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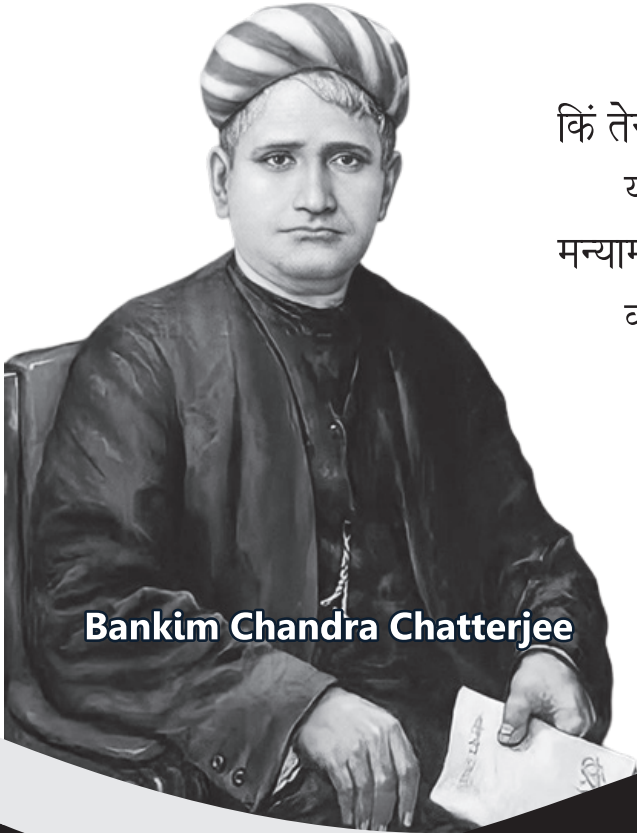


The Indian Journal of Political Science



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Editor
G. Ram Reddy



Bankim Chandra Chatterjee

किं तेन हेमगिरिणा रजताद्रिणा वा
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THE QUARTERLY JOURNAL OF INDIAN
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The Indian Journal of Political Science
Vol. LXXXIV, No. 3, July - September, 2023

TABLE OF CONTENTS

Editorial Note

- | | | |
|-----|---|---------|
| 1. | <i>Vikas Jambhulkar</i>
Dr. Ambedkar, Democracy and Conditions of its Practice in India | 437-444 |
| 2. | <i>Nilanjan Banerjee</i>
Structures of Social and Political History: Rabindranath Tagore's
Historical Idea of India | 445-452 |
| 3. | <i>P. Narender Reddy</i>
Global Terrorism: Challenges and Dimensions – A Critical Analysis | 453-460 |
| 4. | <i>Geetimala Pathak</i>
Neoliberal Politics, Privatisation of Higher Education, and the
Issues of Equity, Accessibility and Social Justice: The Case of Assam | 461-468 |
| 5. | <i>Kishor Kumar, Ajay Singh</i>
Poor Houses – The Forgotten Institution | 469-474 |
| 6. | <i>Lalnundika Hnamte</i>
Towards A Moderation Approach: Revisiting The Indian
Approach to Conflict Resolution in the North East | 475-480 |
| 7. | <i>Rajashri Agnibashya, Shubhrajeet Konwer</i>
Environmental Federalism in Wetland Conservation:
The Indian Perspective | 481-488 |
| 8. | <i>Ritu Mathur Mitra</i>
Indian Political Thought and Society: An Historical Perspective | 489-494 |
| 9. | <i>Rouble Rani Sharma, Kavita Singh</i>
Human Rights Perspectives on Languages, Literature, and
Cultural Studies: A Review | 495-502 |
| 10. | <i>Roshni Kujur</i>
Development Myths and Democratic Governance in Dilemma: Subversion
Tribal Interests, Odisha | 503-510 |
| 11. | <i>Sandeep</i>
Prospect of One Nation-One Election in India | 511-516 |
| 12. | <i>Sumit Kumar Minz, Roshni Kujur</i>
The Rohingya Question: A Historical Narrative of A Stateless Community | 517-524 |
| 13. | <i>Konkumoni Boro</i>
The Conundrum of Limited Citizenship: The Chakmas in North East India | 525-528 |

14. *Praveen Kachhap* 529-538
Nature of Welfare State and Social Welfare System in India
15. *Moti Taki* 539-546
A Geostrategic Perspective on Indian Federalism With Special Reference to Arunachal Pradesh
16. *Sakshi Garg* 547-554
Reflections on Freedom of Persons and Necessity of A Compromise in Present Pandemic
17. *Soumalya Ghosh* 555-562
Recent Developments of Deliberative Democracy in India and Citizens' Participation: Theory and Practice
18. *Swapna S Prabhu, Niranjana Mohapatra* 563-572
Community Policing and Informal Social Control Mechanisms: A Socio-Theoretical Perspective

The Indian Journal of Political Science
Vol. LXXXIV, No. 3, July - September, 2023

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DR. AMBEDKAR, DEMOCRACY AND CONDITIONS OF ITS PRACTICE IN INDIA

Vikas Jambhulkar

India has in the modern times embarked upon since more than half century as a largest democracy of the world. To Ambedkar democracy is not just a form of government but a form of a society and therefore, one requires to have a rather enlarged understanding of this term which eventually leads to the question as to what are the prerequisites of democracy specifically in an Indian context. Ambedkar not just defines democracy enlarging the scope of the concept from a mere piece of governance but also provides for the substantive introspection for its success.

Key words: Democracy, Ambedkar, equality, constitutional morality, opposition,

India as it claims to be the largest democracy of the world as well as the civilization where democracy had first taken roots also remains concerned regarding its fragile nature and the danger that lurks of it been sabotaged. Since its independence the issue of democracy had always been the area of concern. Both practitioners of politics as well as academics have reflected upon the nature of Indian democracy and the concerns of roadblocks in the practice of democratic governance.¹ The post-independence period saw the dominance of the Congress party in the government and the legitimate issues of opposition and the concerns of accountability of the government to the people. The Emergency period was the lowest point of Indian democratic governance which fortunately was restored both by the concerted efforts of the opposition but on the other hand the effective support by the people whose understanding of the democratic process contradicted with the emergency and the exigencies of the then government. The coalition period saw the emergence of the regional parties and their domination in the States with the counter weakening of the national party particularly the Congress. With this emerged the new experiment of non-majority-non-dominant party led coalition mostly supported by the regional parties at the centre.² The period has been to some a period of non-decisiveness and governance under the shadow of internal tensions of coalition interests; however, to some the same period has been characterised as the deepening of the Indian Democratic process. The emergence of the Bhartiya Janata party as the dominant party at the centre for its two successive terms have opened up the speculation of

the BJP dominated system of Indian party system in the coming years to come.³

The democratic process in India has been into continuous transition and stress owing to the change in the electoral structure and government formation both at the centre and at the states. However deep within it lies the structure of arguments that leaves the democracies volatile to threats of instabilities and mis governance. Indian democracy despite its being the largest democracy established through robust procedures of law remains at constant risk of being overtaken by those conditions that according to Ambedkar are some of the conditions to which democracies must confirm to for its successful functioning.⁴

Democracy as Social Endosmosis:

Ambedkar's conception of the common good brought into fore the very structure of the Indian society into question and criticism in which he built a systematic critique of the Caste system and the futility of this system in addressing the questions of justice. He laid down that the ills of the society are due to the system of caste which have a pervasive habitation in Indian society and which based upon ideas of inequality, notions of injustices and violence on the basis of which no just society can be established and no nations can be formed.⁵ In his Annihilation of Caste he provides a critique of the caste system as well as provides an alternative- the principles on which the society needs to be reorganised. For him the ideal society is based upon the principles of liberty, equality and fraternity, the trinity which are equally important

for a just national life and the founding pillars of democracy. Of which he had laid more emphasis upon the fraternity part which he considers as the essence of democracy or just another name for democracy. To quote him

“If you ask me, my ideal would be a society based on Liberty, Equality and Fraternity. And why not? What objection can there be to Fraternity? An ideal society should be mobile, should be full of channels for conveying a change taking place in one part to other parts. In an ideal society there should be many interests consciously communicated and shared. There should be varied and free points of contact with other modes of association. In other words, there must be social endosmosis. This is fraternity, which is only another name for democracy. Democracy is not merely a form of Government. It is primarily a mode of associated living, of conjoint communicated experience. It is essentially an attitude of respect and reverence towards fellowmen”.⁶

To Ambedkar, thus democracy entails mobility of the individual within a community, unhindered channels of communication of individual and shared interests and points of contacts. It means a social endosmosis to which he calls fraternity as another name for democracy. He bases the idea of democracy on the very of respect of an individual, which entails inadvertently the recognition of an individual as an individual and not as a member of caste or class or a gender having an equal worth as any other individual may have. To Ambedkar democracy is a corporate experience of togetherness with respect to each other's rights and fulfilment of responsibilities. This he laments lacks in a caste ridden society.⁷

The transition of power from one party to the other forming the government in the democratic states in the present context is not the same as was the aim of establishing democracy by transferring power from the monarch to the elected government.⁸ The present transfer of power is for the recognition of the rights of the people to welfare and common good. Given this understanding of the modern state the existence of which is justified on the provision of welfare and common good, the very idea of democracy to Ambedkar is integral to the furtherance of the objective of the modern state.⁹

Ambedkar in another context provides a much

broader meaning to the idea of democracy where in takes into consideration both the form of the government which he less elaborates in his earlier definition and emphasises upon the structural architecture of the modern state and the government responsible now for the transformation of the society.¹⁰ To Ambedkar the very purpose and definition of democracy is both foundational and functional in the contemporary sense. To him “democracy is a form and method of government whereby revolutionary changes in the economic and social life of the people are brought about without bloodshed”.¹¹

Ambedkar's definition of democracy tries to emphasize upon three distinct elements that emphasises upon the structural as well as functional aspects:

The context of Representative Democracy: To Ambedkar ‘democracy is a form and method of government’, i.e., a structure of the government as well as the way the government comes into being. This reflects upon the structure of representation, the model of representative governance and the electoral process that makes the representation possible. India and most of the modern democracies of the world are representative democracies. Representative democracies require that the voices of the people are represented within the structures of government.¹² This requires that all the groups that constitute the polity; both the majority and the minorities must get appropriate representation within the representative system. While making a strong case for the representation of the depressed classes Ambedkar maintains in the first Round Table Conference and to quote him “We feel that nobody can remove our grievances as well as we can and we cannot remove them unless we get political power in our own hands”, further he also was very critical of the British government of the indifferent attitude shown to them- to quote him again “No share of political power can evidently come to us so long as the British government remains as it is only in the Swaraj constitution that we stand any chance of getting power into our own hands, without which we cannot bring salvation to our people...Depressed by the government, suppressed by the Hindus and disregarded by the Muslims, we are left in most intolerable position of utter helplessness.” Thus to Ambedkar representation of the people in the institutions of decision making is the primary criteria for which modern governance must aim at.¹³

Second the method of government must be based upon the principles of constitutional morality which means that the government formed under the rule of the constitution is essentially a limited government binded under the rule of the constitution law as opposed to arbitrary, authoritarian or totalitarian rule. Ambedkar quoting Grote in the Constituent Assembly quotes the meaning of constitutional morality, it means-

"A paramount reverence for the forms of the constitution enforcing obedience to authority and acting under and within these forms, yet combined with the habit of open speech, of action subject only to definite legal control and unrestrained censure of those very authorities, as to all their public acts combined, too with a perfect confidence in the bosom of every citizen amidst the bitterness of party contests, that the forms of constitution will not be less sacred in the eyes of his opponents than his own."¹⁴

Thus, as we can notice Ambedkar's, first definitional aspect lays a great emphasis on the nature of the representative government and the manner in which they should function, deviation from which the very nature of the polity is changed and it does not necessarily remain a democracy.¹⁵

The Transformatory character: That the government is responsible to bring in revolutionary changes in the economic and social life of its citizens i.e., reorganizing the society fundamentally in such a manner which transforms its function from mere governance to welfare of its citizens.¹⁶ Ambedkar sees in the government as a representative of the state power the capacity of transforming the social relationships aimed at fostering equal status among the individuals within the society leading to equal citizenship. It is through the mechanism of the state that reordering of the social order can be made possible on the lines of contemporary understanding of justice. A political society is closely knit with the economic relations and that Ambedkar sees need to be reorganised through the efforts of the government and reorganise the economic life based upon the principles of equal worth, opportunity and distribution.¹⁷

Nonviolent Method: This transformation howsoever fundamental – that overthrows the existing norms of social behaviour and economic relations- is brought not through bloody methods of armed

conflicts but through cooperation, deliberation and through the agency of law. Democratic method is the only non-violent method available which has the potential to effectuate such fundamental changes both in the socio-economic relations as well as relations of power.

Thus, to Ambedkar Democratic politics is key and instrumental for the fundamental change in the social as well as the economic lives of the citizens and society involving the representative aspects, transformative character with a non-violent method.

However, he does not just stop at limiting the nature of democracy as the tool of social transformation but makes democracy the very condition of social justice as it is the only form which has the potential to allow the fellow citizens a chance to form bonds by breaking the compartmentalized or rigid enclosed social life that makes an individual and society slave to his own compartmentalised ideas. To Ambedkar democracy allows the free flow of connections and provides for the space to dismantle the power relations within the society. Democracy is the surest way of distribution of power equally within the society. Democracy makes possible the chances of fraternity which is the most essential element of a national life.

At another context while addressing the voice of America, on 20th May 1956 Ambedkar reiterates the earlier position expressed in the Annihilation of caste that deep within the structure of political democracy must lay the structure of social democracy without which the political democracy will only be a sham. He again defines democracy not just as a form of government but primarily "a mode of associated living. The roots of democracy are to be searched in the social relationship in the terms of associated life between the people who form a society."¹⁸

Thus, to Ambedkar given all the forms of government available during the 20th century ranging from communist, fascist, hereditary kingship, military dictatorship etc., democracy was the best form of government. However, democracies to be democracies must have the following founding principles as espoused in the definitions provided above. It must have a communicational mobility for communicative action; it must be representative of the voices of the peoples; it must be based upon the principles of constitutional morality; it must be transformative in the

direction of justice and must be based upon the principles of non-violence.

Apart from the definitional aspects provided in the preceding section of this article Ambedkar lays down certain conditions for the successful working of democracy in general and specially in Indian condition. These he espoused during his address at Poona District law library on 2nd December 1952. Those conditions are:

- There should be no Glaring Inequalities
- Existence of Opposition
- Equality in Law and Administration
- Observance of constitutional morality
- No Tyranny of majority over the minority
- Moral order in a society
- Public conscience
- Inequalities breeds violence:

To Ambedkar the inequalities within classes carries within it the seeds of its own destruction and bloody revolution. The privileged few, if are not willing to surrender their privileges will not lead to democracy but something else, this will create a constant possibility of conflict and thus a constant importance of a police state maintaining social order through the use of force. Thus, to Ambedkar the function of democracy is to remove the privileges of the few and the burden over the majority and distribute both the privileges and burden in an equitable manner which is the first and the foremost criteria of a society organised to confirm the principle of justice. In India these inequalities can be traced on the axis of caste, class and gender among others.¹⁹ Thus, demanding an intersectional approach to address the first requirement of democracy in India. Evidence to this point can be traced back to the scathing dissection made by Ambedkar of the Hindu social order, religious ideology and the caste system throughout his writings and representations. To him the inequalities of caste had not only surmounted indignities and imposed hierarchies on the vast population of India and have exploited them but it has in the process have imposed enormous generational violence over these communities. No modern state can be formed on the

basis of the justification of such inequalities. No nation can come into existence on subjection and indignities. Democracy is antithetical to such inequalities. He therefore, warns of the consequences in no uncertain terms. To quote him—“There is therefore no doubt in my mind that if you examine the history of democracy in various parts of the world you will find that one of the causes for the breakdown of democracy is the existence of these social cleavages”. This warning he had reiterated in the constituent assembly in his final speech before the adoption of the constitution wherein he maintained that-

“On the 26th of January 1950, we are going to enter into a life of contradictions. In politics we will have equality and in social and economic life we will have inequality. In Politics we will be recognizing the principle of one man one vote and one vote one value. In our social and economic life, we shall, by reason of our social and economic structure, continue to deny the principle of one man one value. How long shall we continue to live this life of contradictions? How long shall we continue to deny equality in our social and economic life? If we continue to deny it for long, we will do so only by putting our political democracy in peril. We must remove this contradiction at the earliest possible moment or else those who suffer from inequality will blow up the structure of political democracy which this Assembly has so laboriously built up.”²⁰

Thus, to conclude the point, Ambedkar considers equality as one of the most cardinal feature and condition to successfully work out a democracy. It is incumbent duty upon the government of the day to strive to remove the inequalities, better before its consequences destroy the very fabric of the society itself.

Opposition as value: To Ambedkar “Democracy means a Veto of power. A veto against hereditary autocratic authority or against those who are ruling the country.... To supplement the veto power of the people which they exercise to elect a government periodically there should be apart from this long-term veto also an immediate veto. Therefore, since democracy is based upon rule by sanction of the people, there must be people in the parliament to exercise this sanction and challenge the government. Therefore, there has to be an opposition within the parliament which demands justifications of every act that it does to the people who do not belong to their party. There must

be an opposition to show the government that they are doing wrong. This opposition must be perpetual. In a parliamentary democracy where the party getting the majority forms the government -is only entrusted with the power not just to represent its own majority but the whole polity. The political minority thus must have an equal say in the making the government accountable. An opposition is therefore must to the democracy and its role duly recognised. Any attempt to remove, silence or intimidate it by any means or disregard it is an attempt not to submit the government to public scrutiny, but also to establish autocratic rule through a backdoor which is antithetical to an idea of democracy.

Thus, for a democracy Ambedkar considers an effective opposition as a must structural requirement for the working of the representative government after fulfilling the conditions of representation of the people in the parliament. Democracies are based upon the idea of rule through deliberations and the very idea of deliberative governance is based upon the idea of discursive ethics.

Opposition thus have an accountability value to serve in a democracy. It is through an informed and vigilant oppositions that excessive and arbitrary use of the power can be checked in a non-violent manner and as a non-violent instrument of governance.

Constitutional Morality: The very idea of discursive ethics finds its expression the catch phrase used by Ambedkar called constitutional morality with reference to Grote, a Greek Historian, which requires the governance within the confines of law with free speech as the cardinal value of parliamentary governance. To Ambedkar Constitutions are only legal skeletons, the flesh to which is found in constitutional morality. That is., following the rules of the game whether written or conventions built up with all sincerity disregard to what you are and where you stand in the corridors of power. This integrity of oneself to the constitutional process is constitutional morality. The constitution morality to Ambedkar also meant that the people should in the process of achieving their socio-economic objectives must remain studded to the constitutional means and must shun the means of bloody revolution and satyagraha which are extra constitutional and antithetical to the requirement of democracy.

To quote him again from the final Speech made in the constituent Assembly on 25th November 1949-

“The first thing in my judgment we must do is to hold fast to constitutional methods of achieving our social and economic objectives. It means we must abandon the bloody methods of revolution. It means that we must abandon the method of civil disobedience, non-cooperation and satyagraha. When there was no way left for constitutional methods for achieving economic and social objectives, there was a great deal of justification for unconstitutional methods. But where constitutional methods are open, there can be no justification for these unconstitutional methods. These methods are nothing but the Grammar of Anarchy and the sooner they are abandoned, the better for us.”²¹

Thus, as discussed earlier and in this section, to Ambedkar constitutional morality is not just a principle but also a condition for the successful working of democracy in India. To him this faculty is not natural and needs to be cultivated in a democracy for the very preserverence of the democratic system.

Equality as a governance principle: To Ambedkar mere equality in law does not suffice what is equally important is equality of treatment in administration. His apprehension is that Party governments are prone to carrying on the administration for the benefit of the members of the party. Discrimination in administration is quite possible and is made on the basis of what hat one is wearing which harms the principle of equity. On the other hand, he also sees an interconnectedness in the way the form of the constitution can be sabotaged by sabotaging the form of the administration. To quote him-

“One is that the form of administration has a close connection with the form of the Constitution. The form of the administration must be appropriate to and in the same sense as the form of the Constitution. The other is that it is perfectly possible to pervert the Constitution, without changing its form by merely changing the form of the administration and to make it inconsistent and opposed to the spirit of the Constitution.”

This discrimination in administration in favour of the likes can sabotage the very process of justice delivery if the judiciary is intimidated by the administration in the name of the political executive. In this

case the very idea of rule of law is held ransom by the discriminatory practices in the administration. Dr. Ambedkar expressed his regret that India has departed from the principle of separation of power of the political office from the civil office and therefore faces the certain risk of the derailment of the principle of the equality of law and outcome.

The majority/minority context: To Ambedkar, democracies conventionally had been seen as majority governments. He given the Indian situation where-in he describes the Indian majority not necessarily as a political majority but a communal majority- departs from this conventional formulation of democracy on political majority and minority and argues that 'the minority must always feel safe despite the majority carrying on the government'. The political minority must enjoy the freedom of right to speech, or opposition, or making motions of any kind. Denying the minority their rights is pushing them at the wall where they are forced to take up revolutionary actions or unconstitutional means. Therefore, the majority must not behave in a tyrannical manner owing to the majority it has in the house and on the basis of which it can dictate terms to the political minority. This is dangerous and against the spirit of democracy as also against the spirit of constitutionalism.

Moral order and Public Conscience: To Ambedkar ethics cannot be separated from politics. Social morality and conscience are the foundation of any good society in which a democratic form of government can successfully work. The state possibly and particularly in a liberal democracy does not encapsulate all the aspects of an individual life and an individual is free in vast areas of personal and civil life unregulated by law of the state. It is this unregulated area of an individual and social life that requires governance of the self through the norms of morality. This sense of morality accompanied by the sense of public conscience is the sure way to protect the democratic order. 'Democracy means free government. Free government means that in vast aspects of social life people are left free to carry on without interference of law or if law has to be made than the law maker expects that society will have enough morality in it to make the law a success'.²²

Public conscience to Ambedkar means 'conscience which becomes agitated at every wrong no matter who is the sufferer and it means that every-

body whether he suffers that particular wrong or not is prepared to join him in order to get him relieved. The ability to respond to the situation of wrong committed by anyone on anybody irrespective of what his race, caste, sex, or identity is, is the test of consciousness'.

Ambedkar Advises that democracy is not a plant which grows everywhere. One needs to be constantly aware of the problems that hinders the working of democracy and can put the whole democratic system in peril. That one cannot afford.

Writing in the voice of America on 20th may 1956 on the prospects of democracy in India, Dr. Ambedkar argued that there is a necessity to delink the equation that any republic is a democracy or any parliamentary government is a democracy. To him democracy is quite different from a republic as well as from parliamentary government. Democracy is not just a form of government, it is primarily a mode of associated living. The roots of democracy are to be search in the social relationship in the terms of associated life between the people who form a society. A society is a unit of collective unity, a community of purpose, a desire for welfare, loyalty to public ends and mutuality of sympathy and cooperation. He laments Indian society lacks these qualities as it is characterised by the system of caste which primarily lacks these faculties. It is organised through the idea of caste which is all pervasive in Indian society be it marriage, interpersonal relation, politics, industry, commerce, charity etc. it all militates against democracy, it destroys willingness and helpful cooperation, prevents social endosmosis and binds one to his occupation of caste. not realizing the plurality of the capacities and potential an individual has thereby stunting democracy.

To Ambedkar the prospects of democracy in India is dependent on the understanding democracy in its deepest meaning. It is only when it is recognised not just as an instrument of government but also as a way in which a politically organised society recognise and live its daily life that democracy in India not just survives as a mechanism of governance but a mechanism of justice. The adherence to the above defining principles and the conditions therefore demand according to him a serious consideration.

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INDIAN POLITICAL SCIENCE ASSOCIATION (IPSA)

The Indian Political Science Association (IPSA) is the highest, the oldest and the largest academic and professional body of teachers and scholars of Political Science and Public Administration in India. This is the national association and non-profit registered organization. The aims and intellectual traditions of IPSA are- Advancement of Political Science; Scientific Study of Politics; Dissemination of Knowledge, and Rigorous Political Enquiry.

The Indian Political Science Association was established in December 1938 on the advice and invitation of Bharat Ratna Pandit Madan Mohan Malviya at Varanasi. Pandit Govind Ballabh Pant, the then Premier of United Province (presently Uttar Pradesh), was invited to preside over the inauguration of IPSA. The need to start an association had been felt for a long time and it was in May 1938 that it was actually decided. A circular was issued at the end of August 1938, inviting cooperation of scholars of Political Science for this auspicious journey. The first conference was held on 22-24 December 1938 with the singing of Vande Mataram song. Pandit Madan Mohan Malviya, the Vice Chancellor, BHU welcomed the delegates and spoke briefly of the pressing political issues facing the country. Dr. A.S. Altekar took the delegates to Sarnath for excursion. Dr. P.N. Banerjee of Calcutta was elected as President and Sri Gurumukh Nihal Singh of Banaras was elected as Secretary and Treasurer. Dr. Beni Prasad of Allahabad and Dr. V.S. Ram of Lucknow became Vice Presidents.

In September 1939, the IPSA started publication of a quarterly journal entitled The Indian Journal of Political Science (IJPS). IJPS is continuing to be an academic platform and intellectual voice of the community of Political Science for last 84 years. In 2009, the IPSA started publication of a bi-annual journal in Hindi entitled Bhartiya Rajniti Vijnan Shodh Patrika. Prof. Sanjeev Kumar Sharma became its first Editor. The journal is being published regularly.

In its history of 85 years, IPSA has organised Annual Political Science Conferences regularly. Renowned political scientists of the country from all regions and institutions have held positions in IPSA Executive Committee and the Editorial Board. These include scholars like PN Bannerjee, Beni Prasad, VS Ram, Gurumukh Nihal Singh, Edy Asirvatham, JN Khosla, BM Sharma, M. Venkatarangaiya, SV Puntambekar, DK Garde, H.K. Sherwani, KNV Sastri, GD Sondhi, DN Banarjee, SV Kogekar, KP Mukerji, R Bhaskaran, Appadorai, AK Ghosal, MV Krishna Rao, A Awasthi, DN Pathak, JP Suda, AJ Dastur, VP Varma, SAH Haqqi, LP Sinha, MM Puri, Nirmal Bose, SP Varma, Chetkar Jha, Frank Thakurdas, SC Dash, RN Trivedi, Haridwar Rai, Rasheeduddin Khan, CP Bhambari, LS Rathore, KBY Thotappa, RS Gautam, AP Padhi, Raghuveer Singh, RB Jain, K Madhusudan Reddy, R Thandavan, CV Raghavulu, JR Siwach, JK Baral, KP Singh, Janardan Pandey, Hoshier Singh, Daleep Singh, CP Barthwal, VT Patil, Harihara Das, JK Mahapatra, Cyriac Thomas, G. Gopakumar, Madhukar Shyam Chaturvedi, AS Narang, APS Chauhan, SS Tiwana, SK Chaturvedi, G. Gopal Reddy, JK Mishra, Muzaffar Assadi, RS Yadav, Sushma Yadav, R. Balasubramanian, BC Chaudhary, Jose George, Kaushal Kishor Mishra, K Jayaprasad, Madhurendra Kumar, P Madurai Veeran, RS Yadav, Manas Chakrabarty, G. Ram Reddy, Geetanjali Das, A Thanikodi, I Ramabrahman, Shantishree Pandit, Manoj Dixit and many more.

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The IPSA invites you to become the member of the association and actively participate in its activities.

Professor Sanjeev Kumar Sharma
General Secretary and Treasurer

STRUCTURES OF SOCIAL AND POLITICAL HISTORY: RABINDRANATH TAGORE'S HISTORICAL IDEA OF INDIA

Nilanjan Banerjee

Noted author and intellectual Rabindranath Tagore (1861-1941) viewed Indian history as a method of revealing the historical and eternal idea of India. In the essay Bharatbarsher Itihas (1902), he had basically classified Indian history into two histories, the political history which has been in the curriculum for studies during his time, and the social history of India, which for Tagore actually represents India and the values it stands for India. For Tagore, what has basically been studied about India is the conflict among the political classes, but the day-to-day social life of the people has been ignored. In India, Tagore states, that social and political conflicts has given way to social unity, and even political personalities too had to try and achieve this social unity. This has recurred throughout history and thus defines the idea of India for him. Tagore also discuss the historical processes of social unity in India in details in Bharatbarshe Itihaser Dhara (1912), where he also classifies history as history based on time, and history based on ideas or thoughts (Kaalgoto Itihas and Bhaabgoto Itihas). The present study will aim to study and understand the structures of history which Tagore talks about and how he shows a continuous and eternal idea of India through this process.

Keywords: History; Political History; Social History; Social Unity; History of Ideas; Eternal Idea of India.

Introduction

History as we know, simply put, is a record of the past. But it is also not that simple on the other hand. It records the past, but the past needs to be discovered or revealed. The past as being presented, needs to be proved. Thus, past based on facts which are proved get into the domain of history. Again, there are various perspectives and methodologies to study history. What one considers "history" might not hold good for another. While one might say to study one particular aspect of history, others might insist on a broader spectrum to be studied. All these complex issues come to the fore prominently while studying Indian history. India as we know is a culturally rich and diverse country, and is well reflected in its rich and diverse past. What to take from that past as recorded and verifiable "history" has been much debated by scholars. What to focus while studying Indian history is also a matter of debate. We will in the present study try to look into the thoughts of the noted author and intellectual Rabindranath Tagore (1861-1941) on history, particularly in the domain of Indian history.

History of the Curriculum

Tagore criticised the history that was taught to students during his times. The essay in which he had criticised this was written in the year 1902, titled *Bharatbarsher Itihas* ("History of India"). It

was a time of the Swadeshi Movement which was approaching in Bengal, and Tagore himself had led it from the front. Patriotic sentiments urged people to defy colonial impositions and colonial products, and look for nationalist alternatives. This essay acts as a precursor to that, and somehow anticipates the later agenda of national education. Tagore critiques the system of education devised by the British in India as narrow, not confirming to Indian ideals and values, and too much of being examination-centric and not building the characters of students, through his critique of the curriculum on history being taught to the students.

The intellectual framework to show Tagore's phases of intellectual evolution by the noted historian Susobhan Sarkar helps in the process.¹ He had categorised the phases of the Bengal Renaissance into two, *Prachyabhimaan* ("Orientalism") and *Pashchimi Drishti* ("Westernism"). Orientalism for Sarkar here was quite equivalent to the one exhibited by the Slavophiles, where they wanted to refine the age-old thoughts and through them wanted to build the future. In the case of the Bengal Renaissance, this was marked by worship of ancient glory, basically of the Hindu civilisation, Hinduness, and Bhakti. According to Sarkar, Westernism here basically refers to the reformist thoughts of the Russian Westernists who wanted to base the future Russian society on

European ideals in the nineteenth century. In the case of the Bengal Renaissance, reformism, rationalism and humanism mark Westernism. Tagore showed both these strands and these as abstract ideas gave rise to phases of dominating trends in Tagore's thinking.² The period of 1898 to 1906 is what Sarkar says was dominated by Orientalism in Tagore's writings. This was influenced by the extremism which rose during this time in the nationalist movement and the Swadeshi phase.³ As *Bharatbarsher Itihas* is from 1902, we do observe that it shows the characteristics of Orientalism as Sarkar had stated, ancient glory, Hinduness and emphasis on the Bhakti Movement.

Tagore states that the history that is being taught and memorised for the purpose of examinations is the midnight's history, only a story of nightmares of India. He further states that this history is about who invaded from where, the fighting that pursued, the tug of war between father and son, among brothers to lay claim to the throne, and if one group of invaders depart, another group sets their foot in here.⁴ Thus, it is a story of invasions, wars, bloodsheds and intrigues. Tagore further states that Pathans, Mughals, Portuguese, French, English, all of them have made this dream more and more complex.⁵

The words "midnight" (*Nishithkaal*), "nightmare", "dream" are of particular of note in these statements by Tagore. The word "midnight" might indicate the low vision which one associate with it. It is a time when the common people usually return home, and unlike broad daylight, one cannot see much from a distance. One can see those which shine, but as we know, all that shines is not gold. The conflicts shine out, but the common people and their activities are left out in the process. The word "nightmare" suggests that these conflicts are not in the right direction of Indian values. However, interpreting the word "dream" here creates some confusion. So is it the case that these bloody conflicts and intrigues are not true? It doesn't seem so. They stand true, but create an illusion towards the larger picture. This is what Tagore says further,

But this dynamic turn of sequence of dreams stained with blood has covered the real India. This history does not provide the answer about the whereabouts of Indians. It seems that there are no Indians, rather only those are present who have chopped and murdered.⁶

Thus, though these bloody conflicts have been

there, but these are not the primary events for Tagore to look at for the sake of Indian history. Rather its obstruction towards seeing the "real India" makes it futile, illusory and makes it look as a "dream". Tagore then elaborated on what to look for while searching for Indian history. Here comes the structures or rather the typologies of history which Tagore proceeds to delineate.

Two Sides of History: Political History and Social History

Tagore states that even in those tough times, these choppings and killings were not the only events taking place. He gives the allegory of a storm and states

It cannot be accepted that the storm is the primary event during a stormy day, despite its thunder — even in those days when the sky was covered with dust, the flow of births and deaths, happiness and sadness which took place at the homes in the hamlets might have got covered, but for humans, these are the ones of primary importance. But for a foreign wayfarer, this storm appears to him as primary, the web of dust obstructs his eyes to look for something different; it is because he is not at home, but outside. For this very reason we find only the stories of this dust and the storm in the history written by the foreigners, we do not find the stories of these homes. It appears after studying this history that India was not present then, it were only the Mughals and the Pathans with their thunderous voices and series of raised flags... roamed from north to south and from east to west.⁷

But Tagore states, just as the foreign invaders existed, the country existed too. Here Tagore gives a food for thought. He says otherwise among all these disturbances, how did Kabir, Nanak, Chaitanya, Tukaram take birth? He says further that not only Delhi or Agra existed, but Kashi (present-day Varanasi) and Nabadwip existed too. He rues the fact that the descriptions of the flow of life which existed within this real India, the waves of efforts which were generated, and the social changes which took place find no mention in this history.⁸

This shows how Tagore challenged the colonial epistemology. He stated in clear terms that the foreigners being from outside did not get to know the country by heart and its knowledge was shrouded on narrow terms. The mention of Kashi and Varanasi which were traditional Indian centres of learning and with their study of Indian epistemology (for instance,

Nabadwip was a famed centre to study Navya-Nyaya, one of the pillars of Indian epistemology) only adds to this critique.

Tagore thus looks at two types; rather it might be proper to say two sides of history, *political history* and *social history*. The focus for Tagore while looking into India is social history. In the "Orientalism"-dominated phase, Tagore was trying to differentiate the state from the society.⁹ His emphasis on Indians show his concern for a *people's history*, which the Britishers have failed to produce and have only focused on political history. Among the many versions of social history, he is more with the line of referring to various forms of human activities difficult to classify except in terms of "manners, customs, everyday life." Following the analysis of Trevelyan, it is history with the politics left out, or "residual view of social history" as has been called.¹⁰ His mention of Delhi and Agra which were political centres side-by-side with Kashi and Nabadwip which were educational and cultural centres substantiates this point.

The Uprooted Curriculum and the real India

Tagore asserts that it is that India which is beyond these textbooks with which we have our roots. This connection has a historical thread bereft of which our minds lose its refuge. Tagore points out that we are not weeds, but our hundreds and thousands of roots has inhabited the core of India, through hundreds of centuries. But Tagore rues the fact that the contemporary students have forgotten this, and has been replaced with foreign elements, which do not carry the eternal values of India. He sadly notes that it has been a commonplace to say that we have nothing from the past, and have to borrow etiquettes from foreigners.¹¹

Here thus Tagore points out a very serious matter indeed. He points out the colonisation of the Indian mind through the tools of education. How colonial education which did not contain Indian values has fed the students a dependence on colonial culture, and the students now cannot imagine of an India without these foreign elements. This growing Anglicisation was a matter of concern for Tagore. He states that in other country and who are fortunate enough have found their eternal homeland (*Swadesh*) within their countries' histories, however that is the reverse in the case of India. Here the country's history (the one that is taught) has covered the *Swadesh* from seeing it. The conquests of Mahmud or the pride of the expansion

of empire of Curzon as history has only created a unique kind of illusion and has only covered our eyes while looking at the *Swadesh*, Tagore states. It throws an artificial light for him, which creates darkness towards seeing our *Swadesh*. This light has covered the *Shikhars* of our temples and has only highlighted the architectural tombs of the royals. It has highlighted the royal extravagance of the Nawabs.¹² These illusions for Tagore have much less to do and are not representative of the people or of the larger character that is India.¹³

Social Unity as the basis of India

Tagore critically says that "even the educated class at times in a bemused way seek answer to the question of what do you call as the *Desh* (Country)? What is the particular nature or idea (*Bhaab*) of it? And where was it located?" But Tagore states that there cannot be an answer to this as it is so sensitive, so vast, that it cannot be comprehended by reason. Even the British and the French cannot say that in one word, he states. It is "truth just as the life within our body stands visibly true, but just like life, is difficult to give a definition or an idea of it. It enters us from childhood through diverse forms and multiple unobserved paths through our knowledge, our affections and our imaginations. It through its diverse powers construct us in a subtle way — it does not let happen a distance created between our past and the present — it is only by its grace we are vast, and not fragmented. How will we express this diverse, earnest, secret and ancient power in two-four words to a skeptical and inquisitive person?"¹⁴

Thus, realising one's country is a lived experience, which has its unconscious ways to build a character and enters one's mind. It is an emotional and sentimental connection, and hard to express in words. This cannot also be known through skepticism or rational arguments. For Tagore, thus a strong belief, emotional attachment and faith constitute a person's relationship to his or her country.

Here comes what Tagore calls as the success of India.

What is the primary success of India, if anyone asks for a clear answer of this question, the answer is present; the history of India will support that answer. The only effort of India always has been to foster unity among differences, to converge different paths into one destination and to realise by heart without any doubt one among many — not to destroy the

external differences, but rather to possess the deep unity among them.¹⁵

Tagore considers this as natural for India to observe this unity and try to foster unity, and this attitude has made India ignore the impulse of achieving state glory (*Rashtragaaurab*), he says. Here comes a comparison between Europe and India.

State Power and Social Unity: Differences between the West and India

Tagore differentiates between the West and India, in terms of political and social differences. Political development for Tagore is based on establishing oneself over the other, whereas forging a relationship with others and also finding a balance between the diverse divisions and conflicts in oneself is the basis for religious and social development for Tagore. Thus the difference is that “the unity in which the European civilisation has sought refuge is conflictual; the unity in which Indian civilisation has sought refuge is togetherness. The knot of conflict in Europe of political unity has kept it together from others, but cannot give it harmony from within.”¹⁶ This for Tagore this has created a situation where each class, where the ruler and his subjects or between the rich and the poor has conflicts against each other and each is alert to curb the growing influence of the other. This social disharmony has created a situation where might and money rule. This for Tagore has created an unending passing of laws by the government as patchworks to keep these opposing elements together.¹⁷ Thus, conflict is the basis of unity here and Tagore’s analysis gives here the impression that through these conflicts and the requirements of somehow forging unity has given legitimacy to the state. This only increases the state power and explains the notion of state glory which Tagore had discussed.

But in India for Tagore the case is completely different. According to Tagore, India had tried to form social bonds among disparate groups.¹⁸ But for Tagore that was done by respecting and recognising the differences. Here is what Tagore says, “Wherever real differences exist, that difference has to be assigned to the position which it deserves, restrained, and only then unity can be achieved.”¹⁹ Thus differentiated rights foster unity but without legal sanctions for Tagore.

In this discussion about differentiated work, Tagore might be talking about the Varnashrama system in India. This discussion can be uncomfortable, considering the caste system had led to a hierarchy

and discrimination, and on the contrary of fostering social unity, it caused deep divisions in the society. However, for Tagore Varnashrama and the caste system was not the same thing. Whereas Varnashrama was based on merit, it degenerated into the caste system based on hierarchy. Tagore seems to be dealing more with ideals rather than actual practices which were followed.

India, Tagore believes India has that talent to assimilate others as its own. This is aided by Dharma. Tagore states “If there is respect for Dharma, if Dharma can be accepted as the ultimate ideal of human civilisation, then it is only the Indian system which can be regarded as the best.” Thus, Tagore shows that not only in social system, but can also be seen in the domain of the rules of Dharma. He takes the help of religious texts like the Gita to elucidate his point.

In the Gita, the effort to completely harmonise between *Jnan*, *Prem* and *Bhakti* exclusively belongs to India. It is impossible to translate the word ‘religion’ present in Europe in the Indian languages; It is because India has prevented a mental detachment within Dharma — Dharma is omnipresent in our intellect, faith and attitudes, and in our this-worldliness and next-worldliness. India has not fragmented it and labeled one as formal and the other as informal... There is no difference in India on Dharma among beliefs, behaviours... India’s Dharma is the Dharma of the whole society, its roots are in the soil and the head towards the sky; India has not seen its roots and the head as mutually independent of each other....²⁰

Thus the society is based on Dharma for Tagore. Both share a symbiotic and organic relationship. Just as Dharma is one whole and organic in nature, the society too is united and organic in nature and one cannot be thought without the other. But as Europe passes laws to foster social unity, how India reinforces that? For Tagore India has an organic and natural process for that, and Tagore states that the social system in India as well as texts of Dharma like the Gita show and reinforce that. But however things are natural, political influences do come into place. Who protects the social system and preserves the Dharma? Though not like the European laws, but Tagore gives instances from history on how the political leadership tried to foster social unity and conserve the social system. Though the preservation and codification of Dharma was basically the domain of the Brahmins, but for its execution political leadership is required. Thus, there comes an overlap between the political

history and social history. However, this political history is within the context of Dharma and social unity over mere political gains gain precedence. Thus from time to time when there have been social crises, political leaders have tried to devise ways to foster unity. How this has happened and from time to time how India achieved and conserved social unity has been detailed by Tagore from historical instances.

Social Unity in India: Instances from Indian History

Tagore states, "History will prove that India tried to make one from many among all the civilised societies in the world." Through this conviction, Tagore went on in details to show India's social history where the formation of social unity is carried on, in order to remove the ignorance on Indian history, falsify the statement that India only has political history and to reveal the true nature of India. For Tagore history is the vehicle through which we can experience the eternal idea of India and the detachment of our present from the past will disappear.²¹ In *Bharatbarsher Itihaser Dhara* in 1912, Tagore goes on to give instances from Indian history by using an approach of contraction and expansion, which lead to social crisis and social unity.

Contraction and Expansion: Social Crisis and Social Unity

For Tagore, the whole world has a rhythm (*Chhanda*) to follow. It is marked by opposite elements taking turn to create a whole. Examples which Tagore gives include breathing in and breathing out.²² It also includes looking an event in two different ways. An example which Tagore gives here substantiates this point. He states,

If we observe the minute-hand and the hour-hand of the clock, it seems that either they are continuously moving, or not moving at all. But once we look at the second-hand, we see that it jumps from one to the other. The pendulum which stops once on the left and then swings towards the right, and then stops there and again swings towards the left is only observed in the rhythm caused by the seconds. In the affairs of the world if observe the minute-hand and the second-hand but if we would have observed its micro unit of seconds, then we would have observed the world is always stopping and then moving on again — within its continuous note at each moment there is a rhythm being played. At the pendulum of Creation, there is yes on one side and no on the other side... attraction on

one side and repulsion on the other, at one side forces moving towards the centre and on the other side going against it. In the field of Logic we undertake difficult exercises through various schools of thoughts to bring this conflict to a close, but in the domain of Creation, these have come together to make the mystery of the world indescribable.²³

Tagore states that force if kept unchecked does not achieve an end, and this unending state cannot augur well for the world. To put the world into rhythm, a counter-force is necessary. However, Tagore states that this rhythm is not seamless in the human domain as in the natural world. There is contraction and expansion, but the balance between them is not continuously maintained. Humans constantly swing between self and the other, acceptance and refusal, restrain and independence, and rituals and judgment. Equalising among these opposing forces constitute human knowledge for Tagore. This constitutes for Tagore human history and India provides ample opportunity for him to observe that.²⁴

Tagore has traced this based on social conflicts and social unity. It can be said that social conflicts worked basically on contraction, focusing on tight-knitting of the society already existing inside, or internal social unity. Whereas, social unity is basically from expansion, expansion not in the sense of waging wars and acquiring new territories, but where the conflicting social forces from outside are accepted, and they become part of the existing but modified society. Thus, this is also social unity, but with an external factor. However, there are variations of achieving social unity and various modes of it, as Tagore proceeds to narrate the history. There cannot be a sweeping generalisation on these issues..

