inter-caste relationships in Indian Hindu society. In a consenting intercaste relationship, women, as the subaltern gender, never know for sure what caste they belong to. They are generally discovered to be branded off the caste of the males who touched them, rather than naturally belonging to any caste of them. Women in non-consensual inter-caste relationships are kept quiet by the strong touch of males from higher castes, yet this does not affect their social status. It's a double standard, and the higher classes control both settings. The non-dramatic setting challenges the elite rhetoric of 'impurity' and the concept that inter-caste contact would result in retribution in the next world. This connection demonstrates that the theatrical concept is nothing more than a bourgeois-political tool used by the ruling class to subjugate the lower classes. This study is qualitative in nature and was conducted using a closed-textual-reading approach. The impact of inter-caste gender performativity on both authors is discussed, and the gender performativity of Hindu castes is examined in four settings (theatrical, non-theatrical, public, and private). The study demonstrates that each author is impacted in their own unique way by gender performativity as imposed by society, and that gender performativity is conditional within the Indian Hindu castes, both onstage and off.



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INTRODUCTION

According to Butler, gender is an act that is dramatic, a performance, that is rehearsed, according to a certain script that is written by the ancestors, and it is a historical reproduction. The body is the center of the performance, while, for Merleau-Ponty, Wittig and Foucault, the body is a historical idea (Butler 520). Merleau-Ponty, in *The Phenomenology of Perception*, claims that the body is not a natural species; rather it's a historical idea, which Beauvoir claimed on gender in *The Second Sex*. For Beauvoir too, the body is a "process of embodying cultural and historical possibilities" (Butler 521). There are two types of performative act. One is theatrical and another is non-theatrical. In this both text *Untouchable* and *The God of Small Things*, performative act has a great impact on the character's class, caste and gender. This paper would explore how much gender performativity influences both writers Mulk Raj Anand and Arundhati Roy and how much their created characters maintained or broke the gender performativity theatrically and non-theatrically.

LITERATURE REVIEW

In his article "Subaltern Studies in Arundhati Roy's *The God of Small Things*: A Critical Overview" (2015), Md. Hafijur Rahman argues that the concept of subalternity was imported to the Indian subcontinent in the form of patriarchy, casteism, gender discrimination, and the marginalization of the weak and untouchable. Because Arundhati Roy has spoken out against male chauvinism, patriarchy, social discrimination, political exploitation, sexual subordination, and religious deconstruction on behalf of their independent society, *The God of Small Things* is a depiction of protest against subalternity. The incestuous relationship between Rahel and Estha, who are twins, is also a kind of protest against social norms and rules around romantic relationships.

The God of Small Things depicted the notion of twofold colonization, hybridization, and colonial yearning, as Sobia Ilyas argues in her thesis titled "The Subaltern Voice in Arundhati Roy's *The God of Small Things*: A Postcolonial Approach" (2019). Ammu represents postcolonial women of the contemporary era from the subaltern perspective since she is a fiercely independent person who relentlessly challenges the dominant culture for the right to express her sexuality and independence. On the other hand, Velutha's figure is a metaphor for the dangerous influence of the outcast and the Other in a racist and religiously intolerant society. Ammu and Velutha are two examples of empowered subjects who have the subaltern voice thanks to postcolonial circumstances of double colonialism, hybridization, and colonial desire (Tufail, M et.al., 2022, Khan, S., Ali, S., & Urooge, S. 2019)..

Characters in Arundhati Roy's *The God of Small Things*, writes Sedunath Dhakal in "Interface between Subalternity and Sexuality in Arundhati Roy's *The God of Small Things*" (2019), defy societal standards. Ammu's act of defiance is a direct challenge to the socio-cultural narratives established by Indian patriarchal culture.

According to Cheluva Nikhil in "Caste and Gender Issue Discussed in Mulk Raj Anand's *Untouchable* Novel" (2022), the author is imploring the upper-class readers via his depiction of the hardships Bakha and his family face to consider the plight of their lower-class peers.

Writing as a social critic, Mulk Raj Anand uses his book *Untouchable* to speak out against caste discrimination in Indian culture, according to Nisar Ahmed Dar in "Mulk Raj Anand's *Untouchable*: A Voice of Subaltern" (2018). Mulk Raj Anand, in his view, accurately portrays the lives of India's lower-class citizens and the underlying character of the country's culture. The caste system causes severe damage and disorder in Indian culture.

Mulk Raj Anand, who was inspired by Marxist philosophy and Gandhiji, thinks that the viewpoint of democracy would assist to elevate the socioeconomic circumstances of subalterns, as stated by Dr. Tripti Kumari in "Glimpse of Gender Sensitization in Mulk Raj Anand's *Untouchable*" (2018). In a patriarchal culture, a woman is treated nearly like a consumer commodity. Class, caste, and patriarchal advantages gradually close in on the protagonist of this tale.

Research Gap

The review of the literature clarifies that there is no work found to be done by applying gender performativity of Judith Butler in *Untouchable* by Mulk Raj Anand and *The God of Small Things* by Arundhati Roy. There are no researches done in this criteria by incorporating the theory of performative acts by answering these problems of gender performativity in *Untouchable* and *The God of Small Things* with the effects and influences different class, caste and gender. As a result, the nontheatrical and theatrical performativity of this text remained unexplored. Therefore, this research deals with the gap of gender in *Untouchable* and *The God of Small Things*.

METHODOLOGY

This study is qualitative in nature and was conducted using a closed-textual-reading approach. My main references are Mulk Raj Anand's *Untouchable* and Michael Lewis's *The God of Small Things*. Internet archives, articles, blogs, and academic publications are my secondary sources of information. This study makes use of Judith Butler's "Performative Acts and Gender Constitution: An Essay in Phenomenology and Feminist Theory".

Research Objectives

General Objective:

To bring out the social discourse of gender performativity in inter-caste relationship in the topic.

Specific Objectives:

- I. To investigate how both the writers, Mulk Raj Anand and Arundhati Roy are effected and influenced by the traditional gender performativity.
- II. To figure out the theatrical and non-theatrical gender performativity of the prominent characters to explore the gender performativity in inter-caste relationship.

Research Questions

- I. How are both the writers effected and influenced by socially accepted gender performativity Indian Hindu culture?
- II. What are the theatrical and non- theatrical contributions in prominent characters? How much they maintain or break the gender performativity theatrically and non-theatrically?

Theoretical Framework

This paper deals with the theoretical ground of Judith Butler's gender performativity. According to Judith Butler, in "Performative Acts and Gender Constitution an Essay in Phenomenology and Feminist Theory", gender identity is a performative accomplishment, an act which one performs based on a certain script that is historically written by the ancestors and prescribed by the society. The gendered norms exist in society through the performative acts in theatrical contexts and nontheatrical context. The theatrical performative act occurs in such a context when one is in front of society and the acts are validated by the society. The society beholds, as the audience, and validates the performative acts of individuals and gives value to the performance of the performer's theatrical act. The nontheatrical act is an act which one performs without the consideration of the validation or approval of the society. For example, when one is rushing for blood collection in hospitals, he/she does not care who is watching him/her. In the same way, hurry work in office time, running for taking bus, all these acts are non-theatrical, when a person does not care about society.

In both contexts, whether one will follow the performative codes or not, is completely personal performative. The acceptance of performative act in both contexts depends on the embodiment. Through embodying the social codes, one exists as a social being with certain rank and codes of identity. That means, to exist in the society or as a validated social being, a human has to embody the social performative codes and perform according to the codes, whether he/she is elite or subaltern. For Sartre, the embodiment of socially prescribed performativity is the way of one's getting essence and way of life. Through rejecting performative acts, one can get out of socially constructed identity too. However, Beatrix Hauser in her book *Promising Rituals: Gender and Performativity in Eastern India*, shows that performativity in Indian Subcontinent is restricted by rituals, festivals, religion, public & private spheres and local customs. There are **two spheres**, which align with Butler's contexts, are public sphere and private sphere, and both are distinctive based on culture and social customs. A person can be either theatrical or nontheatrical, but he/she must have dealings in both public and private spheres.

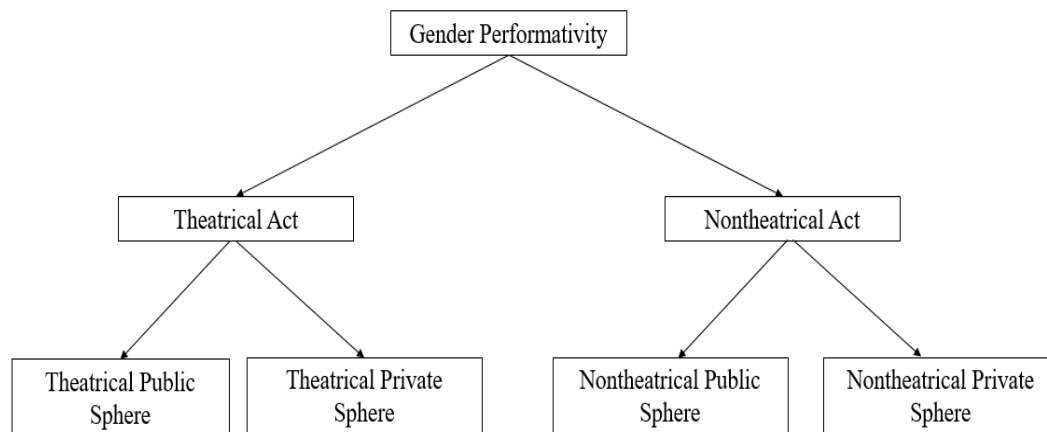


Figure 1: Concept Mapping

A person who is always act theatrically thinks the conformity to the society in public sphere even in private space. In the nontheatrical public sphere, a person does not consider the social acceptance in front of society, since nontheatrical means no consideration of social acceptance. In nontheatrical ground, a person acts in her own way without any hesitation of social acceptancy. The nontheatrical privet sphere is the space of self-consciousness of social performativity.

Men and women differently deal with public and privet spheres which are much restricted. Individuals do not have access to violate the conditions of any spheres except the private sphere of nontheatrical context. There are four spheres provided below.

Theatrical Public Sphere: Nontheatrical act means the act with the consideration of the values, and appreciation of the society. A person in nontheatrical public space is conscious about the recommendation of the society by accepting the socially prescribed gender performativity in public space outside of the personal room.

Theatrical Private Sphere: It is a psychological space. In this private space, a person's thinking reveals his/she faith in social conformity. For example, Baby Kochamma and Mammachi whatever they think and plan does not go against their social conformity. Their thinking is much conservative and traditional. They also cannot think out of social context about women's right, capitalist patriarchal oppression etc. The tolerance of husband's torture is worshipping to them. Therefore, they exist in theatrical private space always.

Nontheatrical Public Sphere: In nontheatrical public space, a person acts in public without any consideration of the conformity of the society. It is very independent act, opposite to theatrical public. For example, a person rushing to the hospital for collecting blood is a

nontheatrical public act, because at that moment the person is hesitating on his appearance in front of the eyes of the society.

Nontheatrical Private Sphere: This space is the complete rejection of the social thinking in one's private space. Its independent thinking or planning. In this act one can have the sense against colonialism or any kind of oppression.

RESULTS AND DISCUSSION

Criticism on Anand's and Roy's treatment of Gender Performativity

The narrative of *Untouchable* proves that Mulk Raj Anand cannot get out of the gender performativity prescribed by the society. Because in his book we have figured out the theory of gender performativity where gender and gender roles are explained in detail through social performances of their everyday life, as the writer portrays a hegemonic version through his linguistic binary making subaltern characters objectified. He portrays Bakha's character as "masculine"/" man" and Sohini's character as "woman"/ "feminine". In *Untouchable* the writer depicts Sohini's character as alluring as much as he can. The writer says, "She had a delicate slim body, not lean bodied like other native untouchable girls. She had a very graceful physique with well-rounded hips and curved waist as just as like as the arch of the hunter. Her globular breast jerked slightly because of the lack of bodice. And that lacking made her physical appearance more alluring than other girls with her transparent muslin shirt" (Anand 2014). Anand objectifies Sohini's physical appearance through his sexist expression. No brother thinks his sister in such a chauvinistic objectifying gaze. Here Anand has treated Sohini like an object rather than an agentive being. Even she is not provided any voice of questioning and exploring her roles. The writer's portrayal shows how a woman assumed in everyone's eyes in India during the colonial period. In Indian subcontinental cultural context, a beautiful woman would be appealing, she should have a curvy body, her physical structure should be attractive like Sohini. On the other hand, the writer portrays Bakha's character as a strong masculine man who have worked hard, what society exactly expects from a man. Therefore, Mulk Raj Anand maintains the traditional gender performativity prescribed by Indian society and cannot save himself out of it.