Tagore starts with what do we call as civilisation by giving the examples of Greece and Babylon. He states, "There is an ethnic conflict at the very onset of the old and great civilisations like Greece, Rome and Babylon. By this ethnic conflict, humans through others awaken among themselves. Through such conflicts humans achieve development from rudimentary to an organic stage, and this is what we call as civilisation."²⁵

Then he proceeds towards India and the start is similar to the other civilisations he had just mentioned. In India too, Tagore states at the very onset of history, there is an intense ethnic conflict between the Aryans and the non-Aryans. Tagore states that the unity among the Aryans was only possible because

of its revulsion towards the non-Aryans, otherwise they constituted a heterogeneous group and came to India in phases, and thus opposition to the non-Aryans united them. However, following his thought, Tagore stated that conflict has two ends, at one end is detachment, while there is togetherness on the other side. Thus the self-contraction of the Aryans does not signal the end of history. This was followed by self-expansion following the rules of history.²⁶

Tagore pointed out that not much is known in history about those who showed bravery during those days of self-contraction (he wonders maybe Janmejaya, but history has not given him a very glorious position), but the one who has achieved unity is worshipped as an *Avatar* by the people. This unity between the Aryans and the non-Aryans is found in the Ramayana, and through the initiatives of Janaka, Visvamitra and Rama this unity is achieved.²⁷

Tagore here again classifies history into two — temporal history (*Kaalgoto Itihas*) and ideal history (*Bhaabgoto Itihas*). While Janaka, Visvamitra and Rama were not contemporaries, but they stood at the same pedestal in terms of ideas.²⁸ It is to be noted that all these three figures mentioned are Kshatriyas who achieved the union between the Aryans and the non-Aryans. Tagore had placed Brahmins more with the self-contraction site and the Kshatriyas more with the self-expansion site, and expansion was more natural to them because they belonged to the warrior class and went on building colonies. Tagore points out a new group of Kshatriyas clamoured for change. It is because the Brahmins were conservative and was more concerned with the preservation of religion and the procedures were becoming day-by-day complicated. However, the Kshatriyas by waging war with the non-Aryans also came in contact with them, and somehow understood that there exists one essential Truth, amidst different names of God. Vishnu represented the new group of Kshatriyas, whereas Brahma represented the Vedic religion. This knowledge of oneness, which Tagore called as *Brahmavidya*, belonged basically to the Kshatriyas. This paved the way for Vaishnavism, represented by Krishna, and the wave of Bhakti swept the country, and the ritualistic Brahmins too had to accept it, though after many tensions and much later. We have already seen that Rama was a part of this new group, and now we see here Krishna too. Thus, Tagore through instances shows that both the epics, Ramayana and Mahabharata had this social revolution as the main subject. The killing of king Jarasandha

who was against the new group by Krishna with the help of Bhima and Arjuna was one such instance from the Mahabharata. When Yudhishtira performed the *Rajasuya Yajna* to bring these two groups together, Shishupala's insult to Krishna also reflect this conflict, so for Tagore the future war, where Brahmins like Drona, Kripa and Ashwatthama stood against Krishna.²⁹

The conflict and the unity later achieved is also quite apparent for Tagore in the Ramayana. Rama appears to have taken the thoughts of the new group, because rather than taking discipleship of Vashishtha whose family by lineage was their royal preceptor, he rather took the discipleship of his opponent Visvamitra, going against his father Dasharatha. He had disarmed Parashurama, the slayer of Kshatriyas, not by killing him but by influencing him. This was one step of Brahmin-Kshatriya unity. A context of agriculture pitted against forestry was also present in the background. The triumphant Kshatriyas were clearing forests and replaced animal resources with agricultural resources, which created a conflict with the forest-dwellers (*Aranyaks*). The Dravidians from the forest-laden South of the Vindhyaachal challenged the Aryans. For Tagore, the triumph of Ravana over the Vedic Gods like Indra and establishing Shiva is a case in this point. Janaka had his kingdom in Mithila, which was then the eastern extreme of Aryavarta. Rama on the insistence of Visvamitra took the test of breaking the bow of Shiva. Here Tagore takes an interesting turn. He shows that the bow actually represents the challenging Shaivites, whereas Sita represents ploughing, crucial for agriculture. The breaking of the arrow this signifies the triumph of agriculture and thus Rama established agriculture in the forest-dominated South.³⁰ However, this warring Rama is not permanent, as the Rama of Bhakti which was performed the conquest of the heart and establishing peace soon emerges. It is because there is a realisation that to retain conflict through revulsion and waging wars and killing is a futile exercise, it never gives a solution. It needs to be solved through love and affection. This required unity by heart, and thus it was required to not treat God as possession of any particular group, but for all, with belief in one single Truth. Rama was successful in doing that. He accepted Chandala Guhaka as his own, and through Bhakti gained affection from the *Vanaras*. Tagore emphasises here again staying true to his line of social history that the *Vanaras* were won over not by politics, but by Bhakti.

On the religious front, after many conflicts which involved Arjuna and Krishna, Shiva was finally given a place in the Aryan pantheon by merging him with the Vedic Rudra. In the Mahabharata, Tagore states, it can be clearly seen that there was an intermixing of blood as well as religious diffusion among the Aryans and the non-Aryans. This hybridity again gave rise to the phenomenon of self-contraction to make a boundary which was very fluid at that time. This can be seen in the Manusmriti. Thus the conflict was still around as the Brahmins kept resisting the revolutionary change.³¹ This gave way to a reaction or a huge revolution in the form of Buddhism and Jainism to which Tagore now turned, which titled the scales against contraction towards expansion for a while.

A new wave of social revolution swept the country, led by two Kshatriyas, Buddha and Mahavira. They emphasised that Dharmaneti is an element of Truth, not just social customs, which lead to liberation³². Tagore was thus referring to Buddhism and Jainism, Buddhism in particular, keeping in mind the rapid and wide success it had achieved then. Buddhism completely swept all the barriers of caste and other social customs. However, for Tagore, this created an imbalance and the scales were completely turned rather than being in balance. He felt that Buddhism by clearing the web of social customs has itself created a web of social customs not seen before. Earlier, there was a restrain at each step of expansion, but now it was unchecked. Tagore assumes that there must have been too much of restrain earlier which triggered this massive social revolution, where a whole country was swept not by military might but by religious might. However, what ensued after its decline is that there was a realisation that all the social barriers have been broken except the Brahmins and now with an enormous heterogeneity of groups, a lot of dissimilarities among them came to the fore. The conflict between the Brahmins and Kshatriyas still had an ethnic unity between the two, but now the non-Aryans came deep into the society and there was no ethnic unity with them. The influence of Buddhism gave a channel to non-Aryans from outside like Shakas and the Hunas to come into the Indian society and forging a balance was becoming increasingly difficult. Buddhism still helped to stick these elements together but its decline created a confusion all around. Thus, to limit this and create a boundary and thus check this, a new way of contraction was carried out.³³

This contraction was marked by defining the boundary of *Bharatbarsha*, or India, according to Tagore. An effort to collect the old Sutras, Smritis and Itihasa ensued in bits and pieces to bring frameworks from the old and try to fit it to bring the present society in order. Vyasa's compilation of existing folklores into the Mahabharata and the Brahmasutras are cases to this point. The Mahabharata provided the perimeter and the scope of the values which India present. This perimeter is what Tagore calls as "history." Tagore states that Western scholars might not agree that the Mahabharata constitutes history, but it is true Aryan history for him, not of any particular individual, but of the community as a whole.³⁴ This point evokes interest. As we know, mythologies and histories have deep linkages. As J.W. Swain states, "In these early days, little or no distinction was made between truth and fiction so far as history was concerned, and undoubtedly most of these mythologies of early peoples were pure products of imagination. Yet scholars have come to realize that there is often a considerable amount of historic truth buried in these old myths after all: a generation ago, Dr. Schliemann discovered at Troy the ruins of an ancient city, greatly resembling the one described by Homer, and showed that there was at least some basis in history for the stories of the Trojan War... But whether or not these myths are true, in our sense of the term, makes but little difference here; the important thing is that the myth-makers were actuated by much the same motives as those which later impelled historians to write history."³⁵ The Mahabharata with its varied elements presented a synthesis, even if not a synthesis, but disparate elements getting place side-by-side in the text hinted that there is one Truth, despite differences, the Gita and the space provided to the Sankhya, Vedanta and Yoga being examples.³⁶ Thus, in this contraction, though the way Tagore showed it was an Aryan revival, but the non-Aryans who were already there in the country were accepted, and though there were core values, but efforts were made to somehow maintain a harmony among all. What can be called as a "multicultural" society was present. Shiva had two independent forms in as the Aryan Rudra and the non-Aryan Shiva. Certain dissimilarities could not be accommodated and were left as they were.³⁷

But what Tagore observed is that the society from then onwards has faced contraction for long. The non-Aryans through various social hierarchies and customs have been severely discriminated. The Brahmins now was the one dominant force, because

they had taken the role of the revival. This has led to contraction for long, and conservation has been the prime work. This orthodoxy for Tagore has limited mental development of the people. Though there have been efforts with time from Nanak, Kabir and others, but this process is still going on. He by referring to the Western influence, states that more newer elements have come, which are more disparate than the previous ones, thus only conservatism will not help. India has always strove for that one truth among many, and he feels that India seems to be rising again, possibly he was referring to the revival caused by the Occidental-Oriental interactions taking place.³⁸

What we have observed that conflict and unity form the pillars of both contraction and expansion for Tagore. However, *Bharatbarshe Itihaser Dhara* was written in 1912. This comes at that phase of Tagore's thinking which was dominated by Westernism from 1886 to 1898.³⁹ Though the essay does not exhibit Westernism as such, and stays true to Tagore's idea of India which strives for harmony, but there are certain subtle differences between the two essays. The over-emphasis on social harmony in the former gives way to acceptance of disharmony and reaction against it in the later, though in both the essays India's continuous efforts to strike social unity remains the same. His acknowledgement of orthodoxy and need for reforms (an expansion again), which hinted at Western influences in the latter is different from the former as the former challenged colonial epistemology. However, differences need not be overstated. The caste system as the basis of unity found in the earlier essay is not much given attention to in the later one. Tagore still stayed true to his idea of social history, where fostering social unity is important, and the community has a role to play in making history and not just some individuals, and also where social unity is not governed by laws, rather the society makes the society.

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GLOBAL TERRORISM: CHALLENGES AND DIMENSIONS – A CRITICAL ANALYSIS

P. Narender Reddy

In the recent days the growing actions of terrorism and the effects on the victims, are horrible and this is the time to think on it as an important hurdle on the developing of the humankind. The attacks of different Terrorist organizations in the world can be described as the most major problem and the challenge of the twenty-first century. Terrorists never had any regard for the borders. Certainly, terrorism is a structure of genocide against the human life. The fact is the terrorism is an intentional and politically aggravated violent behavior perpetrated by some individuals, groups, or state agencies against innocent civilians and noncombatants.

Key Words: Globalization, Terrorism, Threatening, Assassination, Biological, Humankind

Introduction

The global terrorism is in the rise and it has caused the tectonic alterations. Global terrorists are stimulating individual actions, like threatening of killing or assassination of any governmental and political persons, or capturing them as hostages or sometimes potentially dangerous installations, explosions, or the discharge of poisons, radioactive substances, or biologically active chemicals.¹ By the terrorist activities there might be a important risk to the personnel and the public which causes the significant economic damage. Terrorism has spread from a regional to worldwide phenomena as a result of globalization. Global terrorism has been explained in terms of globalization's cultural, economic, and religious dimensions.

Systematic and coordinated use of violence by organized groups internationally, as well as the threat of such violence. The goal of international terrorism is to destabilize the situation in a large area or around the world, causing panic among the population and ensuring that the targeted states meet the demands of the terrorists.²

The terrorism is the responsible for convinced social, confessional, and racial groups to the process of the globalization. Hence with the introduction of civilizations and the transformation of customary (pre-industrial) societies, these groups, for one reason or another, are considered to have violated their rights. Lacking the power to fight for their interests through

legal means, they resort to terrorism as a tactic to fight the weak against the strong.³

For terrorism, it is not violence, but a sense of horror and helplessness that arises in society after another terrorist act. Terrorism is blackmail, targeting the governments of democracies (elected by the population and therefore directly dependent on public opinion). Unknown terrorist act becomes meaningless (as opposed to sabotage or political assassination).

Usage of technology

With the development of high technologies, the emergence of new energy sources and communication media humanity is also increasingly vulnerable to detect terrorist attacks. Destruction or damage to a vital facility can have catastrophic consequences for a large area or the entire planet.⁴

The number of such goods is constantly increasing and, accordingly, the ability of states to ensure their proper protection is declining. This makes the threat of terrorist activity even more weighty. Thus, thanks to modern development a small professional organization with a variety of weapons, minimal finances and material resources can do enormous damage to a powerful state.

International terrorism originated when regional terrorist organizations recognized the unity of their current (strategic) goals (destabilizing the situation in developed capitalist countries), exchanging

information, weapons and technology (since the 1960s), and initiating joint training of militants, Coordinate their actions (since the 1980s) and jointly carry out a series of terrorist attacks in different parts of the world (since the 1990s).

The causes of regional terrorism are usually separatism and the national liberation struggle, political, religious, racial and / or ideological conflict and criminal interests. Regional terrorism can only exist if a section of society supports the aims and methods of the terrorists.

International terrorism does not need such support.⁵ It relies on secret aid from some states and financial institutions interested in destabilizing the situation in hostile territory or a significant change in world prices.

Great Threat

The so-called great threat today, is Islamic terrorism, which has a confessional role. This section of international terrorism is based on the idea of jihad, which (contrary to generally accepted teachings of Islam) has been interpreted as an “uncompromising” holy war “against non-believers. Osama bin Laden is considered a leader in international terrorism, sponsoring some states (Iran, Syria, Libya, Sudan, etc.) and the Arab eastern economic structures, private individuals, organizations of the legal and shadow economy (including drug trafficking, merging international terrorism and organized crime).

Carefully concealed ties between regional terrorist organizations, especially those linked to those who finance their activities. The main task of the state special services is to identify the links in this chain and prevent another terrorist act. Taking counter-terrorism measures may be limited to the rights and freedoms of citizens.⁶

Economic sanctions

After September 11, 2001, the Anti-Terrorist Coalition of States (led by the United States) emerged, declaring international terrorism to be the greatest threat to world civilization and the fight against it being declared the most important task of any democracy. Supporting terrorism in any state is also the basis for economic sanctions and coercive actions by the world community against this country.

In modern conditions, special attention needs to be paid to the problem of conflicts arising on the basis of inter-religious animosity. What is behind this: traditional geopolitical contradictions or is the world facing the threat of a resurgence of jihad and crusades inspired by fundamentalists of various faiths? No matter how exceptional such an opportunity may seem in an age where democratic and humanitarian values are pervasive, it is great that the dangers associated with it are not taking the necessary steps to prevent them.

The joint fight against terrorism, politics and the spread of crime, crime and drugs is also one of the top security issues. There are two main approaches to understanding methods of dealing with international terrorism at the current stage.⁷

The first approach is to strengthen the powers of law enforcement agencies within the confines of public security, civil liberties and democracy in the name of sustainable development of human civilization. He argued that only a strong state and the effective work of special services could serve as a guarantee for a successful counter-terrorism fight. It should be noted, however, that not all attempts to combat terrorism by force or military means are guaranteed to deter or reduce terrorist activity. US President Barack Obama has deliberately omitted the phrase “World War on Terror”, often used in the rhetoric of his predecessor, George W. Bush, to replace it with “the fight against terrorism.” Increasingly, the US president is talking about the fight against terrorist groups, emphasizing that these organizations do not represent all Arabs and all Muslims.

Approach of counterterrorism

The approach to the problem of counterterrorism, which relies entirely on military action, undermines the potential for collective action against terrorism. A significant reduction in the rights and freedoms of human beings and citizens would lead to a decline, if not, the stagnation of modern democracies, the dissatisfaction of the general population and thereby contribute to the pursuit of terrorist goals. .

The second approach is to identify non-force methods as key to combating international terrorism, which does not negate the importance and necessity of conducting precise military counter-terrorism operations. Events in recent years show the inability

of power structures to counter the threats of modern international terrorism. As President of Russia, D.A. Medvedev called improving the economic well-being of the country's population and the condition of the social sphere, as well as strengthening the moral and spiritual components, the conditions necessary for a successful fight against terrorism.⁸

Current scenario

At present, a wide range of actions at the international level, mainly political actions, require a transition to a well-thought-out and deliberate system. Military and other power tools in the field of counter-terrorism should be considered as complementary to political methods of struggle.

The development of political elements in the fight against international terrorism is one of the fundamental factors in the non-violent resistance to international terrorism. Next will be considered the political aspects of the fight against international terrorism, of which:

- 1) The activities of international intergovernmental organizations and political organizations (structures such as the UN, European political bodies, G8) in the field of counter-terrorism that have provided great assistance in countering the terrorist threat;

- 2) Combating terrorism through civil society within the framework of international NGOs that have studied the possibilities of combating the threat of terrorism at the highest level;

- 3) Protecting Islam from the influence of terrorism (opposition to Islamism by the Muslim community, represented by religious international NGOs and promoting the image of Islam as a religion of peace, goodness and tolerance).

To this day, the rule of law is fundamental to the fight against terrorism, based on various UN documents, such as conferences, declarations, and resolutions.

An analysis of international UN documents on the threat under consideration allows us to conclude that many of the following are key principles for combating terrorism.

The principles have been recognized by the

world community to combat terrorism, but despite this, not all UN member states have put them into practice.⁹ For example, Great Britain, which is officially a member of the Anti-Terrorist Alliance, has repeatedly violated the principle of rejecting the dual standards policy. The UK regularly provides shelter to individuals identified as terrorists by court decisions in other countries. Therefore, by a London court decision, the Office of the Russian Prosecutor General, who is facing charges of involvement in the terrorist attack on Ahmad Zakayev, Dubrovka, one of the leaders of the Chechen separatists, and Russia in illegal activities, was rejected. Armed groups, kidnappings and massacres in Chechnya, as well as inciting hatred against people of Russian nationality. In November 2003, A. Zakayev was granted political asylum in Great Britain. Russian authorities arrested A. Zakayev in October 2010 in his absence, but failed to extradite him.

There is a serious problem in the fight to legalize revenue from crime and to finance terrorism. The International Conference on the Financing Suppression of Terrorism (1999) generally points to an important component, such as the provision of terrorism and the provision of financial support. The importance of the considered direction of international cooperation in the fight against terrorism was demonstrated by Resolution 1373 (2001) adopted by the UN Security Council on September 28, 2001, which is one of the major measures to combat terrorism. The world community to curb its economic flows. According to Art of the Convention, each State shall, in accordance with the principles of national law, take the necessary steps to identify, identify, freeze or seize any funds used or allocated for the Crimes Commission (within the Convention) for possible foreclosure purposes.¹⁰

The High Level Panel's Report on Threats, Challenges and Change is of particular importance in the documents under consideration, Secure World: Our Partnership Responsibility. It offers a whole new perspective on the concept of collective security in the 21st century. One of the key messages in the report is that globalization has resulted in an era of mutual vulnerability. No country can face the threats of the world alone and no threats can be effectively eliminated until other threats are eliminated. A broader, more comprehensive concept of collective security is needed, which takes into account new and old threats of an interdependent nature.

The International Atomic Energy Agency's (IAEA's) program to maintain a database of illegal traffic began before adopting the strategy, but the initiative has become one of the key factors contributing to its implementation. Based on information contained in the IAEA Trafficking Database, the Geiger project developed by Interpol collects and analyzes data to identify relevant methods and trends on radiological material theft and to assess the vulnerability of stolen materials for the manufacture of terrorists. Traditional explosives filled with radiological materials are called "dirty bombs".

In conclusion, UN Secretary-General Ban Ki-moon made recommendations for further work. He noted that member countries were interested in further organizing the task force to provide guidance on its work, as well as for better communication between the task force and its members. The Secretary-General noted that the United Nations system was not fully utilizing the potential of global, regional, sub-regional organizations and civil society. According to Ban Ki-moon, this situation needs to be rectified.

In addition to developing the legal framework for combating international terrorism, the UN operates a network of organizations, including various committees, departments and specialized agencies to combat the threat of terrorism.

The Counter-Terrorism Committee (CTC) and its Executive Directorate regulate the counter-terrorism activities of the UN. The Counter-Terrorism Committee has a total of 15 members on the Security Council.¹¹

These agencies are tasked with overseeing the implementation of Security Council Resolutions 1373 (2001) and 1624 (2005) and providing technical assistance to countries in need. The Counter Terrorism Committee receives reports on the work and activities of member countries. After analyzing the situation, the agency prepares reports to the UN Security Council, making recommendations to member states and taking into account the specifics of each state's development. The authors of the report "A Safer World: Our Shared Responsibility" believe that the Executive Directorate should become a focal point for providing interstate military, police and border assistance to strengthen national counter - terrorism capabilities.

The UN agencies, programs, funds and agencies work individually and in collaboration with the Framework Task Force for the Implementation of the Anti-Terrorism Strategy (TSGOKS). The task force, established in 2005 by the Secretary-General, aims to ensure the coordination of the activities of the various agencies in the UN system involved in the fight against terrorism. The task force created a program of work to implement the Global Counter Terrorism Strategy and set up working groups. Among them are the elements of the fight against international terrorism:

1. Assistance to UN member states in the comprehensive application of the strategy;
2. Transfer of counter-terrorism operations to the anti-conflict sector;
3. Providing a forum to address possible causes of political and economic exclusion, especially among young people;
4. Improve technical assistance, collection and evaluation of follow-up;
5. Improving the coordination of the UN system in planning a response to a terrorist attack using nuclear, chemical, biological or radioactive materials;
6. Integration of stakeholders and partners in discussing Internet use for terrorist purposes and identifying sophisticated ways to combat this phenomenon;
7. The search for ways to meet international standards in the fight against terrorism financing;
8. To determine the most effective ways to protect harmful targets, including UN personnel in the field, and to create a mechanism for exchange of experience in this regard;
9. Assist countries in strengthening domestic laws for the protection of human rights in line with international standards;
10. Identify the needs of victims worldwide and the potential for assistance from governments.

The International Criminal Police Organization (Interpol) assists the UN Security Council in enforcing sanctions against al-Qaeda and the Taliban

by providing information to law enforcement agencies around the world. Interpol collects, stores, analyzes and exchanges information on the activities of suspected individuals and groups; It coordinates the spread of terrorist alerts and warnings and develops practical guidelines for the World Law Enforcement Commission to assist in reporting terrorist activities.¹²

The World Health Organization (WHO) is concerned about the readiness of health care organizations to respond appropriately to all international emergencies within the framework of international health regulations. The WHO has developed standards and is building biosafety and biosecurity for laboratories, promoting the safe use and storage of biomaterials, reducing the risk of abuse.

In addition to developing the legal framework for combating terrorism, creating specialized structures and developing cooperation with various organizations in the field, the UN Security Council may take compelling measures to maintain or restore, based on Chapter VII of the Organization's Charter.

International Peace and Security

One of these tools is the imposition of international legal sanctions against individuals, organizations and states that support terrorism. By international legal sanctions, we understand that violators of international law are, as a rule, collective or arbitrary coercive non-military acts applied by states or international organizations to states.

The UN Security Council resorts to coercive sanctions as a means of coercion when peace is threatened and diplomatic efforts fail. Such sanctions have been imposed in 18 cases and some of them are intended to counter the terrorist threat.

Sanctions Arsenal includes comprehensive financial and trade sanctions and / or arms sanctions, entry or travel bans, and more specific measures such as financial or diplomatic restrictions. The application of mandatory sanctions is intended to put pressure on a state or organization to achieve the goals set by the Security Council without using force. Therefore, sanctions are an important tool for the Security Council to enforce its decisions.¹³

The Global Terrorism Index (GTI) is a

comprehensive study analysing the impact of terrorism for 163 countries covering 99.7 per cent of the world's population.

Global distribution of Terrorism

Globally, 22,847 people died in terrorist attacks in 2020. Where in the world did terrorists kill most people? Which regions experience the most terrorism?

We see the number of deaths from terrorism by region. Of the 22,847 annual deaths from terrorism included in the Global Terrorism Database, 97% occurred in the Middle East, Africa, or South Asia.

This is also true when we look at the number of incidents, rather than the number of deaths. As we will see in the following section, not only is there a strong regional focus but this is also heavily concentrated in only a few countries within these regions.

Most victims of terrorism die in the Middle East, Africa, and South Asia. This hasn't always been the case. Guerrilla movements in Central and South America, for example, dominated terrorism in the 1980s.

Global Map of Deaths from Terrorism

Terrorism is often regionally-focused. But within these regions, it's also concentrated within specific countries. South Asia had the largest number of deaths in 2020, but not all countries were equally affected.

We see the number of terrorism deaths by country on this map. Afghanistan – the country with the most fatalities in 2020 – accounted for 44% of terrorism deaths in the world.

The same is true for the Middle East & North Africa, and Sub-Saharan Africa, which also had high death tolls in 2020. In Sub-Saharan Africa, most deaths occurred in Nigeria, with high numbers in Ethiopia and the DRC as well. But some countries in the region – such as Tanzania – had almost none.

Looking at where in the world terrorism happens highlights an important point: it tends to be in countries with high levels of internal conflict. This proves difficult because often there is a strong overlap.

If we look at a recent list of terrorist incidents

across the world – take June 2019 as an example – we see the majority are events that most people would understand to be terrorism: roadside bombings; car detonations; attacks on religious or political institutions. Although usually performed by one or a small group of individuals, most are affiliated with well-known terrorist groups, such as Islamic State, Taliban, Boko Haram, and Al-Shabaab. Again, most people would clearly associate these with terrorism and violence.

But where the lines become blurred is that many of these groups are rebel or insurgency groups in various domestic conflicts. Islamic State, for example, is a key instigator in the Syrian civil war; Al-Shabaab in the internal Somalian conflict.

This means that most terrorism occurs in countries of high conflict because the internal conflict is – to a certain extent – terrorism.

Share of deaths from terrorism

In most countries – particularly across Europe, the Americas and Oceania – deaths from terrorism accounted for less than 0.01%. They are rare in most countries of the world today.

This is not true everywhere. In a number of countries across the Middle East and Africa, terrorist deaths reach up to several percent. Iraq was the most affected 4.3% of all deaths were due to terrorism in 2017, followed by Afghanistan, Syria and Somalia which each had over 1%. These are countries where overall conflict – of which terrorist activity is a part – is high. In fact, the boundary between terrorism, conflict, one-sided violence or civil war is not always clear-cut.

The extent of terrorism in most countries is very low. But – as we mentioned in the global-level data – this can change from year to year. Attacks can be non-existent for many years before an unexpected rise or spike.

The United States provides an important example. Terrorism deaths in most years are very few: typically below 0.01% of all deaths. This unexpectedly spiked with the 9/11 attacks – the world's most fatal terrorist event of recent times. It claimed 3000 lives, accounting for 0.12% of all deaths in the US in 2001. Every 800th death in the US in 2001 was from 9/11.

We should therefore be aware of this volatility: having few deaths from terrorism in one year is not a predictor for the next.¹⁴

Overall we see that terrorism deaths globally – and in most parts of the world – are relatively rare. Much more common risks – often ones that we can influence – kill many more people. An estimated 7 million deaths each year result from smoking; 4.7 million from obesity; and 3 million from outdoor air pollution. The dominance of terrorism in the daily news cycle can mean that we lose perspective of this.

The GTI report is produced by the Institute for Economics & Peace (IEP) using data from Terrorism Tracker and other sources. The GTI produces a composite score so as to provide an ordinal ranking of countries on the impact of terrorism. The GTI scores each country on a scale from 0 to 10; where 0 represents no impact from terrorism and 10 represents the highest measurable impact of terrorism.

Given the significant resources committed to counter terrorism by governments across the world, it is important to analyse and aggregate the available data to better understand its various properties. One of the key aims of the GTI is to examine these trends. It also aims to help inform a positive, practical debate about the future of terrorism and the required policy responses.

Key findings from the global terrorism index 2023 report

- Attacks have become more deadly with the lethality rising by 26%.
- Terrorism deaths are down 9%, although this is attributed to the Taliban's transition from terror group to state actor.
- Outside Afghanistan, terrorism deaths rose 4% in the rest of the world.
- Islamic State (IS) and its affiliates remained the world's deadliest terrorist group in 2022 for the eighth consecutive year, with attacks in 21 countries.
- Deaths from attacks by unknown Jihadists globally are eight times higher than 2017, representing 32% of all terrorism deaths and 18 times higher in the Sahel.

- The Sahel is the most impacted region, representing 43% of global terrorism deaths, 7% more than the year prior.
- Declining terrorism in the West is met with intensified attacks in other regions.
- Terrorism thrives in countries with poor ecologies and climate induced shocks.
- Drone technology and its use continues to rapidly evolve, especially with groups such as IS, Boko Haram and Houthis.

Key Trends in Global Terrorism Index 2022 Report

- Despite global terrorist attacks increasing to 5,226 in 2021, deaths declined slightly by 1.2%.
- The Ukraine conflict is likely to drive a rise in traditional and cyber terrorism, reversing previous improvements in the region.
- Terrorism in the West declined substantially, with attacks falling by 68%. The US recorded its lowest score since 2012.
- Sub-Saharan Africa accounted for 48% of global terrorism deaths.
- The Sahel is home to the world's fastest growing and most-deadly terrorist groups.
- Islamic State (IS) replaces the Taliban as the world's deadliest terror group in 2021, with 15 deaths per attack in Niger.
- Terrorism has become more concentrated, with 119 countries recording no deaths, the best result since 2007.
- In the West, politically motivated attacks overtook religious attacks, which declined by 82%. There were five times more political attacks than religious attacks.
- Terrorists are using more advanced technologies including drones, GPS systems and encrypted messaging services.

Trends from the 2020 global terrorism index

– Deaths from terrorism are now 59% lower than their peak in 2014. The fall in deaths has been largest

in Iraq, Syria and Nigeria.

– The overall fall in deaths from terrorism has also led to a reduction in the number of countries experiencing deaths from terrorism. In 2019, 63 countries recorded at least one death from terrorism, the lowest number since 2013.

– The impact of terrorism lessened in seven of the nine regions of the world in 2019.

– South Asia recorded the largest deterioration, followed by Central America and the Caribbean.

– However, Central America and the Caribbean remains the region with the lowest impact of terrorism, a position it has held for the past 17 years.

– MENA recorded the largest regional improvement for the second consecutive year. Deaths in MENA have fallen by 87% since 2016, reaching the lowest level since 2003.

– Afghanistan is the country most impact by terrorism in 2020.

– More recently, terrorist activity has been concentrated in South Asia and sub-Saharan Africa with both regions having recorded more terrorism deaths than MENA since 2018.

Conclusion

However, sanctions have their opponents as a way to put pressure on those who violate international law. A large number of states and humanitarian organizations are concerned about the negative impact of sanctions on the most vulnerable sections of the population, as well as the negative impact of sanctions on third world economies. It is increasingly recognized that there is a need to improve the planning, application and implementation of sanctions imposed by the Security Council. The negative effects of sanctions can be mitigated by the inclusion of broader humanitarian exceptions directly in the General Assembly resolutions or by the more objective application of such sanctions.

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NEOLIBERAL POLITICS, PRIVATISATION OF HIGHER EDUCATION, AND THE ISSUES OF EQUITY, ACCESSIBILITY AND SOCIAL JUSTICE: THE CASE OF ASSAM

Geetimala Pathak

Higher education across the globe is being driven by the economic-political goals of neo-liberalism and has increasingly begun relying on private investment. Although primarily a state prerogative, higher education is witnessing gradual withdrawal of the state and increasing intervention of market forces. The liberalisation policies of the Indian government adopted in the 1990s in the form of structural adjustment policies brought about a new era for social sectors like health and education with reduced role of the state and increasing privatisation. Like many other states in India, higher education in the state of Assam too has been transformed from a public, regulated sector to a private, deregulated sector. However, while expansion has been achieved by privatisation, democratisation and equity of the higher education system is still not in place. In the face of profitability of private education and the corresponding high cost of such education, accessibility of the weaker sections of the society to the education system stands highly compromised. The system thus reinforces the entrenched structures of dominant socio-economic status by building an elite and segregated educational system. This amounts to inequality of opportunities and a corresponding restraint on the upward mobility of the weaker sections in social hierarchy and "human freedom".

Key words: Neo-Liberalism, Higher Education, Privatisation, Profitability, Equity, Accessibility, Weaker Sections, Mobility

Introduction

"Every individual has a right to an education that will enable him to develop his faculties and live a full human life. Such education is the birth right of every citizen. A state cannot claim to have discharged its duty till it has provided for every single individual means to the acquisition of knowledge and self-betterment."

Maulana Abul Kalam Azad

That is how the first education minister of India envisioned education and its contribution to the nation building process of India. The architects and the leaders of the nation building process visualised education as the key to holistic development and betterment of the individual as well as community and national welfare. Education was also regarded as a public good, with the state being bestowed the prime responsibility of assuring it each desiring individual. Higher education too, for that matter, has been regarded as a public good; which produces a significant number of externalities, besides dissemination of

knowledge and societal sustenance. However, with the widespread influence of the political-economic aims of neo liberalism and globalisation, higher education has started noticing a growing involvement of the market, and has become increasingly relied on private investment. In India too, higher education which was historically a state prerogative facilitated with the purpose of creating a knowledge society, has undergone significant changes along neo liberal lines with the adoption of economic reforms. With a reduced role and spending of the government in social sector of the country, higher education has gradually become deregulated, privatised and commercialised. Gradually, privatisation of higher education has been taken up in many states of India as well.

In course of time, privatisation of higher education has become functional in the state of Assam too. Previously primarily under the control of the government, higher education in the state has now been opened for private players. With the enactment of the Private Universities Act of 2007, thereby formally crystallising the process of privatisation of

higher education in the state, the higher education sector of the state has undergone a marked change. Along with that, it has also given rise to new effects in the society and newer challenges.

The global experience shows that higher education system of the countries under neo-liberal adjustment policies gives rise to two distinct outcomes. One significant outcome is a dualization of the system of higher education which implies coming up of two systems of education- the poorly funded public education serving low quality education to the majority and private funded superior education catering to a very narrow segment of population. The other prominent outcome is the phenomenon of increasing private investment with newer mechanisms of efficiency and cost recovery measures, educational loans etc.¹ The phenomenon of privatisation along with the cost recovery measures lead to commodification of education where accessibility to education is conditioned on the ability to pay. This also gives rise to a sharp decline of equity in education.²

It is in this backdrop that it is imperative to understand the implications of privatisation of higher education for the larger socio-economic issues of equality and justice. Taking up the case of Assam, the paper attempts to find out as to where do the issues of justice, accessibility and equity stand in private higher education system.

Neo-Liberal Agenda vis a vis Privatisation of Higher Education

Restructuring higher education in line with neo-liberal principles is informed by the belief that state cannot be an efficient facilitator of services. However, given the need of the political state to maintain a democratic and just order, the state is expected to play the role of a mediator and follow the market principles while doing so. Accordingly, a reduced role of the state in education, limited broadly to the formulation of a policy framework, is promoted as an economically and educationally efficient idea.³ This reduced role of the state is coupled with creation of a market for competition among individual institutional bodies. There is a thrust on shift of funding from government to non-governmental sources as well as a shift of management of higher education from state to individual institutions.

Justification of privatisation of higher education

and reduced role of the state is grounded on the argument that higher education does not hold any promise for socio-economic development, nor is it an attribute in reduction of poverty and inequalities. Therefore, government subsidy should be reserved only for primary education. "Report on Financing Higher Education in Developing countries", 1986 and "Higher Education- Lessons of Experience", 1994- the two important World Bank reports on higher education- clearly emphasised on this logic of reducing state subsidy from higher education and expanding the primary education. However, research shows that it is higher education that prepares an individual with the skills and knowledge useful for employment and other economic benefits. Higher education also potentially takes people much above poverty line along with facilitating socio-economic mobility, and is also capable of eliminating any possibility of people falling again into the poverty loop. Higher education constitutes a very significant 'human capability' or 'human freedom'- a freedom that helps in attaining other freedoms, advocated by Amartya Sen.⁴

Methodology

This paper is based on a study conducted between 2016 and 2019 in the state of Assam. Proceeding in a deductive manner, the paper is based on a qualitative and analytical approach. It is both theoretical and empirical in nature and is based on both secondary and primary sources of data. Review of the existing literature on the topic has helped in the contextualisation of the problem at the macro level. The analysis is deduced from the theoretical understanding of neoliberalism and its bearing on higher education sector. Understanding of the problem at the macro level has been facilitated by analysis of policy initiatives and primary data collected from different selected units through questionnaire and interview schedule.

Privatisation of Higher Education in India

Higher education in India has been growing exponentially along with the ever-increasing demand of it. The Gross Enrolment Ratio (GER) in higher education has increased during the last 5 years, from 24.5 in 2015-16 to 27.1 in 2019-20 according to AISHE, 2019-20. The growth of higher education institutions, universities and similar institutions has increased from 799 in 2015-16 to 1043 in 2019-20

by almost 30.5%, and the number of colleges has increased from 39,071 in 2015-16 to 42,343 in 2019-20 by about 8.4%.⁵

However, the expansion of higher education is largely because of the private sector that has contributed to the same, with government investment failing to meet the rising demand. The private institutions constitute 64 per cent of the total number of institutions and 59 per cent of total enrolment in the country, compared to 43 per cent and 33 per cent, respectively, a decade ago.⁶ According to the data of AISHE, 408 universities are privately managed among the total 1043 universities, where majority of the colleges (78.6%), are run by the private sector, both aided and unaided, and 21.4% are government colleges.⁷

Development in India, in the immediate post-independence period, was considered a state prerogative and endeavour. Indian higher education, since the very beginning, faced a great demand for expansion, as it has come to be associated with the most needed socio-economic mobility, especially for the marginalised sections of the society. The support of the state in expansion of the system was necessary and pertinent. However, a new era for social sectors was brought about with the liberalisation policies of the Indian government adopted in the 1990s in the form of structural adjustment policies with reduced role of the state and increasing influence of global imperatives in sectors like health and education. Thus, in the post economic reforms era, the government of India encouraged private investment in higher education and encouraged institutions to opt for generating their own resources through various means, including increasing fee levels and generating revenues through consultancy and other activities. The signing of the General Agreement on Trade in Services (GATS) agreement by the nation has opened gates for privatisation of education with it ceasing to be a public good. The provisions of the agreement have shifted education from being an enterprise of charity to an industry from where the beneficiary has to purchase educational benefits.⁸ There have also been attempts to strengthen the process of trade in services through legislative initiatives after signing the GATS, the first one being the passing of the Private University's Act of 1995. To suggest reforms in the education sector, a committee headed by Mr. Mukesh Ambani and Mr. Kumarmangalam,

appointed by the Prime Minister's Council on Trade and Industry in April, 2000, in its report, considered higher education a profitable service and suggested absolute commoditisation of it. It was suggested by the committee that there should be reduction of public subsidy for higher education, opening it for private investment, and that the government should concentrate only on education of primary level.⁹ What followed was the cut in the allocation of budgets for higher education.

On the ground of paucity of funds at the disposal of the government together with absence of direct social benefits from higher education, privatisation of higher education has been justified. Moreover, the argument that higher education has a secondary role in socio economic development, also calls for cutting down government share in higher education and thereby encourage private investment. Another argument opines that even if higher education can significantly contribute towards progress and development, it not be provided only by the government but can also be facilitated by the private sector. An assumption often placed in support of the withdrawal of the state has been that it is commercialisation, not privatisation that we need to save the education sector from. However, both the theoretical and practical notions have validated it time and again that privatisation and commercialisation go hand in hand. This commoditisation and privatisation have made higher education into a monopoly of the rich affecting accessibility to acquisition of knowledge.

State of Higher Education in Assam

Assam has had a rich trajectory of higher education with the first college established in 1901 and the first university in 1948. Cotton College and Gauhati University respectively being the first college and university of the state, at present the state has 558 colleges and 26 universities.¹⁰ There has been a rich heritage of public education in Assam with a number of significant public institutions of higher education contributing significantly to the higher educational needs of the state.

Though the growth of higher education in the state of Assam has been impressive in terms of expansion, it is pertinent to mention that according to the report on All India Survey on Higher Education

(2019-20), the GER of Assam in the year 2019-20 is 17.3% compared to the all-India Gross Enrolment Ratio (GER) of 27.1%. In terms of total female enrolment, the national percentage is 27.3%, while Assam has a total female enrolment ratio of 17.2%. When it comes to enrolment of Scheduled Caste and Scheduled Tribe, the all India Scheduled Caste (SC) and Scheduled Tribe (ST) enrolment constitute 23.4% and 18% respectively, and the enrolment ratio in the state of Assam stands at 19.3% and 22.5%. Compared all India enrolment of 24.1% Scheduled Caste Female (SCF) and 17.7% Scheduled Tribe Female (STF), Assam has an enrolment of 19.0% SCF and 22.4% STF in the higher education.¹¹ Thus, in terms of GER, female enrolment as well as enrolment of scheduled caste, Assam lags behind the national average. The higher scheduled tribe enrolment than national average is due to sizeable population of STs in Assam.

One of the issues affecting the higher education system of the state is the inadequate number of higher educational institutions. According to the AISHE report, college population index of Assam stands at 15 against national average of 30.¹² The government has recently initiated establishment of model colleges in the 12 educationally backward districts. However, gross inequality continues to exist between the urban and rural areas in terms of distribution of colleges.

Just as inadequate resource allocation puts a halt on public higher education at the national level, in Assam too, financial constrain has been a limitation on the path of development of public education. Inadequate funding for higher education is primarily due to the tendency to focus on elementary, particularly primary education. The emphasis on primary education is based on the belief that achieving the objectives of elementary education depend on cutting down on expenses of secondary and higher education, which has had deleterious effect on other levels of education, particularly higher education. A number of alternative strategies including self-financed courses and privatisation have been adopted to compensate for the insufficient government funding for higher education.

Unsatisfactory infrastructure has been another perennial issue of public higher education system in Assam. The state institutions of higher education have been suffering from lack of adequate state- of-the-art infrastructure and amenities, which also affect

the quality of education of these institutions. While these public institutions cater to the largest population of higher education aspirants, these institutions fail to meet the expectations of the beneficiaries with regard to various facilities for development of human resource, in comparison to well-equipped private institutions. Though the state government has recently provided various incentives, the public institutions considerably lack standard and adequate infrastructure for the benefit of the students.

Transforming Higher Education in Assam: Push Towards Privatisation

With the enactment of the Private Universities Act, now there has been a significant shift of orientation of higher education in the state. The government argues that higher education is devoid of direct social benefit and is more a burden or liability on the part of the government; with the public institutes of higher education not bearing any fruit, rather running on deficit; hence, investment in primary sector will bring out more effective result which has direct social benefit.¹³ Moreover, the burgeoning demand for professional education, has laid down the ground for private players to come into the picture while cutting down on state expenditure. Accordingly, we can see a shift in the political design of higher education. Gopinath Bordoloi, the first Premier of Assam, an educationist of great repute, considered higher education integral to the development of a state and wanted to ensure a rich educational destiny of Assam. He established institutions like Gauhati University, B. Barooah College to cater to the educational needs of the poor students of the region. He was of the opinion that education should be as free as possible, and that university should be kept away from political interference. According to Bordoloi, the aim of higher education should be to create such men of knowledge, who can feel the needs of the common people and try to meet the same.¹⁴ However, the ideas of the political leaders have undergone a change. Terming higher education as a liability, Tarun Gogoi, the Chief Minister of Assam from 2001 to 2016, argued in the Assembly Debate of Assam Legislative Assembly, that in this era of 'knowledge societies' where economic development is synonymous with knowledge, the government is compelled to take the support of private sector. Maintaining that the government has to pave way for establishment of higher educational institutions of repute, Gogoi debated the case for

private investment. Ripun Borah, the then Education Minister when Assam Private Universities Bill was passed, also justified the case of private investment in higher education to check the brain drain of the youth of Assam.¹⁵

Accordingly, a number of private universities were established, and at present there are six private universities and a large number of private colleges offering courses of higher education. However, privatisation of higher education comes with its own set of challenges carrying serious ramifications for the society and therefore needs serious attention.

Cost of Private Education: Education Turned into an Individual Good Rather than Social

The privatisation of higher education worldwide has been carried out at a huge cost, as students' fee constitutes the most significant source of revenue for private institutions. It is noteworthy to mention that while students of developing countries have to bear the full cost of their education, except a few scholarships and subsidies, students of advanced countries share the cost of education with the non-government and non-student sector of the country.¹⁶ But in India, to recover the initial investments made by the private institutions, there is no such attempt to generate additional supplements of revenue other than the students fee.

The accessibility of higher education to ever increasing aspirants justifies privatisation of higher education. However, the fee structure of the private institutions does not validate that argument. While doing a survey of the students of private universities, it was found that most of the respondents belong to financially affluent families, whose education is sponsored by their parents. The rest of the students were found to finance their studies through educational loan, who expressed financial constraints and burdens in view of the loan. Riya Das (name changed), a student of a private university commented, "For a lower middle-class girl like me it is difficult to meet the cost of professional education at a private university. As I have to finance my education through educational loan, there is a financial burden. It would have been really helpful if students like me who belong to the not-better-off families could get such education at an affordable cost."¹⁷

As private institutions primarily depend on

student fee to meet the cost of education, by making the initial investment, they end up levying high fee. As the Registrar of a private university expressed—“we cannot help but levy high fee as we are a private university, and we primarily depend on revenue generated from the student fee to meet the major expenses including teachers' salary”,¹⁸ he commented.

The private university act specified that all the expenses of the universities have to be borne by the universities themselves. So, to incur all the expenses from their own fund, naturally they have to generate revenue from students' fee. The Registrar of another private university commented “being a private university as we have to generate our own fund and bear all expenses there from, we cannot help but levy high fee”.¹⁹ Moreover, the Private Universities Act has no specific mention about whether the government should and would have any control over the private universities regarding the same. About measures to control the fee charged by these institutions, Dr. Himanta Biswa Sarma, ex education minister of Assam, expressed that “Private institutes are generating employment too. If I bring in any regulation, many institutes may close down and people will be unemployed then. Our motto is to take everyone along with us—Sabka Saath, Sabka Vikas”, he commented.²⁰ While the government reiterates the importance of regulating the educational institutions to ensure accountability and quality, the unwillingness to control the functioning of the private actors speaks of an unbridled scope of privatisation.

Fee in these institutions can be made flexible enough to accommodate the educational aspirations of middle- and low-income groups, lest the underprivileged sections in the society are kept outside the reach of the benefits of higher education with barred accessibility, who if equipped with higher education could rise up the ladder of socio-economic prosperity.

Financial Assistance to Students

The cost of private higher education brings us to another crucial aspect of financial assistance provided to students to bear the cost. The data testifies the fact that public universities adopt a more liberal approach in granting scholarships of good amount to benefit a greater number of students in financing the education. But the self-financing courses have continued to

put strain on students' budget. In case of private institutions, it has been found out that among the sampled students, those who are receiving some kinds of scholarship, do not find it sufficient and depend on other sources of funding including educational loan. Another driving tactic for privatisation to sustain is educational loan; and the shift from scholarship to loan has been tenaciously carried out. But cost recovery cannot be equitably implemented in absence of scholarship programmes which should guarantee necessary financial support to academically qualified economically underprivileged students.²¹

From the primary data collected from the sampled students of the private institutions, the researcher found out that the students of these institutions belong to financially well-off families. While education of most of the students is being financed by their parents, the other section of the students has been found to finance their education by availing educational loan. Educational loans have come up as a viable way of supporting and encouraging needy students to finance their education, who have to repay the money within a stipulated time of getting a job, and takes into consideration the employment opportunity which is preferred by both lender and borrower. It eventually makes the conditions stringent and hampers accessibility by the backward sections. These aspects carry serious repercussions in matters of equity and are also thought to be insensitive to the needs of the economically unprivileged students.²²

The private institutions that the researcher selected do not have any information regarding the number of students availing the student loans. However, what the researcher came to know is that they create a liaison between the banks and the students, and also work as a guarantor and mediator between the two.

Public and Private Higher Education Institutions: A Comparison

A comparative study between one public and one private engineering institutions situated in Guwahati was also undertaken to analyse different facets of educational institutions from the viewpoint of public and private, and to understand the impact of privatisation on the ground of accessibility, equity, quality of education as well as effects on the society.

The data was collected from 60 students selected

by the method of Random Sampling with the help of questionnaires and interview schedules. The research was aimed to garner details from students regarding their socio-economic background along with their strategies of meeting the cost of their education. The reasons behind joining the particular institution, as well as their individual outlook about the quality of education that facilitated them was also analysed by the researcher.

It is revealed from the data collected that while the public institution caters to both urban and rural population, students of private institution mostly hail from the urban areas while students of the public institutions are spread across different economic strata of society. However, a trend of upper middle-class background has been observed regarding the economic status students of the private institution. While the private sector has an intake of around 4% of SC students, around 18% belong to the ST category and 15% are OBC students, the public institutions have around 7% of students of the SC category and 12% and 15% of students belong to ST and OBC categories respectively. Statistically, the students of private institutions had received education from private schools. However, in case of public sector, 40% students have had government school background, and 60% were educated in private schools.

About the parental background, around 80% students of private institutions have educated parents, around 75% with a post-graduate degree. 5% of the students also had a parent with a doctoral degree. About 60% of the parents of private institutions are both working; while the occupations and services vary. Majority of the parents were found to work in high designated jobs- government, private and personal establishments. Around 20% of the students' parents are engaged in professions like doctors, lawyers or private construction firms.

In case of public institutions, around 55% of the students have parents who hold a post graduate degree. None from the sample was with a doctoral degree. Around 17% of the mothers have a post graduate degree. 35% of students have both the parents working, with most of the mothers being housewives. Parents are found to be employed mostly in government jobs with some engaged in private and personal engagements. With their fathers being employed in high and middle level designations, the

socio-economic backgrounds of the students are found to vary. Largely, the students of public institutions showed a humble economic background compared to the background of the private sector students.

With regard to fees, both the institutions reveal significant disparity. All the sampled students of public institutions are financing their study without taking any loans with the fee being affordable. Also, various numbers of scholarships are availed to them on different criteria. On the other hand, in private institutions, each sampled student except two is found to be self-financing their education. The two students who are financing their education with the assistance of loans considered the fee quite high and expressed that it is a heavy liability to pay back the money. The rest of the students whose education is being financed by their parents.

Equity and Social Justice: Where does Private Higher Education Stand?

The major issues confronting the higher education sector of India has been that of equity and social justice, that is, equal educational opportunity and benefit to all strata of the society. Equity demands accessibility of the vulnerable sections of the society who are the newly emerged beneficiaries of secondary education to higher education, which will eventually pave the way for their upward mobility in the societal ladder.²³ It is therefore of paramount importance to understand and examine the impact of high educational cost on accessibility to higher education.

From the student enrolment data of the private universities, it can be inferred that the backward sections of the society get a fair representation in these institutions. The study, however, has revealed the surfacing economic inequality. Students of the esteemed private institutions belonging to the affluent class have shown a trend of affordability of high-cost education. It has also been seen that the sampled students are mostly urbanite and their respective parents have high income yielding occupations.

Reena Deka (name changed), a student of a public university in Assam revealed to the researcher how economic disability put a halting stone to her dream of studying the subject she wanted to. She expressed that despite her desire to study a particular subject, she could not as the subject was not available in any of the public universities, and she could not

afford to enrol herself in a private university which facilitated the particular subject.²⁴

The study revealed that the sampled private educational institutions largely cater to selected populations. The majority of the students, including those from the reserved castes and tribes, come from financially comfortable homes. Because admissions to the public institutions are generally based on merit and the expense of education is not exorbitant, they provide a better prospect in terms of accessibility to various sections. The current state of private education fails to assure that expanding higher education will result in a student from a lower-income, uneducated family from a backward region being absorbed in the same way as a student from an urban middle-class household.

Ensuring equity necessitates expansion of higher education which can be materialised by more and more institutions coming to the fore and facilitating education to as many aspirants as the society may produce. This expansion, some believe, can be ensured by private investment in higher education, which will lead to enhanced accessibility to education. Though private higher education has definitely expanded the accessibility of higher education, equity has still not been achieved. Accessibility of the weaker sections of the society to the education system stands highly compromised in the face of profitability of private education and the corresponding high cost of such education. Measures like scholarship and educational loan that are initiated to facilitate educational accessibility to the vulnerable sections, work less in favour of the students and more in favour of the institutions. Higher education and the benefits accrued therefrom thus remain outside the scope of the weaker sections. Consequently, these sections are also deprived of the possibility of the upward mobility in social hierarchy. What operates therefore is a vicious circle of- vulnerable positionality, deprived opportunities and barred mobility to rise up in the ladder of social hierarchy.

Conclusion

It was thus found out that the expansion of education through privatisation reduces the burden on the government to expand quality educational institutions. But this entails a negligent role on the part of the government in so far as providing educational

facilities and avenues of socio-economic mobility to all sections of the society are concerned. This also carries the peril further adding to the divisions in the society, thus deepening and consolidating socio-economic inequalities that currently exist.

The growing demand for higher education makes it all the more important to expand and democratize the higher education system so as to provide quality education to aspirants of all sections of the society. While privatisation has been thought of as the cure-all remedy for expansion of higher education, the same has given rise to an educational system inaccessible to a large section of the society. Private education with its preference for capacity to pay over opportunities, if continued unabated, would make the goal of equally accessible education irrelevant.²⁵

The role of the government in higher education is at a critical juncture now. While the role of the government is supposed to ensure an equal educational system, it fails to control and regulate the private institutions. As private education fails to reach to a larger section of the society, that limits higher education to the already better off sections of the society. Such a system only gives rise to an elite and segregated educational system and perpetuates the already existing structures of dominant socio-economic status. Simultaneously, what exists is a vicious circle of economic disadvantage, barred accessibility and crippled opportunity of socio-economic mobility.

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POOR HOUSES – THE FORGOTTEN INSTITUTION

Kishor Kumar
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In the United Kingdom, a poor house was commonly known as a workhouse. But in India, during the famine of 1860-61, the first poor house was established. It was the most important state agency that provided relief to the famine-stricken poor population of the country. The relief distribution in these poor houses was in the form of cooked food rather than grain or cash.

Keywords: Poor Houses, Famine, Relief Work, Caste, Rajtarangini, Arthashastra, Patwaris, Tehsildar

The late nineteenth century was witness to a large number of famines in colonial India. These resulted in a very high mortality rate and created circumstances which aggravated food scarcity in the country. This article discusses the poor houses or the relief houses that were supposed to provide relief from famine. These poor houses were established in some districts of the North West Provinces and in the Awadh region of North India.

In the United Kingdom,¹ a poor house was commonly known as a workhouse. These were institutions where all those who could not support themselves financially were given employment and accommodation. Before the Poor Laws were introduced, each parish had its own workhouse. Often, these were simple farms wherein the occupants spent their time either working on the farm or helping in maintaining the local roads or other Parish works. As has been depicted by Charles Dickens, a workhouse could be either a reformatory where whole families lived or a penal labor regime where manual work was given to the residents as a form of physical punishment.

In the nineteenth and early twentieth centuries, poor houses were very common in the United States. Most of them were located on the grounds of a poor farm. These county or town-run residences were supported by the public expense and mainly the elderly or disabled people resided there. Most of these were working farms and residents if their health allowed, had to provide labor, take care of the housekeeping and also look after the other inmates. These working

farms provided some produce, grain, and livestock. The number of these poor houses decreased after the Social Security Act came into existence in 1935 and they disappeared completely by 1950.

In Canada, most of the poor houses had an attached farm. This type of facility, the oldest government-supported facility that still exists, although it has been converted into a museum, is located in Southern Ontario. It was established in 1877 and over the years, supported almost 1500 poor inmates, including destitute, old, infirm, or disabled. In 1892 a hospital was added to the building and in 1947, it was converted into a home for the aged. In 1975, it reopened as the Wellington County Museum and Archives.

During the famine of 1860-61 that the first poor house was established in India. It was the most important state-run agency that provided relief to the poor population. The first poor house was established at Moradabad,² a district in the Rohilkhand region of the North West Province (NWP), by its magistrate John Strachey. This became a prototype that included all the core principles around which other poor houses were modeled.³ This was then adopted throughout the province.

Initially, these poor houses were considered asylums for those who could not receive relief and had run out of other modes of survival, such as vagrants, homeless cripples, beggars, sick people, abandoned old people, or children. The mortality rate in these poor houses was high.

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A major transition noted was the participation of women who left their homes and took recourse to relief works and poor houses. They had to labor along with the males and also compete with them for food. But the relief measures were not only insensitive to the needs of women, they were also discriminated against along gender, caste, and class lines, as could be seen by the distribution of wages. In spite of the discrimination, the harsh conditions, and the manual work which was undertaken by women, a significant feature of the famines of 1860-61, 1868-69 and 1897-98 was the presence of a large number of women and children working on relief works. It was specifically noted in Bundelkhand that on large relief works the number of women and children was much higher than that of men. Calculations show that for every 100 men, there were 306 women and children who received wages. Thus there was only one man to every four or five women and children.⁴

During the famine of 1868-69, in the poor houses at Bijnor women were much more than men.⁵ This could be because the male members of the family migrated or deserted women and children leaving them to fend for themselves. Thus, women of socially so-called inferior castes assumed new roles as carriers, since men usually worked as diggers. The traditional role and division of labor between the two sexes had virtually broken down.

Instead of making special provisions for women, the discrimination in wages only widened by the turn of the twentieth century. This was opposed by some officials during 1837-38, but later this disparity in work wages remained uncontested and became customary and was even given the status of law by the Famine Code of 1880.⁶ Women laborers were treated with contempt and in the local language were referred to as vagrants, 'wretched', 'coolies', or even 'he'. What was worth thinking about was not the high number of women in these relief works, but that these women who were only domesticated made a decision to work as laborers and gain employment so that they could take care of their families and themselves. This was especially noticeable and appreciable because in those times working for wages was socially considered as status-reducing. These women were discriminated against and treated harshly at three levels - by the Indian society, which discriminated according to caste and class lines, by their male counterparts, and by the government officials.

The distribution of relief in the poor houses was in the form of cooked food rather than grain or cash. Arrangements were made for cooking and maintaining sanitation. A conservancy and a dispensary were attached to each poor house. There were elaborate rules for distributing cooked food.

At these poor houses, the concerned officers searched for *Brahmin*, *Thakur*, or *Kayastha* cooks. This was because the Central Relief Committee which was formed in Agra in 1860 ruled that "The food distributed should be cooked by persons ... care being taken that these persons shall be, such as that none would object on the grounds of caste prejudices, to receive food from them."⁷ So much so that at the poor houses in Bareilly and Pilibhit which had almost 5,000 residents each, "Separate blocks were allotted to the *Thakurs*, the *Mohammadans*, and the *Chamars*, etc. The officials also took care that there was no interference with regard to caste prejudices."⁸ This was necessary because the *Saiyyads*, *Pathans*, *Thakurs*, and *Brahmins* would refuse to accept relief not due to their social pride, but because of their reluctance to be shepherded with the low castes.⁹

The poor houses or state kitchens were unpopular even during the famine of 1877-78, wherein between the *Bhangis* and *Chamars*, the two lower castes, the *Chamars* thought themselves to be superior and would object to being placed along with the *Bhangis*. The bureaucrats themselves were caste conscious and strengthened social distinctions of caste and classes to their advantage.

At the same time, these poor houses were considered work houses where all those who were deserving, eligible, or willing to work were offered subsistence. All those who were healthy or able-bodied or seeking assistance were discouraged. But soon the poor houses became unpopular as they were perceived as places that violated caste norms. The discipline in these institutions was very severe and the food was so bad that it could not even be compared to the food in the prisons, it was even worse than that given to animals. But inmates were forced to eat even though they suffered from various ailments and stomach disorders. Some even preferred to die than to submit themselves to the degradation of the poor houses.

Those who could were provided with work

such as sewing, weaving, making ropes or dures or grinding corn for women, while males were given heavy work such as making or repairing roads or building sheds.¹⁰ The harsh conditions and the indignity associated with the poor houses discouraged the needy from availing of relief. There were also a number of rumors about poor houses, one of which stated that if you went there you would be forcibly converted to Christianity.¹¹ In these poor houses, cooked food was served only once in 24 hours and that too without any variation in the foods. The purchase, preparation, and distribution of food was supervised by a subcommittee that consisted of some “respectable members of the Native community, with a trustworthy Government officer e.g., a Deputy Collector or Tehsildar”.¹²

Almost a hundred poor houses had become operational by February 1861 and approximately eighty thousand needy had availed their services. By June, this figure had reached 1.40 lakh.¹³

But it was noted that even until the 1880s people had to cover long distances to reach these poor houses or relief stations. Although a large amount of work was assigned to the inmates here, the physical conditions were difficult, unhygienic, and degrading. The wages provided were very low which could not even take care of the average nutritional needs. But the explanation given was that this was in the spirit of the Poor Laws and was a recourse to the moral economy even during the 1896-97 famine. Often, wages were further reduced because according to the officials starving people would still make use of such facilities as they had no other alternative to saving their lives.

Thus, it was seen that a harsh environment was intentionally created in these poor houses, which some have even compared to ‘death traps’, which also spread diseases and epidemics, killing thousands in the process.¹⁴ It was also noted that no provision was made for the economically reintegration of the famine victims.

Government officials felt that in some cases, male relatives who were supposed to support their wives and female relatives often forced them to go to the poor houses so that they were relieved of the burden of looking after them.¹⁵ In a number of instances, the males used the excuse of their wives

living at relief camps and poor houses by breaking tradition and divorced them. This was also the fate of Must Nasiban, wife of Chidda, caste Sheikh, and resident of Bhunsia, at Moradabad police station. She was forced to live in the poor house during the 1877-78 famine. But when she came back home, her husband disowned her as she had stayed in the poor house. Feeling dejected and harassed, she tried to commit suicide but was saved. Despite knowing of her situation, the court sentenced her to three months of imprisonment for attempted suicide. Ultimately, she died of gripes in the prison.

Another case was of Hukumia, wife of Chidda, caste Bhangar. To save her life, she had to live in the poor house, but again she was shunned by her husband for living there. Syed Imdad Ali recorded that this was the fate of the majority of women, who went to poor houses to save their lives and made use of the relief facilities.¹⁶ Therefore, it was seen that women were very vulnerable as they were not only under pressure to survive but also under ideological pressure to maintain their honour. Such circumstances left them emotionally and psychologically scarred.

The Deputy Collector of Moradabad, Syed Imdad AH, brought to the notice all how relief at the poor houses was manipulated and money was being usurped. He alleged that “the enormous sums of government money are nominally spent on public charity, but in reality, they are embezzled by dishonest persons engaged in management”.¹⁷ It was very tempting for the officials to make a profit by siphoning off the money meant for wages and selling the grain. Mostly, good grain was sold to the local *Bania* and merchants for a substantial profit. One of the contemporary journals noted during 1837-38: “The relief society feeds about 1500 daily, but then owing to the villainy of those who serve food, the flour is so adulterated with lime and sand that heaps upon heaps have died on eating it”.¹⁸

During the four famines, the *Patwaris* and *Tehsildars* were the ones who misused the funds and by 1896-97, the name *Patwari* was considered synonymous with oppression and corruption. The press even alleged that some of the *Patwaris* became rich through these means and relief did not reach the needy.

Although the poor houses were unpopular and

had a number of shortcomings, they were still the backbone of the relief provided to those suffering from famine. Their usefulness and justification were summarised by the 1901 Commission as: 'The poor houses cost little; they can do no harm, and they may atone for a time or altogether the necessity for more extensive and costly measures of relief.'¹⁹

So, even though the poor houses were unpopular, the colonial administration continued to run them, and they ultimately became an important part of the state-sponsored gratuitous relief. The government was aware of the dislike for the poor houses,, but they were convinced that some of the locals were used to the free support from people ruling them.

For instance, between March and August 1869, in the Ajmer division a large number of *Marwaris* came to the poor houses. They refused to do any kind of work saying that they had come to be fed by the government and not to work.²⁰ Henvey's report did not agree with this because as per him "it was not the custom of native states to demand labour from starving paupers". He believed that such kinds of people expected alms/allowances? from their government and not wages.

An important theme for discussion during the ancient and medieval literature of India was also about how the rulers were to act and behave during natural calamities such as famines. History also tells us that even the precolonial rulers thought it their duty to provide relief during such times. An ideal monarch was obligated to provide relief during famines. According to Kautilya's *Arthashastra*, a king's moral duty was to maintain the faith of the people and, if needed, he should provide seed and food from his resources as well as from the rich. The common man should also be provided with employment through public works. Even wealth should be redistributed and the government should assist the people to migrate to areas not facing famine.²¹ Kalhan's *Rajtarangini* also gives details of the methods that were adopted to counteract the effects of the Kashmir famine in 917-18 AD.

Accounts for medieval and Mughal India discusses the measures that were taken to fight famine. Ala-ud-Din Khilji, Muhammad-bin-Tughluq, Akbar, Shahjehan and Aurangzeb took various steps to provide relief to the common man during famine.

In the late thirteenth century, Ala-ud-Din Khilji had issued regulations regarding famine. Some of which were the establishment of grain stores in every locality of the capital city, rationing grain at fixed prices and opening free kitchens.²² This has been considered the closest to a logical relief policy.

There were several severe famines during the reign of Muhammad-bin-Tughluq. The measures adopted by him to provide relief included the transfer of his capital and the population from Delhi to Devnagiri. This is considered one of the best examples of state-sponsored migration. But this proved to be counterproductive, resulting in heavy loss of life and immense suffering. Tughluq's positive relief measures included advancing loans to farmers, sinking wells, encouraging migration, and distribution of free rations to the population of Delhi at the rate of twelve *chittacks* per day. He also established charity houses where free cooked food was distributed to the needy.²³

Similarly, the Mughal emperors opened alms-houses and free kitchens, which also provided employment; Akbar had ordered the construction of a fort and also recruited more soldiers in his army. He appointed Shaikh Farid Bukhari, who was a special famine officer while separate and free kitchens were established for Hindus, Muslims, and Jogis. Even during those times, a strong relationship could be seen between famines and unemployment. Thus, the relief measures that were adopted were in fact emergency measures which aimed to restore immediate entitlement for food through cash for work relief schemes.²⁴

The primary relief measure of providing employment at large public relief works was also aimed at generating income so that the minimum 'entitlement' to obtain food was protected. To ensure that the neediest to deserve relief should be selected, the government created a system of tests that were based on distance and residence along with the task work. These tests helped determine the need to alleviate the beneficiaries, which was given to them with maximum economy.

The tasks that were carried out by them were almost less than seventy-five percent of that which the labourers performed during normal times. In cases where they were capable of working, the wages earned for a day's work constituted only the entitlement

to state relief. Children aged six years also worked (carrying earth in baskets) in lieu of food by the state. Additionally, the needy had to trek long distances to reach the relief works. Permission was given for the construction of public works in Allahabad, Agra, and Bundelkhand divisions.²⁵

The Agra Commissioner was given Rs two thousand to start relief work for those who were capable. Later, relief work was also started at Farrukhabad, Mathura, and Kanpur. Initially, the number of people who applied for relief was manageable but soon it became an 'avalanche'.²⁶ By March 1838, over three lakh migrants had come to Agra from all over the Doab, even though the relief given was meagre. At Kanpur, only 800 of 5,000 applicants could be employed.²⁷ So, even though the demand for relief continued to increase, the cash sanctioned for the same remained very poor. There was a lot of pressure from district officers, but the Sudder Board refused to allocate more money. The paucity of funds was to such a large extent that in Agra there were not even enough tools and baskets for digging and carrying.²⁸ Also in Agra and Kanpur, the relief was provided only on alternate days.

Once the situation of famine was over, the affected people reverted back to traditional cultural norms. There was regret over breaking taboos and people atoned for their actions. The issue had also been given a lot of thought by *Brahmins*. They also declared that since the food taken in poor houses and relief centers was to save life, there would be no permanent loss of caste.

Thus, it is seen that even though the intent behind poor houses was to support and provide relief to the poor and needy, due to corruption and a non-empathetic attitude of the government and government officials, they were not very successful. But since the common man had no other alternative, despite the pathetic and deplorable conditions they availed the facility, especially the women and children.

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TOWARDS A MODERATION APPROACH: REVISITING THE INDIAN APPROACH TO CONFLICT RESOLUTION IN THE NORTH EAST

Lalnundika Hnamte

The Northeast of India has often been termed as a periphery due to its relative underdevelopment and geographical isolation from the Indian mainland. India's post-independent nation-building have witnessed several regional demands for development and autonomy in the Northeast, most of which have been expressed through Gandhian methods of non-violent resistance but have often ended with violence. The first part of the paper will, therefore, argue how Gandhian methods have been employed merely as a political tool without commitment to Gandhian principles. The second part of the paper deals with assessment of the responses of the Indian State for conflict resolution through its various devices of peacemaking, peacekeeping and peacebuilding. Lastly, the paper proposes the moderation approach to conflict resolution and identify what tools may be used by drawing lessons from the experiences of the Northeast.

Key Words: Northeast, Conflict Resolution, Moderation, Peace

Global Rise of Incredible India vis-à-vis Peace and Development

Peace and development are causally related to one another. We cannot think of peace without development or *vice versa*. Though India, being one of the largest democracies in the world, emerges as a major player in international affairs, India's ranking both in terms of peace and development have not been very convincing.

Global Peace Index (GPI) by Institute for Economics & Peace (IEP) ranked India at 135th in 2021 while most of its neighbours were ranked as more peaceful with Bhutan ranked 22nd, Nepal 85th, Bangladesh 91st, Sri Lanka 95th, China 100th, Myanmar 131st while Pakistan 150th and Afghanistan 163rd were ranked lower than India.¹ The indicators of peace include: number and duration of internal conflicts, number of deaths from both internal and external organized conflicts, relations with neighboring countries, political stability, number of refugees and internally displaced persons, violent demonstrations, terrorism impact, military expenditure etc.²

Development is a very broad concept that entails not only economic but also social, political and sustainable development. Though there are several indicators such as HDI, GDP and others for measuring development, the United Nations General

Assembly in 2011 adopted a resolution indicating 'happiness' as a holistic definition of development.³ The World Happiness Report 2022 ranked India at 136th with China 72nd, Nepal 84th, Bangladesh 94th, Pakistan 121st, Myanmar 126th, Sri Lanka 127th with only Afghanistan lowest with 146th lower than India.⁴ The predictors of happiness include: GDP per capita, life expectancy at birth, social support, freedom to make life choices, corruption etc.⁵

To make the global rise of incredible India holistic, its conditions of peace and development must improve. The following sections discuss India's challenges to peace and conflict resolution, and how they may be transformed.

Failed Gandhian Movements and the Northeast

A brief look at the current events of Northeast India over a week tells one that conflicts are endemic in the region. With the emergence of centrifugal forces with the demand for protection of identities, autonomy and even sovereign homelands, the integration of the States in the North Eastern Region has been one of the most complex challenges in India's post-independent nation-building project. The process of disintegration from the state of Assam, which once accommodates almost the whole of present Northeast, took place one by one with the rise of ethno-national movements fueled by economic deprivation, alienation and

sometimes ideology. In Northeast India alone, as per the Annual Report 2019-20 of the Ministry of Home Affairs, there are as much as 17 extremist/insurgent organizations declared as 'unlawful associations' and/or 'terrorist organizations' under the Unlawful Activities (Prevention) Act, 1967.⁶ South Asian Terrorism Portal (SATP) accounts 15 proscribed extremist/terrorist groups, 40+ active groups, 60+ inactive groups, and 18 in-talks groups.⁷

It may be argued that India takes pride in its non-violent national struggle for independence and that the Gandhian principles laid the foundation for practically all social and political movements in post-independent India. However, most of the conflicts in post-independent India that started with Gandhian methods of non-violent resistance and peaceful protests often ended in violent conflicts. To cite few examples, the Naga national movement for independence of Nagaland soon after India's independence, the Mizo national movement (1966-1986) for the independence of Mizoram, the Assam Agitation (1979-1985) against the problem of foreigners in Assam, all emerged as non-violent movements but ended in violence. To justify this, the Mizo National Front (MNF)'s memorandum to the Prime Minister of India in 1965 declared that despite the Mizos being known as headhunters and a martial race, they "commit themselves to a policy of non-violence and have no intention of employing any other means to achieve their political demand."⁸ The All Assam Students' Union (AASU)'s memorandum described the character of the Assam Movement as following the principles of "non-violence, democracy and secularism."⁹ Fernandes and Borgohain argued that most movements in the Northeast that began with peaceful demands turned violent when "the State did not pay attention to them."¹⁰

Arun Gandhi, Gandhian socio-political activist and fifth grandson of the Mahatma stressed, "People have adopted non-violence without actually understanding its meaning by adopting it as a tool of conflict resolution and that does not help... Non-violence is a way of life."¹¹ Gandhi adopted *satyagraha* and *ahimsa* during the Indian independence movement and earlier in South Africa. *Satyagraha* means "relentless search for truth and a determination to reach truth."¹² As a resistance against evil, *Satyagraha* implies insistence on truth so as to bring about political and social reform in a non-

violent manner by changing the attitude and actions of the evil doer rather than by physically defeating him. Gandhi maintained, "The *Satyagrahis* object is to convert, not to coerce, the wrong doer."¹³ He said, "The essence of non-violence technique is that it seeks to liquidate antagonisms but not antagonists themselves."¹⁴ The Gandhian approach proposes *satyagraha* as a way of life and not merely as a tool of conflict resolution. This means living the life of truth, non-violence, justice, *swadeshi* or self-reliant local economy.

India's Conflict Resolution Methods

The Ministry of Home Affairs is the nodal ministry of the Government of India that is responsible for the maintenance of internal security and centre-state relations whereas foreign relation is shouldered by the Ministry of External Affairs. The division of powers between the Union and the States under the Seventh Schedule of the Constitution of India *inter alia* listed defence, armed forces, preventive detention, war and peace under the List I- Union List while public order, police, prisons, *inter alia* are put under List II- State List. List III- Concurrent List which is shared between the Union and the States also contains preventive detention regarding security of a State, criminal law and criminal procedure. The Emergency Provisions in Part XVIII (Articles 352-260) of the Constitution of India contains provisions for the declaration of three types of emergencies by the President of India namely National Emergency (Article 352), Emergency in case of failure of constitutional machinery in States (Article 356) and Financial Emergency (Article 360). During the Emergency period of 1971-1977, the Maintenance of Internal Security Act (MISA), 1971 which provided for preventive detention of individuals, search and seizure without warrant was passed. The controversial act was scrapped after the Emergency.

Despite extensive division of powers between the Union and the States, and the power of the latter over public order and police, Article 355 of the Constitution of India empowers the Union Government to protect the States against external aggression and internal rebellion. For diminution of violent conflicts in Northeast India, the Government has adopted several strategies which may also be categorized on the basis of Galtung's triangular model of conflict resolution- peacemaking, peacekeeping and peacebuilding. The

Government's openness to meet and discuss legitimate grievances of the people and the resolve not to tolerate violence falls under peacemaking strategies. They involve dialogues, talks and negotiations resulting in agreement through compromise. The Assam Accord of 1985 and the Mizoram Accord of 1986 are suitable examples. The Government's efforts for accelerated infrastructural development, stress on employment, good governance and decentralization, building friendly-relations with neighbouring countries, may fall under the peacebuilding initiatives. Peacebuilding focuses on social, economic and political development creating favourable conditions for peace. Establishment of North East Council in 1971, Ministry of DONER in 2001, special provisions such as autonomous governments in the constitution etc. are examples. Peacekeeping strategies include the Central Government's assistance to the State Governments in combating militancy through deployment of units of central police forces and army, it implements schemes of reimbursement of security-related expenditure to the States seriously affected by insurgency and modernization of state police forces. There are legal frameworks such as the Unlawful Activities (Prevention) Act, 1967 and the Armed Forces (Special Powers) Act, 1958.

Of India's conflict resolution methods, the enforcement of AFSPA has been the most controversial inviting criticisms and resistances from different corners. Several human rights groups have questioned the validity of the law from a human rights or a constitutional perspective. At times, the AFSPA invites a ricochet of violent conflicts rather than ending them. As per the provision of AFSPA, an area may be declared as "disturbed area" and deploy armed forces in conflict area to restore normalcy. Section 4 of the said act gives special powers to army officers in disturbed area to shoot (to the extent of killing) any individual who violates law/or is suspected to violate law including assembly of five or more people, carrying of weapons etc. The only pre-condition is that the officer has to give a warning before opening fire. It also involves arrest without a warrant, searches without consent and preventive detention.

Iron Sharmila, popularly known as Iron Lady of Manipur, undertook a famous 16 year-long hunger strike for the repeal of AFSPA. The Justice Jeevan Reddy Commission reported, "The Act is a symbol of hate, oppression, and instrument of high-

handedness".¹⁵ Human Rights Watch labeled it a "Tool of state abuse, oppression and discrimination".¹⁶ Christof Heynes, UN Special Rapporteur in 2012 said, "The Armed Forces (Special Powers) Act has become a 'symbol of excessive state power' and 'has no role to play in a democracy'".¹⁷ Recently in January 2022, hundreds of people in Nagaland undertook a 70 km walkathon from Dimapur to Kohima in protest against the killing of 13 civilians in Mon District by the Indian Army on December 4, 2021 while demanding for the repeal of AFSPA.

AFSPA is a tool for preventive detention dating back to the British colonial administration when it was promulgated as ordinances to suppress the Quit India Movement of 1942. After independence, the law was rejuvenated in 1958 as a counter-insurgency measure in the Naga Hills but eventually extended to all seven sister states. Presently, the AFSPA is in effect in the entire states of Assam, Nagaland and Manipur (except Imphal Municipal Area).¹⁸ There is partial imposition of AFSPA in Arunachal Pradesh covering three districts of Tirap, Changlang and Longding, and four police stations in other districts bordering the State of Assam namely Namsai and Mahadevpur in Namsai District, Roing in Lower Dibang Valley and Sunpura in Lohit District.¹⁹ AFSPA is lifted from the entire State of Meghalaya due to improved conditions since April 1, 2018.²⁰ As per the Armed Forces (Jammu and Kashmir) Special Powers Act, 1990, AFSPA is also in force in Jammu and Kashmir since July 6, 1990.²¹ The law have not been extended to Mizoram since the State came into existence in February 20, 1987.

It may be argued that the AFSPA which is more than a 60 years old conflict resolution needs a review given the decline of violent conflicts in the Northeast and assess the feasibility of its repeal.

Towards Moderation

Moderation is not a new concept but has been central in political science from the ancient Greek philosophers to the modern political thinkers. It may be defined as a condition where radical interests or extremities are negotiated and compromised. It is also a process where conflicting sides attune themselves to live in harmony. Aristotle's Doctrine of Golden Mean, the Social Contract Theories of Hobbes, Locke and Rousseau; and even the Dialectical Method of Hegel and Marx all point to a synthesised outcome resulting

out of the interaction between opposites though Marx's dialectical materialism deviates from the other theories as it proposed a class struggle which may involve violence. Michael S. Lund, former Director of Jennings Randolph Fellowship at the United States Institute of Peace wrote, "Peaceful outcomes are more likely when the leaders of the parties to the dispute are moderate in their words, actions and policies, making conciliatory gestures, and seek bilateral or multilateral negotiations and bargaining to resolve the issue in dispute."²²

The Government of India has signed several peace accords or Memorandum of Settlements (MOS) in its post-independent state-building and integrationist project. Peace accords, even though they entail moderation of extremities, do not provide endpoints to violent conflicts but are rather starting points to peace and therefore should not be considered as an end in itself. This section argues that peace has become relatively sustainable for Mizoram due to the process of moderation after moderation, which means that recurrence of violent conflicts are prevented by deradicalization of extremism or by addressing the roots of conflicts.

Taking the cases of the the Assam Accord of 1985 and the Mizoram Accord as examples, the former has not been able to sustain peace while the latter has become the most peaceful state in the region. The agitators in the Assam Movement of 1979-1985 greatly compromised their original stance for determination of foreigners from the National Register of Citizens of 1951 to March 24, 1971 as the cut-off year while the original stance of Prime Minister Indira Gandhi remained undeterred. However, the Government of India *inter alia* agreed to provide certain constitutional, administrative and legislative safeguards for the Assamese and provide provisions for economic development of Assam. As to why the Assam Accord of 1985 has not been able to sustain peace in the State Clauses 5 and 6 which are considered as the heart and soul of the peace accord have not been implemented in letter and spirit by successive governments both at the Centre and the State during the 35 years of the post-accord period. Clause 5 which provides for the detection, deletion from electoral rolls and deportation of foreigners was greatly hampered by the Illegal Migrants (Determination of Tribunals) Act of 1983 for 20 years until it was struck down as unconstitutional by the Supreme

Court in 2005. The update of the NRC that followed was completed only in 2019 and identified 19,06,657 foreigners.²³ This indicates that the process of illegal migration into Assam continued at a large scale even after the signing of the Assam Accord in 1985. As for the deportation of foreigners, the matter has not been taken up by the Government of India with the Government of Bangladesh. Instead, the Citizenship Amendment Act (CAA), 2019 provides for granting citizenship to foreigners which the AASU and other organizations in the Northeast vehemently opposed. While the NRC update of 2019 based the cut-off-date to March 24, 1971 which is in the spirit of the Assam Accord, the CAA of 2019 reduces the naturalization process for foreigners to just five years. The AASU resolved to fight the CAA until it is scrapped. Clause 6 which provides for constitutional, administrative and legislative safeguards for Assamese too has not been implemented despite establishment of committee after committee to implement this clause. The question of "Assamese" or who the Assamese constitute has not been resolved till today. The Report of the Committee for Implementation of Clause 6 of the Assam Accord submitted in February 10, 2020 after one year did not even reach the Ministry of Home Affairs, Government of India as the recommendations of the high committee are under the examination of the State Government.²⁴ The case of Assam shows that social and political developments have worked against the implementation of the Assam Accord in letter in spirit which repeatedly harm the interests of one of the major stakeholders, the AASU.

In the case of Mizoram, the Mizo National Front (MNF) dropped its original demand for independence from the Indian Union and agreed to settle for separate State of Mizoram under the framework of the Constitution. The Government of India, on the other hand, provided special provisions to the new State of Mizoram which was incorporated into Article 371G by the Constitution (Fifty-third Amendment) Act, 1986. The heart and soul of the Mizoram Accord of 1986 lie in Paragraphs 3 and 4. The former dealing with restoration of normalcy, the Peace Accord MNF Returnees' Association (PAMRA) lamented that they have done their part in coming overground and submitting their arms while the Government have been apathetic towards their resettlement and rehabilitation. The latter which provides for legal administrative and other steps guarantees special provision for Mizoram with respect to religious practices, Mizo customary

law or procedure, administration of civil and criminal justice involving Mizo customary law, ownership and transfer of land and gives constitutional safeguard by inserting Article 371G through the Constitution (Fifty Third Amendment) Act, 1986. Over the years, there have been several protests over the violation or non-implementation of the Mizo Accord but these issues rather than escalating into violent conflicts have always been moderated and that makes the difference.²⁵

This paper argues that the presence of a moderating agency in the form of civil society organization makes peace durable in Mizoram. The churches in Mizoram from the beginning of the disturbance intervened as a third-party mediator between the MNF and the Government of India by starting the Peace Mission and later the Christian Peace Committee. The Zoram Kohhran Hruaitute Committee (ZKHC), a committee of church leaders representing different denominations also took a lead role in the final stages of negotiations. Its role as a third-party mediator during the disturbed period, along with its teachings and messages to the people, has inculcated a political culture of peace. Political leaders and academicians have acknowledged the role of the church in this regard.²⁶ The Mizo Accord, 1986 is not a model accord given its several shortcomings and non-implementation. It is rather the mandate of the different sections of Mizo society who, prior to the signing of the Mizo Accord, resolved to accept any kind of peace agreement to bring an end to the Mizo disturbance. In the post-accord period too, with nearly 90 per cent of the population belonging to Christianity, the churches continue to assume a hegemonic role in the social and political life of the State. Religious conglomerations such as the Mizoram Kohhran Hruaitute Committee (MKHC) and the Mizoram People's Forum (MPF) are today civil society organizations in Mizoram that firmly stood for peace and good governance. It however maintains the separation of religion and politics by distancing itself from party politics. Despite the participation of some church elders and retired pastors in active politics, no denominational churches in Mizoram put up candidates nor endorse any political party during elections. As far as politics is concerned, the main concern of the church in Mizoram is on good governance and peaceful conduct of elections by issuing model code of conduct for elections, election vigilance, organising mass or state-wide prayers,

directives to government and so on.

Conclusion

Peace explained in terms of moderation stresses on the process of limiting extremities – of interests, means and ends. It is a state or a condition where conflicting sides attune to live in harmony. For moderation to take place, parties in conflict must have willingness for peaceful resolution. Moderation is possible only when both parties respect each others' existence and is not possible in a zero sum game where parties try to destroy one another. Moderation is also in consonance with Gandhian principles.

The Indian method of conflict resolution needs a relook. Peacemaking, particularly the signing of memorandum of understanding, takes place through moderation. Moderation is direct and conflicting sides acknowledge their gains and losses. However, peacemaking is not an end in itself but only a means creating frameworks for sustainable peace. As discussed in the case of Mizoram, the presence of moderators in the society, particularly the church, by influencing and shaping the political culture of the people have been instrumental in sustaining peace in the region. Peacebuilding indirectly results in moderation. Development creates an environment of peace by creating a sense of trust towards the government. It also alienates people from insurgents or other centrifugal forces. Peacekeeping through the deployment of armed forces may act as a moderator but with coercion and fear. Peacekeeping tactics cannot be shun altogether as they are necessary from a security point of view because of the existence of extremists or terrorists who are not willing to compromise or follow a path of mutual existence. However, draconian laws such as AFSPA may suppress conflict for a time being but it will increase alienation of people from the government and create a sense of mistrust against the government.

Peace has often been perceived as a condition of tranquility and serenity in the absence of conflict, isolate from opposition. But such a negative connotation of peace would be impractical and even misleading. Our understanding of peace in fact determines the methods we employ for the resolution of conflicts and the realization of peace. Therefore, the right approach to peace and conflict resolution is the need of the hour. Without peace and harmony in

India's rise in the global stage, Terrible India, rather than Incredible India, may seem more befitting.

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ENVIRONMENTAL FEDERALISM IN WETLAND CONSERVATION: THE INDIAN PERSPECTIVE

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Wetlands, sometimes known as the “Earth’s kidneys,” are facing grave threats all around the world. Wetland protection has been a priority for most governments, but putting measures in place remains difficult. The Ramsar Convention of 1971 was established at the international level to promote the protection and judicious use of wetlands. In addition, the Indian government has made certain steps to protect wetlands. Some Indian rules are relevant to wetland protection, while others are specifically designed for it. Water (Prevention and Control of Pollution) Act (1974), Environment (Protection) Act (1986), and Wetlands (Protection and Management) Rules (2017) have all established rules for wetlands conservation. However, the situation of wetland protection in India is bleak, and there are gaps in environmental federalism in wetland conservation. This article attempts to investigate the situation of ‘environmental federalism’ in wetland conservation in the Indian context by concentrating on the current loopholes in wetland conservation problems.

Keywords- Conservation, Environment, Federalism, Pollution, Wetland.

Introduction

Keeping the planet green is largely down to the work of wetlands. Wetlands often referred to as “Earth’s kidneys,” serve a crucial purpose and are highly valued for themselves. Wetlands across the world, and in India in particular, are struggling to survive in the face of rising urbanization and industry. The Global Wetland Outlook: Special Edition 2021 report stated “Deterioration of wetlands is increasingly widespread although more wetlands are reported as currently being in good rather than bad ecological character”.¹ At the moment, they are nonetheless under risk due to the steady encroachment and commercialization of localities. Given the nature of economic changes, liberalization, and the decentralization process, an environmental “race to the bottom” has started.² There have been worldwide attempts to conserve and restore wetland ecosystems in response to their dramatic decrease as a result of human activities and land reclamation.³ The Indian wetland ecosystem is also facing existential threats in the modern era, prompting the Government of India and international organisations to take action to preserve the region. However, in the Indian context, these initiatives are insufficient to halt the degradation

of wetlands. Further complications for wetland preservation are introduced by the ‘quasi-federal’ organizational framework. Wetland conservation is examined, as is the problem of central government and state governments working together to ensure that wetland ecosystems are preserved and protected.

Environmental Federalism in India

The problem of environmental federalism and governance is critical since environmental preservation, management, and smart usage need the active participation of both national and sub-national divisions of government. Environmental governance, in more technical terms, refers to the collection of regulatory procedures, systems, and institutions through which political actors impact environmental activities and consequences.⁴ In India’s context, the issue of environmental governance must be seen in the context of centre-state relations. According to K.C. Wheare, the Indian constitution is “quasi-federal” in character⁵; as such, the Centre makes numerous policy decisions that have a substantial influence on the states. With the emergence of regional parties and their takeover of power in numerous state assemblies, however, things have changed and issues of center-

state relations have grown increasingly complex. According to the Sarkaria Commission, “points of conflict between the Union and the States have begun to increase”.⁶ Environmental protection and promotion problems must be examined in this setting. Environmental federalism means “to the study of the normative and positive consequences of the shared role of national and sub-national units of government in controlling environmental problems”.⁷ According to Shrivastava and Datt, the issue of protection of the environment under a quasi-federal structure has come under increasing scrutiny. They argue-

“Examining the constitutions of the various Federal systems, old and new, there seem to be four main trends of how environment has come to be treated within different federal models:- (a) using residuary powers- countries with constitutions which are silent on environment, and matters related to it, have made use of the residuary powers to define competence of Federal or State governments on environment; (b) interpreting environment and conservation as an offshoot of ownership over resources- environmental concerns are seen as an extension of rights or competence over natural resources, often linked to ownership; (c) via amendments- environmental rights

and competences have found their way into some of the constitutions through amendments; and (d) clear lists in new constitutions- newer constitutions, including newer versions of some older ones, give due regard to environmental concerns”.⁸

Though the word “environment” is absent from the Indian constitution, many articles in the Indian constitution speak directly or indirectly to the notion of environmental conservation, upkeep, and smart usage. While the Preamble to the Indian Constitution mentions “socialism,” which essentially means that the state will take measures to reduce economic inequalities, if broadly interpreted, growing inequalities can also be attributed to increased use of natural resources, reflecting the state’s failure to conserve nature and give due recognition to grass-root environmental communities. Natural resource and habitat conservation and management have become critical in today’s world. The preservation of the “global commons” is a monumental effort since it includes several agencies and the collaboration of various entities. The following table shows the entries present in the three lists of the Indian constitution that are somewhat associated with the environment.

Table 1- Seventh Schedule, Constitution of India
Subjects associated with environment

Union List	State List	Concurrent List
1 - Atomic energy and mineral resources necessary for its production	1 - Public health and sanitation; hospitals and dispensaries.	1 - Prevention of cruelty to animals.
2 - Inter-State rivers and river valleys	2 - Burials and burial grounds; cremations and cremation grounds	2 - Forests
3 - Regulation and development of oilfields and mineral oil resources; petroleum and petroleum products; other liquids and substances declared by Parliament by law to be dangerously inflammable	3 - Agriculture, including agricultural education and research, protection against pests and prevention of plant diseases.	3 - Protection of wild animals and birds
4 - Regulation of mines and mineral development to the extent to which such regulation and development under the control of the Union is declared by Parliament by law to be expedient in the public interest.	4 - Preservation, protection and improvement of stock and prevention of animal diseases; veterinary training and practice.	4 - Prevention of the extension from one State to another of infectious or contagious diseases or pests affecting men, animals or plants.

5 - Regulation and development of inter-State rivers and river valleys to the extent to which such regulation and development under the control of the Union is declared by Parliament by law to be expedient in the public interest	5 - Water, that is to say, water supplies, irrigation and canals, drainage and embankments, water storage and water power subject to the provisions of entry 56 of List I.	5 - Factories.
6 - Fishing and fisheries beyond territorial waters.	6 - Land, that is to say, rights in or over land, land tenures including the relation of landlord and tenant, and the collection of rents; transfer and alienation of agricultural land; land improvement and agricultural loans; colonization.	6 - Boilers.
	7 - Fisheries.	7 - Electricity
	8 - Regulation of mines and mineral development subject to the provisions of List I with respect to regulation and development under the control of the Union.	
	9 - Gas and gas-works	

Part III of the Indian constitution which talks about the fundamental rights enjoyed by the citizens of India also deals with the issue of the environment. The Supreme Court of India has construed Article 21A broadly throughout the years. It should be underlined that without a clean environment, the right to life is not feasible. The Indian judiciary expanded the scope of the right to life with personal liberty by incorporating rights such as the right to a decent environment, including pollution-free water and air, and protection from hazardous industries, in the *Maneka Gandhi vs Union Of India* (1978) case, as well as in certain other cases. Article 32 of part III of the constitution is also very significant as it gives the right to Indian citizens to move to the court in order to get justice.

Though Article 48A of Part IV provides for 'protection and improvement of environment and safeguarding of forests and wildlife', it is largely contradicted by Article 19 (1) (g) of the Indian constitution that confers a fundamental right on every citizen to practice any profession or to carry on any occupation, trade or business. Perhaps the conundrum of environmental conservation and difficulties of

livelihood represent a greater societal problem. While trade and commercial activity is subject to 'reasonable restrictions', it has often been found that commerce triumphs over environment conservation in India. The Supreme Court, while deciding the matter relating to carrying on the trade of liquor in *Cooverjee B. Bharucha Vs Excise commissioner, Ajmer* (1954, SC 220) observed that, if there is a clash between environmental protection and the right to freedom of trade and occupation, the courts have to balance environmental interests with the fundamental rights to carry on any occupations^{9, 10}. Additionally, Part IVA of the Indian constitution is also associated with the concept of environmental protection, and it states that it is one of the important fundamental duties of an Indian citizen is to protect and improve the natural environment, which includes forests, lakes, rivers, and wildlife, as well as to have compassion for living creatures.