Unlike Anand, Arundhati Roy deconstructs tradition of the writer's conformity to the socially prescribed gender performativity through her narrative approach and cobstruction of the characters like, Ammu and Velutha. In *God of Small Things* Ammu is a strong, independent and emotionally volatile person. She is willful and rebellious. She breaks gender performativity through her character. She has left her family in order to marry Babu but when Babu starts to oppress her, beats her and forces her to be intimated with his boss, she divorced him after beating him up in response of her revenge. For an Indian woman it is quite impossible to cross their gender performativity. Ammu crosses the boundary by protesting the patriarchal discursive practices of her society.

In Indian Hindu society, the discursive practice of inter-religious and inter-caste pollution is a weapon of patriarchal bourgeois hand to dominate women so that the male dominant position of patriarchal economy remains unharmed. Both Ammu and Chacko are divorcee, back to their home but face separate rules in terms of gender. Ammu is considered as a polluted figure by inter-religious (Hindu-Christian) marriage and her children as polluted production. Chacko declares "locust Stand I" to mention that she does not have any place in this house. It is a less social norm but more a constructed code to reduce the social opportunities of a women because, we find, the code of pollution and touch-ability shifts according to the need of the dominant patriarchal figures. Ammu does not believe in the pollution of the inter-religious, inter-class and inter-caste relationship non-theatrically. Being a member of a bourgeois family, her theatrical context in front of the society is not confident enough to challenge the borders of class, race, religion and caste. But when she was free in her life out of the village of Ayemenem, she was confident enough to broaden her theatrical sense to challenge her family code of upper caste by the marriage with a Christian. The Non-Hindu and the lower caste are the same untouchable to the upper caste. As a result, the twins are regarded as inter-religious polluted and neglected by Mammachi's family.

For Butler "Discrete genders are part of what "humanizes" individuals within contemporary culture; indeed, those who fail to do their gender right are regularly punished" (Butler 2020). When Ammu tries to break the socially constructed gender rules for women and for this reason she is humiliated and punished by the policeman Thomas Mathew, Baby Kochamma and the society. After her divorce she fell in love with Velutha (an untouchable). She makes a first attempt to make love with Velutha. That time Indian society wanted women as submissive characters; they shouldn't be expressive about their desire. But Ammu breaks the norms. That's why inspector Thomas Mathew addresses her "veshyas" and sexually harasses her by tapping her breast. Also, Baby Kochamma locks Ammu in her bedroom in order to detach her from Velutha. Even the society refuses to burry her for not following the gender performativity. That's why she says ironically, "Thanks to our wonderful male chauvinistic society!". Though Arudhati Roy's writing we have found that, she tries to give some power to Ammu's character as a female protagonist to break the gender performativity still she keeps the main focus on the male protagonist Velutha. He is a member of the Paravan, or untouchable like Bakha. The writer depicts that he is a man with exceptional skills that's why he employed by Mammachi to do additional chores around the Ayemenem house along with his works in pickle factory. Therefore, both the writers have distinctive stand on gender performativity. Anand accepts the socially prescribed gender performativity, whereas, Roy subverts the socially constructed performativity that oppresses in the name of gender ideology.

Gender Performativity of Women, the Gender Subalterns

Women are the most silenced subalterns in all the castes. A woman inherently does not belong to any caste rather she belongs to the caste of the man whoever touched her. Their rank depends on the rank of man and so the caste too. In *Untouchable*, Gulabo is a higher rank

powerful women among the Harijan women because she used to be a mistress of an upper caste man once upon a time. In *The God of Small Things*, Ammu is considered impure fallen women by the society when her relationship with Velutha spreaded out. The inspector Methew Thomas even did not hesitate to molest her when he is assured of the inter-caste relationship of Ammu. With the touch of Velutha. Ammu became impure, a women equal to the lower caste who can be touched easily out of her consent. Inspector calls her Veshya. Though Ammu is disdained by the society, she subverts the elitist notion of the theatrical margin of untouchability. Her inter-caste relationship was in nontheatrical private sphere. The mutual inter-caste conduct proves that women's rank depends on the rank of the man whom she has relationship with.

However, Sohini, to maintain the gender performativity, has always to perform the household chores, and she never gets the facilities and independence like Bakha to explore various person from different class, caste and gender. She is humiliated all the time by her father when she is subconsciously being ignorant to maintain her household chores. She is molested by the upper caste pundit which proves that the upper caste notion of impurity by the touch of the untouchables is nothing but theatrical hypocrisy of the upper castes. If the pundit had the belief of impurity inherently, he would never touch Sohini. However, In *The God of Small Things*, Ammu doesn't get the facilities to be educated like Chacko. Chacko has married an English woman Margaret (who is obviously out of his caste) and ends up with divorce but nobody in his family and society utters a single word against him but when Ammu does the same thing she is being unwelcomed from her family. Because according to Baby Kochamma, "A married daughter has no position in her parents" (Roy 2001). She is also mistreated by the people of Ayemenen because a society trusts that women who lived with their husband. On the other hand, she is not treated equally in her family because of the gender performativity that's why her brother Chacko says, "What's yours is mine and what's mine is also mine" (Roy 2001). So both of the characters Sohini and Ammu don't get equal rights because of the gender performativity. Therefore, women in Hindu culture, never possessed the certainty of their caste, rather, they were traditionally found to be tagged off the caste of the men whoever touched them consensually.

Breaking the Binary Theatrically and Non-Theatrically

In both text we have figured out that when violation occurs to the both women, Sohini and Ammu break their binary. In Sohini's case she can't break the binary theatrically, she is muted like other subjugated women, she doesn't protest against Kalinath's sexual harassment. But in non-theatrically when her brother has asked her about that incident, she expresses her horrible experience with that Pandit. She says, 'He-e-e just teased me,' she at last yielded. Then she says, 'And then when I was bending down to work, he came and held me by my breasts'. So here non- theatrically she is not muted like other subjugated women.

On the other hand, Ammu breaks the binary both in theatrically and non- theatrically. Because when she is forced by her husband to have sexual relationship with his boss Mr. Hollick to secure his job she protests immediately by beating her husband, it is a non- theatrical protest

as because it is not in front of the society. Then she divorces her oppressor husband, it is a theatrical protest. After the separation she is both father and mother to Rahel. Then her love relationship with Velutha is immoral act in that Indian society because, "If a man married many women it is acceptable but if a woman have affair with another man, she is called prostitute". She breaks this female discourse and she takes a first attempt to make love with Velutha.

According to Butler's performativity we assume that when a person is in his or her childhood, there is no man- woman binary. Gender rules are constituted through the person's upbringing. That's why Simon de Beauvoir says, "One is not born but rather becomes a woman". That's why Chota's sister has given permission to play with Bakha and other boys when they all were little kid. But eventually when she grows up her mother Gulabo detach her from the boys group and assures her to be married to follow the gender performativity.

In Indian subcontinental society, women's respect and disrespect intertwined with male's position in society. In Sohini's case, she is given water after so much struggle and humiliation because of the interruption of the Pandit. Everybody is bound to give Sohini space when the Pandit says, "Get away you noisy curs, get out of the way". In Ammu's case everybody demeans her when she gets attached with an untouchable like Velutha. So men's position according to class, caste and gender use to define women's position in the patriarchal society.

Comparison Between Untouchable and The God of Small Things in Terms of Inter-Caste Gender Performativity

Contexts	Untouchable	The God of Small Things
The Authors	Anand conforms the traditional gender performativity that is prescribed by patriarchal culture.	Roy subverts the socially constructed oppressive gender performativity that is regulated by dominant elitism.
Inter-caste Untouchability	Sohini is touched by Pundit. The upper caste Pundit does not believe in the afterlife punishment of the touch. It proves that the untouchability is an upper caste hypocrisy.	Ammu is touched by Velutha. Ammu breaks the hypocrite pretention of upper (her) caste.
Inter-caste Gender Performativity	The untouchability of the upper Caste is a theatrical act of public sphere. It has no existence in nontheatrical private sphere.	Ammu and Velutha inter-caste relationship is the exposition of Nontheatrical Private act of untouchability where there is no untouchability.
The Subversion of	Sohini breaks the binary in	Ammu breaks binary in both

Performative Binary of Castes in both Theatrical and Nontheatrical Contexts	theatrical ground by telling the truth of her molested self.	theatrical and nontheatrical grounds. She had relationship with Velutha and she clarifies it indirectly too in police Station.
The Condition of Women, the gender subalterns in inter-caste relationship	Women, in Hindu culture and inter-caste consensual relationship, never possess the certainty of their caste. They never belong inherently to any caste of them, rather, they were traditionally found to be tagged off the caste of the men whoever touched them.	

CONCLUSION AND RECOMMENDATION

The researchers have figured it out that Mulk Raj Anand is a believer of gender performativity. He assumes women and men's role according to society's constructed constitution. That's why he objectifies male and female body through his writing. Also he portrays women based on the society's preferences muted, shy and submissive. In Arundhati Roy's perspective she tries to break performativity through Ammu and Velutha's character. In *Untouchable*, Gender performativity hampers facilities for women because in Sohini's life she is pressurized to do all household chores. She never gets the independence like Bakha. In Ammu's case she is also a divorcee like her brother but her brother is accepted by the family and society, she is not. Also her family deprived her from education for being a girl. So both Sohini and Ammu are being discriminated because of the gender performativity. Sohini is touched by Pundit. The upper caste Pundit does not believe in the afterlife punishment of the touch. It proves that the untouchability is an upper caste hypocrisy. Ammu is touched by Velutha but breaks the hypocrite pretention of upper caste. The untouchability of the upper Caste is a theatrical act of public sphere. It has no existence in nontheatrical private sphere. Ammu and Velutha inter-caste relationship is the exposition of Nontheatrical Private act of untouchability where there is no untouchability. Sometimes men's position in society is used as a parameter to define women's position. At last we can say that gender performativity is a pressure for women. So if we want to become a liberal person we should remind in mind that gender performativity is social constructed and it is marginalized a person's potentiality whether she is a man or a woman. For women gender performativity shackled them in a chain. So every woman should break the binary theatrically and non-theatrically; and they should follow what they exactly want to do, not the social rules of gender performativity want them to do.

REFERENCES:

Anand, M. R. (2014). *Untouchable*. Penguin UK.

- Bartwal, D. M., & Bijalwan, R. (2013). Treatment of Subaltern Agony in Mulk Raj Anand's *Untouchable*. *The Criterion: An International Journal in English*, 4, 1-8.
- Butler, J. (2020). Performative acts and gender constitution: An essay in phenomenology and feminist theory. In *Feminist theory reader* (pp. 353-361). Routledge.
- Dar, N. Mulk Raj Anand's *Untouchable*: A Voice of Subaltern. *Bodhi International Journal of Research in Humanities, Arts and Science*, 2, 83-87.
- Dhakal, S. (2019). Interface between Subalternity and Sexuality in Arundhati Roy's *The God of Small Things*. *KMC Research Journal*, 3(3), 135-142. <https://doi.org/10.3126/kmcrrj.v3i3.35720>, accessed 2019.
- Dhakal, S. (2019). Interface between Subalternity and Sexuality in Arundhati Roy's *The God of Small Things*. *KMC Research Journal*, 3(3), 135-142.
- Ilyas, S. (2019). The Subaltern Voice in Arundhati Roy's *The God of Small Things*: A Postcolonial Approach. *International Journal of English, Literature and Social Sciences (IJELS)*.
- Jadhav, P. (2017). Subaltern and Gender Issues in Arundhati Roy's *The God of Small Things*. *Arts & Education International Research Journal*, 2, 55-58.
- Kumari . D. T (2018). Glimpse of gender sensitization in Mulk Raj Anand's *Untouchable*. *International Journal of Applied Research*, 4(10): 50-52.
- Mukherjee, A. P. (1991). The Exclusions of Postcolonial Theory and Mulk Raj Anand's *Untouchable*: A Case Study. *ARIEL: A Review of International English Literature*, 22(3).
- Nikhil, C. (2014). Cast and Gender Issue Discussed in Mulk Raj Anand *Untouchable* Novel,. *Journal of Emerging Technology and Innovative Research (JETIR)*, <https://www.jetir.org/papers/JETIR2204184.pdf>
- Rahman, H. (2015). Subaltern Studies in Arundhati Roy's *The God of Small Things*: A Critical Overview. <http://miurs.manarat.ac.bd/download/Issue-04/17.pdf>, accessed 2015
- Reddy, D. G. (2015). Resilience of Caste in Mulk Raj Anand's *Untouchable*. *Galaxy: International Multidisciplinary Research Journal*, 42-44.
- Roy, A. (2001). *The god of small things*. Mehta Publishing House.
- Saliu, F., & Taqi, M. (2022). Exports and Economic Growth. A case study of US.
- Taqi, M., Shah, S. Z. A. (2021). An Empirical analysis of the Influencing Factors of Foreign Trade in Pakistan: Based on the Gravity Model. *Indian Journal of Economics and Business*, 20(1).
- Taqi, M., Mohsin, I., & Khan, I. H. (2022). A Study into Sustainable Ethical Business Practices of CPG (Consumer Packaged Goods) Companies. *INTERNATIONAL JOURNAL OF SPECIAL EDUCATION*, 37(3).
- Faridi, M. Z., Mehmood, K. A., Azam, A., & Taqi, M. (2019). Fiscal decentralization and economic growth in South Asian countries. *Pakistan Journal of Commerce and Social Sciences (PJCSS)*, 13(2), 529-546.
- Taqi, M., Abbas, M., e Ali, M. S., & Ashraf, M. R. (2021). Foreign direct investment, trade performance, and sustainable development goals: An analysis of BRI selected countries. *International Research Journal of Management and Social*, 2, 67-79.
- Taqi, M., Rizwan, M., Ahmad, W., & Umair, M. (2021). Effect of the Tax Rate on Economic Growth: A Panel Analysis. *International Research Journal of Management and Social Sciences*, 2(2), 12-26. [https://doi.org/10.53575/irjmss.v2.2\(21\)2.12-26](https://doi.org/10.53575/irjmss.v2.2(21)2.12-26)

- Rehman, S. U., Taqi, M., ur Rahman, S., & Ahmad, W. (2021). Impact of Trade Deficit on Economic Growth: A Case of some selected Countries. *International Research Journal of Management and Social Sciences*, 2(2), 27-39. [https://doi.org/10.53575/irjmss.v2.2\(21\)3.27-39](https://doi.org/10.53575/irjmss.v2.2(21)3.27-39)
- Taqi, M., e Ali, M. S., Parveen, S., Babar, M., & Khan, I. M. (2021). An analysis of Human Development Index and Economic Growth. A Case Study of Pakistan. *iRASD Journal of Economics*, 3(3), 261-271. <https://doi.org/10.52131/joe.2021.0303.0042>
- Taqi, Muhammad and Ali Shah, Salyha Zulfiqar and Sibte Ali, Muhammad and Ali, Muhammad and Yousuf, Muhammad, Access to Finance for African SMEs: Do Women Entrepreneurs Face Discrimination (2021). *Journal of Contemporary Issues in Business and Government* Vol. 27, No. 06, 2021, Available at SSRN: <https://ssrn.com/abstract=4270966>
- Naveed, T. A., Sarwar, K., e Ali, M. S., Irshad, M. S., & Taqi, M. (2022). Globalization and Gender Disparities: A Social, Economic and Political Perspective for South Asian Countries. *Journal of Contemporary Issues in Business and Government*, 28(3), 160-185.
- e Ali, M. S., Taqi, M., & Parveen, S. (2021). Role of Political Instability in Attracting FDI Inflow to Pakistan. *Review of Politics and Public Policy in Emerging Economies*, 3(1), 41-49. <https://doi.org/10.26710/rope.v3i1.1739>
- e Ali, M. S., Khan, M. I., Taqi, M., & Khan, F. (2021). Determinants of Foreign Direct Investment in Pakistan. *Meritorious Journal of Social Sciences and Management (E-ISSN# 2788-4589| P-ISSN# 2788-4570)*, 4(1), 38-47.
- Taqi, M., Zainab, F., Anwar, S., & Zia, A. (2022). Nexus between Carbon emission per capita and Urbanization. *Journal of Economics, Management & Business Administration*, 1(2), 15-26. <https://doi.org/10.59075/jemba.v1i2.116>
- Yuan, M., Hu, H., Alharthi, M., Ahmad, I., Abbas, Q., & Taqi, M. (2022). Nexus between energy pricing and carbon emission. A policy mix response of developing economies. *Economic Research-Ekonomska Istraživanja*, 35(1), 6541-6557.
- Khan, S., Ali, S., & Urooge, S. (2019). The analysis of regional bilateral trade between Pakistan and Central Asian Republics. *Pakistan Journal of Applied Economics*, 29(1), 93-106.
- Tufail, M., Song, L., Ali, S., Wahab, S., & Hassan, T. (2022). Does more immigration lead to more violent and property crimes? A case study of 30 selected OECD countries. *Economic Research-Ekonomska Istraživanja*, 1-19.



The Impact of Demographic Factors and Job Satisfaction among Non-academic Staff of Government Schools in Colombo District, Sri Lanka

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ABSTRACT

The academic and non-academic personnel are the primary stakeholders in the achievement of success in educational institutions. The level of attention given to non-academic staff in Sri Lankan government schools is relatively low, resulting in a reduced emphasis on their satisfaction. The significance of having a content and dedicated non-academic staff cannot be overstated, as it greatly impacts the overall administration and academic performance of educational institutions. The aim of this study is to ascertain the impact of demographic variables and job satisfaction on non-academic personnel in government schools located in the Colombo district of Sri Lanka. The research was carried out through a survey methodology utilizing a self-administered questionnaire. This study utilized a convenience sample consisting of 370 non-academic staff members from 40 government schools located in the Colombo district. The mean value for job satisfaction, as measured on a Likert scale ranging from 1 to 5, is 2.3763, with a corresponding standard deviation of 0.3226. The school administration should prioritize their attention towards promotion and communication, as these areas have been reported to have the lowest level of satisfaction among stakeholders. The work's nature, as indicated by a mean score of 4.2081, is associated with the highest level of job satisfaction among non-academic staff in schools. This finding suggests that these staff members generally hold positive attitudes towards their work tasks. A notable dissimilarity exists between the degree of contentment expressed by male and female non-academic personnel regarding their satisfaction with the nature of their work. The data indicates that male non-academic staff members exhibit a higher level of dissatisfaction with their pay (mean=2.0803; standard deviation=0.1917) in comparison to their female counterparts (mean=3.1875; standard deviation=0.1922). In a similar vein, it can be observed that male personnel exhibit a higher level of discontentment with regards to their supervision, as evidenced by a mean score of 2.3289 and a standard deviation of 0.4357. The data indicates that there is a negative correlation between overall job satisfaction and certain demographic factors, specifically gender (-0.056), marital status (-0.014), level of education (-0.072), and service category (-0.532).



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INTRODUCTION

Since work satisfaction has been shown to positively correlate with both employee performance and organizational results, it has been a major focus of research in the subject of

human resources management. As stated by Ashraf M. (2013) and Thierry (1998), work satisfaction is a key motivator since it encompasses employees' psychological, behavioral, and occupational reactions to doing their jobs. Employee happiness at work is directly linked to the success of a firm. Dompelage (2019) explains that as a result, businesses may expect to pay more for things like training new employees and replacing those who leave for various reasons, as well as for other indirect costs like recruiting and absenteeism. Toker (2014) points out that the idea of increasing workers' happiness on the job in order to boost their output is controversial and up for dispute. Akinyi (2013) claims that contentment in one's employment is correlated with contentment in one's personal life, dedication to one's organization, and productivity on the job.

Government schools make up the vast majority of Sri Lanka's elementary and secondary education systems, and are overseen closely by the country's Ministry of Education. There are 396 national schools and 9,750 provincial schools in Sri Lanka, as reported by the Ministry of Education in 2021. The Service Minute of Non-Combined Services (2022) states that a substantial part of the duty of non-academic personnel is to perform duties other than teaching. M.A. Azeem found that productivity, efficiency, and effectiveness all have a role in how well workers perform in his 2014 research. Consequently, non-academic staff members' impact on students' academic performance is substantial. The study's goals were to (1) identify the factors that contribute to the happiness of non-academic staff in Sri Lankan educational institutions and (2) assess the effect of these factors on work satisfaction.

Problem Statement and Research Gap

Dompelage (2019) claims that when workers are happy and motivated, they are more productive on the job, less likely to call out sick, more dedicated to their company, less likely to quit, and less likely to consider leaving. Job satisfaction is deemed essential to one's health and happiness by Yuliarini et al. (2012). Low levels of dedication and devotion to the company are cited as the leading cause of worker discontentment by Tella et al. (2007). The Ministry of Education is in charge of formulating and enforcing guidelines for all elements of compulsory schooling. The non-instructional staff at educational institutions is responsible for ensuring clean classrooms and laboratories. Therefore, the non-academic staff consists of unskilled, semi-skilled, and skilled workers. Service employees, sanitation workers, laborers, laboratory assistants, and security guards are all included in this category. Different levels of hierarchy are represented by these different things. The literature study reveals a paucity of studies examining the happiness of non-academic staff in Sri Lankan educational institutions. Job satisfaction and motivation were shown to have a substantial effect on performance, loyalty, commitment, turnover, and absenteeism by the researcher responsible for managing the administration of non-academic employees in schools. The vast literature on inspiration and fulfillment in the workplace has a gaping hole. Therefore, this study aims to fill a knowledge vacuum by investigating what variables affect the contentment of government school employees who are not academics Tufail, M et.al., (2022), Khan, S., Ali, S., & Urooge, S. (2019).

LITERATURE REVIEW

Numerous conversations have been held about the connection between work satisfaction and motivation. Job contentment, intrinsic drive, and loyalty to the company are all intertwined, as stated by Warsi et al. (2009). Job satisfaction is defined as a positive emotion that results from the belief that one's work contributes to and enables the fulfillment

of one's physical and psychological needs by McPhee and Townsend (1992). All of the aforementioned necessities have an effect on worker motivation, which in turn influences output. Worker happiness, motivation, and productivity have been the subject of several theoretical frameworks. Toker (2014) elaborated on the two-factor theory of motivation and dove into the different elements that contribute to or detract from contentment in one's employment.

Job Satisfaction as an Idea

Employment satisfaction refers to how one feels about their employment, whether that's favorable or bad. The phenomena under investigation may be explained as an emotional response to the material and social conditions of the workplace. Compensation, social status, promotion prospects, working environment, and management control are all elements that might affect job satisfaction. Whether or not government school teachers in Sri Lanka are inspired by their work has a direct effect on the quality of education their students get. To enhance public education in Sri Lanka, it is necessary to maximize the efficiency of non-academic personnel.

Job Satisfaction and the Quality of the Workplace

The ever-changing state of the environment is a major factor that has far-reaching consequences for businesses. According to Akinyi (2013), people's output is affected by their surroundings at work. Salary, employee autonomy, organizational structure, communication hurdles, and the work environment are only few of the factors that contribute to or detract from job satisfaction, as highlighted by Raziq and Maulabaksh (2015). The motivation of non-academic staff at educational institutions is affected by a wide variety of psychological and environmental elements in the workplace.

Demographic factors and Job Satisfaction

Amarasena et al. (2015) state that there is a strong correlation between one's demographic characteristics and their degree of work satisfaction. In addition to rank, gender, service year, level of education, age, and field of service all have a role. Faculty members' happiness on the work at Sri Lankan institutions is mostly determined by their level of social recognition, as reported by Amarasena et al. (2015). Cano and Miller (1992) found that regardless of a teacher's age, length of service, or level of education, they were not significantly correlated with work satisfaction. Bas and Ardicin (2002) proposed that age, experience, and other demographic factors are positively correlated with feelings of contentment in the workplace.

Objective of the study

The main objective of the research was to determine the influence of the demographic factors on the job satisfaction of non-academic staff of public schools in Colombo district in Sri Lanka.

Hypothesis

H₀₁: There is no significant difference between the level of job satisfaction of male and female non-academic staff of the government schools in Sri Lanka.

H₀2: Demographic factors have no significant influence on job satisfaction

METHODS AND MATERIALS

The researchers in this study set out to learn what factors affect non-academic workers' happiness in Colombo's public schools. The research divided non-academic workers into three categories: those with no training, those with some training, and those with advanced training. There will be 16,476 non-academic staff members working in government schools in Sri Lanka in 2022, according to a study from the Ministry of Education. There are approximately 3,831 people working in government schools in the Colombo area. The research sampled 370 non-academic staff members from government schools in Colombo that are overseen by the Ministry of Education using a convenience sampling method. There were two main parts to the survey itself. The first part of the report included some basic demographic and work-related statistics. Researchers focusing on human subjects have paid the greatest attention to age, gender, education, profession, marital status, job categorization, and duration of employment. The next segment of the survey included 36 questions designed to tease out the factors that contribute to overall work satisfaction. Responses on a 5-point Likert scale, with possible values from 1 to 5, were used to evaluate the aforementioned criteria.

RESULTS

Satisfaction of the job

Views on work satisfaction from non-academic staff are shown in Table 01. The average scores show some variation in the 2.8–3.2 range. This suggests a degree of work satisfaction somewhere between lukewarm and moderate. Scores of 3.1838, 03.3311, 3.1042, 3.2493, 3.2723, 3.3584, and 3.2081 were given to the remuneration, supervision, fringe benefits, contingent incentives, operational circumstances, colleagues, and type of job for non-academic personnel. Both the promotion and communication levels are low (2.8939) and below the mean (2.8115). Overall job satisfaction (2.3753) is lower than the neutral level (5.5), whereas satisfaction with one's connection to the nature of one's work has the greatest mean and standard deviation.