There are also certain acts meant for the protection of the natural environment and its components. Some of the important acts and rules meant for the protection of natural environment are-

the Environment (Protection) Act, 1986; Environment (Protection) Rules, 1986; the National Environment Appellate Authority Act, 1997; the Factories Act, 1948 and its Amendment; the Public Liability Insurance Act, 1991; the National Environment Tribunal Act, 1995; the Water (Prevention and Control of Pollution) Act, 1974; the Water (Prevention and Control of Pollution) Cess Act, 1977; the Air (Prevention and Control of Pollution) Act, 1981; the Air (Prevention and Control of Pollution) Rules, 1982; the Wildlife (Protection) Act, 1972 and The Wildlife (Protection) Amendment Act 1991; the Forest (Conservation) Act, 1980; the Doon Valley Notification, 1989; the Coastal Regulation Zone Notification, 1991; the Hazardous Wastes (Management and Handling) Rules, 1989; the Biomedical Waste (Management and Handling) Rules, 1998; the Municipal Wastes (Management and Handling) Rules, 2000; the Hazardous Wastes (Management and Handling) Amendment Rules, 2000 *etc.*

In the Indian context, judicial activism, particularly Public Interest Litigation (PIL), in areas of environmental protection can be seen. PILs have been filed to solve environmental problems and at times have led to the closure of hazardous quarries and factories. In *Vellore Citizens Welfare Forum vs. Union of India* (1996) 5 SCC 647, the Court observed that “the Precautionary Principle” and “the Polluter Pays Principle” are essential features of “Sustainable Development”.¹¹

It should be noted that local governments in India, particularly panchayats, play a vital role in environmental conservation. Plantation initiatives have been launched by Gram Panchayats across India to safeguard the deteriorating ecology. The ‘Localization of Sustainable Development Goals in Panchayati Raj Institutions’ has been proposed by the Government of India wherein ‘steps to ensure the conservation, restoration and sustainable use of terrestrial and inland freshwater ecosystems and their services, in particular forests, wetlands, mountains and drylands’ have been proposed.¹² The Indian government has also signed several international environmental agreements like the Convention on International Trade in Endangered Species of Wild Fauna and Flora, 1973; Montreal Protocol on Substances that deplete the Ozone Layer, 1987; UN

Framework Convention on Climate Change, 1992; Convention on Biological Diversity, 1992; UN Convention on Desertification, 1994, *etc.*

However, there are problems in the arena of environmental federalism in India, especially in terms of management as well as implementation.¹³ Sometimes the environmental regulations that are now in place may also have certain hazy provisions that are either confusing or difficult to put into practice. Therefore, the regulations governing the environment have had limited results. The conservation of the environment requires participation from each and every person who lives in the society, participation that is both active and committed. It is necessary to have social awareness regarding the significance of the environment since this would inspire greater environmental conservation and protection. An individual who is committed to thinking about our planet’s environment will always consider doing things in a way that does not cause damage to our planet’s ecosystem. A committed bureaucrat who is also environmentally sensitive and who is active in the implementation of environmental law will carry out the implementation of environmental law in a manner that is conducive to the improvement of environmental conservation and protection. The way in which a country chooses to grow can also have an effect on the surrounding natural world. As a result, there should be an effort made to embrace the approach of sustainable development, which will encourage the optimum and appropriate use of natural resources and will do less harm to our environment.

I. Environmental federalism in wetland conservation- analysis

According to the Ramsar Convention (1971), “Wetlands are areas of marsh, fen, peatland or water, whether natural or artificial, permanent or temporary, with water that is static or flowing, fresh, brackish or salt, including areas of marine water the depth of which at low tide does not exceed six metres”.¹⁴ For protecting some coherent sites, the Article 2.1 of the convention states “...may incorporate riparian and coastal zones adjacent to the wetlands, and islands or bodies of marine water deeper than six metres at low tide lying within the wetlands, especially where these have importance as waterfowl habitat”.¹⁵ Reports suggest a very bleak picture of wetlands

across the globe. Wetlands are vanishing three times faster than forests, according to the Global Wetland Outlook by the Ramsar Convention.¹⁶ Wetlands are among the world's most commercially significant ecosystems and regulators of the global climate. Despite widespread recognition of the value of trees, wetland benefits remain largely unexamined. Wetlands are regions that are either permanently or periodically submerged in water. Over the years, land use changes in the watershed, pollution from industry and homes, encroachment, tourism, and over-exploitation of natural resources are only some of the anthropogenic challenges that many wetlands in urban and rural India face.¹⁷ If we take a look at the way environmental federalism works when it comes to the preservation of wetlands, we will see some of the following significant aspects:

First, there are some laws and regulations that are directly associated with wetland conservation and some laws and regulations have relevance for wetland conservation. Acts like the Water (Prevention and Control of Pollution) Act, 1974; the Environment (Protection) Act, 1986, etc have relevance for wetland conservation. The Wetlands (Conservation and Management) Rules, 2017, and the National Plan for Conservation of Aquatic Ecosystems (NPCA) are meant directly for the conservation, wise -use, and management of wetlands.

Second, wetland is a broad term and under it includes many types of water bodies like lakes, rivers, etc. It may be stated here that the term "wetland" is not present in the three lists of the Indian constitution. However, there are entries in the lists that are a kind of wetland. The union list talks about Interstate rivers and fisheries; the state list talks about water and fisheries.

Third, the Indian Government has also constituted certain committees for wetland conservation. Some of these committees are National Committee on Wetlands, National Committee on Mangrove and Coral reefs. "These committees advise the Government on policy guidelines, identification of priority wetlands for intensive conservation and monitoring, implementation of management action plans, research and preparation of an inventory of wetlands".¹⁸

Fourth, in the year 2021, India got its first wetland conservation centre in Chennai. It is established as part of the National Centre for Sustainable Coastal Management, Chennai.

Fifth, on the basis of satellite data, ISRO has compiled a comprehensive national inventory of wetlands, drawing attention to those with the greatest biological value and those that are under the greatest threat from human development.¹⁹

Sixth, the Wetlands (Conservation and Management) Rules, 2017 gives power to the states regarding the identification of wetlands under their jurisdictions for better conservation and management. The rules also empower the state to keep a check on prohibited activities. Thus, the 2017 rules decentralize the process of wetland conservation.

Seventh, the environmental federalism in wetland conservation in the Indian context contains a lot of management gaps and challenges. Some of the problems highlighted by the National Plan for Conservation of Aquatic Ecosystems of -:

a. An important challenge is that till now the wetlands are viewed as wastelands and as a result wetlands are not included in the developmental plans that ultimately further deteriorate their state;

b. Very often the Indian states don't have a definite authority responsible for the protection of wetlands. Thus weak cross-sectional governance can be seen in the Indian scenario;

c. Many site managers concerned with wetland conservation lack training and capacity building;

d. The issue of wetland conservation lacks adequate research on issues like ecosystem services, community livelihood offered by wetlands;

e. Climate change is also impacting wetlands in a negative way. Therefore there should be a plan to minimize the impact of climate change on wetlands.²⁰

The National Plan for the Conservation of Aquatic Ecosystems (NPCA) recommends the development of "Integrated Management Plans" as a solution to all of the issues that have been discussed previously (IMP). Integrated planning, the use of diagnostic tools

for defining management approaches and actions, adaptable management, stakeholder involvement, and governance are the five principles that the NPCA recommends keeping in mind while formulating IMP. The revolutionary concept of “wetlands regeneration” was adopted by the union ministry of Environment, Forest And Climate Change in 2020. The programme is organised in four stages: gathering baseline data, generating wetland health cards to quickly assess the state of wetlands based on a set of factors, facilitating stakeholder platforms in the form of a wetland ‘mitra’ (friend),²¹ and finally, management planning. The role of the judiciary strongly shapes the contours of environmental federalism. The role of NGOs which serve as go-betweens between private players/government and the local community too cannot be underestimated in environmental governance and its management.²² Studies in several parts of the world reveal that for a policy to be effective in managing wetland resources sustainably, buy-in from the local community that relies on wetland ecosystem services for economic survival is essential.²³ Water balance and ecological integrity evaluation models for wetlands need to be developed.²⁴ Even though the Indian government has shown its commitment to the environment by ratifying a number of international environmental agreements, the country is still having trouble passing and carrying out environmental legislation. Wetland regions are home to a plethora of “development projects,” very few of which have obtained an “environmental clearance certificate.” Additionally, social awareness and engagement from local communities are essential components of wetland protection and management.

In the market-driven twenty-first century, it is impossible to study the environment in isolation due to the interconnected nature of the world. It is a generally held belief that the economy is the primary factor contributing to environmental challenges; as a result, many people consider the economy to be the core of the environmental issue. Under the current political dispensation, commitment to economic growth precedes environmental concerns. This is despite the fact that the severe social and environmental challenges that arise from such “degradation-induced” development call for urgent interventions.²⁵ Nevertheless, despite the fact that economic activity cannot be eradicated, it is

essential to keep in mind that economics offers satisfactory solutions to a variety of environmental challenges. In a situation like this one, it is absolutely necessary to investigate what kinds of regulations and activities the government has to take in order to protect the environment.

Conclusion

India is trying to take aggressive action to halt the worldwide decline of wetland areas by creating the largest network of Ramsar Sites of any South Asian country. Since prioritizing sustainable growth, India has improved the handling of its wetlands. However, effective wetland management necessitates input from many sectors, including the public and commercial sectors. Most people don’t care about protecting natural areas, and state authorities and businessmen who wish to infringe on those areas undercut conservation efforts. What’s worse is that governmental authorities in India aren’t doing enough to protect the country’s wetland regions. Therefore, stakeholders have to play an important role in the conservation of wetlands. Only when grassroots communities meaningfully participate in the management and protection of natural resources can they be really empowered. Mega urban schemes such as the Smart Cities Mission and the Atal Mission for Rejuvenation and Urban Transformation must take into account issues of biodiversity and wetland conservation. However, there is a shortage of data, imaging, maps, and other relevant tools, which has resulted in there being a dearth of additional scientific knowledge on the state of wetlands. In addition to this, the regulations ought to be enforced in a stricter manner. Very little has changed as a result of policies like the National Plan for the Conservation of Aquatic Ecosystems and the Wetlands Conservation and Management Rules, 2017 since regulatory entities like the Central Wetland Regulatory Authority only have advising powers. Indeed, raising awareness and enlisting the help of all the relevant parties is essential if wetland conservation is to succeed.

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INDIAN POLITICAL THOUGHT AND SOCIETY: AN HISTORICAL PERSPECTIVE

Ritu Mathur Mitra

The main objective of this study is to show that the Western thinkers are wrong in labelling Indian civilization as devoid of political theory. The findings of the study show that political thought was in fact discussed in great depth and maturity from ancient times onwards. A qualitative research methodology has been used to draw this conclusion. Historically, in India political thought was considered so lofty as to be spiritual. The Dharmasastras refer to Rajdharma or the essential duty of a king in moral overtones. We find the mention of republics or Ganas in the Buddhist period. Manusmriti considers the moral behaviour of the ruler and his ministers as the key factors in good governance. Arthashastra is a political treatise of great significance relevant even today in the context of personnel and finance. Nitisastra advocates punishment for political offenders. Under Muslim rule the political theory of kingship was shariat based. However, for practical reasons rulers like Akbar adopted a paternal and tolerant attitude towards their subjects. In the colonial period, luminaries like Rammohan Roy, Swami Vivekananda, Sri Aurobindo emphasized the significance of building up a national consciousness based on socio-religious reforms. Gandhi propagated political self-rule with the remarkable tools of satyagraha and ahimsa. Tagore's political thoughts were not restricted to the nation but he claimed global peace and harmony in a manner much ahead of his time.

Keywords: Dharma, Moral, Nation, Reforms, Ruler.

Introduction

In the past, aspersions have been cast by Western political thinkers on the very existence of political theory in Indian tradition and civilization and the same attitude persists till this day. Other scholars have opined that political thought of Indians, if any, was lost in the religious texts that were found in abundance in this ancient land. Moreover, Indian notions of political thought were considered regressive and lacking applicability in the contemporary periods and totally devoid of any meaningful contribution in the modern times. However, such conjectures are far from the truth. As Dr. Sarvepalli Radhakrishnan once wrote, even the earliest of Indian political thought is extremely insightful and strikingly modern in character.

Ancient Indian Thought: Core Ideas on Political Theory

Dharma or duty is the core concept of Hindu theory as reflected in the *Dharmashastras*¹ Etymologically, it is derived from the root *dhṛ* which means 'to uphold, support, or be firm'. In the

Dharmashastras it was not a creed or religion but a mode of life or code of conduct in the society enabling a man to reach the ultimate goal of human existence or *moksha* i.e. liberation.² The most significant part of the *Dharma* literature is *Rajdharma* or duty of kings which necessarily embraces the whole of the society.³ At the same time Dharma emphasized the various duties and obligations of the citizens. Thus, the Hindu law began with duties rather than with rights. At the same time it encompassed a large sphere of people's life than a mere study of the government.⁴

Another fundamental feature of the Hindu system was that of the government as a king-priest partnership. The priest who held the highest brahman caste and identified ceremonially with god Brihaspati was often considered superior to the king, who represented god Indra. Coronation by the priest was a prerequisite to the exercise of royal power. The priest presided over all rituals in the society and interpreted the *Dharma*.⁵ Kautilya was such a Brahman who acted as the prime minister to the Mauryan king, Chandragupta, and the latter largely relied on Kautilya's ministerial advice. However, unlike the

European priesthood the Brahmans did not establish any church-like organization to contest the power of the king and were dependent on him for protection and finances. Therefore, the ancient Hindu state was not a theocracy. Monarchy was the normal form of Indian Government since ruling was a function to be exercised by a leader of the Kshatriya or warrior class. It was his caste duty to wield power and administer punishment or *danda* for breaches of the *Dharma*.⁶

The king's power seemingly unchallenged was not arbitrary, for the royal was traditionally bound to accept the inviolable natural rights of men reflected in the ancient term *porana pakiti*. Many scholars have also referred to the democratic tradition of India. The republics or the *ganas* have been mentioned in the *Vedas* and were also notable in Buddha's time.⁷ The Buddha refers to the full and frequent assemblies of the Vajjians which was the key to their prosperity and prevented their decline.⁸ A truer democratic tradition is to be found in the Panchayats in the Indian *gramas* or villages. The village communities tended to be self-sufficient and to enjoy a degree of autonomy in local matters under the Panchayats and it is noteworthy this system continued to survive till the modern times.⁹

Origin of Government in Ancient Hindu Political Theory

According to scriptures man has lived through four great ages, each less virtuous than the last one. In the most sinful Kali age (current age) where guiding power of *Dharma* is at all time low, government became essential to protect the people from their evil designs. Indra, the most important god of the Rig Vedic period, was thus appointed king of earth by the creator Brahma or Prajapati. The king therefore by Hindu scriptures is god's representative on earth. This political theory is not unlike the divine right theory of kingship propounded by the Western philosophers. However, the king is bound by the principles of *Dharma* and there is an implied social contract between the king and his subjects.¹⁰ The *Mahabharata* also relates how suffering people approached Brahma for deliverance and asked for Manu to be their king and he agreed on the condition that people respect his rule. The Buddhist text *Digha Nikaya* refers to a definite contract between the king and his people who elected him to rule them. Kautilya specifically mentions that Manu as king was given one-tenth of agricultural produce as sovereign dues or tax. The

scriptures state that a king who turns into a tyrant destroys himself by flaunting the laws of the society. The moral behaviour of the ruler and his ministers has been considered the cornerstone of Hindu political thought.¹¹

Manusamhita

The Code of Manu was constructed between 200 BCE and 200CE though there might have been an earlier original version. Tradition places the work at the dawn of civilization. *Manusamhita* is more than a law book. The breadth of subject matter indicates how all-embracing the *Manusamhita* was in laying the foundations for the functioning of the ancient state. It included such diverse topics like the creation, sources of law, marriage, duties of women, the king, judicial procedure, debts, nonpayment of wages, theft, inheritance and penances.¹² In the entire work there is emphasis on respecting *Dharma* in all aspects of social life. The most important section was on the conduct of the ruler and it stressed particularly on the king's morality and the function of *danda* or punishment.

Santiparvan, Mahabharata

The great epics developed and popularized the philosophical notions in the Vedic literature. The *Santiparvan* in the *Mahabharata* has the most notable section on political thought. Vyasa like Manu is credited to have written it but as is true with most ancient texts, many authors contributed to it over generations. A notable feature of the *Santiparvan* is that it lays down different set of rules for functioning of government in the normal period and as well as during exigencies.¹³

Arthashastra

A.B. Keith is of the opinion that the discovery of *Arthashastra* gave India's political literature a new seriousness (Foreword Keith in Prasad, 1928). The *Arthashastra* was discovered in 1905 by Dr. Shamasastri and is ascribed to Chanakya or Kautilya, the chief minister of Chandragupta Maurya, the founder of the vast Mauryan empire of ancient India. It dispelled the notion that there was no provision in ancient India for political theory and statecraft. Chanakya himself states that his work owed a lot to the political wisdom of the preceding ages but while the political thought in Vedic literature or in

Manusamhita was discussed incidentally, Kautilya focused on political thought and activities. According to some historians, *Arthashastra*'s material realism is evident in the term '*Artha*' and the work has been often described as a book on *Dandaniti* or the science of government and maintaining law and order whose basis is *artha* or economics. Kautilya himself commented that the science of government creates and maintains spiritual and material well-being and destroys spiritual evil and material loss. It is indeed interesting that the two cornerstones of modern government, personnel and finance were elaborated in the *Arthashastra*. The *Arthashastra* in its details of state functioning refers to a monarchical state and that is obvious from the writing. Historians claim that it is possible that there were no actual republics in existence in his time. However, in theory he accepts the existence of republics which he considers of invincible and permanent nature.¹⁴

Sukra's Political Theory in the Medieval Age

Sukraniti proclaims that the works of Sukra are the sole guide to politicians and all other work in the three worlds are worthless. The mythical author of *Sukraniti* is considered as one of the ancient sages known as Usanas or Sukra. However, modern scholars like Prasad have shown that it was composed in the thirteenth century.¹⁵ It represents the last compilation of ancient Hindu thought that borrowed freely from the *Mahabharata*, Manu, Kamandaka and Kautilya. The significance of *Sukraniti* lies in its essential focus on *nitisastra* or treatise on public policy. It claims that while other *sastras* deal with specific specialized departments of human activity and are useful only in specific or restricted cases, *nitisastra* is concerned with preservation of all human society and work. It states that protection of subjects and constant punishment to the offenders are the two primary functions of a king and these functions cannot be achieved without *nitisastra*. The king should first discipline himself and then advise others. Its absence invites enemies and is always dangerous to a king like a vessel that leaks. Sutra professes that the kingdom is an organism of seven limbs- the Sovereign is the head, the Minister is the eye, the Friend is the ear, the Treasurer is the mouth, the Army is the mind and the Fort is the arms and the State is the legs.¹⁶

Muslim Indian Political Thought

The establishment of Muslim political authority

led to the introduction of a new phase in Indian political thought. Before the coming of the Turko-Afghans the political structure of India was not based on any one particular political text but on the socio-religious traditions of India compiled by various authors. However, the Muslim rulers considered the Koran as the final authority for political structures. In the *Fatwa-i-Jahandari*, Ziauddin Barani elaborated the political philosophy of the Sultanate. According to him the king was the Almighty's representative on earth and enforcing the Islamic law or *shariat* was his duty. However, besides traditional Islamic law, Barani advocated the introduction of non-religious state law or *zawabit* to complement the traditional religious law in Indian circumstances. In keeping with the times he advised that administration and conquest were the two pillars of kingship. He maintained that the bureaucracy and the army played the most important role in the state. He emphasized the need for internal security and foreign relations. Implementation of law, justice and punishment were equally important notions for Barani. Importantly he also refers to individual rights such as the rights of spouses, children, slaves, servants etc.

Abul Fazl's *Ain-i-Akbari* is a valuable text on statecraft that elaborates the political thoughts dominant in the Mughal period. It reflects the change in the original Islamic theory of kingship in the Indian context. A very important aspect of Abul Fazl's political thought is his declaration that the Ulemas and the Mujtahids had no authority as the interpreter of Islamic law or religion. He argued that since the royal is a light from God himself, no one is in a better position to interpret the divine law than the king himself. The king is supposed to rule his subjects with a paternal attitude and strive for their welfare. In his mission to ensure universal good the royal was also allowed to go beyond the holy law. Thus, the ideal system of government was a monarchy and Abul Fazl maintained that a strong centralized monarchy with its functions distributed through various departments was the hallmark of good governance.

Some medieval rulers took great interest in the translation of ancient texts. For instance, Firoz Shah Tughlaq was responsible for the translation of 1300 Sanskrit documents including some on political thought. Akbar set up a *maktab khana* or translation bureau for the translation of many Sanskrit works into Persian including the *Mahabharata*. Truschke (2017)

has pointed out the presence of a large number of Sanskrit, Buddhist and Jain scholars in the Mughal court who advised the emperors on matters of public policy.¹⁷

Rammohan Roy: Political Change through Social Reform

In the late eighteenth and early nineteenth century, Raja Rammohan Roy (1774-1833), emerged as the pioneer of 'Renaissance' in Indian thought, as the forerunner of a new age of Indian enlightenment and modernization. He played a major role in preventing the newly founded British rule in India from restricting itself to economic exploitation and political suppression of the Indians. He forced the colonizers to at least appear responsive towards some of the prevailing ills of the Indian society, *sati* being the most glaring example which he insisted be banned by the authorities and was successful in his mission when Bentinck declared it illegal in 1829.

Rammohan was a forerunner of contemporary Western education, which he felt would enlighten Indians against religious orthodox beliefs, superstitions and injustices. He believed that it was only through social rejuvenation that a strong and common national consciousness could emerge in India in the near future. The Brahmo Samaj movement launched by him aimed at social reforms in a way as to return the Hindu mind to the pristine glory of the original Vedas and Upanishads which defended basic humanistic principles and mandated little that stood in the way of legitimate human endeavours to improve material existence.¹⁸ Simultaneously he was an ardent fan of the western notion of liberty. He took on the role of campaigning for the establishment of a liberal mass media as a means of conveying frustrations and demands to the British government. He inaugurated the first constitutional agitation against the British government by writing a memorial to the Supreme Court and a petition to the King-in-Council in opposition to the Press Ordinance of 1823, in which he supported the right to free speech. He is well remembered for his attempt to sway public opinion through the publication of a Bengali weekly *Sambad Kaumudi* and a Persian weekly, *Mirat-ul-Akbar* in 1820s. In Rammohan's time, the role played by Bengal in the modern awakening of India is thus comparable to the position occupied by Italy in the story of the European Renaissance.¹⁹

Vivekananda: Spiritual Freedom as the Ultimate Form of Liberty

While the Brahmos were always looking for ways to underpin social change with traditional Indian ideals, they could not find any in the Indian heritage that supported the concept of freedom. It was left to Vivekananda to make the parallel between the Western concept of social and political liberty and the ultimate value of ancient Indian thinking, spiritual freedom, which the Nationalists later found so fruitful. According to Vivekananda, spiritual freedom is defined as a recognition of divinity in all men, which dispels fallacious concepts of divisions and limitations right away. He regarded liberty as the natural right of millions of suffering Indians and not just the conserve of a handful of rich and privileged ones.²⁰ This contemplation led to his next important consideration i.e. social equality. Vivekananda, insisted that education was the best way to promote equality among individuals. He cherished above all the ideal of freedom in harmony, of a society of individuals where conflict and competitiveness were replaced by a shared understanding of humanity's unity.²¹ His emphasis on action and power, as well as his adoration of the Indian past and character, reveal the basis of his attractiveness for future generations of nationalists.

Aurobindo Ghose: Divinity of Nation

Like Vivekananda, Aurobindo Ghose believed that freedom or *swaraj* meant much more than a shift in political institutions, yet, unlike Vivekananda, Aurobindo saw the 'Nation' as an entity with its own divinity and capacity for spiritual as well as political liberation. Thus, in a political sense, Vivekananda's idea of freedom was applied primarily to the nation rather than the individual; and Vivekananda's association of spiritual freedom with Indian civilisation was used to portray the idea of *swaraj* as a unique quality of the Indian nation. To end the alien rule was considered a holy duty. Aurobindo, however, in his later writings stated that the notion of his political thought was the widest possible enjoyment of freedom, at every stage of individual and social development.²²

Gandhi's Political Thought

One of the earliest writings of Gandhi's political thought is reflected in his *Hind Swaraj* originally

written in 1909 in his native Gujarati. It was a statement on both the method and the goal of Gandhi's thought, *satyagraha* and *swaraj*. He declared India could only gain her freedom through non-violence while terrorism would only cause disruption and decay. In order to attain *swaraj* or self-rule Indians must not ape the West but construct a civilization on the simple ethical and religious truths found in their own tradition. He reiterated at the end of *Hind Swaraj* that real home-rule is self-rule which means self-control.²³ Like Vivekananda and Aurobindo, Gandhi was very much concerned about right obedience to one's self. To him *swaraj* was the sum-total of the *Swaraj* (self-rule) of all individuals.²⁴ Truth, nonviolence, political and economic freedom were the four features of Gandhi's *swaraj* which was incomplete without the attainment of each.

Gandhi's goal of *swaraj* was firmly tied to his method of *satyagraha*. The special function of *satyagraha*, when extended to the political realm, was to strengthen the individuals "soul-force" as he offered civil disobedience against the alien Government.²⁵ After returning from South Africa, Gandhi decided *swaraj* and *satyagraha* in India must encompass Hindu-Muslim unity, abolition of untouchability, improved health and hygiene in the cities and villages, advancement of women, and establishment of closer contact between the educated elite and the villagers.²⁶ Many of these issues had been advanced by social reformers earlier but as a national political leader Gandhi's contribution was to insist that these reforms were integral components of *swaraj* itself. He largely drew from the Indian classic old words like *ahimsa*, *karmayoga*, *Ramrajya*, *sarvodaya* — and charged them with fresh meaning, until they became symbols of both the past and future. Gandhi did not derive his ideas exclusively from Indian texts but also from the Sermon on the Mount, Tolstoy, and in the recollection of simple childhood experiences. His method was aimed to create unity among the Indians so that they could strive together against a common enemy. Hindu-Muslim unity was to ensure a harmony between two major religious communities in India, the Harijan movement was to create a common feeling among the Hindu higher castes and untouchables and his insistence on the use of *khaddar* and the *charkha* (spinning wheel) was aimed at bridging the gulf between the rich educated Indians and the poor illiterate majority in the villages. He also resorted to prayer meetings and fasting as a

political weapon of non-violence and self-sacrifice to evoke the empathy of the adversary. Due to the traditional religious beliefs of his fellow Indians, it became a weapon of considerable power in curbing Hindu-Muslim riots. Of course, Gandhi emphasized that the fast should be used as a last resort when all other branches of *satyagraha* had failed.²⁷ Gandhi's commitment to the service of his nation was so great that on the day before his death in 1948, he drafted a Congress Resolution which sought to disband the existing Congress organization and grow into a Lok Sevak Sangh, a move that Gandhi believed, would bring the millions of Indians in the villages closer to the goal of social, moral, and economic freedom.

Tagore: Harmony of nations and mind

In his famous poem *Gitanjali* of 1912, Rabindranath Tagore yearned for an age of freedom,

Where the mind is without fear and the head is held high;

Where knowledge is free;

Where the world has not been broken up into fragments by narrow domestic walls.²⁸

Tagore's idea of freedom was world peace and international harmony. With the outbreak of the First World War in 1916 Tagore delivered a series of lectures on nationalism in India and abroad in which he reflected his concern for individual freedom being suppressed by nationalism which was eating into the moral vitality of the age.²⁹ He argued that the pressing requirement for India was social and moral reform, to ensure traditional spiritual freedom. According to him, the narrow quest for political independence was of Western import and was harmful for it drew away the nationalists from social transformation and higher ideals of mankind and merely whetted the popular appetite for political warfare. Tagore was also highly critical of Gandhi's principle of non-cooperation, cloth-burning, use of *charkha* as regressive and destructive to economic needs of the poor majority. Not only did he insist that there may be more than one way to moral progress, but also that the largest stumbling block in the progress of a society was the slavish mentality towards any leader or a nation. Tagore's political theory embraced all humankind not merely the nation.

Conclusion

Over the centuries, the common thread in Indian political remained the emphasis on moral and spiritual freedom of the self. This trend can be considered the uniting factor of Indian political theory from the earliest times to recent times. Moreover, the detailed and matured analysis of functions of state, the duties of the head of the state, the natural restrictions on his power and the significance of the welfare of the people proves that Indian polity comprises of a body of insightful and extensive political philosophy, which is an integral part of India's civilization. To the Western scholars it was difficult to discern the political thoughts of the Hindus and Muslims alike which they found embedded in the theological and metaphysical works of the country. No wonder even Indologists like Max Mueller held that India had no place in the political history of the world.³⁰ However, with the appearance and translation of various Sanskrit texts and political treatises in ancient and medieval India, and the political theories of the Indian nationalists there is no doubt that far from having no place in the history of political theory, India should claim a major place in the political history of the world.

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HUMAN RIGHTS PERSPECTIVES ON LANGUAGES, LITERATURE, AND CULTURAL STUDIES: A REVIEW

Rouble Rani Sharma
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Many human rights were a consequence of World War II and the Holocaust. The freedom to communicate in any language, cultural adoption, and educational rights are human rights. In today's media and legal systems, affirmative action is under attack. Language, writing, and grammar are all aspects of Latin literature. Oral literature is now a part of the mix. Literature is a means of preserving, communicating, and recording information. Literature is part of the culture. So, when we study the literature of a group, we are also studying its culture. There are unique cultural and linguistic traits and customs, and traditions in every region and civilization. It is the culture of a group or community. Thus, the cultural study investigates a particular group in a society, its history, arts (paintings, sculpture, music, literature, folklore), and their development through time. Moreover, the habits, customs, and aspirations of civilization are considered part of the culture. Collectivism, a kind of multiculturalism, may aid in the coexistence of cultures. The culture includes consumerism and leisure (for example, art, music, film, food, sports, and clothing). Productivity governs consumption and leisure. The authors, namely Hoggart, Thompson, and Williams, claim that "American cultural studies has a pragmatic, liberal pluralist foundation." which influenced the globe. This review article gives an insight into enriching human rights perspectives on languages, literature, and culture studies.

Keywords: Language, Literature, culture, Human Rights, Cultural Studies

Introduction:

"Fundamental human rights include the right to a fair trial," freedom of expression, and freedom from slavery. An ideology that fueled the human rights movement came after World war II and the Holocaust.

Language rights are the right of an individual or organization to communicate in any language in private or public. Today, the right to use one's native language in legal, administrative, judicial processes, education, and media faces a threat. Globally, cultural and educational rights are addressed by international law.

The term "literature" originates from the Latin literature/litteratura, which means "education, writing, grammar." Oral literature, most of it documented, has recently been incorporated. There are several purposes for literature: it helps preserve knowledge, transmit it, or record it.

Culture is the knowledge, beliefs, arts, laws,

customs, and habits of a people (Taylor 1871). The diversity of cultures within and across groups demonstrates how humans develop culture. It guides proper behavior, dress, vocabulary, and attitude in a particular situation. "Culture" is a count noun that refers to a society's or community's practices, customs, and ideals. Culture is information accumulated through time. Diverse cultures living on the same globe may benefit from multiculturalism.

Sociologists, namely Stuart Hall and Raymond Williams, founded cultural studies in the UK. Like the nineteenth-century Romantics, they equated "culture" with consumerism and leisure (such as art, music, film, food, sports, and clothing). They viewed production connections dictating consumption and leisure. Britain's cultural studies started in the 1950s and 1960s, influenced by R. Hoggart, E.P. Thompson, and R. Williams. According to Lindlof and Taylor, "culture studies" in America "had a pragmatic, liberal pluralist background." Some academics, especially near the beginning of British cultural studies, take a Marxist perspective. A new definition of culture is the

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totality of human resources. Rein Raud proposes a two-tiered method (repeatable actions involving the production, dissemination, or transmission purposes).

The UN and UNESCO are trying to create and enforce international law. In times of conflict, the goal is to protect humanity's cultural heritage, not an individual's possessions. Article 27 of the UDHR protects people's right to participate in cultural life.⁵

Human Rights, Fast Facts:

Human rights are moral concepts or standards that apply to specific levels of decency behavior, and local, national, and international laws routinely protect them (Nickel, 2014). They are as unchallengeable, fundamental rights "to which a person is intrinsically entitled simply by being a human being," irrespective of age, ethnic origin, location, language, religion, ethnicity, or any other status (UN, 2014; Weston, 2014). They are universal as applicable everywhere and at all times, and are egalitarian in a sense as the same for everyone. They need empathy and the rule of law and place a duty on individuals to honor the human rights of others, and except in the context of particular situations necessitating due process is withdrawn (Bass, 2010). The human rights theory has a significant influence on international law and global and regional institutions. Throughout the world, public policy is by the actions of nations and non-governmental organizations.⁶ The concept of human rights implies that "if peacetime global society's public discourse has a shared moral vocabulary, it is that of human rights." The theory of human rights' bold assertions continues to elicit substantial skepticism and disputes regarding the doctrine's content, nature, and reasons to this day.⁷ Although the exact definition of "right" is debatable and the subject of continuing idealistic dispute, there is broad consensus that human rights include a broad variety of rights, along with the right to a fair trial, safeguard against slavery, condemnation of genocide, and free expression (United Bureau of Human Right and Crime Control). Alternatively, a right to education, there is debate about whether of these specific rights should be included within the broader framework of human rights; some argue that human rights should be a bare minimum need to avoid worst-case abuses, while others argue that they should be a higher standard.⁸

Many of the fundamental concepts that inspired

the human rights group emerged after the Second World War and the Holocaust, culminating in the United Nations General Assembly's ratification of the Universal Declaration of Human Rights in 1948 in Paris. Early peoples did not have the same notion of worldwide human rights as modern peoples have.⁹ The natural predecessor of human rights dialogue was the idea of natural rights, which began in the medieval natural law tradition and gained popularity during the European Enlightenment via thinkers such as J. Locke, F. Hutcheson, and J. Burlamaqui, and played a significant part in the political rhetoric of the American and French Revolutions (United Bureau of Human Right and Crime Control). Modern human rights arguments developed from this basis in the second half of the twentieth century, presumably in response to slavery, torture, genocide, and war crimes, as a recognition of fundamental human susceptibility and as a necessary prerequisite for the existence of a decent society.¹⁰

Language-Related Human rights:

"Freedom of speech is an eminent fundamental human right", yet it is frequently overlooked. Indeed, the freedom of individuals to use their language includes much more than just speaking their tongue (Wanjiku, E. 2019). This right manifests itself in specific ways, such as the right to state-sponsored education in one's mother tongue for one's children and the right to conduct meetings and participate in cultural events in an easily understood language. Additionally, it includes the right to publish all types of publications, including newspapers, journals, and books, as well as the right to transmit radio and television programs in one's native tongue.¹¹

Language rights are an essential part of well-established, fundamental human rights widely recognized in international law (De Varennes, 2001). Human rights plus language rights are linguistic human rights (Linguistic Rights - Linguistic Human Rights, Blogs).

Linguistic rights are human and social rights that pertain to the human being and group's right to communicate in any language in a private or public setting. Additional criteria for evaluating language rights include territoriality, positivity, assimilation or maintenance orientation, and overtness.

Linguistic rights include, but are not limited

to, the right to use one's verbal communication in legal, organizational, and judicial proceedings, language education, and media in a language that is understood and freely selected by the individuals involved. Globally, cultural and educational rights are frequently addressed by international law.¹³

The Universal Declaration of Linguistic Rights, the Convention on the Rights of the Child, the European Charter for Regional or Minority Languages, and the Framework Convention for the Protection of National Minorities, as well as the Convention Against Discrimination in Education and the International Covenant on Civil and Political Rights, are all essential documents for linguistic rights.¹⁴

India's constitution was written for the first time on January 26, 1950. Around 1500 languages are believed to exist in India. According to Article 343–345, the bureaucrat languages of India for communication with the central government shall be English and Hindi. The constitution provides for the designation of 22 official languages. Article 345 states that “by law, a state's legislature may adopt any one or more of the state's official languages or Hindi or the English language shall continue to be used for official purposes within the state until the state's legislature otherwise determines.”¹⁵

Literature as Human Rights:

The term “literature” has evolved throughout time (Leitch et al., 2018). Before the eighteenth century in Western Europe, literature referred to all books. Writing literature may be viewed as a return to more comprehensive ideas so that scholarly studies cover popular and minority genres and canonical works. Additionally, the term refers to non-written works: “oral literature” and “preliterate culture's writing.”¹⁶

A value judgment description of literature believes it to be exclusively composed of high-quality writing that falls within the tradition of belles-lettres that is “fine writing”. A case in point is the Encyclopaedia Britannica's classification of literature as “the finest representation of the best idea condensed to writing”.

While the word “literature” is generally used to refer to any collection of written material, it is also

used more strictly to refer to works regarded as an art form, most notably writing style fiction, poetry, and drama. The term has been extended to include oral literature, most recorded (Encyclopaedia Britannica) in recent decades. Literature is a means of conserving, transferring, and documenting information and enjoyment, and it may also have a social, spiritual, psychological, or political use.¹⁷

As an art form, literature may also encompass works in various non-fiction genres, including biography, diaries, memoir, correspondence, and the essay. Literature is a broad term that encompasses non-fictional books, essays, and other written material about a specific topic.¹⁸

The word comes etymologically from the Latin *litteratura* “education, writing, grammar,” originally “script composed of letters,” from *littera/littera* “letter”. Despite this, the word references spoken or sung writings (Meyer, 1997, Finnegan, 1974). Print technology advancements have enabled exponential growth in the dissemination and multiplication of written works, including electronic literature. Poems, prose, and drama are divided into historical periods, aesthetic qualities, and genre.¹⁹

Culture as Human Rights

Culture is an umbrella word that refers to the social behavior and conventions present in human communities and the people's knowledge, beliefs, laws, arts, traditions, capacities, and behavior. Humans acquire culture via the enculturation and socialization processes, as shown by various cultures within and across communities.²⁰

In culture, a standard codifies appropriate conduct; it acts as a reference point for proper conduct and dress and a pattern for social circle expectations. Accepting a single culture in a social group has dangers, just as a single species may perish due to a lack of effective responses to environmental change. Thus, in armed culture, heroism is a characteristic trait of a person, while duty, honor, and collective loyalty are regarded as virtues or functional reactions on the range of variance. In religious practice, similar characteristics may be found within a social community.²¹

Culture is a fundamental term in anthropology, covering various phenomena transmitted via social

learning in human civilizations. All human civilizations have cultural universals. These include artistic, musical, and dancing forms, ceremonial and religious practices, and technology such as tool use, cooking, housing, and attire. The word “material culture” refers to the physical representations of the way of life, including technology, structure, and artwork. In contrast, “intangible way of life” encompasses the principles of social business enterprise (including the political structure and social establishments), myths, ethics, literature, and technological know-how as indicated in *dailyrapidnews*.²²

One definition of culture as a characteristic of a person in the humanities has been their class diploma in arts, education, sciences, or etiquette. Occasionally, the diploma of cultural complexity has been used to differentiate civilizations from less sophisticated cultures. The hierarchical views on culture also are evident in class-based divisions among an excessive culture related to the socially privileged and occasional tradition, famous subculture, or folk tradition related to the lower instructions, as described through stratified get entry to cultural assets. In considerable utilization, the term “culture” regularly refers to the representative markers hired by ethnic businesses to visually differentiate themselves, consisting of frame alteration, dress, or earrings. The term “mass tradition” refers to the 20th century’s industrially produced and mass-mediated types of customer subculture.²³ Marxism and essential principle, for instance, have claimed that tradition is regularly utilized politically as a weapon of the elites to lie to the waged people and produce a fake awareness. These views are conventional within the area of civilizing research. In the broader social sciences, cultural materialism argues that human symbolic subculture emerges from the many occasions of human life, as people assemble a state of affairs for physical survival. That way of life finds organic tendencies.²⁴

When used as a remember noun, “lifestyle” refers to a collection of a society’s or network’s practices, traditions, and values, inclusive of a tribal group or individual. So culture is the buildup of expertise thru time. Multiculturalism, in this feel, promotes nonviolent coexistence and mutual admiration among diverse civilizations coexisting on an equal planet. Occasionally, the period “lifestyle” uses to consult certain behaviors within a subset of a network, a lifestyle (as an example, “bro culture”),

or a counterculture. Cultural anthropology includes cultural relativism’s philosophy, and analytical function argues that cultures can not be objectively rated or assessed, considering any evaluation is inevitably contextualized within a particular tradition’s cost gadget.²⁵

Anthropology of Cultures

Cultural anthropology is a branch of anthropology that studies people from different cultures. Sociologists and different Marxist-prompted academics set up cultural research in the United Kingdom, including S.Hall and R. Williams. They, like 19th-century Romantics, associated “way of life” with purchaser objects and recreational activities (together with art, tune, film, meals, clothing, and sports). They saw utilization and amusement styles as strong-minded with the aid of fabrication members of the family, which induced them to concentrate on elegant family members and manufacturing organizations.²⁶

Cultural research in the United Kingdom typically involves popular tradition or the community implications of bulk-produced purchaser and amusement products. In 1964, while he mounted the Birmingham Centre for Contemporary Cultural Studies, Richard Hoggart invented the word. It has eventually developed a strong affiliation with Stuart Hall, the Director who changed Hoggart. Thus, cultural studies can be visible as a slender cognizance of the complexities of consumerism, which is a part of an enormous subculture frequently called “Western civilization” or “globalism.”²⁷

S. Hall’s pioneering work, together with his colleagues P. Willis, D. Hebdige, T. Jefferson, and A. McRobbie, set up a worldwide intellectual motion within the Seventies and 1980s. As the subject developed, it started to encompass economics, communicate, sociology, social principle, literary idea, media principle, movie/video research, cultural anthropology, philosophy, museum research, and art narration to look at cultural phenomena or texts. Researchers are regularly conscious of the connection between specific occurrences and troubles of ideology, nationality, ethnic foundation, socioeconomic elegance, and gender.²⁸

Cultural studies are concerned with each day’s meanings and activities. These practices talk over how

individuals in a particular tradition interact in specific sports. Additionally, it examines the meanings and functions ascribed to various things and sports via individuals. More precisely, culture refers back to the meanings and behaviors that exist regardless of the cause. Watching tv to advantage a public attitude on an ancient event ought to no longer be taken into consideration lifestyle unless the medium of TV is ethnically decided on; however, school children watching TV after college with their pals to “healthy in” qualifies as culture, as there may be no purpose for his or her participation.²⁹

In cultural studies, the term “textual content” refers to written language and movies, pics, style, and hairstyles: cultural studies texts consist of all sizeable objects of tradition. Likewise, the field broadens the definition of “way of life.” “Culture” encompasses not only excessive traditional tradition (the tradition of governing social businesses) and famous lifestyle but also everyday meanings and behaviors for a cultural studies researcher. Indeed, the latter had been the primary challenge of cultural research. A more current method is relative cultural research, based totally on the relative literature and cultural studies disciplines.³⁰

Following the late Nineteen Seventies, students in the U. K. and America developed barely fabulous styles of cultural research. The British form of cultural studies commenced inside the Nineteen Fifties and Sixties, frequently underneath R. Hoggart, E.P. Thompson, and R. Williams, and sooner or later below the impact on S. Hall and others on the University of Birmingham’s Centre for Contemporary Cultural Studies. The featured overtly political and left-wing ideals, as well as reviews of famous subculture as “capitalist” mass culture; it protected factors of the German School’s analysis of the “way of life enterprise”. It is evident within the works and effects of early British cultural research students: see, for instance, R. Williams, S. Hall, P. Willis, and P. Gilroy.³¹

Lindlof and Taylor argue that “educational studies rooted in a pragmatic, liberal-pluralist historical past” within the United States (Lindlof, 2002). American cultural studies initially centered on the personal and appropriative factors of target audience responses to and use of mass media; for instance, proponents of American literary studies

talked about the liberating qualities of fandom. However, the difference connecting American and British threads has eroded. Sure, students, especially in early British cultural studies, method the difficulty through a Marxist lens. This faculty of questioning is stimulated by the German School, especially with the aid of the structuralist Marxism of L. Althusser and others. An orthodox Marxist angle is preoccupied with the creation of meaning. This paradigm presupposes mass manufacturing of lifestyle and attributes authority to people who create cultural gadgets. Marxists accept that the mode and dealings of manufacturing constitute the monetary basis of society, continuously interacting with and influencing superstructures, including the way of life.³²

Other tactics to cultural research, consisting of feminist cultural studies and the field’s subsequent American growth, reject Marxism’s premise that each cultural output has a single, dominating. Non-Marxist views argue that diverse modes of intake affect the means of cultural objects. This view is expressed in the e-book *Doing Cultural Studies: The anecdote of the Sony Walkman*, which attempts to refute the concept that folks who create commodities control the meanings they gather. G. Pollock, a feminist cultural analyst, philosopher, and artwork historian, made significant contributions to cultural studies from each art historical and psychoanalytic angle. Julia Kristeva was one of the century’s leading influential voices, causative to cultural studies from the perspective of art and French psychoanalytic feminism.³³

Petrakis and Kostis, in 2013, classify factors approximately cultural heritage into two vast categories:

1. The first set reflects cultures’ “performance orientation”: overall performance orientation, future direction, energy distance, forcefulness, and ambiguity avoidance.
2. The 2nd category includes traits that replicate a society’s “social orientation,” i.e., the attitudes and existence of its humans. Gender equality, institutional communism, in-organization collectivism, and human direction are amongst these factors.

Rein Raud proposed a new method to culture in 2016, defining way of life as the sum of sources to humans for making sense of their global. He proposes

a two-tiered strategy that combines the investigations of texts (reified meanings in circulation) and cultural practices, combining the study of texts and cultural traditions.

Protection of cultural heritage

Numerous worldwide accords and countrywide laws exist to guard tradition and cultural assets. UNESCO and its companion agencies coordinate global protection and execution to a nearby degree. Essentially, the Hague Convention for the Protection of Cultural Property inside the Event of Armed Conflict and the UNESCO Convention on the Protection of Cultural variety address cultural protection. Article 27 of the Universal Declaration of Human Rights addresses cultural custom in approaches: it presents individuals the proper to participate in cultural life and the right to have their contributions to cultural existence blanketed.

The maintenance of subculture and cultural property is consuming a developing quantity of national and international space. The UN and UNESCO aim to set up and put in force guidelines governing this under global regulation. The objective is not to safeguard a man or woman's property but to shield humanity's cultural legacy, mainly in conflict and armed battle. According to K. Habsburg, Blue Shield International, cultural asset destruction is also psychological warfare. The assault is directed towards the adversary's identification, so symbolic cultural assets are a primary goal. Likewise, it is supposed to affect a nation's, area's, or municipality's prone cultural reminiscence, increasing cultural range, and economic foundations (inclusive of tourism).

Another critical trouble within the present-day era is the influence of tourism on distinct varieties of culture. On the other hand, this may consult with the physical impact on specific objects or the degradation produced with the aid of developing environmental pollutants; on the other facet, it may refer to the socio-cultural impacts on society.