Table 1: Perception of Non-Academic staff on Job satisfaction

<i>Variables</i>	<i>N</i>	<i>Mean</i>	<i>Sd.</i>
Pay	370	3.1838	0.1917
Promotion	370	2.8939	0.4172
Supervision	370	3.3311	0.3427
Fringe Benefits	370	3.1042	0.3788
Contigent rewards	370	3.2493	0.2698
Operating conditions	370	3.2723	0.3219
Coworkers	370	3.3534	0.3885
Nature of work	370	4.2081	0.4103
Communication	370	2.8115	0.3481
Job Satisfaction	370	2.3763	0.3226

The effect of gender on non-academic staff's job satisfaction

Male and female non-academic workers' levels of job satisfaction were compared using an independent t-test. This phenomena is seen in Table 2. Variability in the mean values of the variables is found between 2.89 and 3.35 on a scale from 1 to 5. There is a significant gender gap in how male and female non-academic workers rate their level of happiness with their jobs. Among non-academic personnel, males are more likely to be dissatisfied with their income (mean=2.0803; standard deviation=0.1917) than females (mean=3.1875; standard deviation=0.1922). Similarly, male workers express more displeasure with their superiors (mean = 2.3289; standard deviation = 0.4357) than do their female counterparts. There was no substantial difference in work satisfaction between men and women in non-academic positions, according to the survey.

Table 2: Comparative Analysis of Job Satisfaction of Non-academic staff

<i>Variables</i>	<i>Gender</i>	<i>N</i>	<i>Mean</i>	<i>Sd.</i>	<i>T</i>	<i>Sig</i>
Pay	Female	180	3.1875	0.1922	0.1653	0.8687
	Male	190	2.0803	0.1917		
Promotion	Female	180	2.8958	0.4204	0.0633	0.9495
	Male	190	2.8921	0.5660		
Supervision	Female	180	3.3333	0.3431	0.0857	0.9317
	Male	190	2.3289	0.4357		
Fringe Benefits	Female	180	3.1042	0.3786	0.0088	0.9929
	Male	190	3.1039	0.3800		
Contigent rewards	Female	180	3.2500	0.2697	0.0390	0.9688
	Male	190	3.2487	0.2706		
Operating conditions	Female	180	3.2708	0.3219	-0.0564	0.9550
	Male	190	3.2737	0.3227		
Coworkers	Female	180	3.3542	0.3903	0.0427	0.9659
	Male	190	3.3526	0.3879		
Nature of work	Female	180	3.2083	0.4125	2.0138	0.0086
	Male	190	3.2079	0.4092		
Communication	Female	180	2.8125	0.3481	0.0613	0.9511
	Male	190	2.8105	0.3490		
Job Satisfaction	Female	180	2.8960	0.4207	1.6078	0.1086
	Male	190	2.8934	0.5678		

Influence of demographic factors on the Job Satisfaction

The findings of the correlation study between demographic factors and work satisfaction are shown in Table 3. The coefficients of -0.028, -0.027, -0.005, and -0.057 on the variables compensation, contingent incentives, working with coworkers, and

communication, respectively, are all statistically significant at the $p0.05$ level, indicating a negative association between gender and these factors. Supervision ($r=0.065$) and fringe benefits ($r=0.054$) are two examples of areas where gender plays a role. Promotion ($r=0.024$), contingent incentives ($r=0.026$), the nature of the job ($r=0.029$), and communication ($r=0.025$) are all positively correlated with married status. Overall work satisfaction is negatively correlated with a number of demographic variables, including gender (-0.056), married status (-0.014), education level (-0.072), and industry (-0.532), as shown by the data.

Table 3: Correlation between demographic factors and job satisfaction variables

	Pay	Promotion	Supervision	Fringe Benefits	Contingent rewards	Operating conditions	Co-workers	Nature of work	Communication	Job Satisfaction
Gender	-0.028	-0.032	0.065	0.054	-0.027	-0.005	-0.023	-0.057	-0.071	-0.056
Marital Status	-0.006	0.024	-0.008	-0.034	0.026	-0.025	-0.007	0.029	0.025	-0.014
Age	0.022	0.083	0.043	-0.023	-0.028	0.076	0.078	0.038	0.023	0.075
Level of Education	0.027	0.034	0.023	0.053	0.037	0.113	0.028	0.032	0.027	-0.072
Experience	0.032	0.056	0.054	0.013	0.084	-0.018	-0.027	0.023	-0.028	0.065
Service Category	-0.023	-0.039	-0.028	0.022	0.072	0.034	-0.038	-0.031	-0.027	-0.532

CONCLUSIONS

The focus of this study is on non-academic workers, and how satisfied they are with their current employment situations. If most employees aren't over the moon about their work, it won't show up in the average job satisfaction score. On a scale from 1 to 5, the average level of work satisfaction was 2.3763, with a standard deviation of 0.3226. These results are consistent with those of a 2016 study by Chirchir that looked at how demographic factors and work satisfaction differed for primary school teachers in Bomet County, Kenya. Since stakeholders have expressed the lowest levels of satisfaction with promotion and communication, the school administration should focus on these areas. The nature of the work is correlated with the greatest levels of job satisfaction among non-academic personnel in schools, as demonstrated by a mean value of 4.2081. In general, this population has a positive outlook on their jobs.

The majority of non-instructional staff in schools have poor levels of work satisfaction, as shown by the below-average mean score. However, they are more satisfied

than average while working with others. The Ministry of Education, which is responsible for designing policies for public schools in Sri Lanka, may do more to improve the quality of the promotion strategy and communication efforts.

REFERENCES:

- Annual School census of Sri Lanka. (2021). Ministry of Education. Retrieved December 23, 2022, from https://moe.gov.lk/wp-content/uploads/2023/02/School_Census-2021_Summary-Tables-Final-Report1.pdf
- Ashraf, M., Ahmad, N., Shaikh, O., Bhatti, S., & Soomro, A. (2013). The determinants of job satisfaction in public service organization. *European Scientific Journal* December.
- Chirchir, R. (2016). Demographic Factors and Job Satisfaction: A Case of Teachers in Public Primary Schools in Bomet County, Kenya. *Journal of Education and Practice*, 7(13), 152-158.
- Dompelage, P.T., Gunawardhana, D., Kalansooriya, J., & Peiris, D.L. (2019). A Study on Factors Affecting Job Satisfaction of the Non-academic Staff Members in the University of Kelaniya, Sri Lanka.
- McPhee, S. D., & Townsend, L. J. (1992). A study of organizational commitment and job satisfaction among air force occupational therapy officers. *Military medicine*, 157(3), 117-121.
- Raziq, A., & Maulabakhsh, R. (2015). Impact of working environment on job satisfaction. *Procedia Economics and Finance*, 23, 717-725.
- Sarah, A. (2012). Factors affecting employee satisfaction among non-teaching staff in higher educational institutions in Malaysia Othman Yeop Abdullah Graduate School of Business, University Utara Malaysia. *American Journal of Economics*, 93-96.
- Sledge, S., Miles, A. K., & Copping, S. (2008). What role does culture play? A look at motivation and job satisfaction among hotel workers in Brazil. *The international journal of human resource management*, 19(9), 1667-1682.
- Tella, A., Ayeni, C. O., & Popoola, S. O. (2007). Work motivation, job satisfaction, and organisational commitment of library personnel in academic and research libraries in Oyo State, Nigeria. *Library philosophy and practice*, 9(2).
- Saliu, F., & Taqi, M. (2022). Exports and Economic Growth. A case study of US.
- Taqi, M., Shah, S. Z. A. (2021). An Empirical analysis of the Influencing Factors of Foreign Trade in Pakistan: Based on the Gravity Model. *Indian Journal of Economics and Business*, 20(1).
- Taqi, M., Mohsin, I., & Khan, I. H. (2022). A Study into Sustainable Ethical Business Practices of CPG (Consumer Packaged Goods) Companies. *INTERNATIONAL JOURNAL OF SPECIAL EDUCATION*, 37(3).
- Faridi, M. Z., Mehmood, K. A., Azam, A., & Taqi, M. (2019). Fiscal decentralization and economic growth in South Asian countries. *Pakistan Journal of Commerce and Social Sciences (PJCSS)*, 13(2), 529-546.

- Taqi, M., Abbas, M., e Ali, M. S., & Ashraf, M. R. (2021). Foreign direct investment, trade performance, and sustainable development goals: An analysis of BRI selected countries. *International Research Journal of Management and Social*, 2, 67–79.
- Taqi, M., Rizwan, M., Ahmad, W., & Umair, M. (2021). Effect of the Tax Rate on Economic Growth: A Panel Analysis. *International Research Journal of Management and Social Sciences*, 2(2), 12-26. [https://doi.org/10.53575/irjmss.v2.2\(21\)2.12-26](https://doi.org/10.53575/irjmss.v2.2(21)2.12-26)
- Rehman, S. U., Taqi, M., ur Rahman, S., & Ahmad, W. (2021). Impact of Trade Deficit on Economic Growth: A Case of some selected Countries. *International Research Journal of Management and Social Sciences*, 2(2), 27-39. [https://doi.org/10.53575/irjmss.v2.2\(21\)3.27-39](https://doi.org/10.53575/irjmss.v2.2(21)3.27-39)
- Taqi, M., e Ali, M. S., Parveen, S., Babar, M., & Khan, I. M. (2021). An analysis of Human Development Index and Economic Growth. A Case Study of Pakistan. *iRASD Journal of Economics*, 3(3), 261-271. <https://doi.org/10.52131/joe.2021.0303.0042>
- Taqi, Muhammad and Ali Shah, Salyha Zulfiqar and Sibte Ali, Muhammad and Ali, Muhammad and Yousuf, Muhammad, Access to Finance for African SMEs: Do Women Entrepreneurs Face Discrimination (2021). *Journal of Contemporary Issues in Business and Government* Vol. 27, No. 06, 2021, Available at SSRN: <https://ssrn.com/abstract=4270966>
- Naveed, T. A., Sarwar, K., e Ali, M. S., Irshad, M. S., & Taqi, M. (2022). Globalization and Gender Disparities: A Social, Economic and Political Perspective for South Asian Countries. *Journal of Contemporary Issues in Business and Government*, 28(3), 160-185.
- e Ali, M. S., Taqi, M., & Parveen, S. (2021). Role of Political Instability in Attracting FDI Inflow to Pakistan. *Review of Politics and Public Policy in Emerging Economies*, 3(1), 41-49. <https://doi.org/10.26710/rope.v3i1.1739>
- e Ali, M. S., Khan, M. I., Taqi, M., & Khan, F. (2021). Determinants of Foreign Direct Investment in Pakistan. *Meritorious Journal of Social Sciences and Management (E-ISSN# 2788-4589| P-ISSN# 2788-4570)*, 4(1), 38-47.
- Taqi, M., Zainab, F., Anwar, S., & Zia, A. (2022). Nexus between Carbon emission per capita and Urbanization. *Journal of Economics, Management & Business Administration*, 1(2), 15-26. <https://doi.org/10.59075/jemba.v1i2.116>
- Yuan, M., Hu, H., Alharthi, M., Ahmad, I., Abbas, Q., & Taqi, M. (2022). Nexus between energy pricing and carbon emission. A policy mix response of developing economies. *Economic Research-Ekonomska Istraživanja*, 35(1), 6541-6557.
- Khan, S., Ali, S., & Urooge, S. (2019). The analysis of regional bilateral trade between Pakistan and Central Asian Republics. *Pakistan Journal of Applied Economics*, 29(1), 93-106.
- Tufail, M., Song, L., Ali, S., Wahab, S., & Hassan, T. (2022). Does more immigration lead to more violent and property crimes? A case study of 30 selected OECD countries. *Economic Research-Ekonomska Istraživanja*, 1-19.



Declassifying Theory of Separation of Powers and its Inherent System of Checks and Balances: A Comparative Study

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ABSTRACT

The main objective of this article is inspection of the development of the concept of separation of powers to highlight that the powers must not accumulate in one hand and they should be divided among the three main pillars of the state i.e., Executive, Legislature and Judiciary. If the powers accumulate and concentrate in one hand, then the chances of abuse or misuse of power increases which can be dangerous not only for the citizens but also for the integrity of the state. The major purpose of the principal of separation of powers is the betterment of mutual relation among the three branches so that the democracy remains intact and no institution should perform the functions of the other. This article provides in-depth critical analysis of doctrine of separation of powers. It critically inspects its application in America and compares it with other jurisdictions to provide a comparative study.



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INTRODUCTION

Wade and Philips have described the concept of separation of power (SOP hereinafter) in three different ways: Different persons should perform duties in different institutions, no interference of one organ of the state in the functions of the other organ and no control of organs of the state over one another. In this chapter, the author is going to discuss the concept of separation of powers in its basic and original form, the developments that have taken place in this concept with the passage of time, the evolution of this concept, thoughts of Montesquieu upon this concept and the current application of the concept of Separation of Powers.

In this article, the concept of separation of power has been discussed keeping in view the USA as an example. As we know that, in America, this concept is properly and completely implemented and all other states apply this concept by giving a standard example of US. Basically, US constitution also divides the state powers in three main branches i.e., Legislature, Executive and Judiciary. The President is the head of America and America is the super power so, the President also holds a very high position in the International community. He is also the head of executive branch. Despite all these facts, he still does not have unlimited powers and there is a proper check and balance system on his powers too. Moreover, we will also discuss the check and balance system on the powers vested in all the three main branches of the State. We will discuss some constitutional conflicts and their effect on the existing system of checks and balances in the USA.

In this article, the author has analyzed the concept of separation of powers by comparing the enforcement and nature of this doctrine around different democracies around the globe. The author has done a comparative analysis of the concept of separation of powers between Pakistan and USA, Pakistan and UK, UK and USA, China and USA and India and France in this chapter. The working of three main organs i.e., Executive, Legislature and Judiciary is analyzed, in different democracies around the globe.

Thoughts of Montesquieu Upon the Doctrine of SOP

Montesquieu believed that if the concept of separation of powers prevails, then it shall leave a very healthy and positive impact on the political liberty of the state. It shall also pave a way for the natural liberty of the citizens of the state. Safeguarding the political liberty and natural liberty of the citizens of a state is a major achievement which is possible by following the Montesquieu's concept of SOP. Montesquieu further explained that if the doctrine of separation of powers is to be followed in its true sense then it shall also provide safeguard against tyranny (Waldron, 2013).

We are well aware of the fact that if the powers of a state are not divided among different institutions then the power shall be accumulated and concentrated in one hand which shall lead to despotism and abuse of power. This misuse of power can be prevented by adopting the concept of separation of powers in its true sense. Montesquieu also stated that "there must be a system of checks and balances among the institutions. Every pillar of a state must work independently keeping the fact in mind that he shall be accountable for any kind of misuse of power. In this way, abuse of power can be prevented" (Brown, 2022).

Montesquieu defined and described the powers used by the pillars of a state in their simplest form i.e., while exercising the legislative powers, the prince makes new laws and makes amendments in those existing laws which are contrary to the will of the subjects of the state. He can also abrogate the already existing laws (Huq, 2016).

By exercising the executive powers, a prince can protect his state and the subjects of the state from any kind of foreign invasions. He can send and receive ambassadors to other states and can also maintain the security in his territory. By exercising the judicial powers, he can try the civil and criminal cases, protect the life and property of the individuals and can punish criminals. Montesquieu further explained that the system of checks and balances upon the government institutions must be healthy. Unhealthy checks upon the pillars of a state may lead to

the non-performance of the institutions and the institutions may find it difficult to perform their functions independently.

Criticism on Montesquieu's concept of SOP

Although Montesquieu's concept regarding separation of powers was the biggest development in the field of state governance yet it faced a lot of criticism at certain points. Critics submitted that Montesquieu does not understand the English constitution completely. There is no such thing as full separation of powers in the British Constitution. Both legislative and judicial functions are performed by the House of Lords. The Lord Chancellor participates in all the three functions of the state (Waldron, 2013).

The second point of criticism on Montesquieu's concept of SOP was that if all the three institutions of a state perform their functions independently and do effort to safeguard only the interests of their own, there are probable chances that they shall damage the interests of other institutions. In this regard, the existence of complete separation of powers is impossible. In spite of all the inconsistencies in the Montesquieu's concept, it was a major development in the field of state governance (Zaring, 2020).

Separation of Powers in USA

American power is actually distributed among three branches. All of these branches are individually responsible for the performance of their duties and responsibilities. It is one of the duties of each branch to monitor the functioning of the other branches. In this way, the misuse of power can be avoided. If any kind of misconduct or mistake of one branch is being observed by the other branch, then this branch has the power to take complete action to stop the misconduct (Huq, 2016).

American president is elected by the people of America. As we know that American president carries a great place in the International community and he is also the head of Executive branch of the state, still he has a check upon his powers. "Executive branch consists of President, Vice President, Cabinet and Executive Departments. The powers of Executive Branch (President) are limited in many ways. In order to pass a budget, executive branch has to take approval of the Legislature (Congress)." America cannot engage in the war unless and until congress declares the war. The president needs the confirmation of Senate to choose a candidate for Supreme Court (Brown, 2022).

The president can be impeached for any wrongdoing. The Chief Justice of Supreme Court preside the trial but it requires two third majority votes of the Senate to convict the President. Thus, we came to know that, each branch of Government performs its functions by keeping a check on the functioning of the other branch. Moreover, this check is a kind of cooperation and coordination among the three organs. It leaves a very healthy and positive impact on the people of the state. They are well aware of the fact that the decisions that are being made in their country are not unchecked. Each and every decision, from giving privileges to the people to the declaration of war, is properly discussed, debated and properly approved (Waldron, 2013).

As compared to governing systems of Pakistan, where Legislature includes Parliament, Judiciary Includes Supreme Court, High Courts, District and Civil Courts and all other kind of tribunals and where Executive includes administration and law-enforcing agencies, American Governing system includes President, Vice President, Cabinet and Executive bodies in Executive

branch, Supreme Court and Civil Courts in Judicial branch and Congress in Legislative branch which consists of Senators and representatives. It is a Triangular-Shaped system (Mohar, 2004).

Constitutional Conflicts and Separation of Powers

Sometimes the actions of one branch unconstitutionally or unintentionally intrude the function and actions of other branches. In such cases, constitutional conflicts arise. Constitutionally, there is no such provision which shows that all the three branches of the state are completely separated and occupy completely separate powers. No provision shows the explicit nature of the powers. James Madison, once proposed an amendment in the constitution which focused on making the separated powers implicit in nature but the fellow congress member had not given their consent on this proposed draft because they thought that implicit nature of separated powers is more beneficial than the explicit nature (Brown, 2022).

The first article of the constitution vests all the legislative powers in the congress, second article vests all the executive powers in the president and the judicial powers are vested in the Supreme and District Courts by virtue of third article of the constitution. The main goal is to prevent the concentration of power in one hand. Each branch performs its functions independently, keeps a check upon the activities of the other branches and also has powers to fight with the unconstitutional encroachments of other branches. Constitutional conflicts can be of various types i.e., Executive Encroachments, congressional encroachments on executive and judicial branches etc (Vermeule, 2015).

The past presidents of US followed two different views regarding the exercise of executive powers. One view is named as “Strong President” which states that a president can take any step or make any decision which is not prohibited in the constitution. Other view is named as “Weak President” which states that a president can only exercise those powers which are specifically mentioned in the constitution. These differences in the exercise of executive powers sometimes give rise to conflicts with the congress and these conflicts are called Executive Encroachments (Huq, 2016).

Sometimes, congress may nullify any action of the executive branch which is thinks unconstitutional and against public interest by utilizing its power of “Legislative Veto”. This conflict is called Congressional Conflict. Congress can utilize its power of Legislative veto against Judicial as well as executive branch. Where it utilizes this power against judiciary, it is called Congressional Encroachment on Judicial Powers. Where it utilizes this power against executive branch, it is called Congressional Encroachment on Executive Branch. Moreover, all these branches also enjoy certain kind of immunities against such encroachments.

System of Checks and Balances in USA

Each branch in the US governmental structure checks and balances the functions of other branch. Executive branch keeps a check on legislative branch. Executive branch also keeps a check upon Judicial branch. Similarly, Legislative branch keeps a check upon executive and judicial branch. In the same way, judicial branch checks and balances the functioning of executive and legislative branch. Where we always try to learn about the check and balance of one branch over the powers of other, it is worth mentioning that there are certain powers of these branches which go unchecked. We are going to discuss the checks of these branches over the other branches systematically.

Congress has the power of “Legislative Veto”. Executive (President) has the power to keep a check on this power of Legislature. We know that it is the function and power of the legislature to make new laws but executive branch has the power to propose new laws to Congress. Executive branch has the power to submit budgets to the House of Representative. Executive branch also appoints the law-enforcing officials. Appointment of judges of Supreme Court is the task of Judiciary but the power to nominate those judges is vested in the executive. Moreover, if a person is convicted of crimes, the President has the power to grant him pardon (Chen, 2018).

Legislature also has the power of checks and balances over executive and judiciary. Two-third presidential votes from both chambers can be overridden by the congress. Proposed treaties can be rejected by senate with two-third votes. In the same way, senate has the power to reject federal officials’ presidential nominations. Legislature also has the power to impeach the president and remove him. To serve this purpose, House serves as prosecution and senate serves as Jury. Creation of courts is the power of Judiciary but congress or legislature has the power to create lower courts. “The judges of the lower federal courts can be impeached by Legislature.” If the Supreme Court has given any decision on any matter and the congress deems it to be inappropriate, then it has the power to make amendments in the constitution so that the decision of the Supreme Court can be overturned (Mohar, 2018).

Similarly, Judicial branch also has certain kind of checks and balances over the executive and legislature. We know that legislature is the law-making authority and its function is the formulation of laws. Whenever the Judiciary deems any law made by the legislature to be inappropriate, it can utilize its power of judicial review and can rule such law as unconstitutional. Similarly, presidential actions taken by the executive can be ruled as unconstitutional by the judiciary, using its power of judicial review. Certain kind of treaties made by the executive can be declared as unconstitutional by the judiciary, using its power of judicial review, if such treaties are inappropriate (Lawrence, 2021).

To sum up, concept of separation of power in America is considered as the ideal structure gauging this doctrine. Not only all the institutions are able to perform their functions and duties independently but also they have the power to keep a check upon other institutions and the power to fight the unconstitutional encroachments of other branches (Huq, 2016).

Dependence of Legislature on Executive:

The legislative branch is responsible for creating laws and making policies. The legislature is made up of elected representatives who are responsible for representing the interests of their constituents. The primary responsibility of the legislature is to ensure that the laws they create are fair, just, and do not infringe upon the rights and freedoms of individuals. The legislature is dependent on the executive branch to enforce the laws they pass. Without the executive branch's support, the legislative branch would be powerless to ensure that the laws they passed are enforced (Driesen, 2022).

Dependence of Executive on Legislature:

The executive branch is responsible for enforcing the laws and policies created by the legislative branch. The executive branch is made up of elected officials, including the president or prime minister, who are responsible for making sure that the laws are enforced fairly and justly. The executive branch is dependent on the legislative branch to provide funding for the

programs and policies they implement. Without the support of the legislative branch, the executive branch would be unable to fund the various programs and initiatives it wishes to carry out (Sultana, 2012).

Dependence of Judiciary on Legislature:

The judiciary branch is responsible for interpreting and applying the law. The judiciary is made up of judges who are responsible for interpreting the law impartially. The judiciary branch is dependent on the legislative branch to create laws that are clear and consistent with the Constitution. Without clear and consistent laws, the judiciary would be unable to interpret and apply the law appropriately (Kyritsis, 2007).

The legislative branch is also responsible for confirming judicial nominees. The confirmation process ensures that judicial appointees have the requisite qualifications and experience to serve effectively. Without the support of the legislative branch, the judiciary would be unable to appoint qualified candidates to serve as judges (Lawrence, 2021).

Interdependence of Institutions:

The three branches of government are interdependent and rely on each other to function effectively. The separation of powers ensures that no single branch can become too powerful, but it also means that each branch is dependent on the others. For example, when the judiciary interprets a law, it relies on the legislature to create clear and consistent laws that are compatible with the Constitution. Similarly, the executive branch relies on the legislature to fund the programs and initiatives it wishes to carry out. Without the support of the other branches, each branch would be powerless to carry out its functions effectively (Brown, 2022).

Moreover, the separation of powers is not meant to create a completely independent system. Although the branches are separate, they must work together to ensure that the system functions effectively. This is evidenced by the fact that the president or prime minister, as the head of the executive branch, must work with the legislative branch to pass laws and to secure funding for the programs and initiatives they wish to carry out (Manning, 2010). Without the support of the legislative branch, the executive branch would be powerless to carry out its functions effectively. Similarly, the judiciary relies on the other branches to create and enforce the laws it is responsible for interpreting. The creation of laws is an essential function of the legislative branch, and the judiciary cannot fulfill its role without the support of the legislative branch. The interpretation of laws by the judiciary is an essential function of the judiciary, and the other branches must respect and accept the interpretation of the law provided by the judiciary (Hood, 2015).

Comparative Analysis of the Concept of SOP Between USA and Pakistan

The United States has a clearly defined separation of powers with a federal system of government and strong checks and balances in place. On the other hand, Pakistan's separation of powers is not as clearly defined, and there is often overlap between the branches of government. The legislative branch of the United States government is responsible for making laws. It is comprised of two houses i.e., the Senate and the House of Representatives (Mollers 2013). The main function of Congress is to create, debate, and pass laws that govern the country. The Parliament of Pakistan is responsible for making laws. "It consists of two houses i.e., the

National Assembly and the Senate. The National Assembly is the lower house, and the Senate is the upper house. The members of the National Assembly are elected through direct elections while the members of the Senate are elected indirectly” (Christopher, 1997).