Summary

Inherent human rights are those to which a person is born with the right. The rights are freedom of expression and the right to a fair trial, established by the human rights movement after WWII and the Holocaust. The right to communicate in any

language, privately or publicly—the freedom to use one's native language in legal, executive, judicial, and media procedures—are examples of language rights. Cultural and educational rights are often addressed in international law.

Litera/litteratura is Latin for “education, writing, grammar.” Oral literature, the majority of which has been recorded, has lately been included. Literature may be used to preserve, transmit, or record information.

Cultures within and across societies demonstrate how individuals build culture via their knowledge, beliefs, arts, laws, traditions, and habits. It establishes acceptable conduct, dress, language, and attitude. “culture” is defined as cultural norms, customs, and values in civilization or community. Culture is a body of knowledge. Multiculturalism has the potential to benefit civilizations living on the same planet.

S. Hall and R. Williams founded educational studies in the United Kingdom. For them, “culture” meant “consumption” and “relaxation” (such as art, music, film, food, sports, and clothing). They viewed production as dictating spending and leisure. Richard Hoggart, E.P. Thompson, and Raymond Williams served as inspiration. According to the authors, American cultural studies “had a down-to-earth, liberal-pluralist foundation.”

The majority of the early British cultural studies academics were not Marxists. Culture may also be defined as all human resources for comprehending the world. Rein Raud offers a two-tiered strategy.

They are working to create and enforce international law. In times of conflict, humanity's cultural heritage, not individual possessions, must be safeguarded. Universal Declaration of Human Rights under Article 27 protects cultural engagement.

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DEVELOPMENT MYTHS AND DEMOCRATIC GOVERNANCE IN DILEMMA: SUBVERSION TRIBAL INTERESTS, ODISHA

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Democratic analysis as representative democratic governance employs the values, processes, and institutions formed for the authoritative allocation and regulation of values. It connotes techniques and ends, so-called 'right action' framed to bring social relationships and government activities as individual rights probably. The tribals' breath lies with forests and forest resources. Masked development, landlessness, displacement, and constant debt, trigger migration for livelihood and survival. Such natural catastrophes and massive investments have created wealth for the nation but hardly benefited the tribals. Thus, the paper examines new forms of public governance that challenge democratic policy-making, accountability, and control predicated on a theory of representative democracy for its citizens and tribals, particularly concerning collective action and natural resource management.

Keywords: Development, Democratic Governance, Tribal, Displacement, Migration

Introduction

World War II freed most of Asia, Africa, and Latin America from imperial rule. They witnessed the arduous task of facing the challenge of reconstruction of National Development at both political and economic levels. To its outrage, the primary goal in response to developmental perspectives included the rapid structural transformation of underdeveloped agricultural economies into industrial ones, sustaining the political purpose of state-building and national unity. The prime focus of the United Nations and its agencies was to pay attention to the need for a conscious, sustainable development policy. In general, with the probabilities, the developing world focuses on overall economic advancement, consideration of human-specific affairs, devaluing the level of poverty, employment satisfaction for the essential needs of all people, and especially the oppressed in much less developed countries. 'National Development' has been the primary goal of the independent countries after World War II. As quoted by the United Nations, "There is great pressure on Government to accelerate national development, with relevant technological innovations, adopt and facilitate necessary institutional changes, increase national production use of human and their resources, and improve the level of living."¹

The Developing world faces escalating socio-economic development, aspiring the planet to pave the way to modernity.² The most important achievement is maintaining sustained growth as recent years witnessed rising concern about environmental constraints, pairing the relation to the quality of life and future generations, as for the present situation where the mother earth is losing its breath due to excavations, mining, deforestation between the principle of long-term 'sustainability and development', increasing the material intensity of human life, as creating tremendous agitation and tension in the survival of humanity. Currently, the realistic note of cultivating natural resources is termed to satisfy unlimited wants, not the means. If such a flow of natural resources happens for money and in the name of development, a substantial degrading impact will fall upon the ecosystem and human life. As to sustainable development, the term Oikologia was introduced by Ernst Haeckel under Darwin's theory of evolution, given the creation of various species in nature. This answers the logic or laws of correct and balanced housekeeping and proper use of resources. So the two needs, i.e., economy and environment, must be brought in harmony and rational economics. The human race depends on healthy ecosystems. Therefore, 'sustainable development' as a concept

influences us to believe in sustaining and developing, not for one sake.³

Democratic Governance: A Theoretical Glimpse

The present-day democracy faces the challenges of incapacity to generate equality in the socio-economic realm of society. Such inability makes the people feel that their political participation is too ineffective.⁴ Governments are assured what to do and what not to do to bring balance and non-interference. Democracy, at the same time, rekindles people's hopes and lures their promises on electoral bets. These 'incapacities' are contingent-specific to particular conditions and institutional arrangements, structural representative Government. Here the question arises; How much economic and social equality does democracy need to generate? How well can it protect everyone from each other? How appropriately is democratic governance equipped to act upon citizens' interests and control governments? What should we forecast from democracy?⁵ As Fuller (1964) says, "Not all commands constitute laws; to qualify as laws, commands must satisfy certain substantive criteria". Moreover, ruling entails commands other than laws and is not limited to legislative propounds. If only the people could enact laws, they would be permanently bound only by rules of their own making, and people are free.⁶

Hence, the people are free, subject only to those laws they choose when they govern themselves. Kant argues "everyone's liberty as a man, equality as a subject, and self-dependency (self-sufficiency, autonomy) as a citizen". One is free when one rules oneself but is free when the people rules. Hence the condition under which the people would be accessible in the plural when they govern themselves collectively autonomously is that each and all want to live under the same laws. It admits that people may disagree on many issues. It claims only on those values and interests that strongly bind them that whatever is common overwhelms all the divisions. Rousseau says that all is required "some point in which all interests agree".⁷

Origin Of Scheduled Areas: What The State Given And Taken?

During British rule, the tribal people were governed under the equivalent legal and administrative structures that prevailed for Indian

society, alien to tribes and non-tribes. The non-tribals were quite aware of the state structure and governance, but tribes had neither experience nor knowledge of the authority. Simultaneously under the British rules and regulations, the tribals lost their territorial community-based ownership of land, and on a large scale, they were evacuated from their land. In contrast, the non-tribes transferred and controlled massive amounts of land through fraud, mortgage, and deceit. The tribes started to lose their autonomy and self-governance over their land and forest, drastically affecting their livelihood access. Such loss invariably formed armed struggle throughout the late eighteenth and early nineteenth centuries. The earlier encounter with the British later characterized a series of revolts and rebellions. Prominent among them are the Pahariya Sirdars (1778), the Tamar Revolt (1789, 1794-95), tribal revolt (1807-08) and rural tribal revolts (1811, 1817, 1820), the Great Kol Insurrection (1831-32) that received wide attention.⁸

Further, Bhumij Revolt (1832-33), the Santhal Rebellion (1855-57), the Sardari Movement (1858-95) and Birsa Munda Movement (1895-1900).⁹ This resulted in the response of the British administration's idea of a suitable administrative set-up for the agitated tribes. Regulation X of 1822 introduced a non-regulated system for the administration of 'difficult areas' means regulations under the British wouldn't govern these areas.¹⁰ Later the Government of India Act 1870 allowed the governor-general to legislate and execute separately for the difficult areas, further known as backward areas, to safeguard the interest of the tribes. From 1874, backward/tribal areas came to be governed by the Scheduled District Act, where the Government notified which laws needed to be prescribed in the scheduled areas. Such provisions extended under the Government of India Act 1919, which gave power to the Indians for 'Self-governance' on certain issues. In 1935, the Government of India declared the tribal areas 'excluded' and 'partially excluded' under the federal legislatures.¹¹ The British administration system considerably distinguished the tribes from the larger Indian population as they were allowed to be governed by their traditions and customary practices.

Further expansion of roads, railways and colonial administration penetrated tribal areas for land, credit and market. The British rule brought tribes and non-tribes under one politico-administrative

system. It eroded their control and access to land, forest and natural resources and pushed them to exclusion.¹² Many provisions were made under Indian Constitution to ensure their integration and confirmation as citizenship rights and an inclusive society. T.H. Marshall¹³ encompassed three contents: civil, political and social. Civil rights indicated the individual freedom of faith, speech and thought. Own property rights right to justice means being treated equally with others in the defence and asserting one's rights. Political rights mean the right to participate in the political system and decision-making process. Social rights indicate the right to colonial heritage, economic welfare and security to live the life of a civilized being.¹⁴

In addition, tribals and Dalits were given special rights for a disability that deteriorated for centuries due to systemic disparities (Dalits) or historical isolation (tribes), which endangers their existence and the practical implication of citizenship rights enshrined in the constitution. Finally, there are provisions in the Constitution that aim to exhilarate the tribal people and to promote and protect their interests and development through the 'Affirmative action programmes in India'. Myron Weiner¹⁵ includes four types of 'Possible Interventions'; a) policies that aim to reverse social inequality, which is racially neutral, b) policies to eliminate barriers in jobs, universities etc., c) to improve the quality of the recruitment pool and d) reservation for the disadvantages. Affirmative action ensured definite administrative control under the Fifth Schedule of the Constitutional provisions for administrating and managing scheduled areas and tribes. Under this provision, the executive power of the state is to make a report to the President referring to the administration of scheduled areas and the administrative management of the Union and direct the state. In the executive power of the state, the governor is empowered to make regulations for the peace and good governance of such areas in the state, exclusively a) prohibition or restriction of transfer of land by or among members of the scheduled tribes b) regulating the allotment of land to members of the scheduled tribes c) regulating the carrying on of business by persons who lend money to the members of scheduled tribes in such areas. The governor can amend any act of the Parliament/Legislature only after consultation with the Tribal Advisory Council.¹⁶ The governor comparatively exercises the constitutional provisions to safeguard the scheduled areas through

the Tribal Advisory Council for the interest of the tribal population.

Other than such constitutional provisions, the magnitude of interventions is so inductive that it has affected their affirmative action programmes. They are losing their land, forest, and other resources through state-sponsored projects in the name of development. It is estimated that about 21 million people are displaced by the development projects (dams, mines, industries, wildlife sanctuaries) in India. Dams displace sixteen million, 2.6 million by mines and 1.3 million by industries. Among the displaced, 40 per cent are enumerated tribals, who comprehend 8 per cent of the total population. Of the displaced people, not over 25 per cent get their share in industrialization and various projects. Only 5.4 million have been resettled, out of which 2.12 million are from tribal communities, which indicates only 24.8 per cent have been rehabilitated.¹⁷ Statistics suggest that 23 per cent of the forest comes under the control of the Forest Department, whereas the National Forest Policy aims to cover about 33percent. Indian Forest Act (IFA), 1927, had augmented the national forest estate by another 26 million hectares from 41 to 67 million between 1951 and 1988.¹⁸ To accomplish the aim, the forest department, without any acquaintance of the vegetation and ecological status or acknowledging the pre-existing occupants, mainly the vulnerable tribes, encroached on their ancestral lands due to poor recording of Adivasi's customary rights.¹⁹ Tribals have contributed much more than their due share to protect and conserve forest wealth and maintain the ecological balance.

Development Myth: Tribal Discontent

The conference on Human Environment organised by United Nations in Stockholm in 1972 was the beginning of sustainable development, indicated as 'economic development. The term 'Sustainable Development' was pioneered by Indian economist Nitin Desai, a senior economic advisor to the World Commission on Environment and Development (WCED), established by UNEP Governing Council in 1983, later known as the Brundtland Commission. The 'three pillars of sustainable development defined by The Brundtland Report and the UN World Summit on Sustainable Development at Johannesburg (2002) indicated three pillars of Sustainable Development: economy, society and environment.²⁰ Padel makes a

critical argument on the other round way (“economy, society and environment”), allowing the mining process as ‘sustainable’ if it makes a profit for ordinary people. If healthy ecosystems are the basis for life on earth, shouldn’t the environment be first in order? And shouldn’t society be the next? Human society existed long before the ‘economy and before markets flourished.’²¹

When we talk about real sustainability, it needs to congratulate the tribals who preserved and protected the environment for over a hundred years without denying the essence of the natural environment. They devoted all their age-old skills to saving their land, water and forest. Forest and the natural environment are the primary source of the survival and identity of the tribals and know to preserve. They are environmental conservationists, and the tribals have experience managing their cultivated lands for many generations to come. Marshall Sahlins (1972) viewed stone-age or hunter-gatherer societies as impoverished, whereas tribals’ ways of life are not ‘uneconomic’. Perhaps Adivasis economics combines indigenous systems characterized by the rhythm of work and leisure, including proper resources and restraint.²² Whereas their preserved lands are invaded and destroyed because of the number of interventions in tribal areas by the outsiders, and control over the environment and economy has declined dramatically due to the system of endemic exploitation that has eaten away the Adivasi’s land rights left nowhere.²³

Herbert Spencer, Karl Marx, Friedrich Engels, and others, theorists from the left and the right, laid down a uniform model of set stages of development, from ‘primitive communism’ to feudalism and capitalism. Development and underdevelopment are the key concepts used to impose a consistent model of rapid growth projects, culminating in today’s new world order, characterized by extreme exploitation and inequality. Can we move beyond Development mentality?²⁴ As we talk of development perspectives in tribal areas, B.D. Sharma (1984) raises what this means and implements it on a larger scale. According to Sharma (1989), the rural poor are in a system of endemic exploitation. Developmental programmes and funds flow in the name of the tribals but merely bring any change rather than displacement and forced migration among the tribals, as the word development is misused due to corruption.

Poverty Among Tribal Community: Democratic Subversion

Since the colonial era, the tribal people and their interests have been undefined and ignored by the non-tribals with multiple vested interests. The discourse on tribal poverty is often couched in evolutionist or developmental terms, justifying the course of change in the name of development propaganda. Exploiting natural resources, mining, and extraction regulates tribal areas and displaces them, forcing them to migrate, totally losing their culture and identity known as the Adivasis. Develop is an intransitive verb, referring to an organic process of change, motivation, indigenous rather than imposed.²⁵ These Indian states are endowed with abundant minerals and allow domestic and foreign mining companies to mine under memorandums of understanding (MoUs) under respective state governments with the Indian state’s economic policies of Liberalization and Globalisation. Odisha has almost 60 per cent of India’s known bauxite, 25 per cent of its coal, 98 per cent of chromites, 28 per cent of ironore, 92 per cent of nickel ore and 28 per cent of manganese.²⁶ In this development process and rapid industrialization through the mining projects, the State recommends promoting overall upliftment in income to eradicate poverty and starvation deaths.

Tribals experience more ingrained economic destitution than other social groups compared with other excluded groups. In contrast, enduring inter-group discrepancy, poverty among the tribals is higher than in the other groups.²⁷ The constantly distressed circumstances of tribals are associated with deprivation regarding lack of access to productive income-earning assets,²⁸ non-utilization of available resources such as land and common property resources, and the absence of education.²⁹ It is argued that “tribals have been victims of social exclusion not simply because of the historical exclusion and marginalization and geographical isolation; but recent dispossession of their traditional habitation and rights to resources, and erosion of their autonomy because of other development interventions”³⁰ and therefore, their livelihood is adversely affected by the loss of access to resources.³¹ Although the development often solves the issue of poverty, for tribals, development induced displacement and destroyed their traditional livelihoods, resulting in a denial of their access to resources, pushing them to be more vulnerable. The

National Family Health Survey 2015-16 (NFHS-4) indicates 45.9 per cent of scheduled tribes were in the lowest wealth bracket compared to 26.6 per cent of scheduled castes, 18.3 per cent of another backward caste, 9.7 per cent of other castes and 25.3 per cent of those whose caste is unknown.³²

The bauxite mining is situated by Utkal Aluminium International Limited (UAIL) in Baphlimali, a hill in the South-Western part of Odisha, under the Kashipur block of Rayagada and the rest in Kalahandi District. For centuries tribes belonging to Paraja, Jhodia, Penga, and Kondh have lived amidst the Baphlimali foothills. For generations depending on Jal, Jamin and Jungle (Water, Land and Forest), Rainfed agriculture collection of Non-timber forest products are the essential livelihood of the communities. The Baphlimali Hill worshipped for rain and protected their families from evil spirits as tribal belief as their Goddess who resides at the top of the hill. Due to mining, these poor helpless tribals are forbidden to enter. The Kashipur bauxite mining has cognate environmental destruction due to deforestation, biodiversity loss, wasteland generation, dust and noise pollution, pressure on local resources and soil erosion.³³

The locals face various health issues, such as skin infection, gum infection, respiratory problems, etc., due to toxic residue known as 'red mud', a by-product of bauxite that percolates into the soil, reducing the fertility of the agricultural land. The company made false promises to do all kinds of development works like schools, medical facilities, sanitation etc., but all was in vain. The locals reported that 2015 the company constructed a cement road in the village, but there is no sign of that road. Different conveyor belts were started with the locals, and the company took away around 20 acres of agricultural land without compensation. The plight of women has been worsening since the disappearance of forests and contamination of water resources. For access to food and livelihood, tribes have started to migrate, which was never seen earlier. People's rights over their hard earned-resources and democratic means of livelihood are continuously threatened. Such capitalistic portfolios have devastated the world with audacious annihilation, and disorganized socio-economic and political cohesion should not be repeated in the name of development".³⁴

On April 18, 2013, the Supreme Court held that village councils or Gram Sabhas would decide if the state-owned Odisha Mining Corporation could mine the Niyamgiri Hills ("worship as the deity, Niyam Raja") for bauxite, the raw mineral was to be used in Vedanta Aluminium's one million-tonne-per annum alumina refinery in Lanjigarh village in Kalahandi district peopled by kondh ("Dongria and Kutia"), a particularly vulnerable tribal group for five years unanimously voting against mining. The Supreme Court ordered all 12 grams where the referendum was held to vote against mining. Under Forest Rights Act 2006, Scheduled Tribes and other forest dwellers can protect and manage their forests and cultivate forest land to collect and dispose of minor forest products. Under the FRA, no construction or mining can be done in the forests without the approval of Gram sabhas. Unlikely victory after the Supreme Court verdict 2013, a global media campaign led to numerous Vedanta investors selling their stakes in the company. However, unaffected by the mining ban, Vedanta's Lanjigarh refinery, functioning since 2005, continues to extract aluminium oxide from bauxite (Gujarat, Chhattisgarh and Guinea in Africa). In a victory cheer to Vedanta in January 2018, the Odisha Mining Corporation decided to supply more bauxite to Vedanta room, its newly opened Kodingamali mines in Koraput. This will out standard the profit of Vedanta by increasing its production by an installed capacity of two million tonnes of Aluminium.³⁵

This is picturesque Narsikaipadar Village in Koraput District of Odisha, where the local tribes face a dangerous truth of devastation after the mining carried out as an extension of the Niyamgiri Hills. The village is surrounded by the green Kodingamali Hill range on all four sides and is located at a distance of 80 Km; it is the home of 110 tribal families, wreaked on them by bauxite mining in the hills. The list of the tribal grievances is long mining of the hill for bauxite has not led to the creation of jobs for the locals. The land and the water they depend on have become polluted, and most importantly, their cattle are dying. The local tribal have reported that "mining in the Kodingamali hills has shattered their peace; what is the benefit they are achieving from mining rather no employment and farming have been badly hit. False promises were made, and a few youths were engaged as watchmen and guards, but after a few months, they were removed. Now the non-locals have given these jobs." Further, the locals complained that "hundreds

of cows have died because there is no place to gaze or even die after being hit by the vehicles of the private company engaged in mining, but no compensation is paid. Farming has been affected by the dust permeating the area.”³⁶

The way the land has been acquired in practice and continues to be acquired is just undemocratic and unethical to the rights of these indigenous people. The populations of these resource-rich regions have not flourished with mining activities, and other development projects operating for years have worsened their lives. Thousands of tribes have been displaced, losing their land, livelihood, culture and identity because of these measures to develop the region without benefiting from the projects. Tribal communities are the worst affected by the development projects. They constitute 8.2 per cent of the population but are adversely affected by displacement, i.e., 40 per cent observed in all richly mineral states and home to significant tribal people.³⁷ Those displaced tribes are not adequately rehabilitated and often seen that they are merged into casual labour, migrants, rickshaw pullers or even beggars.³⁸ The tribal is kept at the wrong end of compensatory assistance by the Government and companies. Wrecked ecology and displacement from their homes bring despair and destruction due to these development projects, making the tribal not just sceptical but hostile to any further intrusion into their lives by companies promising ‘development’. Pushed out of their land and losing their traditional means of land or forest brings a large scale of migration. They are forced to leave their devastated birthplaces, homes and hearths for unknown regions. Ignorant of the new world outside their periphery of existence, unaware of the host region’s language, families and children end up with bonded labour working in brick kilns, fishing, sugarcane factories, construction industries, etc.

Due to deforestation, wild animals are destructed, invaded the tribal residents like elephants, bears, etc., and destroyed human property and life. The tribals lead a disastrous life they have not created, and their raw voices get drowned. One of the most painful aspects of displacement is delinking people’s economy from all-around embeddedness in ecology.³⁹ In the words of Bhagaban Majhi, a Kond Adivasi and a leader of the Kashipur movement against the Utkal alumina project since the early 1990s:

*“We have sought an explanation from the Government about people who have been displaced in the name development: how many have been appropriately rehabilitated? You have not provided them with jobs; you have not rehabilitated them. How can you again displace more people? Where will you relocate them, and what jobs will you give them? We are tribal farmers. We are earthworms. Like fish that die when taken out of the water, a cultivator dies when his land.”*⁴⁰

Baba Maharaja, an Adivasi displaced by the Sardar Sarovar dam on the Narmada River, refuses to identify his society as ‘poor’ but points out that poverty is indisputable in the cities:

*“You take us to be poor; but we’re not. We live in harmony and cooperation with each other.....We get good crops from Mother Earth....Clouds give us water.....We produce many kinds of grains with our effort and don’t need money. We use seeds produced by us....In the spirit of Laha (Communal Labour), we build a house in just one day....You people live in separate houses. You don’t bother about the joy or suffering of each other. But we live on the support of our kith and kin.....How does such fellowfeeling prevail in our villages? For we help each other. We enjoy equal standing. We were born in our village. Our Nara (Umbilical Cord) is buried here”.*⁴¹

Future Promises

The tribes are forcefully unified with exploitation, domination and discrimination by the non-tribes and the state developmental process due to large development projects. The power generation, irrigation expansion and employment opportunities for nation-building, economic growth and welfare of the society are of mere support to this vulnerable population. They sacrifice their land or are brutally displaced were hardly thought to be rehabilitated. In the census of 1931, commissioner J.H. Hutton suggests perpetuating and safeguarding the tribal beliefs and traditions to allow them to ‘self govern’ as reserved regions are demarcated for them. Verrier Elwin, the proponent tribal activist and anthropologist, believes that tribals should be free, with a right to rule in their region (Jal, Jungal and Jamin), their source of livelihood, existence and integration. He apprehended that “Integration isn’t possible without political and spiritual equality”

and the need to conserve tribal privacy. Jaipal Singh Munda, a member of the Constituent Assembly, said, "You can't teach democracy to tribals. You need to learn democratic values from them. They are the most democratic community on earth". Through his adroit analysis, he emphasizes that the tribal lifestyle is the first school of democracy that ought to provide democratic inspiration to other classes of society.⁴² In a true sense, to hold the integration of tribal communities, they must be included in the decision-making process. The tribals are innate and intelligent in preserving the natural resources through Gram Sabha. The provisions of PESA should be made mandatory, and the advice by the Advisory Committees must be fully acted upon for the socio-economic rights of the tribal communities and their population. Thus, good democratic governance postulates the process of conducting public affairs and managing public resources, guaranteeing citizens' rights without discrimination, essentially free of abuse and corruption, maintaining the rule of law, and favouring the basic harmony of interests in society.

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PROSPECT OF ONE NATION-ONE ELECTION IN INDIA

Sandeep

India is the largest democracy of the world. Elections are the most important and necessary part of politics in a democratic governance system. In India elections are celebrated as a festival. In India there is currently a need for deep thought in relation to One Nation-One Election. On this, various points of view have been expressed. According to one point of view, simultaneous elections in India will reduce the number of roadblocks in the governance system. Some experts believe that holding simultaneous elections will save the government money and time in India, in favour of One Nation-One Election. Because of political rallies, frequent elections have an impact on public life. There is widespread waste of public funds. Due to elections, election codes of conduct remain in effect in some parts of the country throughout the year. This has an effect on the implementation of government schemes and the quality of governance on the ground. holding simultaneous elections will prioritise national interests and reduce regional separatism. To hold simultaneous elections across the country, which requires the cooperation of all parties. For holding all elections on a particular day, the terms of the Lok Sabha and the state legislative assemblies should be synchronized in such a way that elections can be held within a given span of time. For this, constitutional amendments would be needed. Articles 83, 85, 172, 174, and 356 of the Constitution of India would need to be amended. This paper aims to check the prospects of One Nation-One Election in India. Along with them, it also tried analysis the challenges and Recommendations to implemented One Nation-One Election in India. Mostly secondary source is being used in this paper.

Keywords – Election, Government, Political, Democracy, Public, Constitution, Lok Sabha, National, Schemes.

Introduction –

“The Ballot is stronger than the Bullet”- Abraham Lincoln

Should India adhere to the “One Nation-One Election” principle? Between the parties in power and those in opposition, the political parties hold varying viewpoints that are diametrically opposed. This seems reasonable because the same coin will always be seen from different perspectives by the ruling and opposition parties. Questioning the narrative, starting a discussion, and outlining all the benefits and drawbacks is what democracy is all about. A democracy also performs another crucial duty, which is to choose a course of action that will advance the national interest overall after taking all relevant elements into account. I think India’s democracy has advanced to the point where everything is contested and discussed, but we still need to evolve to the point where the Stakeholders are able to surpass their viewpoints and adopt a stance that is in the nation’s and its citizens’ best interests. The same is true of “One Nation-One Election,” and it is clear that all the parties are adopting stances

that serve them personally rather than the interests of the country. The question of whether “One Nation-One Election” is in the best interests of India as a nation is a straightforward approach to examining this claim.¹

What is One Nation-One Election -

The definition of “simultaneous elections” is the synchronisation of the Lok Sabha and state assembly elections within the Indian election cycle. In such a case, a voter would ordinarily cast his or her ballots for the Lok Sabha and state assembly elections on the same day and at the same time. To be clearer, simultaneous elections do not necessitate that the Lok Sabha and state assemblies be elected nationwide on the same day. As is customary, this can be done in phases as long as voters in a specific seat cast their ballots for the State Assembly and Lok Sabha on the same day.²

Historical Perspective -

It is interesting to note that the country has actually had simultaneous elections before. Elections for the Lok Sabha and all state legislative assemblies were

held concurrently after the Constitution's promulgation from 1951 to 1967, when the pattern of synchronised elections was broken. In 1951–1952, there were combined general elections for the Lok Sabha and all state legislative assemblies. Throughout the course of three additional general elections held in 1957, 1962, and 1967, that pattern persisted. However, the pattern was broken for the first time in 1968 and 1969, when a few legislative assemblies were prematurely dissolved. The Fourth Lok Sabha was prematurely dissolved in 1970, and new elections were conducted

the following year. The First, Second, and Third Lok Sabha's all served full five-year mandates as a result.

According to Article 352, the Fifth Lok Sabha's term was extended until 1977. After that, the Eighth, Tenth, Fourteenth and Fifteenth Lok Sabha could finish their full five-year terms. Sixth, Seventh, Ninth, Eleventh, Twelfth and Thirteenth Lok Sabha was dissolved prematurely. Throughout time, several State Assemblies experienced similar problems. All of these hasty dissolutions and extensions have severely disturbed the cycle of concurrent elections.³

Table: Timelines of key milestones of various Lok Sabhas till date

Lok Sabha	Last date of poll	Date of constitution of Lok Sabha	Date of first sitting	Date of expiration of term (Article 83(2) of Constitution)	Date of dissolution of Lok Sabha	Overall Term (in days) (Col 6 - Col 4)	Overall Term (approx)
1	2	3	4	5	6	7	8
First	21-Feb-52	2-Apr-52	13-May-52	12-May-57	4-Apr-57	1787	5 years
Second	15-Mar-57	5-Apr-57	10-May-57	9-May-62	31-Mar-62	1786	5 years
Third	25-Feb-62	2-Apr-62	16-Apr-62	15-Apr-67	3-Mar-67	1782	5 years
Fourth	21-Feb-67	4-Mar-67	16-Mar-67	15-Mar-72	27-Dec-70	1382*	3 years & 10 months
Fifth	10-Mar-71	15-Mar-71	19-Mar-71	18-Mar-77	18-Jan-77	2132**	5 years & 10 months
Sixth	20-Mar-77	23-Mar-77	25-Mar-77	24-Mar-82	22-Aug-79	880*	2 years & 5 months
Seventh	6-Jan-80	10-Jan-80	21-Jan-80	20-Jan-85	31-Dec-84	1806	5 years
Eighth	28-Dec-84	31-Dec-84	15-Jan-85	14-Jan-90	27-Nov-89	1777	5 years
Ninth	26-Nov-89	2-Dec-89	18-Dec-89	17-Dec-94	13-Mar-91	450*	1 year & 3 months
Tenth	15-Jun-91	20-Jun-91	9-Jul-91	8-Jul-96	10-May-96	1767	5 years
Eleventh	7-May-96	15-May-96	22-May-96	21-May-01	4-Dec-97	561*	1 year & 6 months
Twelfth	7-Mar-98	10-Mar-98	23-Mar-98	22-Mar-03	26-Apr-99	399*	1 year & 1 month
Thirteenth	4-Oct-99	10-Oct-99	20-Oct-99	19-Oct-04	6-Feb-04	1570*	4 years & 4 months
Fourteenth	10-May-04	17-May-04	2-Jun-04	1-Jun-09	18-May-09	1811	5 years
Fifteenth	13-May-09	18-May-09	1-Jun-09	31-May-14	18-May-14	1812	5 years
Sixteenth	12-May-14	18-May-14	4-Jun-14	3-Jun-19	NA	NA	NA

⁴ Mid-term polls were held. Dissolution took place before the elections. Extension due to proclamation of Emergency.

Source: Table – I, Page 2, Report of the Parliamentary Standing committee on Personnel, Public grievances, Law, and justice - 79th report (Dec 2015)

Required Procedure for One Nation-One Election in India -

It will be necessary to forge an agreement among

several national and regional parties in order to conduct simultaneous voting in the centre and the states. PM Modi invited 40 leaders from various political parties with this goal in mind. But only 21 people showed up for his meeting. A committee will be established to investigate whether holding simultaneous elections is feasible. Five Constitutional Articles will be amended, and The Representation of the People's Act of 1951 will also be changed as part of the process to include measures for the stability of tenure for both parliament and assembly. The articles include:

- On the duration of the Houses of Parliament, see Article 83.
- The President may dissolve the Lok Sabha pursuant to Article 85.
- The length of state legislatures was addressed in Article 172.
- The dissolution of state assemblies was covered by Article 174.
- Article 356 relates to the presidency's authority.

In order to facilitate the procedures needed for simultaneous elections, it will also necessitate reforming the Election Commission of India's authority and responsibilities. The above-mentioned reforms would also need to be approved by at least half of the state assemblies in the nation in addition to the two-thirds majority of both houses of Parliament.⁵

Recommendations by Government Bodies in favour of Simultaneous Elections -

Several bodies of the government have recommended in favour of conducting simultaneous elections. Some prominent among them have opined in the following manner. Elections for the State Legislatures and the Lok Sabha will take place simultaneously under the idea of "One Election-One Election." One of its most renowned supporters is India's current prime minister, Shri Narendra Modi. Both the previous president, Shri Ram Nath Kovind, and president, Shri Pranab Mukherjee, have endorsed this idea.

March 26, 2014 - The BJP releases its manifesto where combined elections first promised.

January 21, 2015 - The subject 'Feasibility of Holding Simultaneous Elections to the House of People (Lok Sabha) and State Legislative Assemblies' is identified by the 79th report 10 of the Department-related Parliamentary Standing Committee on Personnel, Public Grievances, Law, and Justice.

January 28, 2015 - Principal Private Secretary to the Prime Minister makes a phone call to the then Chief Election Commissioner H.S. Brahma urging necessity of holding combined polls.

December 17, 2015 - The Parliamentary Committee submits its report on simultaneous polls.

February 3, 2016 - The Union Law ministry sends the Committee's report to the ECI asking for its comments.

March 5, 2016 - The ECI in its response to the Law Ministry attaches a copy of its letter of March 5, 2015 that it had sent to the Parliamentary Committee.

March 19, 2016 - At a closed-door meeting of the BJP's national office bearers, the Prime Minister lauds the idea of holding simultaneous polls for Lok Sabha and State Assemblies.

January 25, 2017 - Then President, Pranab Mukherjee, in his Republic Day eve address to the nation, recommends simultaneous polls and asks the ECI to take forward the idea. (Mukherjee resiled from this position after demitting office.) **January 25, 2017:** Then President, Pranab Mukherjee, in his Republic Day eve address to the nation, recommends simultaneous polls and asks the ECI to take forward the idea. (Mukherjee resiled from this position after demitting office.)

April 23, 2017 - The draft report is circulated among the Governing Council members (consisting of Chief Ministers of all States and others) of the Niti Aayog.

January 28, 2018 - In his address to the Joint Sitting of two Houses of Parliament, President Kovind emphasises simultaneous polls as a citizens' issue and flags frequent elections as a hindrance to governance.⁶

(A) Constitutional Debates in Context of Simultaneous Elections - The concept of regular elections is not particularly new; in the constituent assembly, it was addressed, but in a different form. When speaking on Article 289 of the Constitution, Professor Shibban Lal Saxena made the following remarks:

Unlike the United States of America, our constitution does not mandate a fixed four-year election cycle. There will likely always be elections taking place in one province or another. Following the integration of the States, we will have roughly thirty provinces. A vote of no confidence is required by our Constitution before the Legislature can be dissolved. So, it is entirely feasible that not all of the provincial and federal legislatures will have their elections at the same time. Every time, an election of some kind will be

held somewhere. It might not be true initially, or for the first five to 10 years. But after ten or twelve years, there will always be elections taking place in some province. According to our Constitution, all elections will take place at different times depending on which legislatures have passed a vote of no confidence, which will lead to the dissolution of those legislatures (emphasis added). This demonstrates that while the founders of our constitution did not discuss or debate simultaneous elections, they did address the section about fixed periods.

(B) First Annual Report of the Election Commission of India, 1983 - The Election Commission of India suggested conducting concurrent elections for the House of the People and the Legislative Assemblies of States in 1983 in its First Annual Report for the following important reasons:

1 significant financial savings on the enormously unnecessary administrative costs and other expenses incurred as a result of holding separate general elections (Lok Sabha and State Legislative Assembly).

2 Significant cost savings can be achieved by revising the electoral rolls for the House of the People and the State Legislative Assembly at the same time, as opposed to doing it twice on a national scale.

3 Every time, for two to three months, tens of thousands of police officers and employees, as well as a large number of civilian officials and staff, are deployed for the conduct of elections, substantially interfering with their regular tasks.

4 The entire administrative structure of the country significantly slows down during elections, whether for the Lok Sabha or the Assemblies, and all other regular functions and activities of the government, including developmental work, are relegated to the background. The average person suffers greatly as a result of these. The scenario lasts about two months during each general election (Lok Sabha and state legislative assemblies).⁷

(C) Law Commission of India 170th Report on Reform of Electoral Laws (1999) - Simultaneous elections were recommended in the Law Commission of India's One Hundred Seventieth Report on Reform of Electoral Laws, published in 1999 under the leadership of Hon. Justice B.P. Jeevan Reddy.

While considering ways to enhance the electoral process in the nation, recommendations will be made to the Lok Sabha and state legislative assemblies.

(D) 79th Report of the Parliamentary Standing Committee on Personnel, Public Grievances, Law, and Justice - On December 17, 2015, the Standing Committee on Personnel, Public Grievances, Law, and Justice (chaired by Dr. E.M. Sudarsana Natchiappan) turned in its report on the viability of holding concurrent elections for the Lok Sabha and state legislative assemblies. The Committee endorsed the notion of holding elections simultaneously and claimed that it would cut costs, assist in preventing policy gridlock brought on by the adoption of the Model Code of Conduct, enhance the provision of critical services, etc.

(E) Election Commission of India - The Election Commission of India (hereafter EC) informed the law ministry that it favours holding the Lok Sabha and Legislative Assemblies' elections concurrently six months after a parliamentary standing committee recommended it.

(F) The Niti Aayog's Discussion paper on Simultaneous elections - In a discussion paper titled "Analysis of Simultaneous Elections," the Niti Aayog has argued that the simultaneous election system is good for the Indian polity because it will improve governance and start electoral reforms. It was written by Bibek Debroy and Kishore Desai.⁸

International Perspective On One Nation-One Election System—

(A) SOUTH AFRICA -

Elections for the National Assembly, Provincial Legislatures, and Municipal Councils are held in South Africa every five years. The National and Provincial Legislatures' electoral system is based on Parties are represented according to the proportion of votes they received under "party-list proportional representation." The total number of votes a party receives determines how many seats it receives. As the results are made public, parties compile lists of candidates for each legislative seat they desire to run for. The Independent Election Commission (IEC) decides how many representatives from each party list will serve in parliament. There is a "mixed-member system" for municipal council elections, which are

likewise held every five years but separately from national and provincial elections. Under this system, wards elect both individual council members and those nominated from party lists.

Each of the nine provincial legislatures has between thirty and ninety representatives, depending on the population of the province, while the National Assembly has four hundred seats. On separate ballots, voters cast their votes for the national and provincial legislatures. On a Party Liaison Committee, each registered political party is represented a committee that advises the Independent Electoral Commission and receives information from it.

(B) SWEDEN -

Sweden has a proportional electoral system, which means that the number of representatives any party receives in the elected assembly is based on how many votes they received. 21 In Sweden, county council and municipal council elections take place concurrently with the general elections (Riksdag 22 elections are held every four years). While municipal assembly elections take place on the second Sunday of September once every five years.

(C) BELGIUM -

In Belgium, there are five main types of elections.

Representatives for the European Parliament are chosen in European elections;

federal elections for the Chamber of Representatives of the Federal Parliament;

Regional elections: for the federated regions' legislatures, such as the Walloon and Flemish parliaments,

Provincial elections: for the Provincial Council; parliamentary elections in the German-speaking Community and the Brussels Capital Area;

For the Municipal Council, there are municipal elections. Elections to the Federal Parliament frequently coincide with European (and later regional) elections every five years.

(D) INDONESIA -

In its ruling No. 14/PUU-XI/2013, the Constitutional Court of Indonesia declared that Article 3 Paragraph 5, Article 12 Paragraphs 1 and 2, and Article 112 of the Presidential Election Law are unconstitutional while evaluating Law No. 42 Year 2008 concerning Presidential Elections. 25 On the grounds that Law No. 42 of 2008 was in violation of the constitution, the Constitutional Court decided that Indonesia would hold the presidential and legislative elections concurrently beginning in 2019.⁹

(E) UNITED KINGDOM -

In the UK, there are many different kinds of elections, including those for the House of Commons, the European Parliament (not now), local elections, mayoral elections, etc. Within each of these categories, there may be both bye-elections and general elections. By passing the Fixed Term Act in 2011, which stipulates a 5-year term for general elections, the Parliament of Westminster established a fixed term for the House of Commons. The Act specified that the first general election would be held on May 7, 2015, and that general elections would thereafter be held on the first Thursday of May every fifth year.

According to the Act of 2011, early elections can only be convened if a resolution is approved by at least two-thirds of the entire House or without a division; if a motion of no confidence is passed; and if no alternative government is confirmed by the Commons within 14 days of the motion's passage.

(F) GERMANY -

The 1949 German Constitution vividly demonstrates the basic structural idea. According to the system in place in Germany, the Chancellor cannot be easily ousted by a vote of no confidence in the Bundestag, or Lower House. The "constructive vote of no confidence" prevents the Chancellor from being removed because the opponents must also agree on a replacement in order to do so.

Hence, we can conclude that simultaneous elections actually occur, in one form or another, throughout the world. Simultaneous elections are used in places like the Philippines, Brazil, Bolivia, Colombia, Costa Rica, Guatemala, Guyana, Honduras, Nica-

ragua, and many others. Although these Countries that use the presidential system of government have simultaneous elections for the president and the legislature.

We now have a better understanding of the global perspective, but since we are aware that other nations are distinct from India and only exist elsewhere, we must adjust our Constitution and administrative structures before we can accept this type of policy here.¹⁰

Suggestion and Way Forwards -

The State Legislative Assembly's term can be adjusted accordingly to be shorter or longer than the Lok Sabha Assembly's in order to be in sync with each other. None the less, Articles 83, 85, 172, 174, and 356 of the Constitution may need to be amended for this reason. The parliamentary system of administration in India makes it impossible to establish a deadline; therefore, a fundamental change to a presidential system of government, in which the president is not answerable to the House of Representatives, is necessary. Just the Lok Sabha and Rajya Sabha will be chosen at the same time.¹¹

Conclusion -

The political class has a responsibility to give the populace, which is largely young and demanding, a framework for government that best meets their requirements. India needs a quick turnaround, not a slow evolution, according to the honourable prime minister. Transformative actions, in contrast to gradual, incremental ones, frequently cause temporary discomfort, making them politically hazardous and unpopular to adopt. Elections are held frequently, which crowds the government's capacity for risk-taking and encourages it to choose the safer status quo option instead. It is crucial that a structural change be made since the current system of frequent elections is causing governments to lose the above-mentioned emphasis for which they are elected. One country, one election, which would involve such a fundamental transformation, is definitely doable. There is enough flexibility in the Constitution to adapt it to the needs and circumstances of the nation as they change. This flexibility is not only a helpful tool; it also places a duty on governments to give their citizens access to the finest governance frameworks, procedures, and opportunities. Implementing simultaneous elections

would also result in some short-term hardship, as is the case with long-term structural improvements. Nonetheless, this would be a first step towards better administration and broader implementation of "electoral reforms," a measure that could relaunch the Indian political system.

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THE ROHINGYA QUESTION: A HISTORICAL NARRATIVE OF A STATELESS COMMUNITY

Sumit Kumar Minz
Roshni Kujur

Based on the normative approach, the article highlights the sequence of the major events against the stateless Rohingya, resulting in ethnic cleansing, atrocities, genocide and exodus to a larger extent. Further, it analyses the politics of identity and citizenship, leading to the gradual decline of all the rights of Rohingya within the country. Besides, by using the historical approach of social science research, the paper seeks to trace the most debatable issue of the origin of the Rohingya, a point of denial of citizenship by the Myanmar government.

Introduction

In a modern sense, the term 'State' is understood as an institution for the welfare of society as a whole and to protect the rights and life of citizens from external and internal threats. A prominent political science scholar, H.J. Laski, defines the state as "A territorial society divided into government and subject claiming with its allotted physical area, a supremacy over all other institutions".¹ Whereas Aristotle, an ancient Greek philosopher and the father of Political Science, defines it as "State is a union of families and villages having for its end, a perfect and self-sufficing life, by which we mean happy and honourable life".² All political philosophers, despite their generation, have asserted the state as a necessary element for the existence of an individual. But what if an individual or a group of individuals are forced to live without a state?

The people without a state are similar to a nation without nationality. The concept of statelessness has emerged as a global concern in the 21st century. According to an estimate by the United Nations Refugee Agency UNHCR, at least 10 million people are stateless worldwide: they are not considered nationals by any State under the operation of its law.³ The above figure includes more than 1.3 million Rohingya, an ethnic minority group, primarily the residents of the Rakhine (erstwhile known as

Arakan) state of Myanmar (erstwhile known as Burma). Despite living in the country for centuries, the Rohingya community doesn't have access to citizenship, which makes them live a life with no legal rights. The Myanmar government considers them 'Illegal Bengali Immigrants' who have infiltrated from Chittagong Hill Tracts of Bangladesh.⁴ Since Myanmar gained independence from British colonial rule, they have been facing the worst persecution and are subject to human rights violations endangering their lives, dignity, and property. As the majority of the Rohingya are followers of Islam, a Sunni Muslim community, an anti-Islam mindset seems to have developed among the people of the Buddhist-majority state of Myanmar. Such feelings of hatred, followed by ethnic violence, atrocities and genocide against the Rohingya, seem to have been a common act in Myanmar, resulting in the exodus from their dwelling place to various parts of the world, particularly to Asian nations. Different state actors have tried to shift the humanitarian responsibility resulting inhuman attitude not only by the state of Myanmar but also by the global society to some extent. It is also against Article 2 of the 'Declaration on the Right and Responsibility' adopted by the General Assembly of the United Nations, which speaks about the prime responsibility and duty of the state to protect, promote and implement all human rights and fundamental freedoms of all persons under its jurisdiction.⁵ Now, the Rohingya community has become the world's

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largest stateless people in need.