The President of Pakistan is the head of state, but his role is largely ceremonial. The real power in the executive branch lies with the Prime Minister, who is appointed by the President. The Prime Minister is responsible for running the government and overseeing federal agencies. The President of the United States heads the executive branch of the government. The President enforces the laws passed by Congress and oversees the work of the federal government agencies. The Vice President, the Cabinet, and other executive branch officials also play an important role in the governance of the country (Manning, 2010).

The judicial branch of USA interprets and applies the law. “It includes the Supreme Court of the United States and other federal courts. The Supreme Court has the final decision on the interpretation of the Constitution and has the power to strike down laws it deems unconstitutional.” The judiciary in Pakistan includes the Supreme Court, which is responsible for interpreting and applying the law. There are also lower courts, such as district courts and high courts, which hear civil and criminal cases (Hood, 2015).

The United States has a clearly defined system of checks and balances that ensure a balance of power between the three branches of government. The Constitution outlines the powers and responsibilities of each branch and establishes limits on what each branch can do. The Supreme Court plays an important role in interpreting the Constitution and preventing the other branches from overstepping their bounds. In comparison to the US, there is more overlap between the three branches of government in Pakistan. The Prime Minister, for example, is a member of the legislature and can influence the law-making process. Additionally, the President has some power over the appointment of judges, which can sometimes lead to political interference in the judiciary (Freeman, 2019).

Comparative Analysis of the Concept of SOP Between UK and Pakistan

The United Kingdom has an unwritten constitution which means that its legal principles are derived from various sources including common law, statutes, and conventions. The British constitution does not explicitly mention the separation of powers but rather relies on a system of checks and balances between the executive, legislature, and judiciary. The judiciary, which is independent of the other branches of government, has the power to interpret laws and protect individual rights (Saifullah 2017). In contrast, Pakistan has a written constitution that explicitly lays out the separation of powers between the three branches of government. Article 2 of the constitution establishes “Pakistan as a federal parliamentary democratic republic with a president as the head of state and a prime minister as the head of government. The constitution also provides for an independent judiciary with the power of judicial review.” However, the constitution has been amended several times to grant greater powers to the executive branch, particularly during periods of military rule. The UK constitution is so much flexible. It is said that they can make any law at any time and can do anything except making a man, a woman (Raza, 2004).

Comparative Analysis of the Concept of SOP Between UK and USA

In the United States, the separation of powers is enshrined in the Constitution. The Constitution establishes three separate branches of government: the legislative branch, the executive branch, and the judicial branch. Article I of the Constitution provides for the legislative branch, which consists of the Senate and the House of Representatives. “This branch is responsible for making laws. Article II of the Constitution provides for the executive branch, which consists of the President, Vice President, and the Cabinet (Marshall, 2005). This branch is responsible for implementing and enforcing laws. Finally, Article III of the Constitution provides for the judicial branch, which consists of the Supreme Court and other federal courts. This branch is responsible for interpreting the law.” One of the key features of the separation of powers in the United States is the system of checks and balances. This means that each branch of government can limit the power of the other branches. For example, the President can veto laws passed by Congress, but Congress can override the President's veto with a two-thirds majority in both houses. Similarly, the Supreme Court can declare laws unconstitutional if they violate the Constitution (Michaels, 2015).

In the United Kingdom, the separation of powers is not as clear-cut as it is in the United States. Instead of having a written constitution, the UK has an unwritten constitution, which is based on a combination of statutes, common law, and conventions. The separation of powers in the UK is therefore based on convention rather than law. The judiciary in the UK is independent of the other two branches of government. The highest court in the UK is the Supreme Court, which is responsible for interpreting the law. However, unlike in the United States, the Supreme Court does not have the power to declare laws unconstitutional (Mollers 2013).

“The separation of powers in the United States is based on a written constitution, which provides clear guidelines for the roles and responsibilities of each branch of government.” The system of checks and balances ensures that no single branch has too much power. In contrast, the separation of powers in the UK is based on convention rather than law (Michaels, 2015). While the UK Parliament is responsible for making laws, the head of state also plays a role in the process. Another key difference between the two systems is the role of the judiciary. In the United States, the Supreme Court has the power to declare laws unconstitutional. This means that the judiciary plays a major role in ensuring that the other two branches of government do not overstep their bounds. In contrast, the judiciary in the UK is not as powerful. While the Supreme Court is responsible for interpreting the law, “it does not have the power to strike down laws that are considered unconstitutional” (Barnes, 2007).

Comparative Analysis of the Concept of SOP Between China and USA

China's separation of powers is different from that of the USA. China practices a constitutional system of governance known as "Socialist Democracy." Under this system, the Communist Party of China (CPC) is the sole ruling party and exercises political power through various organs, including the National People's Congress (NPC), the State Council, and the judiciary. There is no clear separation of powers between these organs, and they function under the leadership of the CPC. In the USA, the Congress is the primary lawmaking body, and its powers are specifically enumerated in the Constitution. “Congress has the authority to pass laws, declare war, and regulate commerce.” In China, the NPC is the highest organ of state power, and it has the authority to enact and amend laws, elect and remove public officials, and supervise the

work of the government. However, the NPC's role is limited mainly to endorsing policies that have been predetermined by the CPC (Michaels, 2015).

The judiciary is another area where the separation of powers in China and the USA differs. In the USA, the Supreme Court is an independent body responsible for interpreting the Constitution and ensuring that the law is applied fairly. The judges are appointed by the President and confirmed by the Senate. They have lifetime tenure and can only be removed through impeachment. In China, the judiciary is subject to the CPC's leadership and decisions. The Supreme People's Court is the highest court in the land, but its decisions are often influenced by the CPC's policies and interests. There are also some similarities between the separation of powers in China and the USA. Both countries have a bicameral legislative branch, with the USA's Congress consisting of the Senate and the House of Representatives, and China's NPC comprising the National People's Congress and the Chinese People's Political Consultative Conference. Both countries' leaders are chosen through a combination of democratic and non-democratic processes. In the USA, the President is elected through an Electoral College system, while in China, the CPC selects the country's leaders through a series of internal party processes (Goziev, 2021).

Comparative Analysis of the Concept of SOP Between India and France

In India, the judiciary is an independent body that interprets the law and ensures that the government functions within the limits set by the Constitution. The Supreme Court is the highest court in the country, and its decisions are binding on all other courts. There are also high courts in each state, which have jurisdiction over lower courts within their respective states. France has a similar judicial system, where the judiciary is an independent body that upholds the rule of law. The highest court in France is the Court of Cassation, and its decisions are also binding on all other courts. Additionally, France has a system of administrative tribunals that handle disputes between citizens and the government (Driesen, 2022).

The Indian Parliament consists of two houses, the Lok Sabha (lower house) and the Rajya Sabha (upper house). The Lok Sabha has 545 members, while the Rajya Sabha has 245 members. The lower house is elected directly by the people, while members of the upper house are elected by the state legislatures. The parliament's primary function is to make laws and approve budgets. In France, the parliament consists of the National Assembly and the Senate. The National Assembly has 577 members, while the Senate has 348 members. Like India, the lower house is directly elected by the people, while the upper house is indirectly elected by local and regional councils. The parliament's primary function is also to make laws and approve budgets. India has a federal system of government with high courts in each state while France has a centralized judicial system with a single highest court. France has an administrative tribunal system that handles disputes between citizens and the government, which India does not have (Goziev, 2021).

CONCLUSION

The main purpose of conducting this research is to unleash the concept of dependence, independence and interdependence of any institution of the state on the other branches keeping in

view the doctrine of Separation of Powers. Every country has its own way of implementing this doctrine. The doctrine of separation of powers is still incomplete in many states including Pakistan and there is a dire need to redefine this doctrine. The focus of the institutions should be towards effective functioning of the state rather than trying to make themselves superior than the other institutions. In Pakistan, where establishment is gradually becoming the forth pillar of the state by continuously interfering in the political practices there is a need to put a curb on such activities. Like US, the institutions in Pakistan must be given the power to fight the unconstitutional encroachments of other institutions, in addition to having the power to keep checks on the functioning of such institutions. The high intensity overlapping among the institutions in Pakistan must be decreased and US model of the functioning of institutions should be adopted. The author hopes that this research project shall contribute to the further development of the Doctrine of Separation of Powers.

REFERENCES:

- Barnes, J. A. (2007). The Emergence of the Separation of Powers as a Fundamental Principle of American Constitutionalism. *The Journal of Politics*, 69(4), 974-986.
- Brown, H. L., & Brown, H. L. (2022). The Separation of Powers. Prosecution of the President of the United States: The Constitution, Executive Power, and the Rule of Law, 137-172.
- Chen, A. (2018). Understanding China's Separation of Powers. *Asia & the Pacific Policy Studies*
- Christopher L. Eisgruber and Lawrence G. Sager (1997), "The Federalist Papers and the Separation of Powers," *Harvard Law Review*, vol. 110, no. 6
- D. Kyritsis, 'Principles, Policies and the Power of Courts' (2007) 20 *Canadian Journal of Law and Jurisprudence* 379, at 386; T. Merrill, 'The Constitutional Principle of Separation of Powers' (1991) *Supreme Court Review* 225, at 231
- Driesen, D. M. (2022). Does the Separation of Powers Justify the Major Questions Doctrine. Available at SSRN 4200508.
- E. Barendt, 'Is there a UK Constitution?' (1997) 17 *Oxford Journal of Legal Studies* 137; E. Barendt, 'Separation of Powers and Constitutional Government' (1995) *Public Law* 599.; M. J. C. Vile, *Constitutionalism and the Separation of Powers* (Oxford: Oxford University Press, 1967), 97; E. Carolan, *The New Separation of Powers: A Theory of the Modern State* (Oxford: Oxford University Press, 2009), 18.
- E. Corwin, *Constitution of the United States of America: Analysis and Interpretation* (Washington, D.C.: United States Printing Office, 1953), 9-10.
- Freeman, C. (2019). The US System of Government. *Oxford Research Encyclopedia of Politics*
- G. Marshall, *Constitutional Theory* (Oxford: Clarendon Press, 1971), 103; C. Munro, *Studies in Constitutional Law* 2nd edn (Oxford: Oxford University Press, 2005), 200
- Goziev, K. (2021, November). DEMOCRATIZATION OF STATE POWER AND GOVERNANCE IS AN IMPORTANT CONDITION FOR THE PRINCIPLE OF SEPARATION OF POWERS. In *International Scientific and Current Research Conferences* (pp. 124-132).
- Hood, J. (2015). Before There Were Mouseholes: Resurrecting the Non-Delegation Doctrine. *BYU J. Pub. L.*, 30, 123.
- Huq, A. Z., & Michaels, J. D. (2016). The Cycles of Separation-of-Powers Jurisprudence. *The Yale Law Journal*, 346-437.

- K. A. Mohar, 2018, Separation of power and Pakistan, The Nation, <https://nation.com.pk/14-Mar-2018/separation-of-powers-and-Pakistan> L.M., Singhvi, 1987, Independence of Justice, Indian Bar Review, Volume 14, p 515-517
- Kramer, L. S. (2004). Separation of Powers as Ordinary Interpretation. The University of Chicago Law Review, 71(2), 341-359
- Lawrence, M. B. (2021). Subordination and separation of powers. Yale LJ, 131, 78.
- Manning, J. F. (2010). Separation of powers as ordinary interpretation. Harv. L. Rev., 124, 1939.
- Mark A. Graber. Constitutional Politics, Constitutional Law, and the Separation of Powers. Annual Review of Political Science. Vol. 8: 11-29
- Michaels, J. D. (2015). An enduring, evolving separation of Powers. Colum. L. Rev., 115, 515.
- Möller, C. (2013). The three branches: a comparative model of separation of powers. Oxford University Press.
- Radin, B. A. (2007). Montesquieu's Theory of Separation of Powers: Its Origins and Influence on the Constitution. The Yale Law Journal, 97(6), 1629-1651.
- Raza, A. (2004). The judiciary and democratic consolidation in Pakistan. Asian Survey, 44(5), 707-724.
- Saifullah Khan (2017), "The Separation of Powers in Pakistan: A Critical Analysis," Journal of Political Sciences & Public Affairs, vol. 5, no. 1
- Shih, V. Y. (2018). China's Separation-of-Powers Myth. Foreign Affairs, 97. Retrieved from <https://www.foreignaffairs.com/articles/china/2018-02-13/chinas-separation-powers-myth>.
- T. Sultana, 2012. Montesquieu's Doctrine of Separation of Powers: A Case Study of Pakistan; Journal of European studies, volume 28, issue 02.
- Vermeule, 'Optimal Abuse of Power' (2015) 109 Northwestern University Law Review 673,
- Waldron, J. (2013). Separation of powers in thought and practice. BCL Rev., 54, 433.
- Zaring, D. (2020). Toward Separation of Powers Realism. Yale J. on Reg., 37, 708.



Theoretically Justification of Human Rights: A Case of Natural Rights Theory

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ABSTRACT

The theoretical justification of natural rights examines the philosophical foundations and ethical principles that support the existence and applicability of these rights. People have some rights simply by being human, and neither groups nor governments may bestow them upon them, according to the idea of natural rights. It also provides a concise overview of the theories that support natural rights, including those that rely on moral intuition, human nature, and the Social Contract. The moral intuition approach maintains that natural rights are self-evident and universally accepted since they are based on our innate sense of right and wrong. It claims that certain inherent human rights are required for human flourishing and well-being. Based on the intrinsic qualities and needs of people, the human nature perspective defends natural rights. It argues that some rights, such as the right to life, liberty, and property, are derived from basic human attributes and abilities. According to the Social Contract theory, a hypothetical agreement among members of a community serves as the foundation for natural rights. It proposes that people voluntarily create a Social Contract to set up a governing body that upholds and defends their fundamental rights. These theoretical defenses offer frameworks for comprehending the nature, significance, and defense of natural rights. They emphasize on these rights' intrinsic and universal nature, the value of human dignity, and the idea of inalienability. Individuals can live dignified lives by recognizing and upholding their natural rights.



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INTRODUCTION

Various philosophical approaches might be taken to the theoretical justification of human rights. In this light, the Social Contract theory, the natural rights theory, and the Dignity-based Approach are increasingly well-known and relevant to human rights. (Hardwick, 2012)

According to the natural rights doctrine, people have human rights by being human. (Clapham, 2007) This viewpoint contends that human rights are autonomous universal rights that are not bestowed by governments or communities. This theory's proponents, like John Locke and Immanuel Kant, contend that people have some fundamental rights that ought to be upheld and maintained by all. The concept of human dignity and the inherent moral equality of every person is frequently emphasized by the natural rights doctrine. (Clapham, 2007) Every person has the intrinsic right to life, liberty, and the pursuit of happiness or well-being, according to this claim. (Laslett, 1996) These rights are regarded as unalienable, which means that no authority has the power to revoke or otherwise obstruct them.

According to the Social Contract hypothesis, a social contract or agreement between members of a society produces human rights. (Leib, 2009) This point of view contends that people voluntarily band together to create a social structure to uphold their rights and advance the welfare of society as a whole. According to this theoretical framework, people give up some of their freedoms to a government or state in exchange for the defense of their rights and the application of the law. (Clapham, 2007) The so-called Social Contract establishes a mutually beneficial relationship between citizens and their government, with citizens having a responsibility to follow the Social Contract's laws and the government having a responsibility to uphold human rights. (Hobbes, 1996)

The Dignity-based Approach to human rights emphasizes the intrinsic value and moral equality of every person. It contends that respect for an acknowledgement of human dignity serves as the foundation for human rights. (Beitz, 2003) This strategy is frequently linked to the UDHR (Universal Declaration of Human Rights) and its tenet that "all human beings are born free and equal in dignity and rights." The Dignity-based Approach contends that regardless of a person's ethnicity, gender, religion, or social standing, they should be safeguarded because all people have intrinsic dignity. People are seen to need human rights to live with honor, equality, and liberty. (Locke, 1690)

It is especially important to keep in mind that these are merely conceptual problems and that various intellectual, social cultural, and legal codes may hold different opinions regarding how rights for humans ought to be interpreted and enforced. (Hardwick, 2012) These viewpoints, however, offer a place to look into and build upon the idea of all people's rights (Tufail, M et.al., 2022, Khan, S., Ali, S., & Urooge, S. 2019).

Fundamental rights theory, also referred to as the hypothesis of natural law, is a school of thought that contends that people are endowed with fundamental and general liberties as a result of their nature. (Waldron, 2002)

According to this theory, these rights belong to each individual and should be cherished and safeguarded because they are not bestowed upon them by governments or communities. However, it was most significantly developed during the Enlightenment by intellectuals like John Locke, Thomas Hobbes, and Immanuel Kant. The roots of natural rights theory can be found in ancient Greek and Roman philosophy. (Waldron, 2002)

This idea contends that these rights are a result of human nature or the human condition. (Clapham, 2007) They are frequently seen as fundamental and unalienable, which means that no authority has the right to take them away or violate them. Natural rights theory places a strong emphasis on the idea of human dignity because it is thought to be the foundation for the existence of these rights. (Zuckert, 2002)

Key natural rights that are frequently acknowledged include:

- Every person has the right to life and should not be unjustly denied it.
- People have the right to liberty and self-determination, which includes the freedom of speech, opinion, and movement.
- The right to own and hold property, which includes both material and immaterial goods, belongs to every person.
- All people are treated with respect and dignity since they are all recognized to be of equal inherent worth and moral standing.
- People have a legal right to fair and impartial treatment, which includes the right to a fair trial and defense against arbitrary or unjust detention.
- Individuals have the freedom to practice their religion openly and to maintain their own beliefs, so long as doing so does not violate the rights of others.

The concept of human rights is supported morally and philosophically by the theory of natural rights. It makes the case that these rights are universal and need to be respected and safeguarded by all cultures and governments since they are independent of cultural or societal norms. It is thought that people can live lives of dignity, freedom, and equality by recognizing and upholding their basic rights.

LITERATURE REVIEW

The English philosopher John Locke wrote *The Two Treatises of Government*. According to Locke, people have natural rights because of their humanity. Life, freedom, and ownership of property are the three essential natural rights, according to Locke. According to the right to liberty, people should be free to think, believe, and act as they like. (Locke, 1690) Being entitled to property is one of Locke's most well-known contributions towards political philosophy. The establishment of civil society and the governing body, in Locke's view, is intended to ensure and defend those basic liberties. According to Locke, the people have the right to dissolve or alter a government and exchange it with one that upholds natural rights if it does not do so or proves oppressive. His emphasis on individual rights, restraints on government, and participation of the governed laid the foundation for contemporary democracies. (Locke, 1690)

Leviathan by Thomas Hobbes is a significant classic of political philosophy. Hobbes' perspective on natural rights diverges significantly from John Locke's. (Hobbes, 1996) The basic state, according to Hobbes, is one in which "individuals exist in a constant state of conflict and competition." Life in this stage is short and sweet brutish, ugly, lonely, and poor.

Hobbes claims that to get away from the brutality of nature's condition, humans must intentionally surrender their natural rights to a ruling body. The primary function of the sovereign is to ensure the security and stability of society, even if this necessitates the use of power. Individuals receive protection and security by ceding their rights to the sovereign. In exchange, they must obey the sovereign's laws as well as authority. His emphasis on the need for a strong central authority to ensure order and security has affected governance-related (Hobbes, 1996) sovereignty discussions till the present day.

A Theory of Justice, by John Rawls, is a key work in political philosophy; While Rawls' theory does not explicitly use the concept of inherent rights. (Rawls, 1999) In this book Rawls creates a hypothetical scenario known as the initial position, in which people are placed behind a "veil of ignorance" and given the responsibility of creating justice-governing principles for society. Although Rawls does not specifically mention natural rights, a rights-based strategy is compatible with his theory of justice. The issues that underlie natural rights theory are also addressed by Rawls' emphasis on justice and the equal distribution of resources. In conclusion, even though Rawls' *A Theory of Justice* does not mention natural rights specifically, his idea of justice as fairness can be seen as being consistent with the tenets of natural rights theory.

The Law of Peoples was written by John Rawls. Rawls looks into the norms that ought to guide interactions between liberal democratic societies and non-liberal cultures internationally. He thinks that people have some basic liberties and rights that are essential for a healthy society. (Rawls, 1993) He explores how liberal democratic nations should deal with non-liberal countries while applying his idea of justice to international affairs. He argues that "tolerance" and "respect for people" should be practiced in liberal democratic nations. That is, even though they might support their institutions and values. Natural rights are not explicitly used to frame Rawls' theory.

Joseph Raz wrote the book *The Morality of Freedom*. (Raz, 1988) In this essay, Raz advances the legal positivism argument, which maintains that social realities—rather than moral considerations—determine both the existence and the nature of the law. Legal rights—rather than natural or moral rights—are the primary emphasis of Raz's theory of natural rights. Although the idea of natural rights is not explicitly included in Raz's legal positivism theory, his emphasis on individual freedom is. Joseph Raz does not explicitly discuss the topic of natural rights, to sum up. Instead, it emphasizes legal rights within a legal positivist framework, focusing on the relationship between law, morality, and individual freedom. (Raz, 1988)

The literature on the philosophical foundations of human rights is represented by these books. They offer a wide range of perspectives, theoretical frameworks, and critical evaluations that contribute to the continuous discussion and better understanding of the ideas and justifications supporting natural rights.

Theoretical Justification

Many philosophical strategies can be used to address the theoretical defense of natural rights. Three natural rights justifications that tend to come up include the moral intuition method, the human nature approach, and the Social Contract approach.

Moral Intuition Approach

The moral intuition theory contends that inherent rights are justified by our perception of good and evil. This viewpoint holds that some rights, such as the right to life, liberty, and ownership of property, are unambiguous and widely acknowledged as essential to human flourishing. (Maxwell, 1975) This school of thought's proponents, like John Locke, contend that our inherent liberties are based on our innate moral sense or reason. (Zuckert, 2002) Proponents contend that by using reasoning and watching, we may create certain universal laws that apply to all people in all circumstances, which will ultimately end in an understanding of natural rights.

Human Nature Approach

The human nature paradigm emphasizes people's innate attributes and needs as a way to safeguard natural rights. Aristotelian and other proponents of this school of thought contend that people have some intrinsic characteristics or aptitudes that give origin to their rights. To defend the right to life, one can point to the human need for survival and the necessity for self-preservation. (Hardwick, 2012) The urges for independence, as well as the capacity for self-reasoning and making decisions independently, are the roots of the right to liberty. The privilege of owning property may be based on people's work and dedication to getting and keeping the things they own.

Social Contract Approach

The idea of the Social Contract supports basic liberties by conceiving of a fabricated contract or arrangement between people in a community. (Raz, 1988) This viewpoint holds that people voluntarily enter into a Social Contract to create a governing body and give up some of their rights in exchange for the protection and enforcement of their remaining rights. The concept of the Social Contract originated from philosophers like John Locke and Thomas Hobbes. They believed that people who resided in nature might encounter violence and uncertainty if there was no form of control. Individuals would consent to establish a government that would protect their natural rights to escape this predicament. Natural rights are justified as inherent entitlements held by individuals, and the social pact acts as a means of upholding those rights.

Explanation

The foundation of natural rights is the idea that some rights belong to people simply by their humanity. All persons have access to these rights, regardless of their nationality, culture, or other characteristics. (Maxwell, 1975) These are regarded as fundamental rights. They are regarded as being fundamental and historical rather than having been given or formed by any one government or force.

Human Dignity

In the context of natural rights, the concept of human dignity is crucial. It states that just by being a person, everyone possesses intrinsic worth and moral standing. The fundamental idea of human dignity is the foundation of natural rights. (Raz, 1988) A person's ability to live honorably and have their intrinsic value recognized and upheld depends on their ability to exercise their rights.

Inalienable Rights

Most people believe that natural rights are inalienable, which means that nobody has the power to cancel or violate them. It is believed that they are innate and intrinsically related to the human condition. Although they may recognize and uphold these rights, governments as well as communities did not create them. Individuals hold them without regard for any outside authority.

Normative Rights

Some basic liberties regarded essential for human flourishing are typically recognized by the theoretical underpinnings of natural rights. The rights that include independence, property, equality, proper trial, the right to expression, and freedom of convictions or faith are just a few of these rights. (Rawls, 1993) Most people view these rights as interrelated and advantageous to one another.

Justification and Moral Foundations

The philosophical foundation of human rights seeks to justify the constitutionality and existence of those privileges. As indicated in the above statement, this may necessitate an assortment of views on philosophy, such as moral intuition, human nature, or the Social Contract. The goal is to develop a moral and intellectual foundation for the acceptance and encouragement of natural rights.

Moral Duties and Responsibilities

The concept of ethical responsibilities and duties is considered in the context of natural rights. People have a moral responsibility to respect the rights of others despite their inherent freedoms. The foundation of a just and peaceful society is reciprocity, which states that no one's rights should be violated when they are being exercised. (Rawls, 1993)

It is crucial to remember that the natural rights theoretical foundation is open to interpretation and disagreement. Different philosophical schools and philosophers may place a different emphasis on certain ideas or offer distinct reasons. However, this framework offers a conceptual framework for exploring, comprehending, and advancing the idea of natural rights.

Justification of the Study

Theoretical support for human rights is very important in a variety of ways. Here are a few main justifications for its importance.