Re-introducing the Tragedy

Myanmar's military executed a deadly crackdown in August 2017 as a response to the fatal attack on more than 30 police posts by a militant group named Arakan Rohingya Salvation Army (ARSA). The villages of Rohingya Muslims in the Rakhine state of Myanmar were set on fire. The entire international community witnessed the exodus of Rohingya, a stateless ethnic minority community of Myanmar, to protect their life. They risked everything to escape by sea or on foot, searching for a place to save themselves from genocide. The United Nations describes this offensive act of Myanmar's army as a 'textbook example of ethnic cleansing'.⁶ It is estimated that after the violence outbreak of 2017, at least 742,000 Rohingyas entered Bangladesh; most of them were women and children under the age of 12 years.⁷ The arriving Rohingya in Bangladesh revealed that they fled after troops, backed by local Buddhist mobs, burned their villages and killed many of them, including women and children. According to the United Nations estimate, approximately 750,000 Rohingya have been displaced and taken shelter in various countries since 25 August 2017.⁸

It was reported that at least 288 villages of Rohingya were fully or partly destroyed by fire in northern Rakhine after the 2017 violence outbreak. According to a Medecins Sans Frontieres (MSF) report, the post-violence genocide took the lives of more than 6,700 Rohingya, including at least 730 children under the age of five years, within a month. Amnesty International also claims the Myanmar military's abuse and rape of Rohingya women and girls.⁹ Despite producing plenty of evidence and proof, the Myanmar government has been in denial mode to the action of atrocity made by their army. The Gambia, a small West African country had filed a case on behalf of the Organization of Islamic Cooperation in the International Court of Justice (ICJ) against Myanmar on 11 November 2019 for Myanmar's brutal military campaign against the Rohingya in August 2017 and violating the 1948 Genocide Convention.¹⁰ Aung San Suu Kyi, a Nobel Peace Prize winner who spent over a decade fighting against the Burmese military was defending the country and had asked the court to drop the genocide case against Myanmar. The International Court of Justice (ICJ) on 23 January

2020 ordered Myanmar to 'take all measures within its power' to prevent the genocide and to protect Rohingya Muslim minority. The court also indicated four specific 'provisional measures' in this regard and ordered Myanmar to report regularly to the tribunal about its progress.¹¹

The recent violence against Rohingya of 2017 is neither the first nor expected to be the last tragedy. Instead, it reflects the systematic persecution of a particular minority ethnic community in Myanmar by denying them citizenship, as the 1947 constitution of Myanmar did not formally recognise them as citizens. Even the Citizenship Law of 1982, which provides a three-tiered hierarchy of citizenship, deprives the Rohingya community. Such systematic social and political persecution of the Rohingya community has led to significant spikes of violent attacks on Rohingya in 1978, 1991-1992, 2012, 2016 and most recently in 2017.¹² The first wave of systematic persecution started on 6 February 1978, when immigration and military authorities started an operation called '*Nagamin*' or Dragon King to register citizens and screen out foreigners. This process was so vicious that over 200,000 Rohingya crossed the river Naf and arrived at Cox's Bazar district of Bangladesh within a span of three months.¹³ Later on, with the help of the United Nations, both the Myanmar and Bangladesh government made an agreement on the repatriation of Rohingya, and some Rohingya also returned to start a new beginning in Rakhine. However, the discrimination and violence against Rohingya by the Myanmar government and its people continued unabated and often became exceedingly disproportionate in terms of ferocity.¹⁴

Another wave of persecution against the Rohingya occurred in 1991-92, driving over 250,000 Rohingya to Bangladesh's Cox's Bazar. However, the Bangladesh authority somehow succeeded in negotiating with the Burma government for the repatriation of the Rohingya. It resulted into the return of some 230,000 Rohingya to Arakan between 1993 to 1997. Indeed, as surveyed by the United Nations High Commission for Refugees (UNHCR) the repatriation was more coercive than voluntary. The UNHCR further stated that less than 30 per cent of Rohingya only wished to repatriate. Yet, the Bangladesh government insisted that the Rohingya must return to Arakan by gradually withdrawing humanitarian aid like food.¹⁵ The first organised

violence against Rohingya in Rakhine was reported in early June 2012 after a widespread news that three Muslim men allegedly raped and murdered a Buddhist woman in the town of Ramri.

On the other hand, on 3 June, a large group of Arakan villagers stopped a bus and brutally killed ten Muslims in apparent retaliation. Myanmar was deployed to quell the riot, despite on-ground observer claims that since then, a systematic violence was unleashed against Muslim Rohingya only.¹⁶ Indeed, the Myanmar's security forces committed killings, rape, and mass arrests against Rohingya Muslims after failing to protect both Rohingya and Arakan Buddhists during deadly sectarian violence in western Myanmar.¹⁷ In July 2012, Thein Sein, the then president of Myanmar, proposed that the Rohingya remain in camps within the country, under the supervision of the United Nations High Commissioner of Refugees (UNHCR) or be deported to third countries.¹⁸ By the end of June, 200 people were killed, and at least 125,000 Rohingyas and other Muslims were displaced to the Internally Displaced.¹⁹ Since the formation of independent Myanmar in 1948, the stateless Rohingya have been fleeing to different parts of the world, primarily to neighbouring Bangladesh, to escape killings, arson, and other mass atrocities.

Temporary Home to Rohingya

According to the Joint Response Plan (JRP) issued by the United Nations agency managing the crisis, a total of 756,554 Rohingya have arrived in Bangladesh since 25 August 2017. The total population of Rohingya in Bangladesh is about 1.3 million, and Cox's Bazar itself holds 907,766 Rohingya within its territory.²⁰ Among those who arrived in the early 1990s, near about 33,956 Rohingya were officially registered as refugees, and they resided in camps managed by UNHCR. But those Rohingya who arrived prior to that are identified as Forcibly Displayed Myanmar Nationals (FDMN), a designation which doesn't provide any refugee rights. According to various reports, the Bangladeshi government stopped registering Rohingya as refugees for those who arrived after 1992. Subsequently, they all were identified as 'undocumented Myanmar nationals' or 'unregistered refugees' in the country. As of July 2019, UNHCR and the Bangladesh authorities have provided identity cards to nearly half a million

Rohingya now living in thirty-four settlements in the Ukhiya-Teknaf area.²¹

It's a challenging task to get the exact population of the Rohingya due to the lack of proper documentation. Yet, different international non-governmental organisations (INGO) monitor Rohingya movements and speculate the size of the Rohingya diaspora population. According to the estimate of the Rohingya Solidarity Organization (RSO), a global network of the Rohingya community, there are 470,000 Rohingya in Saudi Arabia, 450,000 in Pakistan, 200,000 in Malaysia and 50,000 in UAE. However, according to the United Nations, 54,000 registered Rohingya live in Saudi Arabia. Almost forty years ago, Saudi Arabia gave shelter to 10,000 persecuted Rohingya of Myanmar. Similarly, as of December 2021, the United Nations also records 103,380 registered Rohingya among a total of 180,440 refugees and asylum-seekers in Malaysia.²² The RSO also claims that nearly 50,000 Rohingya live in India.²³ Meanwhile, the Indian government has officially acknowledged some 10,500 Rohingya living in the country.²⁴ However, according to the latest report from United Nations, 16,000 registered Rohingya are living in Jammu and Kashmir, Andhra Pradesh (mainly in Hyderabad), Delhi, Haryana, West Bengal, Rajasthan, Uttar Pradesh, Punjab, Maharashtra and Andaman and Nicobar Island of India.²⁵

Rohingya diaspora populations outside the continent of Asia are smaller in number. The United States hosts the biggest, with more than 10,000 Rohingya refugees settled. Further, around 3,000 Rohingya live in Australia, 400 in Canada, 300 in the United Kingdom and small yet politically active communities in Ireland and mainland European countries.²⁶

Identity Politics and Citizenship Law in Myanmar

In Myanmar, history has a daily impact on people's lives, influencing individual and group access to citizenship and the rights and protections that should accompany it. Myanmar's citizenship laws and practices since independence in 1948 and the way the country's politics interacted with these laws have made the Rohingya the world's largest stateless group. Rohingya have been making an effort to clarify when and how they lost their citizenship rights and legalise their collective claims to Myanmar citizenship.

Many Rohingya assert that they were acknowledged as citizens in the 1950s and have subsequently had those legal entitlements wrongly denied by the authorities. This belief has contributed to the strategy of many contemporary Rohingya leaders to focus on the strength of their historical and legal claims to Myanmar citizenship rather than adopting alternative approaches.²⁷ Since independence, Myanmar has commonly been regarded as having two citizenship regimes. These distinct legal frameworks correspond with the citizenship laws and practices built around the 1948 post-independence Constitution of the Union of Burma and laws, and the framework created by the post-1962 military administration, built around the 1974 Constitution, and now legally based on the Burma Citizenship Law (1982), which remains in force today.²⁸

The nationality of the Rohingya population has been a contentious issue in Myanmar since the military takeover of 1962. Upon taking power, the military authority did not take any drastic action to exclude the Rohingya population. However, things changed with the passage of the 1982 Burmese Citizenship Law. This law categorised Burmese citizens into three groups: full citizens, associate citizens, and naturalised citizens.²⁹ The 1982 law also spells out the criteria for each of the three categories of present-day Myanmar citizenship, with the key provisions based on ethnicity. Full citizenship rights in Myanmar are granted collectively to members of ethnic groups believed to have been living within the boundaries of the country in 1823, before the first Anglo-Burma War, associate citizens are those born in the country after 1823, and there is a provision for citizenship by naturalisation. As with the 1974 Constitution, the 1982 law specifies eight major indigenous groups and clarifies those who are, 'Kachin, Kayah, Karen, Chin, Burman, Mon, Rakhine or Shan are citizens.' These are the groups that are widely understood in Myanmar as being *Taingyintha*. Importantly, the law states that this list is not exhaustive and empowers the Council of State to decide whether any ethnic group is national or not. In 1990, the Myanmar government published a closed list of 135 national races/ethnicities based on the provisions of Citizenship Law 1982.³⁰

The Rohingya were not included in the list of 135 national races/ethnicities or in any of the three categories of citizenship.³¹ Instead of being issued a National Registration Certificate (NRC), which every

Myanmar national over the age of 15 is supposed to carry with them, the Rohingya are given a Foreigner Registration Card (FRC). Importantly, if a person does not have an NRC, they have no right to serve in any office, they cannot be granted admission to any government school, college, or university, they are unable to receive treatment in any medical facility, and they are not permitted to buy a train ticket or travel to another part of the country. Such measures effectively confine all Rohingya to their current region, northwestern Rakhine. Nevertheless, some of the Rohingya might have had NRCs that allowed them to participate in the general election and receive education, while for the majority, this was indeed not the case.³² A report published by the US Department of State highlights ways the Rohingya are impacted by the withdrawal of citizenship rights.³³ In September 2016, at Myanmar's request, the Kofi Annan Foundation and the Office of the State Counsellor jointly formed the Advisory Commission on Rakhine State. The majority of the commission's members came from Myanmar. Charged with a single mandate to examine the complex challenges facing Rakhine State and to propose answers to those challenges, it published a detailed report titled 'Towards a Peaceful, Fair and Prosperous Future for the People of Rakhine'. This sixty-six-page report contains seventeen main findings and recommendations, the significance of which pertains to citizenship (citizenship verification and citizenship law), freedom of movement, and intercommunal cohesion. In particular, the report highlights the need to issue citizenship to Rohingya.³⁴ However, despite the continuous effort by Rohingya and their well-wishers, the community remains in the darkness of statelessness, without citizenship and rights in the country.

The Two Narratives of One Story

The origin history of the Rohingya community has always been controversial, and it has a contrasting narrative, one from the Rohingya minority and another from the Buddhist government of Myanmar. Rohingya claim that they lived in the Rakhine region of Myanmar much before the arrival of Islam during the late 8th century. Their culture and language were dominant during the rule of the Mrauk U Dynasty from the 15th to 19th century. Whereas the people of Myanmar, where Buddhists are in the majority, have a different perspective. They firmly believe that Buddhists were in the majority during Maruk

U Dynasty and Islam had a very low representation. Moreover, they claim that the modern Rohingya are not the descendants of a small number of Muslims who lived in Rakhine before British colonisation. Rather, they are Bengali migrants who came after the Britishers conquered the Rakhine state.³⁵ There have been arguments among scholars regarding the origin of the Rohingya community on the basis of facts; interestingly, both narratives have facts to support some of their claims. However, most scholars believe that Rohingya are an amalgamation of people.

All Rohingya historical narratives seek to establish the Rohingya as an indigenous race with deep historical roots in Arakan. They all date the origin of the Muslim community in northern Rakhine State to a time prior to the arrival of the ethnic Rakhine, in the ninth to tenth centuries, thus also prior to the arrival of the Burman into Burma. Most argue that the Rohingya arrived in four waves of Muslim migration and intermingled with the pre-Rakhine indigenous population, who they say converted to Islam before the arrival of the Rakhine people.³⁶ Ibrahim (2016) turns this around, suggesting that the Rohingya are descendants of the pre-Rakhine indigenous population, who lived in Arakan three millennia before the arrival of the Rakhine, and who later assimilated the waves of Muslim migrants.³⁷ Either way, they argue that their Rohingya ancestors lived in Arakan continuously for millennia and were integral to its political and socio-economic life until its 1784 conquest by the Burmans. Various waves of settlers have been assimilated over centuries, they argue, into a single ethnic identity with a strong historical connection to the land, and a distinct language, culture, and history indigenous to the region.³⁸

Historically, Arakan sat between Muslim sultanates to the west and Buddhist kingdoms to the east. There was, Rohingya narratives suggest, a long, largely peaceful coexistence between Muslim and Buddhist communities. They draw on the works of some of the leading scholars to suggest that historically Arakan functioned more as a frontier region of India and the Bengal region than as a frontier region of Burma, negotiating the two worlds and acting as a conduit for medieval Muslim scholarship into Burma. Certainly, until recent road construction Arakan was largely isolated from Burma by mountains, making trade and political

interaction easier by sea. They suggest the Mrauk-U kingdom, thus, functioned as much as an Arakanese sultanate than a Buddhist kingdom.³⁹ According to this narrative, there were four waves of Muslim migration and settlement into the region, discussed and interrogated below.

The First Wave

As far back as the early period of Islam, highly-spirited Arab traders were exploring the world, with trading activities from the Red Sea to far-flung areas such as the Chinese coast and Arakan within Burma (now the state of Myanmar). It is difficult to ascertain exactly when Arabs arrived at Arakan, but they established contact during the eighth to tenth centuries. Some came to Chittagong in Bengal, and others to the Ayeyarwady (or Irrawaddy) River Delta in Arakan. Maungdaw, in northern Arakan, became one of their favourite destinations.⁴⁰ Almost all Rohingya narratives start by arguing that Arab traders arrived in Arakan from at least the time of the founding of Vesali in 788 CE, if not earlier. During the reign of the Burmese king Mahato Tsandayea (788-810 CE), several Arab ships were wrecked off the coast of the Rambi Islands, and sailors were rescued from the shore.⁴¹ Most Rohingya histories highlight the reference in Phayre (1844), in which he summarises a compilation history he commissioned from various Arakanese chronicles, mostly now lost. According to Phayre, the manuscripts say that these Muslims were granted permanent settlement in Ramree by the first king of the Chandra dynasty at Vesali, commencing in 788 CE.⁴² As Arab traders were inspired by Islam's message of universalism, it is believed that some indigenous people, like Rohingya, might have accepted Islam in this early period.

The Second Wave

The second wave of migration is claimed to have come with the founding of the Mrank-U dynasty in 1430 CE. In the early fifteenth century, there were huge political upheavals in Arakan. In 1406, Min Saw-Mun, the then-king of Arakan, was defeated by the Burmese king and expelled from his kingdom. Min Saw-Mun took shelter in Bengal. Later, in 1430, he regained his kingdom with the help of Jalal-ud-din Mohamed Shah, the sultan of Bengal. Min Saw-Mun brought thousands of Muslims from Bengal, mainly soldiers and administrators, to help reinstate the kingdom, but many of them

stayed behind after their mission was completed.⁴³ Min Saw Mun founded the city of Mrauk-U, which flourished as the capital of Arakan for more than four centuries, adopting the Islamic title Solaiman Shah alongside his Arakanese name.⁴⁴ According to historians, various specialists and professionals like Bengali Muslim poets came to Arakan during the fifteenth and sixteenth centuries. In the seventeenth century, some renowned Bengali Muslim poets wrote of their impression that the capital city of Roshang (Mrohaung or Mrauk-U) thronged with Muslims in the courts as well as in religious, social and cultural assemblies. Then there were Muslim artisans, craftsmen and traders, as well as men connected with the mint and other state establishments.⁴⁵

The Third Wave

In the Rohingya tradition, the third and also considered the largest wave of Muslim migration was due to Portuguese slave trading, which in time, was perpetrated in conjunction with the Mrauk-U kings. As the power of the Mughals grew, Mrauk-U came to rely increasingly on Portuguese mercenaries for security and expansion. Bengal had long enjoyed support from the Portuguese, but when it fell to the Mughals in 1567, many Portuguese shifted allegiance to Mrauk-U.⁴⁶ However, the Portuguese never fully submitted to Arakanese control; along with offering their services to Arakan, they maintained their own commercial and piracy activities. Therefore, their shift in allegiance and base of operations also brought an explosion in slave trading. All Rohingya written histories discuss a large number of Muslims brought into the kingdom as slaves. Some Rohingya historians are happy to identify the Portuguese as the main perpetrators of the trade, suggesting that the Arakanese only sometimes collaborated.⁴⁷ Van Galen, the most reliable reference on this topic due to his detailed study of the Dutch records, suggests that the Arakanese king captured no less than 30,000 Bengali slaves in raids during 1623 alone, 10000 more in 1624-5, then sacked Dhaka in 1626 and led that population away as slaves too. While many were sold, many others were put to work around Mrauk-U, and this trade continued for generations from the late sixteenth to mid-eighteenth centuries.⁴⁸

The Fourth Wave

According to Rohingya written histories, the final wave of Muslims into Arakan prior to the

colonial era began in the middle of the seventeenth century. The power politics at the heart of the Mughal Empire in India forced one of Aurangzeb's brothers, Shah Shuja, to take shelter in Arakan. In addition to his family, there were around 1,000 Muslims in his entourage. The Arakanese king gave them asylum, but once he proposed to marry the daughter of Shah Shuja, their relationship turned sour. Ultimately, Shah Shuja was murdered with his family by order of the king. However, those in Shah Shuja's entourage stayed behind and, along with the existing Muslims, contributed towards building a pluralist Arakan.⁴⁹

Conclusion

The Rohingya community is enduring an existential crisis because of the hatred, discrimination and violence inflicted on them for decades that has culminated in Myanmar's ethnic cleansing and genocidal steps of uprooting them from their ancestral home. Despite all facts of their roots in the state, the Myanmar administration doesn't seem to be really interested in finding an appropriate path to redeem them from the curse of statelessness, rather has been trying to prove that Rohingyas are immigrants from India and Bangladesh brought by the British colonial rule in the nineteenth and twentieth century. Right from the ancient period, political philosophers have stated the significance of the state in the survival and affairs of an individual. Charles Goodhart, a British economist, also stated that "The purpose of the state is to maintain peace and order within a particular society. Therefore, the essential purpose of the state is to make life possible".⁵⁰ The denial of citizenship to the Rohingya community has resulted in a humanitarian crisis, making them live without a state, which is essential to protect their life and liberty. It's time to come forward as an international community to help them transform from people without a state to people having a state.

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THE CONUNDRUM OF LIMITED CITIZENSHIP: THE CHAKMAS IN NORTH EAST INDIA

Konkumoni Boro

Borders became a political reality in postcolonial South Asia with the modern state building process, which led to arbitrary drawing of interstate borders, in turn leading to varying consequences on the population transferred as a result of border creation. The population flows triggered demographic changes sparking issues of majority and minority; native and settler; insider and outsider. One such community is the Chakmas of the Chittagong Hill Tracts. The Chakmas make continuous efforts to determine their identity, space and citizenship. The Chakmas are the victims of partition who were pushed and merged with an unknown territory despite their numerous appeals to determine their own homeland. Later due to religious persecution thousands of Chakmas migrated to India through Mizoram and Tripura and later resettled in Arunachal Pradesh. It is against this backdrop that the paper aims to study the Chakmas of North East India, their claims for citizenship and responses of the state towards them.

Introduction

The history of citizenship has been a struggle over how citizenship is to be defined and who should be included and who should be not.¹ This makes citizenship not only highly contested but a constantly changing institution. While citizenship is often professed in terms of legal status, having a national identity as a member of a nation state, but citizenship is not confined to that alone. The idea of citizenship goes beyond from just a formal member of the nation state to more of a substantive membership. As citizenship laws are highly determined by the divisive legacy of partition. The modern state building process in South Asia after partition have given birth to many “excluded groups” who are either termed as “denizens”, or “stateless people”, or “aliens” and so on.² As demarcating the territories, installing braid wires, erecting fences and posts became a political reality; the state building process in South Asia was accompanied by demographic shifts and massive population transfers. The inevitable consequence of the process of creation of modern nation state in South Asia was that large numbers of people were pushed out of one territory in the pursuit of creation of homogenous nations thereby leading to persecution of many. One such community is the Chakmas of the Chittagong Hill Tracts. The Chakmas make continuous efforts to determine their status, identity, space, and homeland. Their political status and citizenship is determined by the modern state building process. Chakmas migrated to India from East Pakistan due to religious atrocities and submergence of their land because of the construction of Kaptai Hydel Dam. One of the host areas of these transborder communities is

India’s Northeast. The Chakmas have mostly settled in Assam, Arunachal Pradesh, Mizoram and Tripura. Whereas the Chakmas residing all over India but those in the state of Arunachal Pradesh are citizens. This calls for an investigation into the history of Chakmas settlement in the state, their present status, claims and counter claims surrounding the debate of citizenship and the constitutional provisions for citizenship.

Chakmas from Chittagong Hills Tract (CHT) to India

Partition, a mechanism to settle differences came as a sword into lives of many; separating land, family and even identity. The borders that were drawn in 1947, divided the Indian subcontinent into two separate nations of India and Pakistan. And by virtue of it, CHT was made a part of Pakistan. The Radcliff line separating India and Pakistan divided lands and families of various communities residing near the newly imposed border, leaving them in a dilemma whether to join India with which they share affinity or to join Pakistan of which they were forced to be a part of.³ It came as a blow to the people of CHT who after continuous appeals to remain in India, was attached to East Pakistan. The CHT, despite being an area with increasingly non-Muslim population with 98 percent of its people practicing Buddhism and few being Christians and Hindus; were handed over to East Pakistan.⁴ The Radcliff Award came as a shock for many and even after almost 70 years of partition, the reverberations of it are still felt and lived by many communities living along the borders. Rejecting the plea of the CHT People’s Association, on very flimsy grounds that CHT was inaccessible from India.⁵

When after partition, CHT was forcefully made a part of Pakistan, the post colonial government of Pakistan undertook various policies by which attempts were made to marginalize the hill people and assimilate them with the mainstream Bengali speaking Muslims. The government of Pakistan took various measures to integrate the hill people with the Bengali speaking Muslims of the plains. Thus, the post colonial initiatives of state building and nation building along with the sway of development left the hill people as alien in their own land. The hydropower project that was set up in the Karnaphuli River by the Pakistan government, made inroads for the Bengali Muslim people from the plains into CHT in huge numbers. Scholars have argued that influx of non-tribal into the hills has been an outcome of a well-planned policy of the government.⁶ The lives of the hill people were at stake by these projects as the Kaptai Hydel Electric Project had submerged a vast area inhabited by the Chakmas uprooting many families. Among the displaced, around 90 percent of them were Chakmas who were never adequately rehabilitated.⁷

As a result, many hill people fled to neighbouring states of Burma and India. They are still living under distressing conditions as refugees and stateless people in Tripura, Mizoram and Arunachal Pradesh of India. Around 40,000 people crossed over to India, some migrated to Tripura with an intension to settle as people of same origin were already residing there for a long period of time. However, the government of Tripura did not welcome the displaced people and they were kept in refugee camps. The government of India later decided to settle these incoming hill people from CHT in Andaman and Nicobar Islands, which was later changed to North East Frontier Agency (NEFA). The Chakmas were settled in large numbers in the empty lands of NEFA (now Arunachal Pradesh).

Chakmas in Arunachal Pradesh

With a total land area of 83,743 square kilometers, the state of Arunachal Pradesh emerges as the largest state among the eight states of northeast India. Located far east of India, Arunachal Pradesh is known as the 'Land of Rising Sun'.⁸ Its location on northeastern border of India is of strategic importance, as it shares three international boundaries on its three sides. Towards its north is the Khams or Khamsyul states of Tibet separating Arunachal Pradesh by a 700 mile long border known as Macmohan line till 1914, on the west lies Bhutan, towards its south and southeast is the Indian state of Assam and Nagaland

and it shares its eastern border with Myanmar with the Patkai range separating the two states.⁹ Of the total population of 10,91,117, according to 2001 census, 63.7 percent constitutes the indigenous population.¹⁰ The state is divided into eighteen districts; they are; Papumpare, Changlang, Lohit, West Siang, Tirap, East Siang, KurungKumey, West Kameng, Upper Subansiri, Lower Subansiri, East Kameng, Lower Dibang Valley, Tawang, Upper Siang, Anjaw and Dibang Valley, Longding and Namsai.

The Chakmas migrated to India during 1964-69 from erstwhile East Pakistan (present day Bangladesh). The Chakmas, during their migration followed two routes to reach India; one through Tripura and the other through Lushai Hills district (present day Mizoram). As they moved to Assam, the State Government of Assam expressed its incapability to accommodate the Chakmas as many new refugees settled already in Assam. 2,902 Chakma and Hajong families consisting of 14,888 persons were settled in Changlang (former Tirap), Papum Pare (former Subansiri) and Namsai (former Lohit) districts of Arunachal Pradesh in various batches.

In the initial years after the settlement of the Chakmas, between 1964-1986, there was no resentment by the locals against the Chakmas. A sudden change in the attitude of the state government and the local population towards the Chakmas was evident in the 80's. In 1980, Chakmas and Hajongs were banned from government services and Chakma and Hajong children from government schools. The ration cards that were given to the Chakmas as refugees were taken away in the 80's. Therefore, Chakmas are now left in a situation where they can neither avail the benefits of refugees nor the benefits of being citizens. Chakmas are denied of even birth certificates, hence no domicile provided. Therefore, they are incapable of applying in any kind of government jobs. They are also not included in the Public Distribution System (PDS), hence no ration card to buy items at subsidized rates. Thus, the Chakmas in Arunachal Pradesh are extremely marginalized; deprived of basic social and economic rights, with no legal status, their claims for political status and land rights are curtailed every time; albeit, the fact that the Chakmas in Arunachal Pradesh are residing there from last 6 decades meeting all the requirements to become citizens of India.

Limited Citizenship to Chakmas: Claims and Counter Claims

The present state of the Chakmas' citizenship has

rested on the abstruse notion of 'limited citizenship'. The Union Home Ministry on 13 September 2017, in order to comply with the 2015 Supreme Court order to grant citizenship to some 54,000 Chakma and Hajong, came up with the decision of granting limited citizenship.

Finally, after eight years, on 17 September, 2015 a bench of Justice Anil R. Dave and Justice Adarsh Kumar Goel of the Supreme Court delivered the final judgment and order directing the state of Arunachal Pradesh and the Union of India as follows;

*"... we allow this petition and direct the Government of India and the state of Arunachal Pradesh to finalise the conferment of citizenship rights on eligible Chakmas and Hajongs and also to ensure compliance of directions in judicial decisions referred to in earlier part of this order for protection of their life and liberty and against their discrimination in any manner. The exercise may be completed at the earliest preferably within three months from today."*¹¹

The AAPSU opposed the judgment and held series of protest rallies in Arunachal Pradesh and New Delhi. Both the state and AAPSU have filed Review Petitions seeking modification of the September 17, 2015 judgment but both were dismissed in the judges' chamber without according a hearing in the open court.¹² Finally, on September 13, 2017 the Centre decided to deliberate upon the matter of granting citizenship to the Chakmas and Hajongs as per the 2015 Supreme Court declaration.¹³ This decision to come to a workable solution was arrived upon in a meeting headed by Home Minister, Rajnath Singh and was presided over by the National Security Advisor (NSA) AjitDoval, Union Minister of State for Home, KirenRijiju and Chief Minister of Arunachal Pradesh, Pema Khandu.¹⁴ KirenRijiju, Union Minister of State for Home conveyed that the Centre is hopeful of finding a middle ground in implementing the 2015 order of the Supreme Court, at the same time taking care of the indigenous people's rights so that they are protected and are not diluted.¹⁵ The 'middle ground' was proposed in the form of 'limited citizenship' by which the Chakmas and the Hajongs would be granted citizenship without access to special rights that have been imparted to the 'indigenous people' like ownership of land and Arunachal Pradesh Scheduled Tribe status (APST). Here, it should be mentioned that Arunachal Pradesh is a tribal state where land rights are granted only to those who acquires 'Scheduled Tribe' status, which has been denied to Chakmas and Hajongs. Furthermore, the Union Minister of State for

Home had also suggested the Centre that the Chakmas and the Hajongs should be treated like any other Indian or foreigners whereby allow them to enter the state of Arunachal Pradesh only with an Inner Line Permit (ILP).¹⁶

The Centre's decision of achieving a middle ground was vehemently criticized by both the groups, the AAPSU which represents the 'non-Chakmas'/indigenous people in the state as well as the Chakmas. The state witnessed massive outrage with protests and *bandhs* called by the AAPSU. Almost all tribal organizations and NGOs backed AAPSU's 12-hour-dawn-to-dusk shutdown of the state¹⁷ AAPSU General Secretary, Tabom Dai expressed with abhorrence;

*"The support for our agitation has sent out a loud and clear message that the indigenous people will not tolerate arbitrary decisions of the Centre that could change the state's demography. The response from the tribes of Arunachal, under threat of being outnumbered by refugees in certain areas, should make Delhi realize we are ready to fight for the rights of the indigenous peoples."*¹⁸

Incidences of protests and bandh was witnessed not only in the capital city of Itanagar but also in other places of the state like Namsai, Nirjuli, Roing, Daporijo and Ruksin.¹⁹ While almost all districts held a peaceful bandh, the 12-hour statewide bandh took a violent turn in the Capital city when protesters clashed with security forces and resorted to damaging public property like burning down Arunachal Pradesh State Transport Services (APSTS) buses.²⁰

The Chief Minister in order to respond to the outrageous people of his state, he expressed his dissent on the Centre's decision to grant citizenship to the Chakmas and Hajongs in a letter addressed to the Home Minister, Rajnath Singh. This response of the head of the state came immediately after the statewide bandh maintained all over the state where his concerns also echoed the position of the local people of the state. Khandu wrote,

"...I reiterate that the people of my state are not ready to accept any infringement on the Constitutional protection bestowed on the tribals of Arunachal Pradesh and want to ensure that the ethnic composition and the special rights enjoyed by the tribes of my state are safeguarded at all cost".²¹

'Limited citizenship' declared by Rijiju implies that the Chakmas would be refrained from ownership of land so that creates bewilderment if the Chakmas

would be allowed to own the land that they were allotted by the government at the time of settlement. Another aspect of 'limited citizenship' was that the Chakmas have to obtain Inner Line Permit like any other non-tribals to enter the state of Arunachal Pradesh. This created another spool of confusion and chaos among the Chakmas.

Conclusion:

The Chakma-Hajong issue has been over politicized which if not met with a permanent solution at the earliest, the situation will aggravate in the state. As have been already discussed, the solution of 'limited citizenship' remains hare brained, as outlines of the concept are still not defined and hence remains ambiguous. This ambiguity raises confusion and fear of the unknown both in the minds of the Chakmas as well as the non-Chakmas. Given the resentment of the Arunachalis against granting citizenship and APST status to the Chakmas, the Centre should come with a solution that is best for both the stakeholders, where none infringes into the rights of the other. It is also important to take note here that the Chakmas and the Hajongs are the victims of unjust partition and consequent modern state building process, leading to a majoritarian democracy, where the voices of the people have been restrained by the more comprehensive articulation of their representatives. Furthermore, the so-called refugees very well qualify to be citizens according to the Indian Citizenship Act, 1955. As the Chakmas those who migrated are eligible for citizenship under Section 5 (a) of the Citizenship Act, 1955 and those who were born in India are already citizens under Section 3 (a) of the Act. So, the Chakmas have already been deprived of their rightful entitlements and benefits for more than five decades now. More delays will only deteriorate the situation and lead to further deprivation of the community. The handling of the issue of Chakma-Hajong refugees by the Government of India from the time of their migration from East Pakistan to India has been criticized over the discourse that has developed on the issue. This is a case where the refugees were settled with full support and assistance by the government in a place, which is protected under a number of laws that restrict the entry and settlement of Indian citizens let alone refugees and now left in a state of statelessness. This also shows the nonchalance of the Centre towards the peripheral regions and its people. The only exercise that would possibly succeed in such a situation is to arrive at a resolution that does not undermine the rights of both the parties. A resolution that neither dilutes the rights of the Arunachalis nor

denies the Chakmas and Hajongs from their rights and liberates them from their long drawn deprivation.

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NATURE OF WELFARE STATE AND SOCIAL WELFARE SYSTEM IN INDIA

Praveen Kachhap

India is a low-income country. It has one of the most diverse and fragmented communities in the world. The per capita income of Indians falls among the lowest-income countries. Without support from the State, it is impossible for Indian society to achieve the "Sustainable Development Goals". Poverty, malnourishment, illiteracy, and income inequalities are still big issues in India. The paper aims to study the benefits of social welfare programmes in India and describe the meaning of the Social Welfare State in the Indian context. Over the period of time, the nature of the welfare state all over the world has changed. In the Indian context, the paper shows how social welfare programmes have benefitted the diverse society. In India, the nature of the state towards the social welfare system has changed; more and more right-based social policies were enacted in the 2000s to benefit the Indian population.

Keywords: Welfare State, Poverty, Economic Growth and Gender Equality

Introduction

Social Welfare State is a concept of Government where a state plays a vital role in protecting and promoting citizens' economic and social well-being. The concept of a Social Welfare State is based on the principle of opportunity and equitable distribution of wealth. It aims at the governmental responsibilities for those who cannot avail themselves of the minimal provision of a good life. Under this system, the State has the responsibility for its citizens' welfare and development.

Post-independence, India provided direct services to its citizens; State had a top-down approach. Over the years, the State has transformed itself, and the nature of the State has shifted. The State still provides social welfare programmes, but the concept has changed. In a Neo-Liberal Growth Model, State provides opportunities, and it is the citizen's responsibility to avail it. In this context, the State assumes that citizens' participation is essential for their development. Indian State has enacted many right-based social welfare legislations in post-independence, which compels the State to provide social and economic development to its citizens. In addition, the State has initiated a decentralization process to give maximum participation of people in the decision-making process. It has improved the economic and social conditions of people.

This paper is about a shift in the nature of the welfare state, followed by the theory of two forms of the social welfare state. It also provides the detail on the Indian State and Social Welfare followed by the Social welfare system in the Neoliberal era. The following section presents the theoretical understanding of the Indian Welfare system.

A Shift in the Nature of Welfare State

In the Indian context, the nature of the State has changed significantly from a Nanny State to a Social Investment State. Social Investment State is the State that promotes positive welfare in which people would participate in the State's progress, welfare and development. The new social welfare state justifies social spending in human capital, contributes to enhancing individual opportunities, and expands right-based social welfare legislation. In the growth model of development, State's role still exists in providing social welfare activities, but the nature of the State has changed. The State institute is being restructured, the public welfare delivery is done through a decentralized structure, and private entities and civil societies are included.

The Welfare States, especially western countries, have seen significant changes in the social welfare system. They have experienced intensive pension reforms, health system restructuring, more active

approaches to unemployment and disability, and increased targeting through various measurements.

A critical change in the social welfare system is based on socialist ideas of rights and redistribution. The right-based social welfare system is an empowering approach. It comes from the Universal Declaration of Human Rights (UDHR), which suggests that citizens have justifiable entitlement, with human dignity and worth, to basic services (food, education, health and employment), and nation-states have an obligation to meet those entitlements and citizens have a responsibility to fulfil duties. Right-based social welfare signifies the appropriate management of social problems, sufficiently meeting human rights and needs, and creating equal opportunities for people to know their potential. Right-based approaches to social welfare and development are gaining recognition in policy and practices as they provide empowering and enabling perspectives to citizens and nation-states.

Social Welfare State involves the state's responsibility and accountability for securing a bare modicum of welfare for its citizens. The Welfare State is not just a mechanism that intervenes in and possibly corrects the structure of inequality; it is a system of stratification. It actively and directly orders social relations.¹

According to Marshall,² there are four types of the social welfare state: 1) They must involve the granting of social rights; it entails a decommodification of the status of individual vis-à-vis the market, 2) Social citizenship involves social stratification, and 3) The Welfare State must be understood in term of the interface between the market, the family and the State.

The modern Social Welfare State concept emerged in the late 19th century in Germany. It was political manoeuvring and state-building of the German lawmaker Otto Von Bismarck, the strong Chancellor who unified the whole German State into the 'Second Reich' based on *Blut und Eisen*. He wanted to create state socialism and dependency to develop loyalty towards State from its citizens. The German Social Insurance resulted from his initiatives in the late 19th century.

Types of Welfare State

According to Bo Rothstein,³ a social welfare

state can be organized in two ways. In the first model, the State's primary goal is to direct the resources to the neediest people, requiring robust bureaucratic control over the people concerned. It requires the bureaucracy and public service providers to know who is in need and minimize delivery flows. The unintentional result is a sharp division between the receivers and the providers of social welfare. Most often, welfare providers are likely to reject the whole idea of the social welfare system because they will receive nothing from it. This model is prevalent in the United States of America.

In the second model, the State disburses welfare with little bureaucratic interference to all citizens who fulfil established criteria, for example, having children, receiving medical facilities and others. This model runs on high taxation, and everything is given back to the taxpayers with minimum bureaucratic expenses. The achieved result is a broad supporter of the system since most people get at least some welfare. This model was designed by the Scandinavian ministers Karl Kristian Steincke and Gustav Moller in the 1930s and is found in Scandinavia countries.

T.H. Marshall, a British Sociologist, argued that the government should provide a minimum standard of income, nutrition, health, housing, and education to every citizen as a right, not a charity. William Beveridge, a British Economist, also emphasised that the objective of the Government is to take care of the happiness of the common person, not to glorify the rulers. In his report, '*Social Insurance and Allied Service*' published in 1942, he led the foundation for the Welfare State. A modern State is an idea of justice and freedom. The theoretical argument is that freedom is social justice, and social justice is freedom. Therefore, Government has to ensure welfare, social justice and contribute to the common good.⁴

The first generation of Welfare State's studies has aimed mainly on the theories of industrialization and rising Welfare State expenditure in industrialized countries. Industrialization brought demand for public spending as the system of social support based on kingship and the ancestral tradition of agrarian societies where it was swiped out. Dependence on wage labour grew dramatically. The study showed State's new and expanded role in maintaining the labour force and coordinating the complex urban society.⁵

According to Esping-Andersen, there are three types of welfare models. First is the '*Beveridge*' system, controlled by insufficient social security and small social transfers: sometimes targeted and sometimes universal. The followers of this model are the United Kingdom, Ireland, the United States of America and Australia. The second model is the '*Bismarck*' system which is considered as corporatist and conservative. The characteristics of this model are: the conventional role of the family, the traditional male wage-earner model, social security is given through the insurance system, only the wage-earner of the family is insured for the whole family, the contribution is the basis for the right of social transfer (dependence on the amount of the salary, insurance mostly or partly paid by employers). The third social welfare system is a social-democratic or Scandinavian (Nordic) regime where social transfer is universal and social rights are for all. This model came into existence in the mid-1950s. It is known as a high standard of social transfers to all. It was developed by the historical capacity of social democrats to accommodate the benefits to the working/middle class and capture farmers' expectations. Sweden, Denmark, Norway, Finland and Iceland follow this model.

Adam Smith, the economist, gives the different theories of State and market. He stated that the market was the superior means for eliminating class, inequality, and privilege. State intervention would only prevent the balancing process of competitive exchange. It would also create monopolies, protectionist behaviour and inefficiency in the economy. The German Historical School, particularly Friedrich List, Adolph Wagner, and Gustav Schmoller criticize Adam Smith's *laissez-faire* approach. They believed that the raw nexus of the market was not a guarantee of economic efficiency.⁶

John Stuart Mill also agreed that the State should partially regulate the market but believed that equality and prosperity would come with minimum state interference and the maximum free market.

Marxist political economists rejected the market's transforming effects. They criticized the liberals' claim that the market would guarantee equality in society. Maurice Bobb⁷ said that capital accumulation refuses to acknowledge the people's property, resulting in deeper class division.

Most of the available literature on the Social Welfare State has been focused on power, industrialization and capitalist approaches towards welfare. Thus, the Social Welfare State has received very little attention in the literature. The first-generation studies on the Social Welfare State are based on the level of social expenditure by the State. They assumed that social expenditure indicates the State's commitment to social welfare. Expenditures are secondary phenomena to the theoretical explanation of the Social Welfare State. Austria allocates a considerably large share of the amount on the privileged civil servants.⁸

There is a considerable debate over globalization and the social welfare system. The first time discussion was started by Karl Polanyi and later carried by John Ruggies through the concept of embedded liberalism. They argued that the State must take responsibility for social welfare to soften the harmful effect of the international market. Their concern was that globalization might have an adverse impact on Social Welfare State and its policies.⁹

There are three main arguments concerning the relationship between globalization and social welfare spending: the 'Efficiency Thesis', the 'Compensation Thesis', and the 'Statist Thesis'.

The efficiency thesis says that despite fragmented structure and national differences, all states would accept neoliberal policies to maintain international competitiveness in a globalised world. As a result, when followed, governments find more difficulties protecting their citizens from market-generated risk and inequalities.

The compensation thesis argues that international market exposure promotes more lavish government spending on redistribution programmes that compensate for market-generated inequalities. In the twentieth century, a study supporting the idea showed a positive relationship between trade exposure and government social spending.¹⁰

The statist thesis considers the state institutions more important. Swank¹¹ disputed the systematic and direct linkage between international capital mobility and social welfare policies. As a concluding remark, he said that domestic political institutions resolve the adverse influence on social welfare from globalization.

Indian State and Social Welfare

The social welfare thesis has been developed in industrialized countries; therefore, they do not sufficiently detail the changing trend of social welfare spending in the Indian context. Analysis of the Indian social welfare system needs a more extensive discussion. Thus sometimes, the social welfare theories do not serve the purpose of the Indian concept of the social welfare model.

In the Indian concept, social welfare was not the focus of the State during British rule. The emphasis was on maintaining law and order and exploiting the Indian economy. However, with the creation of a new State and the adoption of the Constitution, the welfare provisions were brought to the State's functionary.

India's welfare and social policy has been constantly being reviewed since 1947. After independence, India's policy was bent towards welfare and social policy. During the Jawaharlal Nehru regime, the State provided services to its people. There was a top-down approach, where the State decided what services should be given to its citizens.

The Directive Principles of the Indian Constitution led the country towards a welfare social system. It was needed at that time because, in 1947, India was a developing country, and essential services were not affordable to the citizens of India. The idea of social welfare has been strengthened in the Directive Principles of State Policy, which establish the economic, social and political goals of the Indian Constitution. It directs the central state governments and agencies to adopt definite fundamental principles while formulating the policies. The Directive Principles assure that the State would work for social justice, growth, education, public health care system, economic and social rights of women, Scheduled Tribes and Scheduled Caste, and removal of poverty. However, being non-justiciable, it is crucial to know that the Central and State governments are not compelled to implement the Directive Principles.

The Preamble of the Constitution undoubtedly points out the general welfare of the people as one of the main goals of the Union of India. The objective of the Preamble is "To secure to all its citizen's justice, social, economic and political, liberty of thought, expression, belief, faith and worship, equality of

status and opportunity".¹² The Indian Constitution was drafted at the end of the Second World War when the concept of welfare was very much prevalent; therefore, the idea of the social welfare state is very much induced in the Indian Constitution. Nevertheless, in Indian Constitution, the word 'Welfare State' has not been clearly mentioned.

In the 1980s, neoliberal reforms started, and the promotion of privatization in health, education and other social services began. It was the denial of state responsibility in the social welfare areas.

With the surge in international capital mobility and steadily upward trends in trade integration since 1970, the welfare states of Western countries have faced financial pressure. Therefore, they have been reduced the public expenditure. However, Sweden and other Scandinavian countries kept their spending on social welfare schemes, giving them good results.

India is a social welfare country by nature, but it has reduced its social spending in the post-liberalization period. The share of social sector expenditure in total expenditure fell from 38.5 per cent in 1990-91 to 29.7 per cent in 2004-05. As a GDP ratio, social sector expenditure also fell during that same period from 6.1 per cent to 5.4 per cent.¹³

In India, the state government is responsible for social expenditures. Across the country in the post-liberalization years, various states in different parts of India have shown diverse social spending.

There are two main categories in the Indian context that broaden the understanding of the development of the social welfare system. First, it deals with a bottom-up approach, indicating that redistributive policies are promoted. In the Social Welfare State, institutions such as trade unions or labour movements play a vital role in framing policies during welfare policymaking. In industrialized countries, the trade unions or labour movements were potent, but Indian context, these movements are not strong as their Western counterparts.

In Kerala, the trade unions are more robust than in the other part of the country. They have a better record of successful negotiation with the Government in terms of social welfare policies. Still, at the same time, in Tamil Nadu, trade unions are not united, and they failed to negotiate. The labour-centric literature

argues that the growth of a Social Welfare State relies on a well-organized labour movement. If this literature is applied, India does not fit appropriately into it because, traditionally, Indian labour movements are weak. The trade union covers only formal sectors, not informal sectors. In 2008 more than 85 per cent of the total labour workforce worked in the unorganized sector.¹⁴

The second category is established on a top-down model where emphasising is given to the role of state institutions. These institutions may be the polity's system of the collective group and electoral interest representation. Proponents of these explanations claim that the performance of governments is related either to the strong-soft state distinction or to the extent of deinstitutionalization of the Indian State or specific party organizations and party systems.

India is a Social Welfare State where the state apparatus is being used for the welfare of the people. The State formulates social policies and programmes to achieve the aims and objectives of social welfare. It also enacts social legislation, allots financial assistance and provides organizational and administrative linkage and support by creating departments and ministries. It also coordinates with non-governmental organizations for the proper and effective implementation of social welfare programmes. The State machinery plays a vital part in implementing the social welfare policies.

Richard M. Titmus¹⁵ said that in a social welfare state, the administration might broadly be described as the study of social services whose objective is to improve the individual's condition in society and the State. The welfare state administration is the social administration because it deals with people's welfare. In India, the administration is more concerned with implementing social policies passed by the parliament.

The British Government established the modern Indian administrative system primarily to maintain law and order in the country. Though it was not set up for the implementation of social schemes, but it benefited the Indian community. Post-independence India embraced the same British administrative system with some necessary changes to cater to social, political and economic needs. The Government of India followed the Russian development plan model focusing on the five-year plan. In August 1953, India established the

Central Social Welfare Board (CSWB) at the central level and Social Welfare Advisory Boards (SWAB) at the state level. The CSWB's primary objective was to provide financial and technical support to non-profit organizations working for social welfare.¹⁶

Before 1964, social welfare programmes were handled by respective ministries. In 1960, the Renuka Ray committee recommended the establishment of the Department of Social Security. On June 14th, 1964, a Social Security Department was created. The social security department started handling social security, social welfare, backward classes and *khadi* and handicrafts. Later, in 1966 it was changed to Social Welfare Department. A new ministry, Education and Social Welfare, was created in 1971 where the social welfare was located. Further, in 1979, its status was alleviated to an entire ministry. In 1984 its name was again renamed the Ministry of Social and Women Welfare. Late in 1985, it was finally renamed the Ministry of Social Justice and Empowerment.¹⁷

Social welfare projects, programmes and schemes were fully or partially sponsored and funded by the Central Government of India. The State Government and Union Territories administrated, formulated and executed welfare programmes as their needs and requirements. At present, all the social welfare programmes at the state level are being implemented through their respective Department of Social Welfare and various other voluntary organizations. The social welfare schemes are not under one department or ministry till now; they are spread over more than one department. Some of the social welfare schemes, for example, old-age pension, widow pension and supplementary nutrition programmes vary from state to state.