Human Rights

Human rights have a moral and philosophical foundation thanks to theoretical explanations. They aid in establishing the underlying ideals and principles—such as justice, equality, and human dignity—that support the idea of human rights. Understanding the intrinsic value of people and the significance of upholding their rights depends on this basis. (Beitz, 2003)

It supports the validity and applicability of human rights. They aid in proving that human rights are not arbitrary or subjective but instead have a strong foundation in ethical principles that hold for everyone, regardless of background or culture, by offering reasoned arguments and moral justification. (Hardwick, 2012) To advance human rights as a universal standard, this universality is crucial.

A theoretical basis for the creation of legal and policy frameworks is offered by the theoretical justifications of human rights. They serve as a guide for creating and interpreting laws, constitutions, and international agreements intended to uphold and advance human rights. (Arrow, 1973) These legal and policy frameworks' theoretical foundations aid in ensuring that they uphold the moral standards and ideals of human rights.

It is crucial to the activism and advocacy for human rights. They offer individuals and organizations working to advance human rights with an intellectual foundation and justification. Theoretical justifications can be used to persuade and rally support for human rights causes in local communities and international forums.

It assists in the development of global norms and accountability systems for nations that violate human rights. They serve as the foundation for the creation of treaties, conventions, and institutions that make up international human rights legislation, which provides a framework for dealing with violations of human rights on a worldwide scale.

It can spur social and cultural change. They contest oppressive acts, cultural norms that violate human rights and oppressive institutions by putting forth ethical arguments and rational justifications. (Arrow, 1973) To promote a culture of human rights, they offer a foundation for challenging and reforming society's attitudes and actions.

In conclusion, the theoretical justifications of human rights are important because they establish international standards, serve as a moral and philosophical foundation, ensure the legitimacy and universality of human rights, direct legal and policy frameworks, support advocacy and activism, and promote social and cultural change toward a more just and rights-respecting society. (Hardwick, 2012)

Natural Rights

Philosophers, academics, and legal theorists have extensively analyzed and argued over the theoretical justification of natural rights throughout history. (Clapham, 2007) Different arguments and features of the existence, character, and justification of natural rights are the focus of this discussion. Let's examine a few crucial issues that frequently come up in the theoretical debate over the justification of natural rights:

Foundation of Natural Rights: The origin or basis of natural rights is a key topic of discussion. Various theories put forth different underlying precepts, such as moral intuition, human nature, or the Social Contract. (Maxwell, 1975) The moral intuition school of thought contends that natural rights are self-evident and can be discerned by our moral intuition. According to proponents of the human nature perspective, basic human needs and qualities are the sources of natural rights. According to proponents of the Social Contract theory, natural rights derive from a fictitious agreement between individuals to create a social order.

Universality and Cultural Relativism: Another important component of the theoretical issue is whether or not natural rights are universal or only applicable in certain cultures. Some contend that despite cultural or societal distinctions, natural rights are fundamental to every human being. (John Trent, 2018) They contend that human rights should be universally acknowledged and safeguarded since they are not culturally constrained. The idea of universality is contested by opponents of the natural rights theory, who claim that rights are culturally produced and differ among countries.

Conflict and Trade-offs: The tensions and potential conflicts between various inherent rights are frequently discussed in theoretical debates. The right to personal liberty, for instance, can clash with the right to property or security. (Arrow, 1973) These talks focus on how to prioritize and balance certain rights when they conflict as well as whether particular rights can be curtailed or superseded in specific situations.

Relationship with Government: A major topic of discussion is how natural rights and government interact. The purpose of theoretical debates is to investigate how the government can protect and uphold natural rights. Others emphasize the potential risks of the government impinging upon individual rights, while some contend that the fundamental function of the government is to safeguard and preserve natural rights. In these talks, the idea of limited government frequently comes up, emphasizing the necessity of limiting governmental power to guarantee the protection of natural rights.

Evolution and Change: The theoretical discussion also looks at how the concept and practice of natural rights have changed over time. The application and scope of natural rights may be broadened or modified to address new issues as societies change. For instance, debates over including environmental rights or the rights of marginalized groups within the concept of natural rights have come up. (Reidy, 2022)

These issues are among the main ones covered in the theoretical defense of natural rights. New viewpoints, criticisms, and philosophical stances continue to be incorporated into the natural rights discussion as it develops. A greater comprehension of the conceptual

underpinnings and implications of natural rights can only be attained through continual dialogues.

Significance of the Study

The theoretical justification of natural rights holds significant importance in several ways. Here are some key reasons highlighting its significance.

It provides a moral and ethical foundation for natural rights. They help establish the principles and values that underpin the concept of natural rights, such as human dignity, autonomy, and inherent worth. This moral grounding is crucial for recognizing the fundamental rights individuals possess by their humanity. (Raz, 1988)

The universality and inalienability of natural rights provide that these rights are not contingent on specific cultural or societal norms, but are inherent to all individuals. (Leib, 2009) Natural rights are guaranteed to apply to all people, regardless of their nationality, race, gender, or other traits. These rights are also unalienable, which means that no authority has the power to revoke them or to violate them.

Natural rights act as a restraint on the authority of governing bodies and other institutions. Natural rights theory restricts the power of governments by claiming that there are inherent rights that exist independently of rights that are bestowed by the government. It implies that individuals' natural rights should be respected and safeguarded by governments and that transgressing these rights is against moral and ethical standards.

The theoretical foundations serve as a foundation for legal interpretations and the development of enforcement and protection measures for natural rights. Natural rights recognize and uphold each person's inalienable rights, empowering them. They encourage people to be aware of their rights, to fight for them, and to report any instances of them being violated. (Beitz, 2003) By understanding and advocating for natural rights, individuals can assert their autonomy, dignity, and freedoms, fostering a sense of empowerment and self-determination. (Hardwick, 2012)

Individuals can establish their autonomy, dignity, and liberties by comprehending them and fighting for them, which promotes a sense of empowerment and self-determination.

It may encourage crucial moral and political discussion. They offer a framework for talking about and debating what natural rights are and how they should be used. This discourse promotes societal attitudes and conventions about human rights and individual liberties, informs policy discussions, and shapes public opinion. (Reidy, 2022)

In conclusion, the theoretical justification of natural rights is important because it provides a moral framework, affirms the universality and inalienability of rights, places restrictions on governmental power, direct legal and political frameworks, empowers individuals, and stimulates moral and political discourse. These arguments support the acknowledgement and defense of natural rights, fostering a more equitable and rights-respecting society.

Critical analysis

Natural rights theoretical basis has been the focus of in-depth critical examination, with academics and philosophers giving a variety of critiques and opposing viewpoints. Here are some important criticisms and critical evaluations of the natural rights theory.

Lack of Objectivity and Universality

The theoretical grounds of natural rights are frequently criticized for relying on irrational or abstract ideas. The moral intuition approach, for instance, is criticized for assuming a shared moral intuition among people that may not be universal or constant across many cultures and countries. (Leib, 2009) This calls into question whether or not natural rights are applicable in all situations.

Foundationalism and Essentialism

Another criticism revolves around the foundationalist and essentialist nature of natural rights theory. (Reidy, 2022) Critics argue that the search for an objective foundation or essential characteristics that ground natural rights can be problematic. (Leib, 2009) They assert that natural rights might not have a firm, universal basis but instead arise and change as a result of social and cultural processes. This argument casts doubt on the idea that natural rights have a single, eternal foundation.

Social Construction of Rights

Natural rights theory is also criticized by academics for ignoring how rights are created in society and throughout history. (Raz, 1988) They contend that within particular social, cultural, and political circumstances, rights are formed and contested rather than being inherent in people. This criticism places special emphasis on how social structures, power relationships, and historical circumstances have influenced how rights are recognized and upheld.

Conflict and Trade-offs

Critics draw attention to the difficulties in settling disputes and making compromises between various basic rights. They contend that the natural rights approach frequently fails to offer precise instructions on how to prioritize rights that clash or deal with circumstances in which the enjoyment of one right infringes upon another. (John Trent, 2018) This criticism argues for a more complicated strategy that takes into account the trade-offs and complexity involved in the achievement of rights.

Lack of Practical Guidance

Some detractors contend that the theoretical foundations of natural rights do not offer sufficient practical direction for resolving issues and conundrums encountered in everyday life. (Reidy, 2022) They argue that by concentrating just on theoretical foundations, we risk ignoring the difficulties of actually enforcing and defending rights, as well as the necessity of context-specific techniques and concerns.

Cultural Relativism and Pluralism

The conflict between cultural relativism or pluralism and the doctrine of natural rights has drawn criticism. They contend that placing too much emphasis on universal rights may obscure the variety of cultural norms and values, thereby resulting in the imposition of Western-centric viewpoints on non-Western societies. (Maxwell, 1975) This criticism emphasizes the value of intercultural communication and comprehension while debating the rationale for natural rights.

It is important to note that these criticisms do not minimize the value or significance of natural rights. Instead, they help to clarify the necessity for continual discussion and the investigation of alternative viewpoints by advancing a more sophisticated and critical grasp of the theoretical justifications. (John Trent, 2018)

Conclusion

Natural rights have strong theoretical explanations that offer helpful frameworks for comprehending their origins and legality. (Hardwick, 2012) Diverse viewpoints on the justification of human rights are presented by the natural rights theory, Social Contract theory, and dignity-based approach.

According to the natural rights doctrine, people have human rights by being human. These rights are seen as universal and unalienable, and they are based on the idea of human dignity. Different explanations for the existence of these rights are offered by the moral intuition approach, the human nature approach, and the Social Contract approach. According to the Social Contract hypothesis, people willingly join into a Social Contract to create a governing body that upholds their rights. This viewpoint places a strong emphasis on the mutually beneficial relationship between the people and the government, with the government's duty to protect human rights. According to the dignity-based perspective, every human being has equal moral standing and inherent worth. It promotes the idea of respect for all people and emphasizes the significance of human dignity as a fundamental principle for human rights.

Although these logical explanations give natural rights a theoretical foundation, it is crucial to recognize that different cultures, legal systems, and philosophical traditions may have different interpretations of what human rights are.

Finally, the rationales for natural rights provide a framework for debating, examining, and advancing the notion of universal human rights. (John Trent, 2018) They add to the current conversation about the defense and advancement of human rights by highlighting the intrinsic worth and dignity of every person.

REFERENCES:

- Arrow, k. (1973). Some Ordinalist-Utilitarian Notes on Rawls' Theory of Justice". *The Journal of Philosophy*, 213-232.
- Beitz, C. (2003). What Human Rights Mean. *International Justice*, 132 (1), 36-46.

- Clapham, A. (2007). *Human Rights a Very Short Introduction* UK. New York: Oxford University Press.
- Hardwick, N.-A. (2012, 5 Aug). *Theoretically Justifying Human Rights: A Critical Analysis*.
- Hobbes, T. (1996). *Leviathan*. (R. Tuck, Ed.) Massachusetts: Cambridge University Press.
- John Trent, L. S. (2018). *Promoting and Protecting Human Rights*. In J. Trent, A United Nations Renaissance (p. 123). Verlag Barbara Budrich.
- Laslett, P. (1996). *English Revolution and Locke's 'Two Treatises of Government*. Cambridge Historical Journal, 12 (1), 40-55.
- Leib, L. H. (2009). *An Overview of the Characteristics and Controversies of Human Rights*. In L. H. Leib, *Human Rights and the Environment* (p. 67). Brill.
- Locke, J. (1690). *Two Treatises of Government*. (P. Laslett, Ed.) London: Cambridge University Press.
- Maxwell, B. (1975). *Can the Maximin Principle Serve as a Basis for Morality? A Critique of John Rawls's Theory*. The American Political Science Review, 69 (2), 594-606.
- Rawls, J. (1999). *A Theory of Justice*. United States, United States: Belknap Press.
- Rawls, J. (1993). *The Laws of Peoples*. Critical Inquiry, 20 (1), 33-68.
- Raz, J. (1988). *The Morality of Freedom*. Oxford University Press.
- Reidy, D. (2022). *John Rawls: The Laws of Peoples*. Encyclopedia of the Philosophy of Laws and Social Philosophy.
- Waldron, J. (2002). *God, Locke, and Equality: Christian Foundations in Locke's Political Thought*. London: Cambridge University Press.
- Zuckert, M. (2002). *Launching Liberalism: On Lockean Political Philosophy*. Lawrence: University Press of Kansas.
- Khan, S., Ali, S., & Urooge, S. (2019). *The analysis of regional bilateral trade between Pakistan and Central Asian Republics*. Pakistan Journal of Applied Economics, 29(1), 93-106.
- Tufail, M., Song, L., Ali, S., Wahab, S., & Hassan, T. (2022). *Does more immigration lead to more violent and property crimes? A case study of 30 selected OECD countries*. Economic Research-Ekonomska Istraživanja, 1-19.