Social Welfare System in Neoliberal Era

With the beginning of neoliberalism, the principles that played an essential role in creating the welfare state in the post-second world war period slowly started falling apart. The new phenomenon, globalization, gave the final blow to the principle of social welfare with market forces that were earlier considered under the State's realm. Neoliberalism strongly believes that the fiscal deficit is critical for any country in the world. Neoliberalism also promoted the idea of the free market and less state intervention. It is generally understood that state

expenditure on social welfare and neoliberalism do not go together. In the neoliberal era, India stood firmly with social welfare policy when the rest of the countries worldwide curtailed their spending on social welfare. Though India cut its budget on social expenditures, it still largely remains a Social Welfare State through state intervention and redistribution.

The rights have never been central to the philosophy of social welfare that binds the welfarist initiative of the Indian State. Indian economy today is very much influenced by the global economy as there is a fair integration with various other countries. In 2011, India's trade as a percentage of GDP stood at 25 per cent and also it was one of the most favourite Foreign Direct Investment (FDI) destinations. India opened its border to the global market in 1991 but still puts social welfare at the top of the agenda.¹⁸

Amartya Sen and Jean Dreze¹⁹, in their book, *India: Development and Participation*, said that the free markets could be linked with greater sharing of free economics among labour forces. Further, the authors suggested that the free market would help in the employment programmes, the expansion of education, healthcare, and other fields. Neoliberal globalization focuses on the accumulation of wealth rather than distribution. Globalization has severely affected India, constraining the State's autonomy to adopt its counter mechanism against various social issues.

In India, education is a social good. Its share of global literacy is only 37 per cent, and school enrolment is very poor. Though India has followed the path of liberalization, it firmly holds the ground against the commercialization of education by not leaving it to the free market forces. Privatization of education has become a global phenomenon, but there is a parallel movement towards the decommodification of education in India. The Government of India brought the Right to Education Act (RTE), which provides free and compulsory education of all children in the age group of six to fourteen years, as a fundamental right.²⁰ But the RTE covers only a part of the role that the Indian State plays in the education imparted to its people. RTE was severely criticized when introduced, but Government massively funded the programme targeting the poorer and marginalized communities of the country.

43 per cent of Indian children under five years are underweight, which shows much of the world's malnourished belong to India; the Government started the midday meal scheme that provided meals in school to poor children.²¹ The midday meal scheme was popular and thriving more than other social welfare schemes. However, despite having the midday meal scheme, millions of children are malnourished and underweight. Nevertheless, theoretically, food has now become a constitutional right in India.

Indian theory of the Welfare State does not fall in the Western context. India does not follow many of the definitional criteria associated with the Welfare State. In Western theory, the meaning of the Welfare State is to provide a corrective mechanism or compensate for market-generated inequalities. However, in India, the definition of welfare is State directed intervention and capitalist path of development.

The central theme of the Western Welfare State is derived from deontological theories of rights. In Western philosophy, the idea of the Welfare State has been challenged constantly by libertarian economists and political philosophers. According to them, the core of liberalism, freedom and rights are threatened by welfare philosophers and the Welfare State. Therefore, in the Western context, the critique of the Welfare State has two aspects, moral and economic. The economic aspect of the argument is that it will make the Government inefficient and overloaded. The moral part of the argument is more vocal, and it is based on the individual rights and legitimacy of state intervention. In this context, a redistributive initiative by the State is not acceptable because it is claimed to be an encroachment on individual freedom. According to the Welfare State, a taxation is an essential tool for development, but in a libertarian context, it is the same as forced labour. It is a violation of the right of individuals to the product of their labour, and it is identical to giving some people property rights in others.²² The first and foremost virtue of social institutions is to protect the rights of individuals, and this function is best performed by a minimal interventionist state.

In the Indian context, the argument has gone on the efficiency of Government under the Social Welfare State. The critique against the public sector is because of its inefficiency and wastefulness. The benefits of social welfare schemes do not reach their intended

beneficiaries. The concern of social justice leads to faulty economic and planning policies and makes a massive power-hunger state. The moral aspect of the argument is absent in the Indian context.

The Indian State has been characterized as an interventionist state rather than a welfare state. India was not a State that deliberately took on the responsibility to provide its citizens' rights. The orientation of post-independence was to modernize the country in various spheres. The growth with equity formula conveyed that development was the essential and fundamental precondition for social justice. A state that cannot provide the bare essentials to its citizens will be incapable of delivering social justice to its citizens.

The interventionist states primarily focused on modernization through industrialization. Its social welfare initiatives were guided towards redressing the inequalities caused not by the market but by imbalances in the ownership and use of land and resources.

Theoretical Understanding of the Indian Welfare System

There is a question of in what philosophical ground India lies. There are two appropriate groundings for a philosophy of welfare in India: a needs-based conception of justice and a theory of rights and obligations. The moral idea of state intervention is frequently associated with the concept of basic needs, which requires redressal by public authority.

Within a needs-based approach, state actions as the public provision of minimum need sufficiently meet the requirement of justice. This approach does not leave any room for rights-based individual or collective action. A right-based approach asks for recognition of the moral imperative by the State, bearing the responsibility for its citizens. The right-based approach may support State being inactive in the absence of clear challenges by individuals or social groups. In this way, both needs and rights-based approaches appeal to the fundamental value of justice. There is an important difference between them, rights may carry the mandate of enforceability, needs may create rights, but it is not necessary. However, they both appeal to the justice of the idea. The unique characteristic of such rights and needs is that they

belong to the public domain and appeal to a public authority for redressal.

The idea of need supports the basis for a conception of justice and brings the notion of charity. It also brings the agreement between these two ideas. Basically, both charity and the need-based conception of justice refer to the idea of need, and they are non-obligatory and unenforceable in nature. Two significant differences can be pointed out between the notion of charity and the need-based conception of justice. First, they are based on their moral foundation. Needs, particularly the basic needs, may morally require fulfilment within the charity framework. Within the framework of charity, it is ethical to help the needy; however, there is no compulsion to do so. Secondly, needs-based principles of justice appeal to a public authority, while the idea of charity usually belongs to a private domain, but it does not keep an obligation on individuals, institutions or governments. The idea of charity has always come under the notion of welfare in social theory, appealing to the idea of altruism.²³

In these theoretical arguments, the philosophy of welfare followed by India has two important features, which are as follows:

- The rights are embedded in the Fundamental Rights of the Indian Constitution, which are primarily liberty rights, and welfare rights are entrusted to the *Directive Principles* of state policy.
- India abides by a needs-based conception of justice in theory, but in practice, it goes with a welfare philosophy based on ideas of charity and altruism. The idea of a right to welfare is ruled out. The state policy on hunger, especially during the famine, when relief work is called for, is the perfect example.

In this way, an interventionist state can go with the absence of rights. Following the above argument, India can be kept in the category of the interventionist state, which has initiated welfare activities. However, there was no recognition of welfare as a right in India until 2004.

There is frequent demand for economic deregulations rather than demand for a rethinking of the welfare commitments of the State. Policymakers

know very well that the Government cannot get rid of responsibilities for social welfare services. There is no option for the Government but to take direct and straight responsibility for welfare activities. However, there are more important economic questions as to how expenditure or subsidy can be targeted and how these services will be delivered at minimum cost. There are some fundamental difficulties in the path of social welfare in India. Identification of beneficiaries is complicated because of the vast diversity in the country. There are arguments that there should be a reduction in the list of subsidized services instead improve the quality of services. In the neoliberal era, there should not be a demand to end the Government, but there should be a redefinition of the role of the Government to improve the quality of state intervention.²⁴

The Western concept of the welfare system is linked with particular models of politics. But in India, the concept of welfare lies in how the question of development is undertaken. Therefore, the social welfare concept in India has been defined outside the realm of politics. But, at the same time, welfare agendas have been used politically to win the elections.²⁵

The Indian welfare initiatives have been condemned because of their dull implementation and fewer social policies. India is one of the countries where poverty, illiteracy, malnutrition and inequalities are very high, but it has enacted very few social policies compared to other developing nations. India significantly spends less on health and education, causing lagging behind to its neighbours in East and South East Asia. According to Asian Development Bank, India ranks in the bottom half in social protection spending. To encounter various social issues, the Government of India in the 2000s enacted rights-based legislation such as the right to employment, the right to food and the right to education. The corporate and middle classes did not like it. They felt that these policies are part of populist policies and waste of resources.²⁶

In India, absolute poverty is now less than in the 1960s. The social and economic inequalities have increased in the post reforms years. After massive anti-poverty programmes, 250 million people went to bed without food, and 750 million people earned less than one dollar a day. Growing inequalities keep

people out of the market, school, college and power. The Government continues to disagree on increasing public spending. The condition of poor people is still bad; they live worse than the standard of sub-Saharan Africa. Economic and social development is being prevented by inequalities.²⁷

During the great depression, Will Roger said that money was all appropriated for the top in hopes that it would trickle down to the needy.²⁸ It is called a trickle-down theory. The theory was not successful in bringing equality to the world.

Knowing that the theory would not work in India, the newly independent Indian leaders brought various poverty alleviation programmes. There has been a notable change in framing the poverty alleviation programmes in recent times. Dismissal of the Social welfare programmes is very frequent when they do not bring the desired result. The poverty level of India had declined due to social welfare programmes.

Conclusion

The Indian State has shifted its nature to the right-based approach to governance. In the last decade, India has enacted several right-based acts starting from 2004. National Food Security Acts (Right to Food Act), the right to information, the right to work (MGNREGA) and the right to education came into existence one by one. The Indian State has changed the development paradigm by enacting these rights-based legislations. The Indian State thinks that the right-based legislation can guarantee the progress of its people. The social welfare system has worked well in a highly fragmented Indian society. Since 1947, State has put all its efforts into making overall development for its citizens. These efforts have got successful in some areas. There are positive results in many sectors. The illiteracy rate, infant mortality rate, and maternal mortality rate have come down considerably, yet it is insufficient. India has to work hard on malnutrition, education, health, sanitation, gender discrimination, and livelihoods. The pace of success is slow but steady in many areas. In the new phase of development where people have got right-based social welfare schemes, the future looks bright for the Indian State. Social welfare schemes have performed well in many states. Social welfare schemes are not ineffective by themselves, but somewhere system makes them ineffective in many

ways that should be corrected.

India has a large number of marginal groups. Social welfare has benefitted them by uplifting their social and economic conditions. But India, as a social welfare State, has to march a long way. The BJP-led NDA government has a market-based approach for the social development. Considering the fact that Indian society is very diverse and caste plays a significant role in the social development sector, market-induced welfare programmes may not be successful. Therefore, the continuation of existing welfare programmes will be a judicious step for India.

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A GEOSTRATEGIC PERSPECTIVE ON INDIAN FEDERALISM WITH SPECIAL REFERENCE TO ARUNACHAL PRADESH

Moti Taki

The sociocultural diversity within a single political entity has long been a driving motivation for the adoption of federal governance. India's federal democracy can be seen as a continuous experiment in determining how and to what extent ethnolinguistic diversity should be recognized and given a place in the political-administrative system. In the awakening importance of India in the realm of political diplomacy the geostrategic importance of Arunachal Pradesh plays a crucial role. The term geo-strategy could be used in a wider context for Arunachal Pradesh, in which the sum of geographic and strategic elements interacts to influence or offer an edge to the adversaries or intervene to change planning, economic, political, diplomatic, and military ventures. As a result, this paper provides a temporal framework for the discussion by describing the nature of Indian federalism in terms of Arunachal Pradesh's geostrategic significance, as well as highlighting the various challenges that the state faces within the patterns of the federal response on a variety of issues.

Keywords: Arunachal Pradesh, Federalism, Geostrategy, Diversity, Centre, state.

Introduction

Federalism is a form of government in which authority is distributed among the federal government and other regional units within a territory. The forms that exist today are a result of a country's history, geography, socioeconomic, and cultural heritage.

The name 'federalism' comes from the Latin word 'foedus,' which means 'agreement or pact.'¹ It is the theory or advocacy of federal political regimes in which the final authority is divided between sub-units and a central authority. However, the widespread application of the federal concept dates to the founding of modern classical federalism in the United States.

Figure 1: Some historical federal provisions:²

Sl. No.	Historical Provisions	Features
1.	Indian Council Act of 1861	was the first significant step toward a decentralised administration under British authority.
2.	The Government of India Act of 1919	which, among other things, aimed to provide provinces with a reasonable degree of autonomy as the first step toward self-government, and established the first clear-cut allocation of resources between the centre and the provinces without any divided heads between them. Certain specific heads were given entirely to the provinces under this Act, while the remaining sources were kept by the Centre.
3.	The Government of India Act 1935	as far as the legal and institutional evolution of federalism in India is concerned, this has proven to be the most pivotal document. It presented a federal government proposal in which eleven independent British Indian Provinces and Indian States (also known as princely states) that accept the federation would join forces and become constituent parts of a federal state. In terms of legislative power-sharing, the Act established various standards for power distribution between the federation and the British Indian Provinces on the one hand, and the federation and Indian states on the other

Accordingly, Austin has rightly stated that the members of the Constituent Assembly themselves refused to adhere to any theory or dogma about federalism. India had unique problems, they believed, problems that had not 'confronted other federations in history.³ post-independence the administration of NEFA was handed over to the Government of Assam for a brief period from 1947 to 1950. Later with the issuance of the North-East Frontier Areas (Administration) Regulation of 1954, a full-scale administration of the territory was established.⁴ Under the North East Areas (Reorganisation) Act of 1971, NEFA was given a new political standing and renamed Arunachal Pradesh, before becoming a Union Territory of India in 1972. The President of India, acting through the Chief Commissioner of Arunachal Pradesh, oversaw the administration until August 15, 1975. The fourth tier of the Panchayati Raj system, the Agency Council, later called the Pradesh Council, was changed into a provisional legislative assembly, and a Council of Ministers was appointed for Arunachal Pradesh. Following the passage of the 55th Amendment bill in 1987, it became India's 24th state.⁵

Geo-Strategic Significance of Arunachal Pradesh

The traditional approach to geostrategic thinking is concerned with war and its related features like planning and preparedness but today the term "geostrategy" is so versatile that it is used to describe a wide range of competitive circumstances. Geostrategy refers to a country's foreign policy's geographic focus. Geostrategy refers to how a state directs its efforts by projecting military strength and directing diplomatic action. As a result, geographical and geopolitical variables do not always impact a state's geostrategic decisions. Due to ideological purposes, interest groups, or the whim of its leader, a state may project authority to a certain place. While it is acknowledged that the term 'geo-strategy' is more commonly used in contemporary writing in a global context, it is used in a more limited regional frame here.

Fig 2: Districts having international borders (ranging from Northwest to South East of Arunachal Pradesh):

Sl. No.	Name of districts	Bordering Country
1.	West Kameng	Bhutan & China

2.	Tawang	Bhutan & China
3.	East Kameng	China
4.	Kurungkumey	China
5.	Upper Subansiri	China
6.	Shi Yomi	China
7.	Upper Siang	China
8.	Dibang Valley	China
9.	Lower Dibang Valley	China
10.	Lohit	China
11.	Anjaw	China & Myanmar
12.	Changlang	Myanmar
13.	Tirap	Myanmar
14.	Longding	Myanmar

Given Arunachal Pradesh's geopolitical-strategic location, as well as Northeast India's in general, it is no wonder that India's foreign ties with the neighbouring and southeast Asian countries can be heavily influenced by the region. Economic and multicultural characteristics, which have an enormous effect, are further viewpoints through which the region could be placed in bilateral ties. The region's unique geostrategic environment favoured activities in which international support, if given would be beneficial for the economic development of the region and country in the long run.⁶

Arunachal Pradesh is a state in north-eastern India with an area of around 84,000 square kilometres with a long international border with Bhutan to the west (160 kilometres), China to the north and east (1,080 kilometres), and Myanmar to the east (440km).⁷ Arunachal Pradesh is of vital strategic importance for the territorial integrity and defence of India's North-East states and its security should be non-negotiable. It holds a unique position in India's geopolitical landscape. If the Himalayas are among the most important elements of India's natural defence system, the region of Arunachal Pradesh is also a part of it. The region is a prominent component of India's geopolitical topography, and it is significant in terms of India's bilateral relations with its neighbours.

Arunachal Pradesh in the Indo-China geostrategic Debate

The North-East region's geographic structure and ethnic-cultural diversity give it a distinct

appearance from the rest of the country. Because of its geographical isolation and non-typical Indian population, other countries have sought to establish a foothold in the region, especially China. As a result of the region's geostrategic and ethnic diversity, the state has the capacity to shape India's bilateral relations with its neighbours. China claimed the entire NEFA, now known as Arunachal Pradesh, and occasionally even the Brahmaputra valley, extending the situation to Northeast India.

These two Asian behemoths (India and China) are yet to resolve their border conflict. Their mutual rapprochement is being hampered by the lingering Sino-Indian border issue. Following the 1962 Sino-Indian war, Tibet's geopolitical significance became a focal point of Sino-Indian geostrategic ties. Tibet was investigated as a buffer state by British Indian officers in the early twentieth century. The British strategy to Tibet and China was based on two calculations: to thwart Russian advances in the Himalayan region and to establish economic relations with China. The demise of Tibet as a geopolitical entity has sparked tensions along the Sino-Indian border. Tibet's geography, culture, and religion have had a major impact on life in the Indian Subcontinent, and they continue to do so in matters of northern border defence and cross-border trade, resulting in massive economic transformation.⁸

The goal of the Shimla conference in 1914 was to settle and regulate the three countries' (British India, China, and Independent Tibet) relations. Tibet wished for legal acknowledgement of its independence, whereas China asserted the exact reverse. Despite these reservations, Mc Mohan drew a line along the crest of the Himalayan watershed, establishing a clear and secure border for north-eastern India. The goal of Mc Mohan's proposal to divide ethnographic Tibet into outer and inner Tibet was to formalize the reality on the ground. Tibetans reluctantly accepted the convention's suggestions, despite their dissatisfaction with them, but Beijing later rejected the convention.

From the point of its geostrategic importance until the war of 1962, the state was not adequately focused. The war had a direct impact on the entire North East area, with a particularly large impact on Arunachal Pradesh, forcing policymakers to reconsider their views on the region. Prior to the conflict, China was putting down all Tibetan resistance while also

embarking on a massive road-building initiative with strategic ramifications for India. The Chinese had the advantage of mobility. Indian soldiers in Ladakh, Tawang Sector, and east NEFA, on the other hand, had only a brigade each and were still ill-equipped and under-clad. Neville Maxwell has noted that: 'The border dispute between India and China stands exactly where it did when it first emerged half a century ago. There have been no negotiations, just numerous rounds of fruitless talks. Each side maintains claims of large tracts of the other's territory.'

Infrastructure investment is critical for every state or country's development. Infrastructure is also important in safeguarding the country's defence security, particularly in border areas. Following 1962, India's external defence strategy began to emphasise the strategic importance of Arunachal Pradesh. The survey and identification of borders, the installation of border posts, the regular deployment of the army at key points, bilateral talks, censuses of bordering populations, and the implementation of various schemes are all notable steps taken by the Indian government, indicating a growing recognition of the region's importance.

The geopolitics in this part of North East India stems from a British legacy that post-independence governments were unable to correct due to a variety of factors.⁹ The border dispute between India and China is one of the most protracted in Asia's modern history. It was an outgrowth of British India's forward policy in Central Asia during the Great Game of Power Politics between Britain, Russia, and China. Since 1957, when a new highway was built connecting Tibet's Ladakh sector to China's Sinkiang province, the Chinese have been staking claims to various parts of Indian territory all along the Himalayan border. The Chinese also staged border incidents and raised army numbers on the Arunachal-Tibet frontier.

On the Indian side, numerous additional border stations were quickly established, and border patrolling was enhanced. The first of a series of border conflicts and shooting incidents between India's and China's military forces occurred at Longju, a post in NEFA's Subansiri division at the time. It happened on August 25, 1959, when a Chinese army attacked and overwhelmed an Indian Post manned by Assam Rifles without provocation. The post was obliged to retire due to several casualties. As the Chinese

continued to expand, the Indians continued to build more checkpoints to prevent them from entering the country. The Indian government decided to send regular army forces into NEFA in August 1959 as a result of the Longju event. In contrast to the Ladakh Sector, which already had a regular army, the NEFA border was formerly defended by Assam Rifles.¹⁰

China, on the other hand, is consolidating its borderland and developing its military capabilities at the same time. The land routes that connect the centre of Chinese Central Asia, the towns of Xingjian and Tibet, with the rim areas of the subcontinent, are being built with geostrategic considerations in mind. Road development has been promoted as a crucial component of the national restoration effort with fervour while major highways connect Tibet to other Chinese provinces, there are even more intricate and useful networks of roadways connecting all of the vital and sensitive places along the Himalayan international borders. Several offshoots of the Szechuan-Tibet Highway connect Lhasa to the south and south-eastern Tibet. One such branch travels via Jora to Tsethang, Lhuntse, and Chayal before climbing Sepa in India, northeast of Tawang.¹¹

According to China's 14th Five-Year Plan, the country plans to invest almost \$30 billion in the Tibet region's infrastructure between 2021 and 2025, including new expressways, upgrades to existing motorways, and new airfields. A bullet train connecting Lhasa and Nyingchi, a border town adjoining Mechukha in Arunachal Pradesh, was

recently launched by China. In addition, current news indicates that the 67-kilometre highway connecting Nyingchi with Medog county, which is located a few kilometres north of Tuting in Arunachal, has been completed. Construction of new civilian settlements along the border areas is also part of the border infrastructure push, as part of China's newly stated intention to develop 628 first and second-line reasonably well-off communities along its borders with India, Bhutan, and Nepal. Another significant step forward in Chinese planning is the start of work on the most challenging Sichuan-Tibet railway, which will connect Chengdu and Lhasa. There are also reports of other plans to build airports and dams.¹²

On the other hand, the Indian government has put forth a lot of effort over the last 60 years to build roads, airfields near bordering territories, and other administrative infrastructure in the state. To counter the Chinese developments India is also pushing infrastructure in parts of Arunachal Pradesh. Strategically important roads, railways, and bridges like the road/rail bridge over the Brahmaputra at Bogibeel, Sadiya, Bomjir and Sissirri bridges have been completed. Six Advance Landing Grounds were commissioned at Pasighat, Ziro, Aalo, Mechuka, Tuting and Walong. The Union Government has announced the new 'Vibrant Villages Programme' to promote and strengthen connectivity in border areas in order to resist Chinese territorial claims in the State and on villages along the LAC. This appears to be a countermeasure to Chinese model villages near the LAC.¹³

Fig3: National Highways in Arunachal Pradesh:

Sl. No	New Highway No.	Description Of Highway	Length (in km)
1.	13	The highway starting from Tawang connecting Bomdila, Nechipu, Seppa, Sagali, Ziro, Daporijo, Aalo, Pasighat, Tezu, and terminating at its junction with NH-15 near Wakro in the state.	1293
2.	113	The highway starts from its junction with NH 13 near Hawacamp connecting Hayuliang and terminates near Hawai in the State.	165
3.	313	The highway starts from its junction with NH-13 near Meka and terminating near Anini in the State.	235
4.	513	The highway starting from its junction with NH-13 near Pasighat connecting Mariyang and terminating at Yingkiong in the state.	140

5.	713	The highway starting from its junction with NH-13 near Joram connecting Palin, Sangram and terminating at Koloriang in the state.	158
6.	713 A	The highway starting from its junction with NH-13 near Hoj connecting Yupia and terminating at its junction with NH-415 near Pappu (near Naharlagun) in the state.	35

Apart from the above-mentioned National Highways, Arunachal Pradesh also shares several highways that travel from Assam to Arunachal Pradesh and from Arunachal Pradesh to Assam, such as the NH-15, 115, 215, 315, 315A, 415, and 515. The total provisional expenditure on the Construction of National Highways from April 2014 to March 2018 for the state is Rs. 2,484.62 as per the update given on the Government website.

Door for Economic Opportunities

The current 'inward looking' developmental policy paradigms must be supplemented with an 'outward looking' approach focused on market and trade to accelerate the State's development process. The changing scenario in international trade under the WTO regime, India's emphasis on signing trade agreements with several foreign countries, including South and Southeast Asia, and India's Look East policy can all help Arunachal Pradesh in its efforts to implement this outward-looking development strategy. Arunachal Pradesh's geographical advantage of sharing a border with three foreign nations, namely China, Bhutan, and Myanmar, can be extremely beneficial in pursuing its trade-based and market-led 'outward oriented' development plan. China's annual growth rate of 9% to 10% can provide good markets for a number of Arunachal Pradesh's potential products.

Arunachal Pradesh, with its vast resource base, has the potential to be a major supplier of many of the commodities sought by China's expanding affluent middle class. Furthermore, the ASEAN region's rapid growth will provide opportunities for Arunachal Pradesh's border trade. Arunachal Pradesh has the ability to produce some of the items that

India already exports to other countries, especially those that border Arunachal Pradesh, such as coffee, tea, spices, fresh vegetables and fruits, and so on. Arunachal Pradesh is currently unable to capitalise on these opportunities due to a lack of awareness among potential entrepreneurs, cross-border transportation bottlenecks caused by the closed border, and a lack of adequate investment for large-scale production of these items for export, among other factors.¹⁴

The phrase geo-strategic is not narrowly defined in terms of a counterbalance, but it is widely understood in a broader context by locating three geo-economic corridors to develop our cross-border connections and promote India's national interest vis-à-vis Myanmar, Bhutan, and China. Nampong could be a possible geo-economic corridor for India's economic interests with the Association of Southeast Asian Nations (ASEAN). The development of the Nampong would encourage sub-regional and regional cooperation, as well as provide opportunities for Arunachal Pradesh to work with the Association of Southeast Asian Nations (ASEAN), the Mekong-Ganga Cooperation (MGC), and the Bangladesh-China-India-Myanmar (BCIM) Forum on a variety of fronts.

Tawang could serve as a possible geo-economic corridor to Bhutan, bolstering India's commercial interests in the region. Tawang-Lumla (Western Arunachal Pradesh)-Trashigang (Eastern Bhutan) highways should be created to improve economic growth and development in the region, given the strategic importance of the location. It would not only provide speedy access to Guwahati, Assam but also allow for regional cross-border collaboration. Kibithoo, located in Arunachal Pradesh's Anjaw district has geo-economic benefits for development as an all-weather route to China's Tibet Autonomous

Region, Sichuan, and Yunnan. It would give Indian companies easier and faster access to the southwestern and south-eastern Chinese markets. The projected geo-economic corridor will thwart Chinese expansion in the region while also bolstering India's strategic importance along the McMahon Line. To connect the border areas, India should focus on the 1800-kilometer frontier route that runs parallel to China's international border. Furthermore, the development of Kibithoo as an entrepot would allow India and China to shift their focus away from security and toward trade or economic collaborations based on long-term engagement paradigms.¹⁵

Arunachal Pradesh has several enabling characteristics that will allow it to participate actively and contribute to the country's Act East Policy. The most important element is Arunachal Pradesh's proximity to Southeast Asia, with Myanmar as a gateway. The presence of Stilwell Road in the state, which connects India to Myanmar and then to China, might greatly ease border trade, the movement of products and labour, tourism promotion, and cultural exchanges, among other things.

Centre's Noteworthy Role

Baruah while commenting on how the development rhetoric has reached Arunachal Pradesh stated that the goal of nationalizing a frontier space has been the major thrust of Indian policy toward Arunachal Pradesh and the Northeast as a whole. The logic of developmentalism is ingrained in the Indian State's institutions, which were established to achieve the goal of nationalizing space. The approach has improved India's everyday grip over this border zone due to demographic and other developments in the region but with major social, environmental, and political consequences.¹⁶

Finally, increasing linkages with Southeast Asia or neighbouring countries is pointless if there are no viable markets on the Indian side of the border. Both the central and state government's economic changes and strategies do not complement the existing infrastructure in the state. As a result, Arunachal Pradesh has historically been utilized as a transit point, and there is a significant economic divide between them and the rest of India.

Challenges

Along with survival and advancement, the

working and operation of the relations between the Centre and Arunachal Pradesh for over three decades since the latter's inception as a state have revealed its strengths and flaws. Certain trends have evolved that have affected the Centre-State Balance of Power and cooperative spirit.

In 2013, the Legislative Assembly of Arunachal Pradesh passed a resolution requesting the Union Government to alter Article 371(H) of the Constitution to bring it into line with Article 371(A) of the Constitution. The resolution urged that religious and social customs, customary rules, and rights of ownership and transfer of land and its resources be given special constitutional protection. The Governor was given extra duty because of the state's sensitive location. As a result, it appears to be the most important factor in the inclusion of this asymmetrical federal provision. The Chinese factor appears to have played a crucial role.¹⁷

Another area of concern that is straining the Centre and the State's relationship is the Refugee issue. The action of the Central Government in sending the Chakma and Hajongs refugees to Arunachal Pradesh when there was no elected government to protect and promote the interests of the local ethnic tribal inhabitants of the region resulted in a situation that a state which has almost no financial resources has been asked to bear a heavy burden. The refugee problem has been a source of contention between the Centre and Arunachal Pradesh.¹⁸ The Chakmas and Hajongs refugees who were initially settled in a district by the Central Government without sufficient engagement with the local residents of the State in the 1960s have now settled in numerous districts. The rising population and repeated encroachments by the refugees on tribal lands have sparked hostility among local residents toward the Centre for failing to resolve this issue. The Bengal Eastern Frontier Regulation of 1873 and the Foreigners Protected Area Order of 1958 grant Arunachal Pradesh the status of a protected state.¹⁹

Another issue is China's claim to Arunachal Pradesh's territory. The Mac Mohan line is not recognized by China, which refers to Arunachal Pradesh as South Tibet. Arunachal Pradesh is used by China as a pragmatic and diplomatic counterweight to India's territorial claims in the Western region. Despite multiple border talks between India and China, no long-term solution has emerged.²⁰

Conclusion

In the economic realm, it entails providing specific aid to states in order for them to catch up to the national average in terms of GDP, per capita income, literacy, and other traditional economic indicators.²¹ The territory's economic backwardness is thought to be the result of the central government's neglect of the region since its independence, and the central government has been called upon to compensate for this negligence by special protection. From the beginning, Indian policy in the Northeast has been guided by the imperative of safeguarding natives and indigenous population groups from intruders, whether from India or elsewhere - regardless of whether this has truly aided them or not. Inner Line Permits, Excluded/Partially Excluded Areas, Sixth Schedule, and other legally and constitutionally approved instruments are only a few of the legal and constitutionally approved instruments of privileging natives over outsiders.

It is unfortunate that most of my fellow citizens know so little about such a lovely landscape, and that people from mainland India show little interest in this easternmost state. We only learn about the problem in this region when there is a serious breakdown of law and order and news about insurgency issues or China's claim on the area is disseminated in the media. The Central Government only in the post-1962 Sino-India war has embarked on several development projects, including the construction of roads, educational and medical facilities, and a number of other initiatives.²² However, there is still much more that can be done.

Finally, the Centre's refusal to aggressively contradict China's allegation that Arunachal Pradesh is a disputed region sends the wrong message to the people of the state, particularly those who live near the Chinese border. The Centre must find a concrete solution to this problem so that the people of the state do not remain in fear and anguish. The border dialogue procedures between the two countries must be kept strong. The Trans-Arunachal Highway and the Donyi Polo airport are two examples of how previous or subsequent governments at the Centre appear to have recognised the need of boosting infrastructural development in the State. Such development measures, however, should not be limited to counter the advancement made by China, it should be for the people of the Frontier State's true development.

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REFLECTIONS ON FREEDOM OF PERSONS AND NECESSITY OF A COMPROMISE IN PRESENT PANDEMIC

Sakshi Garg

COVID 19 has created very adverse scenario for individuals and societies across the world. Its impacts on Indian society and individuals are not invisible. The present Article is an attempt to analyze the impact of this pandemic on Freedom. Freedom in this Article is understood at conceptual and philosophical level. The modes of understanding freedom by society and demands of freedom during pandemic by individuals show a type of compromise. The use of power by ruling machinery to restrict the freedom is being accepted. This Article attempts to examine the dangerous possibility of this situational compromise taking a permanent position.

The ubiquitous impact of COVID-19 has changed the way we perceive the world. Ranging from individual preferences to the ways of collective living, it has brought tremendous changes which have and will have far-reaching effects on individuals' life. This is an attempt to investigate the changes in the present status of freedom of individuals and their compromising attitude towards expectations for freedom. In the first part of this article, I will go philosophically through the history of freedom. And in the second part, I will try to explain the overall impact of COVID-19 on the concept of freedom, through various examples. I would also try to uncurtain the necessities of a compromising attitude of people in general and analyze the different voluntary and commanded factors in this compromise.

PART I

I wish to begin the discussion by focusing on Freedom and its dynamics which are inalienable to human beings at any time, in any society, and in any system of governance. Before analyzing the worrisome impact of COVID-19 on the concept of freedom, I would scan the concept historically. Freedom is one of the key ideas of political theory, which is also 'an essentially contested concept.'¹ Although freedom happens to be a prerequisite for the healthy development of human beings, it is supposed to remain under certain jurisdictions of state laws and social regulations for keeping society moving with stability and order. Freedom essentially means a compromise between individuals' rights and their obligation toward society.

Freedom in Ancient and Medieval Period: Religious Metaphysical Tradition:

In ancient Greece, the idea of 'eleutheria'² was a synonym for today's 'freedom'. In this part, we will particularly analyze the philosophy of Plato and Aristotle who are universally accepted as representative philosophers of ancient period. Plato speaks through Socrates in *The Republic*. It is believed that "...a central strand in Socrates's arguments (in *The Republic*) is the claim that only the just man is truly free".³ Plato presents the idea of a tripartite soul- logical, spirited, and appetitive. To him, a soul is free and just only when the logical part guided by reason dominates the other two parts driven by passion and lust respectively. In the Ideal State, education is depicted as a process of liberation that unfolds the true knowledge of man and sets him free. Aristotle defined freedom as rational self-realization but limited the scope of freedom to a minority of population i.e., property-owning Greek men. Aristotle distinguished between free men and slaves. It is rightly observed that...for Aristotle, the freedom sought is not just freedom to do whatever one wants, but freedom to excel. Clearly, not all are able to excel."⁴ Walsh says, "Eleutheria, usually translated as 'liberty' or 'freedom', is conceived by Aristotle in terms more moral and political than metaphysical, i.e., he considers tyranny and slavery, rather than determinism, to be its principal contraries."⁵ He further notes "...freedom requires the intellectual virtues needed for seeing what the good life demands, and the moral virtue that leads one to desire and to act in accordance with this vision."⁶ Free virtuous rational

men are to participate in politics and enact the rules following the dictates of their reasons. For Aristotle, 'freedom from internal compulsion of passion is more important than freedom from external compulsion of force.'⁷

In Greek philosophy, and particularly in Plato and Aristotle, individuals and the state are deeply connected or can be said to be interdependent. The identity and recognition of persons were the outcomes of state-individual relations; without this, the existence of individuals was a myth. But we must remember that Greek philosophers had a vision of a responsible state and it was State that was to take care of every aspect of individual life.

The medieval period witnessed a contest of superiority of power between Church and State where the 'individual' was lost. In Ancient and Pre-Medieval era State was the only institution responsible to guide its members towards rational self-realization. When Christianity emerged as an organized religion during early Medieval period, the Church (being the flag bearer of Christianity) challenged the supremacy of State in regulating the lives of individuals. It is argued that "...after the collapse and disintegration of the Roman Empire, and while Monarchic States were slowly being consolidated among the numerous feudal holdings, the church represented one permanent, stable and universal power."⁸ St. Augustine propounded the concept of Two Cities; City of God and City on Earth. The city on earth was under the control of the King with interference of Church but the City of God was under total control of the Church. For Augustine "true freedom is enjoyed only by those who have effectively assimilated the divine will and they only do what is right because they want to do it, not because it is required of them."⁹ In a way, the philosophy of Augustine established a solid foundation for Christianity and Church on which they kept building till collapsing finally with the advent of modernity.

The time of Aquinas was not very favorable to openly support the religious powers even after being associated with Church. The book of Aristotle was found now in public academia and the Roman tradition of 'sovereignty of law' was getting recognition. Aquinas took shelter in the concept of law to serve his purpose of supporting the Church. He divided law into four categories: Eternal Law,

Divine Law, Natural Law, and Human Law. These laws were in lexical order of importance. The first three categories were to be explained, examined, and executed by Church, and the last one by State. For Aquinas, law was the dictate of reason and hence it naturally followed that superior law was the dictate of superior reason. Putting Human Law at the lowest level was to argue that human reason is inferior to the reason of God that is understood, protected, and represented by Christianity, Church, and Pope.

However, Marsiglio was very critical of the absolute power of Church and even more critical of the monopolistic powers of Pope. His book *Defensor Pacis* (1324) was an attempt to refute the claims of the powers of Pope over the State. It is noticeable that "...he denied not only to the Pope but to the bishops and clergy, any coercive jurisdiction or the right to interdicts or excommunications. He proposed the seizure of most church property by the state, which should have right to appoint religious-officers."¹⁰ By the end of Middle Ages, the struggle for supremacy of powers between State and Church almost ended. But it remains a fact that the question of freedom of the individual was not an issue of concern in the philosophical and socio-political discourses of the Middle Ages.

The transition from the medieval to modern period, initiated by 'Renaissance' and 'Reformation', was a revolt against the tyrannical control in Middle Ages. This was not easy, as "...to challenge these (medieval) views would require a great deal of audacity because to proclaim that the exercise of freedom of the will could lead to good and that our freedom should be more celebrated than feared involved a reversal of the medieval view of humankind).¹¹ As the determining changes were noted, "...the Augustinian view of humanity became incongruent with the view of ancients whom the humanists admired, the social and political structure of the feudal society became incongruent with the social and economic life of the Italian towns and urban centers."¹² Freedom in the modern age means being free to exercise one's choices. As the realization of this freedom demanded structural changes in the medieval social and political system, all the philosophers of the modern period propounded different theories to explain and justify these essential changes.

In Ancient and Mediaeval India, the understanding and expectations of Freedom were qualitatively different from that of the West. Historically from Vedic Period to the end of the Mughal Empire, there was nothing like declared conception of 'individual freedom' in any governing system. The Mughals did not believe in any liberty of citizens and put them under every control and as dependent servants. But in Ancient and even Mediaeval self-ruled India the condition of and decision-making power of the people were quite different from that in Mughals. It is true that the concept of 'individual rights' was overshadowed by the concept of duty and obligations towards the ruler. The king commanded the totality of individual's personality, at the same time he himself had the divine duty to protect the rights of individuals that were not granted and declared openly.

In the *Vedic and Later Vedic periods*, we often come across social and political situations where a person of the ruling class was to suffer for the cause of the *Praja*. The *Sanatan Dharma* tradition believes that anyone whether *Praja* or *Raja* may rise to the level of Godhood through his efforts of developing his/her virtues. The virtuous rulers served their citizens, not ruled them. In *Smriti* Tradition we find particularly in Manu and Kautilya that the most important factor of the king's power was 'satisfied and happy *Praja*'. In the philosophy of Manu, there were no restrictions on authority of king except that of *Dharma*. But *Dharma* had as one of its most important aspects, about rulers, the well-being and freedom of individuals. Kautilya while codifying the main functions of king emphasizes the equal distribution of all that king earns or achieves. This was a type of right of individual that king could never violate. The same tradition continued in Middle Ages when rulers were native. Various scholars contemplated the Indian conception of freedom and explained its peculiar characteristics. Karl Potter (1967) in his articles argues that according to Indian view, freedom consists in enriching the scope of one's abilities so that one is minimally dependent upon determinate passions produced by 'external' events not of one's choosing. The detachment, as he says, recommended in Indian texts is precisely this broadening of one's responsive awareness coupled with development of non-dependence on external passions.¹³ Another scholar, namely, Jayshankar Shaw (2011) claims that in Indian metaphysics 'freedom' means 'liberation from bondage' and Indian philosophers have used the

word 'moksha' or 'nirvana' to refer this. Irrespective of all differences in various meaning systems the core of this concept remains one, what he calls 'cessation of all types of sufferings'.¹⁴ In totality we can say that in India, though the issue of individual freedom did not appear in socio-political debate, in governing mechanism it occupied an important place. In India individual autonomy and freedom, subject to the interest of the kingdom, were the most important duty and obligation of the rulers.

Freedom in the Modern Age

For a more systematic understanding of the nature of freedom, it looks desirable to focus attention on the relationship between 'freedom' and 'authority'. We wish to do it through the lenses of Individualist, Liberal, Idealist, and Marxist schools of thought.

Liberal-Individualistic Tradition

Seventeenth-century British Philosopher Thomas Hobbes defines 'liberty' as absence of opposition. He writes in *Leviathan*, "...by liberty, is understood, according to proper signification of the word, the absence of external impediments: which impediments, may often take away part of man's power to do what he would."¹⁵ For Hobbes a political body, if it is to be legitimate, is to be formed on the basis of consent of the people. In Hobbesian conceptions, people have an obligation towards the 'Commonwealth' not because they are afraid of its coercive powers but because they need peace and security. He says uncontrolled freedom can lead to a situation where life is uncertain and insecure without any possibility of freedom because there are people with '...[a] perpetual and restless desire of power after power, that ceases only in Death'.¹⁶ For him, "...subjects seek peace and want to live in a Commonwealth guaranteed by a common power due to the fear of losing their lives; therefore individuals renounce their rights and authorize the sovereign in order to attain a secure and peaceful society."¹⁷ According to Hobbes, the sovereign establishes 'laws' for the society, not to crush out the possibilities of all human actions and deliberations but to guide and direct them. He maintains that until and unless the sovereign forbids the subjects, they are free to act on their discretions.

We can take two most prominent philosophers—John Locke and J.S. Mill as the representatives of modern liberal philosophy. Writing in the 17th

century John Locke was against the current of the time where 'natural hierarchy' was commonly accepted as the order of the society. Against this view, Locke propounded the theory of 'Natural Rights' claiming that people are born with some moral status and are entitled to some set of rights. He maintains, "...we must consider what state all men are naturally in, and that is the state of perfect freedom to order their Actions, dispose of their Possessions and Persons as they think fit, within the bounds of the Law of Nature."¹⁸ He believes that the 'State of Nature' is based on 'Law of Nature' which appeals to human reason. To avoid certain inconveniences of the State of Nature, people decided to enter into a contract to form a political society based on Rule of Law. Through his 'Social Contract Theory' Locke makes individuals the creators of the State without attributing absolute arbitrary power to the emerging society. The government derives its legitimate authority from the 'consent' of free individuals reflected by their rational deliberations. In Lockean conception, "...authority was subsequent to freedom both because its purpose included the protection of freedom and because, once it became patently useless or dangerous to their purpose, people could use their freedom to unmake what they had made."¹⁹ But Locke doesn't support the absolute concept of individual freedom and subject people to rule of law.

J.S. Mill in his 'On Liberty' vehemently supported the freedom of conscience and expression. He argues that in the private realm of the individual, no other person can normally interfere. The harm to others was the only legitimate reason to justify the interference in individuals' freedom. In actions concerning only to him/herself, the individual should be free to follow her inclinations. But in Mill's other brief essay titled *On Social Freedom*, which was first published in 1907 after his death and later republished in 1941 as a book edited by Dorothy Fosdick, he seems to revise his earlier thoughts. Referring to Fosdick (editor of the book), J.P. Scanlan writes, "...in *On Social Freedom*, she finds, Mill shifts from a political to a sociological orientation and approaches the problem from a 'more realistic angle'; he attempts to disclose (to quote the subtitle of the essay) 'The Necessary Limits of Individual Freedom arising out of the Condition of our Social Life'. He berates what he calls 'the individualistic theory of freedom' and insists that men cannot be thought of as inhabiting isolated 'spheres of activity' but inextricably interdependent."²⁰

Idealist Moral Tradition

Rousseau belongs to the idealist school of thought and he defines individual freedom as total submission to the 'General Will' of the Commonwealth. Rousseau tries to reconcile the demands of individual freedom with the necessity of the social order. As the sovereign involves the real wills of all the members of society and individual interests are compatible with the overall good of the society, each member while obeying the sovereign obeys his own will. He argues, "Whoever refuses to obey the general will shall be constrained to do so by the entire body; which means that he will be forced to be free."²¹ This implies that human freedom is possible only by the abidance of the general will. Clearly, for him, individual liberty is in harmony with the common good of the entire society. Thus, he is against the concept of absolute freedom and maintains that individual freedom should remain under control of the sovereign authority of 'General Will'.

G.W.F. Hegel, another prominent philosopher of Ideal School, negates the meaning of freedom as the 'absence of restraints' by rendering it as 'selfish' and 'vain'. He takes 'freedom' as an idea that, develops through a dialectical process, unfolding itself to reach ultimately the fullest actualization in the establishment of the rational modern state. State, for him, is very crucial for the freedom of individuals because it is the State in which human freedom achieves its highest realization. The State is not only the highest stage of human development but also the ultimate reality which each individual aspires to attain. For Hegel, individual freedom is an abstract idea that depends on the State to be concrete. As Z. A. Pelczynski (1984) also writes, "Hegel conceives freedom always in a social context or more accurately in the human interactions. The structure of such interaction constitutes the context of freedom in which it becomes something concrete and definite, an actuality rather than a mere idea."²²

Marxist Tradition

Karl Marx, a staunch critic of liberalism, denies any possibility of 'freedom' in a Liberal Capitalist Society. Liberal philosophy endorses 'Capitalism' as its appropriate 'mode of production' which according to Marx is not conducive to the realization of true freedom for human beings. He maintains that the concept of 'freedom' in a liberal-capitalist society

is nothing more than an 'instrument of exploitation' in the hands of the Bourgeois Class representing the State. 'Free-trade' and 'wage-labor' are two fundamental characteristics of the capitalist economy. Resulting from the process of historical development, 'free trade' means the freedom of the capitalists to make profits without any restriction, and 'wage labor' means the freedom of laborers to sell their labor power in market without any arbitrarily imposed restrictions. But, as Marx believes, this kind of freedom is 'real' only for those who have money and own the 'means of production'. Due to 'free trade' the markets have abundance of material goods for consumers. This leads to ever-increasing competition among industries to raise production. The laborers, hence, are forced to work for more hours while their wages remain the same. Since a worker is to work for the owner of resources, he does not have any say in managing his own work or the entire production procedure. He is forced to sell his labor and consequently his sovereignty over himself. Thus, he develops a feeling of self-dissatisfaction. He becomes alienated from his work, his society, his family, and finally from himself. Paul Blackledge (2008) notes, "...nonetheless, despite their formal freedom workers have no control over the means of production. They feel a 'silent compulsion' to work for capitalists and factory work itself confiscates every atom of freedom from them."²³ In contrast to the liberal notion of freedom, Marx defines freedom as emancipation from exploitation and alienation. Real freedom would be realized only in the socialist society where the structures of exploitation i.e., the State and the capitalist economy are destroyed by a collective revolution of workers. As Andrej Walicki (1983) writes, "Marx saw freedom as man's ability to exercise conscious rational control over his natural environment and over his own social forces."²⁴

Freedom in Contemporary Philosophy

The idea of freedom has undergone tremendous changes in contemporary political philosophy, responding to the new challenges and demands of society. Against the singular notion of liberty, Isaiah Berlin (1958) came up with the 'Two Concepts of Liberty'. He distinguished between 'Positive' and 'Negative' liberty by defining 'negative liberty' as 'absence of restraints' and 'positive liberty' as 'presence of 'self- determination' that empowers individuals to pursue an autonomous life.

Another prominent philosopher of liberal academia John Rawls developed his 'theory of justice' with the perception that individuals are 'free' and 'equal' and they rationally choose the principles of justice from the given alternatives. Rawls tried to establish the inviolability of rational individuals who were free from the influences of all kinds of arbitrary powers. Referring to the individuals in Rawlsian philosophy, Dr. Jan Garrett (2005) notes, "...their (individuals') freedom consists in their possession of two moral powers, a capacity for a sense of justice and for a conception of good."²⁵ In his theory of 'Distributive Justice' Rawls tried to reconcile the concept of 'freedom' with that of 'equality', by opting for 'two principles of justice' which were to be followed in lexical order. This reconciliation of 'liberty' and 'equality' also became a source of criticism of Rawls's theory of justice.

Robert Nozick, an important libertarian philosopher criticized Rawls's theory of justice by arguing that it is not consistent to defend both the 'principle of freedom' and 'principle of equality' at the same time. He argued that establishing equality required a model of redistribution of resources which will ultimately lead to interference of State in the free choices of individuals. Nozick advocates the negative concept of liberty in which the State refrains from involving itself in individuals' lives.

Any discussion on contemporary philosophy cannot overlook the contribution of Amartya Sen. His approach to freedom as 'capability' offers new insights into the discourse of freedom. Talking about freedom, agency, and well-being of the individual in his book *Inequality Reexamined* (1995), he stressed on relation between freedom and control. He says that freedom takes the form of our ability to get what we value, without the levers of control being directly operated on us. And the controls are used only in line with what we value and want. He takes the example of the freedom to live in an epidemic-free atmosphere, which may be important for us, and given the choice we would choose to achieve that. But we may not be able to control the process of elimination of the epidemic which may require national and international policies. He says that a public policy that eliminates epidemic is enhancing our freedom to lead the life that we would choose to lead.²⁶

In our discussion of freedom 'rational choice

theory' deserves special mention which has gained more significance in recent decades. This theory assumes individuals are 'rational agents' and they opt for a particular 'course of action' according to their interests and preferences. 'Availability of alternatives' is the prerequisite of this theory which can be expressed as a set of 'exhaustive' and 'exclusive' actions. The alternatives that are available for rational individuals must be 'complete' and 'transitive'. 'Completeness' means each alternative can be compared with others and 'transitivity' means that if a person prefers alternative x to y and y to z then s/he must prefer x to z . A 'choice' is supposed to be 'rational' if it is goal-oriented, reflective, and consistent.

Now, coming to modern Indian philosophical traditions, freedom has a different status compared to Western conceptions. It is more about emancipation of self from all possible taboos. It is recognizing the consciousness that an individual necessarily possesses to be a self and the owner of his/her physical body. Freedom is to be understood as embracing the consciousness of the self or, internalizing the true essence of his/her being. Freedom from political authority, although important, forms a very small part of it. The writings and thoughts of Vivekanand, Aurobindo, Ambedkar, and Gandhi illustrate the Indian conception of freedom. Ranging from spiritual to moral strength, it accounts for the making of an individual, through faith and reason, a person capable of understanding and creating the best balance between authority and choice for smooth and comfortable collective social living. According to Swami Vivekanand, "Liberty does not certainly mean the absence of obstacles in the path of misappropriation of wealth, etc. by you and me, but it is our natural right to be allowed to use our own body, intelligence or wealth according to our will, without doing any harm to others; and all the members of a society ought to have the same opportunity for obtaining wealth, education or knowledge."²⁷ Shri Aurobindo, an activist turned spiritual philosopher, has also contemplated the nature of freedom. As he said, "By liberty we mean the freedom to obey the law of our being, to grow to our natural self-fulfillment, to find out naturally and freely our harmony with our environment."²⁸ He also emphasized the necessity of laws and regimentations because of our present imperfections and ignorance of our mind and will. Mahatma Gandhi, a nationalist and the pioneer of the anti-colonial struggle of India, had a very distinct

conception of freedom that emphasized discipline and sacrifice. As argued by Iyer (1973), "Gandhi equated freedom with self-rule because he wished to build into the concept of freedom the notion of obligation to others as well as to oneself, while retaining the element of voluntariness that is very basis of freedom. The notion of self-rule implies the voluntary internalization of our obligation to others which will be obstructed by our placing ourselves at the mercy of our selfish desire."²⁹

But we would prefer to leave this point here as in independent India at legal and constitutional level we have more similar a conception of freedom that is accepted globally.

PART II

It has been more than three years since the entire world is exposed to the threat of the deadly Corona Virus, and no aspect of our lives remains untouched by its lethal effects. From our hygiene habits to our social behavior, everything has been influenced by the pandemic. It is natural that after facing all these enormous challenges, people's understanding of 'freedom' would be redefined and reshaped. As the pandemic has unfolded its subsequent waves, it has become inescapable for national and state governments to adopt preventive measures and policies to rescue their citizens. The relationship between government and citizens, which is considered to be the defining feature of any state, is also going through a crucial phase that seems to take a new shape in the Post-Covid World. As per the Government's guidelines, especially in the initial period of the pandemic, citizens were asked to stay at home and move out only if unavoidable. Thus, the free movements of the people have been restricted by the government. The instructions like wearing masks, maintaining hygiene, and social distancing were made mandatory and authorities could levy penalties in case of violation. After the advent of the vaccine, people were repeatedly advised by the government to take doses of vaccines that were essential for building their immunity against the virus and minimizing the spread of infection. There may be people for whom all these government instructions and guidelines would appear as violations of their freedom. We have witnessed (and still witnessing) the protests against the restrictions of government by people in different countries. This type of understanding of freedom is based on some

flawed and narrow conceptions of 'self-interest' and 'autonomy'. If people take 'freedom' as 'absence of restraints' even in the time of crisis and start defying all guidelines & safety measures suggested by the government, the situation might turn calamitous. Due to the danger posed by COVID-19, when the provisions such as lockdown, quarantine, less social interaction, physical distancing, and wearing masks have become mandatory; people should be made to understand that it is the demand of the time. It has to be taken into account that when the number of infections was rising exponentially with every passing day, all were anxious and suspicious of each other. This has increased not only physical but also emotional distance among people. In such situations of restlessness and anguish, the endurance of human beings as well as that of society is tested.

The history of the conceptual development of 'freedom' reflects that it has been a virtue of social life. It is impossible to enjoy one's freedom in isolation. It implies that being 'less socially involved' has potential to make people 'less free', and this pandemic has created such situation. Moreover, 'rational choice theory' talks of availability of options to make free choices. The pandemic has restricted the scope of choices available to individuals. The long period of lockdown, closed markets, the shutdown of many industrial plants, and even the phased unlocking have adversely affected the free-choice of the people of all sections. It has evidently forced the 'upper-class' to limit their recreational and luxurious needs, as cinema halls, restaurants, amusement parks, tourists' places, etc. were mostly closed. Middle-class people have faced not only the financial difficulties due to increasing prices of essential goods and services but also the emotional turmoil due to the loss of their loved-ones. The poor and marginalized, more clearly the lower-class people, have turned out to be the worst sufferers of this pandemic. They have been facing the crisis of existence as they were thrown out of their works and left unaided. Though the plight of different sections of society varies in degree depending upon their socio-economic condition, one common thing can be traced that they all are lacking adequate alternatives to exercise their 'free' rational choice.

In the present world, individuals do not seem to be much bothered about their social responsibilities and the values of benevolence, rather they are concerned only about their rights. People are trying to

be far away from societal reality, they are lost in their self-created virtual worlds. The damage accelerated by this pandemic seems all-encompassing; it has potential to breed frustration in individuals' minds, instability in political structure, and disintegration in society. An atomistic society made of self-centered individuals is never conducive to realization of true freedom. Absence of all kinds of restraints constitutes a negative type of freedom that ultimately results in anarchy and disorder. The idea of personal freedom cannot be divorced from societal responsibility. As we have seen in its historical development, 'freedom' or 'liberty' doesn't mean a license to do whatever one wants, rather it is an opportunity to pursue one's goals in line with society and its norms.

Conclusion

It is to be acknowledged that in time of crisis, 'social cohesion' and 'systemic/ structural endurance' are the utmost demands. Social responsibility on the part of individuals doesn't restrict the possibility of their freedom, rather it enables them to enjoy their rights in a better way to sustain their freedom. The situation of pandemic, that is present before us, is actually examining our understanding of 'freedom'. Resistance towards atrocities and arbitrary rule is definitely a mark of freedom but negating every norm and instruction in the name of freedom is not right. In a crisis situation, when the lives and liberties of all human beings are under threat, every government has to impose certain obligations on individuals to safeguard their lives. In the time of COVID-19, we need to stay together without being together(physically), we should follow physical distancing but we also need to strengthen our social and emotional connection with the world/people around us, we have to abide by certain restrictions but that will be conducive for the realization of our true freedom.

Thus, it is an obvious fact that freedom is attaining a rather different shape in expectations, realization, and actualization. The dynamics of change in the idea of freedom is a situational compulsion. The main concerns are not of this compulsion, it is rather the dangerous possibility of abuse of this for some interest-oriented benefits. The present situation should never be taken as normal. The continuous urge for returning to actual normalcy should be kept alive. Freedom shapes the social structure as it is the indicator

of existing relations between individuals' demand to choose without restrictions and the State's necessity to control this demand in the interest of society or collectivity. We can notice a deviation in traditional inverse proportion between Individual Freedom and State Power in modern globalizing world. Now power and freedom are not always opposed to each other, they are at times taken as complementary. The Pandemic has strengthened this belief among the mass population that power is being used in forms of different directions and guidelines for the protection of the lives of individuals and hence these should be accepted and respected. This is adding to the authority of political governance and consequently can lead to a more authoritarian social structure. Here again, a societal mechanism is to be developed to counter this tendency to uphold freedom.

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RECENT DEVELOPMENTS OF DELIBERATIVE DEMOCRACY IN INDIA AND CITIZENS' PARTICIPATION: THEORY AND PRACTICE

Soumalya Ghosh

Election is considered as the greatest festival of citizens living in a democracy. But today election is nothing but a theatre of war. Political equality through the extension of adult suffrage to earlier excluded groups has provided democracy with inclusionary base. But whether today's majoritarianism reflects preferences to all segments of society is a serious question as this has witnessed gradual increase in peoples' apathy towards political participation resulting in degradation of the quality of democracy. Manipulation and misinformation by our rulers and media have left us with no other alternative, than to think about the essence of real democracy. We, the citizens of India are not mere voters, rather we are the shareholders. We have the right to take active part in making of decisions through informed deliberations which bear upon our individual and collective lives. In order to revive democracy in qualitative term since late nineties several scholars have given emphasis on a new variant of democracy which has been labeled as Deliberative Democracy. It is an initiative towards making democracy more deepening in which public deliberations of informed citizens erect the base upon which legitimate decisions can be reached through the active involvement of citizens. This research article starts with a general introduction about democracy. From this perspective attention has been given on a theoretical understanding of deliberative democracy with special focus on its major ideals. After this, I have shifted my focus to explore the issues which lack deliberations in recent years under the domination of majoritarian politics in India. Finally the paper has brought to fore some feasible ways through which present day majoritarian democracy in India can be turned into a democracy in which deliberation among informed citizens to arrive at decisions may take its fuller expression.

Keywords: Democracy, Majoritarianism, Deliberation, Public Reason, Lock Down, Parliament, Farm Bills.

Introduction

Md. Aslam Sheikh has casted his vote in the last Lok Sabha election as a citizen of Indian Democratic Republic. He is a daily wage earner who does not have time to look into political affairs except mere exercise of his right to vote. But is this enough to secure a qualitative democracy? Democracy is basically a form of Government in which will of the people reflects. It is a *"form of political association in which the general control and direction of the commonwealth is habitually determined by the bulk of the community in accordance with understandings and procedures providing for popular participation and consent"*.¹ It is a system of governance where ultimate sovereign power rests with the people. Citizens take part in the political affairs through their elected representatives. Here people enjoy the right to replace political parties and their candidates after a certain period of time. Democracy has been acknowledged as the best form

of government as in this, all members above certain age and except few legally proscribed exceptions have been permitted to involve in political process. It never accepts discriminations based on race, gender, sex, class and political orientations. It ensures equality by bringing within its fold those groups who have been kept aside from the purview of politics since long time. But debate over democracy is going through a critical phase with the rise of majoritarian regimes across the world thus leaving few spaces for the fuller expression of freedom of choice. Arend Lipjhart says that majoritarianism is incommensurable with pluralistic societies because *"the flexibility necessary for majoritarian democracy is likely to be absent"*.² Democracy with its majoritarian flavour has neglected freedom for certain groups of people thus making the concept of democracy quite problematic. In order to get rid of these shortcomings democracy in its deliberative form is being put forward by those experts of democracy who believe that without

informed public deliberations no democracy can exist in its real sense. A kind of democracy in which every sections of society who will be affected by any policy or decision of government must get chance to discuss that, as to Joshua Cohen, *'the notion of a deliberative democracy is rooted in the intuitive idea of a democratic association in which the justification of the terms and conditions of association proceeds through public argument and reasoning among citizens'*.³

Research Objective:

a) To understand importance of Deliberative Democracy over the Aggregative model of Democracy.

b) To understand developments of Deliberative Democracy in Indian Democracy under a majoritarian regime since the beginning of 2nd term of Modi Government in 2019.

Research Question:

a) To understand the deliberative model of Democracy from a theoretical point of view.

b) To understand the practice of deliberation in relation to Indian Democracy.

Research Hypothesis:

a) Deliberative democracy is being practiced widely in India since 2019 under the majoritarian state.

Research Methodology:

In this article the path of exploratory research has been followed. Documentary study has been applied to gather necessary information from primary and secondary sources.

Democracy in its Aggregative Form: Theoretical Understanding

Democracy, the concept in theory and practice, is going through continuous evolution. Scholars have broadly categorized it into two major models i.e. *aggregative model* and *deliberative model*. Aggregative model of democracy stands for a kind of political arrangement in which aggregation of widely held private preferences and interests of citizens choose suitable public officials and policies from a

list of preferences. It is a zero-sum game. The goal of this is to choose among leaders and policies which are correspond to the most widely held preferences. Here competition among preferences is going on which come together with other another to bring desired result. The idea of aggregative model can be discerned from the words of James Mansbridge when he says in this type of democracy *"voters pursue their individual interest by making demands on the political system in proportion to the intensity of their feelings. Politicians also pursuing their own interests, adopt policies that buy them votes, thus ensuring accountability. In order to stay in office, politicians act like entrepreneurs and brokers, looking for formulas that satisfy as many and alienate as few, interests as possible. From the interchange of self interested voters and self interested brokers emerge decisions that come as close as possible to a balanced aggregation of individual interests"*.⁴ This aggregative model of democracy suffers from several shortcomings:

a) In this model we accept individual preferences as taken for granted without delve into their origin. Whether theses preferences are outcome of self-interests or altruistic attitude or reason or fear of coercion is too hard to discern. It provides no mechanism to make differentiate among those motives. Cass R. Sunstein⁵ has shown how this model has failed to analyse the way in which peoples' preferences may change when they interact with other peoples from different backgrounds.

b) Aggregative model does not demand from individuals to leave their private realm to make interactions with other individuals thus making political communication quite impossible to find.

c) Instrumental rationality dominates here. Hence the outcome which is nothing but aggregation of individual preference has been done in a way which lacks informed public reason.⁶

d) This model lacks normative and evaluative objectivity. When someone defends his or her arguments as superior to other he/she lacks any objective criteria which may go beyond the subjective and individual preferences of his/her or other individuals.⁷

Why Deliberative Democracy? A theoretical Understanding:

The above mentioned shortcomings of aggregative model of democracy have forced theorists of democracy to look for viable alternative. Several scholars, practitioners, students and experts have come to the conclusion that in the aggregative model of democracy ends and means cannot be accepted as rational as it is full of values which are mainly subjective. For them voting or political suffrage is nothing but a choice among list of preferences. Here political parties and their candidates appear into the political battlefield with their buckets of policies and programmes from which voters chose according to their individual preferences. Here individuals are being counted as atomized and their private interests have been given priority. In order to get rid of those issues experts who have been working with the democratic institutions have provided us with an alternative model namely Deliberative Democracy. Various theories under the banner of deliberative democracy have been devised by experts in the second half of 1900s. A renewed emphasis has been given on the importance of public reason, reciprocity, moral appeals and objective evaluative criterion in arriving at decisions in democratic political process which expect that we adopt adopt “a multi-perspectival mode of forming, defending and thereby refining our preferences”.⁸ The idea which has acted as a catalyst for devising deliberative democracy is “when citizens deliberate in democratic politics, they express and respect their status as political equals even as they continue to disagree about important matters of public policy”.⁹ Deliberative democracy is arena in which public reason dominates. Participants come together with their reasoned arguments to offer proposals to solve problems and to create agreement. Here participants through their arguments try to persuade others to bring them in their favour by appealing to their moral senses. In *Why Deliberative Democracy* Gutman and Thompson argue that “*Deliberative democracy makes room for many other forms of decision-making (including bargaining among groups, and secret operations ordered by executives), as long as the use of these forms themselves is justified at some point in a deliberative process*”.¹⁰ Democracy is a space where discussion is conducted over varying needs and interests. People challenge other's views through dialogue. Here, as political equality exists the individuals who take part in deliberations try to refine or reject some proposals. Decisions have to be taken not on the basis of numerical support for the

most widely prevalent preferences but based on the public reason. From the book of Iris Marion Young¹¹ following ideals of deliberative democracy can be derived:

Inclusion: Deliberative democracy stands for inclusion. Decisions are morally justified with the inclusion of all those parties who will be affected by these decisions. They are legitimate only when possible affected persons will be given chances to deliberate. All participants must be given adequate opportunity so that everyone can put forwards his/her arguments with the objective to reach at some point on consensus rather than creation of majoritarian tyranny.

Political Equality: Political equality stands for not only the inclusion of parties in the deliberation process but to ensure for them equal footings. They must be given equal opportunities to bring to fore their views. Bohman views political equality as intrinsic to deliberative democracy as to him “*Legitimate decisions demand equality in two senses: first, the citizen must be equals; and, second, their reasons must be given equal consideration*”.¹²

Reasonableness: Reasonableness stands for making people open minded for accepting other viewpoints with similar attention. To Young what makes people reasonable ‘is their willingness to listen to others who want to explain to them why there ideas are incorrect or inappropriate’.¹³ Nobody can claims that he or she possess all knowledge to take decisions hence deliberation is a way to make us engage with others to get information for arriving at collective decisions.

Publicity: Principle of reciprocity needs to be followed by principle of publicity. It means decisions need to be made public so that the reasons behind them can be accessible to all who will be affected by those decisions. A public is collectivity of different interest and histories and experiences which come together to debater over collective problems following a common procedure. In Deliberative democracy they have refined reciprocity as principle of accessibility which means everyone can get access to the content of reason through which decisions have been taken.

David Held¹⁴ in his book has attempted to show how model of deliberative democracy has increased the quality of democracy by placing informed

public at the centre of decision makings. Through the knowledge sharing public deliberation can help individuals in better understanding the complexities of issues at hand. They get chances to learn about the perspectives with which they have no touch in earlier times. By bringin into fold all experiences across different sections of the society public deliberation can easily one-sidedness or partiality of sectarian viewpoints thus relegating them to backside. An informed debate can alter the language of interest with the language of reason which may further the prospect for collective judgments. Putting emphasis on the power of deliberation Habermas argues in deliberative democracy “*no force except that of the better argument is exercised*”.¹⁵ Finally it provides legitimacy to all democratic outcomes and institutions by bringing into its fold several mechanisms of public deliberation which will enhance the quality of democratic life.

Deliberative Democracy and India: Recent Developments

India has been acclaimed as a resilient democratic country. Though its neighbours in South Asia have witnessed ascription of military power but India following its democratic traditions has endeavoured to project itself as a successful democracy to outer world. But as Sudipta Kaviraj has stated that democracy in India cannot be explained in line with the existence of those preconditions which has been included with the rise of western democracy – “*namely, the presence of strong bureaucratic state, capitalist production, industrialization, the secularisation of the society (or at least the prior existence of a secular state), and relative economic prosperity*”.¹⁶ But still India has been proved successful in the realization of democracy in ways which have been branded as Indian. Deliberation has always been given adequate attention to arrive at decisions in this multi-ethnic, multi-lingual, multi-religious society. Noble Laureate Amartya Sen¹⁷ has shown how argumentative tradition is indispensable for the qualitative growth of democracy. Deliberation among informed public is a mechanism through which differences within a plural society like us can be resolved. But sudden shift of Indian politics towards a majoritarian regime after the 2014 general election has undermined the ambience necessary for deliberation in India. Replacement of civic nationalism by religious nationalism has restricted the space for deliberation in India.

Dissenting voices have been subdued. Hence some events have been highlighted thorough which we can prove that deliberation and discussion is under serious threat in recent times.

Enforcement of Exparte Nation-wide lockdown by the Arrogant Centre

It was in January 2020 when the cases of Covid-19 was detected in Indian state of Kerala but thing was going as normal. No one took it seriously.¹⁸ Though several constituent units have started to take some measures in their own but it was difficult for them to conceive what is going on in the mind of centre. Basically public health in India is under the purview of state list¹⁹ but capture of this power by centre through the proclamation of draconian act, i.e. National Disaster Management Act, 2005 has left states with few options to take any self devised decisions.²⁰ It was 24th March 2020, Prime Minister came to the television to address entire nation. Suddenly he asked the 1.3 billion people to follow stringent lock down for the upcoming 21 days. It is good that centre has taken charge of administering the entire nation during this pandemic but question has been raised regarding whether it has consulted with its constituent units. In a federal set up states along with their local representative bodies are the primary unit who need to discharge basis functions. Hence they must have stakes in the decision making process. But sudden announcement of lockdown by centre has left states with less time to make them prepare for basic services. BBC a channel has filed more than 240 petitions to several departments of Government of India like health, finance, disaster management etc under the Right to Information Act, to know about whether these bodies have been consulted before the introduction of lockdown or not.²¹ But it has been found that no key expert or government department was consulted prior to the complete lockdown. The authority has overlooked it under various excuses. Problem is not for the elites or upper middle class group of people as for them this lockdown is like a holiday. They have resources to feed their families lavishly but for almost 81% of India's total workforce who have been engaged in informal sector, unplanned and sudden lockdown is nothing but tenebrous.²² With this sudden lockdown everything has been halted except supply of essential commodities. The workers who have been employed in informal sector either have been thrown open out of jobs or they have been

paid $\frac{1}{4}$ of their wages. Has the centre considered this before declaring lockdown? They have been forced to travel on bare foot, miles after miles without any food. Many people have died on the way in accidents or due to lack of food and those who have survived they have survived as mere animal. Is this what Democracy stands for? Why deliberations were not conducted with states along with local bodies, NGOs and Civil society? Unplanned and partial decision to introduce lock down has forced the states to face problems of reverse migration during that time. It puts a big question on the whimsical attitude of centre, if proper consultations were conducted with state governments then more active steps could have been taken, which would ultimately boost country's federal and democratic setup.

Lack of Parliamentary Debates over Major Bills

Parliament is not only a space where peoples' representatives sit together but it is a public sphere where various interests represent themselves. When we read in our political science textbooks about

functions of the Indian Parliament then we come to learn about Parliament's function to make people aware about important issues through its debates. Independent India's first Prime Minister Pt. Jawaharlal Nehru has enjoyed absolute majority in Parliament but "*he never believed in steamrolling the opposition and showed utmost respect to them listened to their views and tried to accommodate them as far as possible*".²³ For him democracy must accept dissent, but it is lacking now. In these days Parliament has been plagued by political narrowness serving as only a platform, where people come and go and nothing constructive in nature could be achieved. Data shows that since the coming of majoritarian govt. in centre role of parliament has been diminished. Many bills of national and public importance have been passed in parliament without debate. Continuous reduction in parliamentary debate is nothing but degradation of democracy. A report prepared by New Indian Express has shown how winter session of parliament in 2021 has witnessed passage of 20 bills without any discussion or with minimal discussion.

Legislative business in Parliament

Rajya Sabha		
Date	Bill	Minutes
August 4	Airport Economic Regulatory Authority of India	16
August 4	Deposit Insurance & Credit guarantee Corporation (Amendment) Bill	16
August 4	Limited Liability Partnership (Amendment) Bill, 2021	23
August 3	Insolvency and bankruptcy Code (Amendment) Bill, 2021	39
August 2	Inland Vessels Bill, 2021	35
July 30	Coconut Development Board Bill	1
July 29	Factoring Regulation Bill	7
July 28	Juvenile Justice Bill	5
July 27	Marine and Aids navigation Bill	8
Lok Sabha		
Date	Bill	Minutes
August 4	Commission for Air quality Management in NCR Bill, 2021	8
August 4	Coconut Development Board (Amendment) Bill, 2021	4
August 3	Tribunal Reforms Bill, 2021	9
August 3	Essential Defence Services Bill, 2021	15

August 2	General Insurance business (Nationalization) Amendment Bill, 2021	8
July 29	Airport Economic Regulatory Authority of India (Amendment) Bill, 2021	14
July 29	Inland Vessels Bill, 2021	6
July 28	Insolvency and Bankruptcy Code (Amendment) Bill, 2021	5
July 28	Appropriation (No. 3) Bill, 2021	3
July 26	Factoring Regulation (Amendment) Bill, 2021	13
July 26	National Institute of Food Technology Entrepreneurship & Management Bill, 2021	6

Most important thing is that during this tenure many bills have been clubbed as money bill which has been passed bypassing any major debate. Parliament's work tenure has been cut short. Bills are being passed without taking into consideration interests of all sections who will be affected by these bills. Parliament whose main function is to make laws by scrutinizing effectively bills is doing nothing in reality. Narrow political interests and degradable quality of representatives has made this house a major theatre of war. More serious is the promulgation of ordinances. Ordinances can be promulgated during crisis situation. It has been turned into a normal practice of the day. The mechanism which should be used in crisis situation now is being exercised quite normally. PRS data has shown how use of ordinance has witnessed spike in last couple of years. 16 ordinances have been used in 2019 while 19 have been used during 2020. Naturally questions are being raised about the effectiveness of Parliament as a house of representatives.²⁴ Is parliament giving adequate representations to voices from all sections of society are a matter of serious concerns? As Zoya Hasan has nicely elaborated this by saying "*Parliament and parliamentary norms have been undermined by the rise of adversarial politics (perceiving the Opposition as an adversary rather than a partner in the lawmaking process) and a domineering executive that has sidelined all other institutions*".²⁵

Passage and Repeal of Farm Bills without Debate

On June 5, 2020 when the entire country has gone through 2nd wave of Covid-19 pandemic and its economy has almost collapsed using this opportunity

the Government of India has promulgated three ordinances relating to agricultural sector which have been aimed at bringing in transformation in existing regulatory framework. The central government's unwillingness to consult states has been exposed when it has taken recourse of ordinances to push through its agenda. Later 14th September, 2020 these much debated ordinances have been presented to Lower house of Parliament as bills for discussion and approval.²⁶ If any issue has tarnished the character of present ruling government at the centre it is the much debated farm laws which it has been forced to roll back. The tyrannical centre has passed amidst strong agitation from opposition and several farmers' organizations the much debated three farm bills in Lok Sabha in its monsoon session. Later these bills have been approved by Rajya Sabha with which the earlier declared ordinances have been replaced. BJP's coalition partner SAD has strongly criticized this move by central government and as a result only cabinet minister from this party Harsimrat Kaur Badal has resigned from his post showing her support with the farmers' agitation. It has been passed by the two houses of the Parliament within few hours without any major debate. Though farmer's movements have been started in several parts of India but amidst this agitation President has given assent to these bills. With this farmers' agitations have taken a wider expansion. Though arrangements have been made among representatives of farmers and govt. to sort out such issues but it did not bring any positive output, since the government clung to its standpoint. Opposition parties in Parliament argued that these farm bills should be sent to parliamentary select committee or standing committee for examining pros and cons of

those bills. But in return they received reluctance on the part of ruling government to scrutinize those bills. Finally, when the assembly elections were knocking at the door, the govt. of India decided to repeal these controversial laws. On the very first day of winter session Government placed these laws to parliament for repeal and it has been accepted by voice votes. But again debate or discussion was bypassed by the BJP government. Several Parties like TDP, Congress, and TMC have demanded discussion over these laws but their demand has been negated. Thus, question is raised as to why debate is being overlooked when such informed debate helps to make people aware about any issue in an expansive manner. Expressing his outrage against parliament's activities senior congress Leader P. Chidambaram has said, when ruling and opposition have disagreed over the passage of farm bills government did not listen to organize a debate but now when two sides have demanded to arrange debate over rolling back three farm laws the centre has negated that demand. Whatever be the result, there is no debate.

Conclusion

John Stuart Mill says "*if all mankind minus one were of one opinion, and only one person were of the contrary opinion, mankind would be no more justified in silencing mankind*".²⁷ It means that everyone should be listened before arriving at any decision. Debate and deliberation are ways through which an enlightened citizenry can be formed who can take charge of democracy. But in contemporary India we lack it. In a plural society like us, representative democracy is trying to create a solid vote bank on the basis of polarization. Absolute majority is paving the smooth way to bypass conflicting views of opposition in arranging constructive debates on issues which call for serious attention. Shift from electoral democracy to electoral autocracy has not only constrained democracy but has also limited the sphere of public debate. Yellow journalism is on steady rise. Through its propaganda it is trying to supply distorted information or fake information to citizens which has snatched citizens' power to reasoned debates. This kind of fake information along with media owned by corporate houses has prevented us from knowing actual facts which is nothing but deterioration of democracy. We are only informed about the part of events which they want to make us know leaving behind a large pool of information from our sight. Hence the way

we are engaging with others cannot be considered as a rational way. An ideal deliberative democracy is hard to achieve but we should not give up our hopes. We have to strive for attaining it so that we can take shift towards more prosperous democracy in which everyone can take part with other on equal footing. Inculcation of a sense of public among citizens will make them more susceptible to listen to others. We should not forget Mill who has said opposite views have to be given adequate representation.

However, with the rise of right-wing extremist politics in India, on the one hand we have policies which are pursued by the centre's ruling government while on the other hand, we have realization of political strategies. This is trying to invade country's vibrant civil society through the means of polarization which has already led to the rapid decline of the public space and several parameters of democracy. While horizontally it has captured country's democratic institutions under its narrow political interests while vertically it has maneuvered to make its presence in ground level than ever before. Though in theoretical terms rule of law, independent judiciary, right to vote freely, checks and balance exist but they have been plagued by the fervor of majoritarianism. Majoritarianism has stifled growth of dissenting views which is essential for the running of democracy in a heterogeneous country like India. It is the high time when we have to come forward to take up responsibilities on our shoulders to make our democracy more acceptable to all. Informed citizens have to be included in deliberation about major issues. Misinformation and favouritism through the use of exit polls should be done away with. Citizens' Bodies and civil society need to be brought into discussion over major issues. Right to Information is a powerful weapon for citizens to know about the real fact hence, RTI must be kept open and transparent. Data fabrication by yellow journalism must be prohibited. Development of feedback mechanism is essential for building effective communication among citizens and their political representatives. Inclusion of civic education must be encouraged so well informed citizen can be produced. Democracy does not mean only ruler and ruled. Ruler must be kept accountable to ruled. Mere exercise of adult suffrage is not enough. We need to create a deliberative community. It is possible only when we give up the traditional notion of democracy as equal to election and put up the notion of democracy as deliberation that will take

care of interests of all sections of society in which no one can be used as a means for other's happiness.

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COMMUNITY POLICING AND INFORMAL SOCIAL CONTROL MECHANISMS: A SOCIO-THEORETICAL PERSPECTIVE

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Over the past several decades, many police functionaries in India and other parts of the world have lamented the futility of traditional responses to crime and disorder, as well as the misguided view that police officers alone can provide social control. In the past few years there has been a widespread movement to replace the traditional and reactive model of policing with a radically different approach referred to as Community Policing (CP). However, the varied meanings and high expectations for community policing create enormous difficulties for those actually engaged in implementing such change. In order to comprehend how the general public views crime and the function of the police in a democratic state ruled by the people, mainstream CP literature begins with a fundamental observation that informs the social structural theory throughout. The paper will conceptually examine: a) how social control is impacted by disorganisation; and b) potential informal social control mechanisms that can deal with antisocial behaviour in a community. The paper argues that under CP, residents no longer remain mere victims, witnesses or suspects; rather they become stakeholders, informal social control agents, community organizers, neighborhood guardians and potential problem solvers. The present paper will also attempt to answer some of the most fundamental questions, including, (1) What is community policing, and how is it superior to/ different from the conventional model and can community policing, however defined, be translated into workable programs, policies and practices? While analyzing the changes in policing approaches and its impact on the social environment, the paper seeks to get a theoretical insight into various informal social control mechanisms as a part of community policing in India and elsewhere.

Key Words: Community Policing, Informal Social Control Mechanisms, Deviant Behavior, Law Enforcement

Introduction

The words police and policing come from the Greek word polis, which means city state, and the French word police, which means polity. The term policy may be understood as statecraft, plan, or course of action, particularly in law enforcement. According to Edwin Powers, as human beings developed and created civilizations, they also created conventions intended to maintain social harmony. Anthropologists have discovered rules of behaviour and clear enforcement of norms of conduct even in so-called primitive communities.

Community Policing: A Conceptual Understanding

Harold Laski had held that the sovereign power of the state, which is exerted through the agency of its government, ultimately entails the right to deploy the state's armed forces to repress. He makes the point

that a state's ability to dominate its opponents through the effective use of force determines whether it will survive any given moment of crisis on its way to development. Laski goes on to say that the state is a way to organise the public power of compulsion such that its government's will triumphs in all social conflicts. In this way, he contends, the nation's armed forces serve as the nucleus of the state's sovereignty. Jack L. Kuykendall and Peter C. Unsinger are of the view that as societies grew in complexity and became involved with one another, definite specialized law enforcement functions developed and from simple systems of order maintenance, modern forms of law enforcement evolved.¹

Of all the developments, which have occurred in the field of policing in the contemporary world, the most significant has been the growing realization about the importance of the role of the community in

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decision and policy making. The community's authorization of police tasks such as order maintenance, negotiation and resolution of conflicts, and an expansion of the definition of police function are significant characteristics of this new strategy and has been termed as community policing. Community policing means many things to many people, but the basic idea underlying the concept is two-fold, the police participating in the community and responding to the needs of that community, and the community participating in its own policing and supporting the police. The idea is not completely new. According to G.P. Joshi, before the police emerged as an organized institution, policing in many countries was regarded as a cooperative community effort. Gradually when the police tasks became more complex due to the rapid pace of change in society, the police felt the need to acquire technical competence and professional efficiency and in the process, they lost their community context. He holds that this community context of policing has again become very significant due to various reasons, two of which are significant. One is the realization that the increasing trend of crime and disorder in society cannot be controlled by police on their own, however well equipped or well trained they may be. The other is the spread of democratic culture, which suggests that policing must also become democratic. Policing, he says, is for the people and they must get the best out of it.²

The concept of Community Policing, as it has evolved during the last few decades, has come to be widely recognized in many democratic societies as a potential alternative to the traditional model of law enforcement which is largely reactive, and often repressive, resulting in police ineffectiveness and alienation from the citizen. Academicians such as Herman Goldstein, Robert Trojanowicz and George Kelling along with law enforcement executives in the USA such as Lee Brown, David Couper and Chris Braiden led the community policing movement in the early 1980s.³

Abraham Kurien, a former Indian Police officer, had rightly held that unlike crime prevention weeks and police-community relations programmes which are generally confined to periodic outbursts of goodwill and dissemination of crime information by the police, community policing is not limited to a special unit of the police or a programme of public relations. Conceptually, the term community policing implies a

paradigmatic shift in police philosophy, police policy and strategy based on the belief that police officers and private citizens working together in creative ways can help solve contemporary community problems related to crime, social and physical disorder and neighborhood decay.⁴

In order to ensure public support and cooperation in the investigation of crimes and to promote the development of values and attitudes that serve to avoid law breaking in the first place, community policing relies on a consistent presence of police within the community. Hermann Goldstein, who is known as the father of Community Policing describes community policing as an organisational philosophy and management approach that encourages partnerships between the community, government, and police, proactive problem solving, and community engagement to address the root causes of crime, crime fear, and other community issues. It might be claimed that democratic countries like the USA and UK's collective experience with law enforcement over the past 200 years is what ultimately gave rise to the idea of community policing.⁵ Nonetheless, the concept's growth as a unique policing philosophy can be attributed to a number of studies and field tests, the most of which were conducted in the USA throughout the four decades starting in the 1960s. They evaluated the usefulness and effectiveness of current police tactics to combat the crime and disorder that afflicted US cities during these turbulent years. Besides, the traditional model of law enforcement characterized by random motorized patrol, fast response and computerization of police operations on the one hand and by neutrality and impersonal enforcement on the other, was found to be largely reactive and often repressive. As a result of which the community that the police sought to serve and to protect distanced itself more and more from the protector as it grew disenchanted with the perceived police failure in controlling and detecting crime and disapproved of the style of police enforcement which was suspected to be biased or arbitrary. In other words, the police was faulted on two counts: lack of effectiveness and absence of equity, both central values associated with an agency entrusted with public safety. Hence, the police on its part felt aggrieved that it was the victim of public ambivalence towards law enforcement: everyone wanted to be its beneficiary and resented being its victim. The differing perceptions would only accentuate the basic dilemma between upholding individual rights and

maintaining public order that is inherent in law enforcement action in any democratic society and widen the chasm between the police and the community. The author is of the view that community policing model appears to offer a solution to this vexatious dilemma by fundamentally altering the very concept of law enforcement itself.⁶

Further, a significant part of the executive is the police. Their primary function is to enforce the law. The desire to help people, the need to comprehend their challenges, and the ingrained propensity to remember his duties would undoubtedly bring honour to the individual police officer and, via him/ her, to the entire police force. As a result, there will be a positive public interaction that will lead to positive police public relations. Building relationships with the public should bear this in mind, especially to dispel popular misconceptions about the police.

Under the concept of community policing, crime control and order management are considered truly participative functions, with the total involvement of the community, more precisely, the local neighborhood as one active partner with an equal stake in the vital issues of social stability and progress. Community involvement adds a new dimension to crime control efforts, and crime prevention and crime control become collaborative tasks.⁷ The new paradigm is based on sound sociological principles as crime is basically a product of social conditions which are beyond the scope of effective intervention by a single agency like the police, however elaborate its resources or however ingenious its strategies may be. The concept therefore acknowledges that the police had seriously erred in creating an impression that they could take upon the entire task of preventing and detecting crime all by themselves. The ability to identify and address the root causes of crime improves as ties between the police and the community is built through time.⁸

Philosophy behind community policing

Rousseau's ideas on legitimacy and community can be used to explain the philosophy of community policing. Jean Jacques Rousseau asserted that men must learn to live in a community if they are to lead fulfilling lives. The idea of community is frustratingly nebulous, and philosophers and social scientists have worked hard to define this concept. Class or institutional frameworks can be used to define social struc-

ture. So, society is made up of individuals and groups, and its main contours may be discerned through a smart classification of people, organisations, and their interactions with one another – but not so for a community. According to Rousseau, consensus, or tacit agreement among people on how life should be lived and what constitutes moral action, is the primary necessity for community. He continues by stating that all men are created with basic requirements that are shared by all other people: the need for safety, self-respect, independence, and the good life. All citizens suffer if any of these rights are denied.⁹ He believes that their achievement must be a shared undertaking because of this. This leads to the further supposition that all men, whether they realize it or not and whether they behave in ways that reflect it or not, concur on the fundamental principles of conduct for everyday life. A consensus is both unanimity and inarticulacy: Every member of a community is aware of the general set of values that govern behaviour within that community just by virtue of residing there. A community is created by this unspoken agreement on fundamentals. Rousseau also believes that democracy and freedom without community are hazardous illusions, and as a result, he bases his idea of legitimacy on a very personal and participatory sense of consent.¹⁰

A main tenet of community policing is that everyone should take a more active role in increasing public safety. The criminal justice system and the police cannot carry the burden by themselves. As Jerome H. Skolnick and David Bayley put it, the people and the police should be viewed as co-producers of safety and order. The police are thus given a new duty to come up with appropriate strategies for connecting the general public with law enforcement and the upkeep of order. According to them, community policing must be used to describe initiatives that alter the traditional way that police and the public engage. Only when such initiatives are created by the police themselves are they eligible to claim credit for community policing.

For instance, the Indian police have started a number of initiatives to enhance their reputation. For instance, they support numerous parades and reviews. They sponsor sporting events and send their own teams to regional or national contests. According to David Bayley one intriguing contemporary trend is the formation of neighbourhood councils, mostly in urban areas, made up of respectable locals who meet

with the police to discuss shared issues. Courtesy weeks and safety weeks sponsored by the police are mostly directed at schoolchildren. Boy's clubs have been established and shramdan or the donation of labour to a communal initiative, has been practised in various areas. A few governments and cities have set up information centres and specific teams to help tourists and residents of new cities. According to Bayley, police efforts to improve public relations have resulted in the creation of press officers who are tasked with providing information to the media and serving as a constant point of contact with them. Nonetheless, the majority of police officers doubt the effectiveness of these programmes. He maintains that winning conduct among rank-and-file police officers is the only way to make meaningful progress, and that they should not be permitted to deviate from the more difficult goal of bringing about a comprehensive change in everyday behaviour.

Changes policing approach and its impact on social environment

On the threshold of the twenty first century, India's policing is on the crossroads. Indian society is facing multi-dimensional challenges on the crime as well as law and order fronts which are threatening the basic thread of national unity, integrity, stability, public peace and order of the country. Ritesh Kumar draws our attention to the fact that the growing volume of legislations, including the social legislations, rising level of crime, brutality and violence, increasing concern for law and order problems, vulnerability of the public peace due to communal, caste based, militant and extremist feelings etc. have led to tremendous increase in the workload on the police force.

On the contrary, he says, there has been an inadequate and almost stagnant level of strength of the police personnel for the past few decades due to which the Indian police have not been able to deliver the services efficiently. It is under these grave circumstances and to meet the future needs and impending problems effectively, there is an indispensable need for a new strategy of policing in the twenty first century India that can be proactive and ably aided by voluntary organizations and other community members.

It is important to briefly discuss the many policing strategies that arose throughout the past century in order to understand "proactive practises" in policing. Several changes have occurred in other regions of the world, despite the fact that India's policing strategy has mostly remained "conventional," emphasising centralised administration, rank system, and strong leadership. The "Scientific management" method, which included principles of command specialisation, unification, and centralization of decision-making, first entered into force in 1900. In the times subsequent to 1925, 'Human relations and participate management' approach has been introduced with focus on personnel management, motivation techniques, morale and stress management, with team approach and communication models.¹¹

Malcolm K. Sparrow (1988) has outlined a very interesting set of queries and then answered them from the point of view of traditional and community oriented policing. The below given table is like an insightful guide map that brings out very effectively the limitations of traditional policing and the obvious merits and relevance of community policing in a democracy:

Issues being addressed	Traditional Policing	Community Policing
How to define the police?	A government agency principally responsible for law enforcement	Police are the public and the public are the police: The police officers are those who are paid to give fulltime attention to the duties of every citizen
How is the police force related to other public service departments?	Priorities often conflict	The police are one department among many responsible for improving the quality of life
What is the role of police?	Focusing on solving crimes	A broader problem-solving approach
Ways to measure police efficiency.	By detection and arrest rates	By the absence of crime and disorder

Chief priorities?	Crimes that are high value (e.g., bank robberies) and those involving violence	Whatever problem disturbs the community most
Specific issues dealt by the police?	Incidents	Citizen's problems and concerns
What determines police effectiveness?	Response times	Public cooperation
View about service calls.	Deal with them only if there is no real police work to do	Vital function and great opportunity
What is police professionalism?	Swift effective response to serious crime	Keeping close to the community
What kind of intelligence is essential?	Crime intelligence (study of particular crimes or series of crimes)	Criminal intelligence (information about the activities of individuals or groups)
What is the nature of police accountability?	Highly centralized; governed by rules, regulations, and policy directives; accountable to the law	Emphasis on local accountability to community needs
Basic function of police headquarters.	To provide the necessary rules and policy directives	To preach organizational values
Role of the press liaison department.	To keep the "heat" off operational officers so they can get on with the job	To coordinate an essential channel of communication with the community
Police attitude towards prosecutions.	Viewed as an important goal	As one tool among many

The table above, however, has missed out on one of the most important issues confronting the police today i.e. about the use of modern technology. In the hi-tech/ information society, even the police procedures and functions are bound to be influenced by the cutting edge technology of the times. The prevalence of Information Technology and the wide-ranging options that it provides, it becomes imperative even for a traditional agency like the police to adapt to this change which is symptomatic of knowledge in an information based society.¹²

Any shift to practicing a full-fledged Community Policing (CP) methodology, thus involves a transition from (a) A Philosophical dimension (b) A Strategic dimension (c) A Tactical dimension to (d) An Organi-

zational dimension. The Table above lists the key elements in its stage of transition. While these are not watertight modules and could allow for overlap of any of the elements, they are like the four gears in an automobile: shifting to a higher gear accelerates the speed and ease of change, thereby proving the efficacy of the new principle, process and practice.¹³

In CP all three components of decentralisation, problem-solving, and public involvement are connected and essential to comprehending how the ideology can be put to practice.

Deviant Behaviour and Informal Social Control Mechanisms

In his book on Community Policing, Robert R. Friedmann argues that, from the perspectives of both the community and the police, community policing denotes the idea that crime is produced by societal factors over which police have only a limited amount of control. As a result, crime control needs to concentrate on those societal factors that cause crime and should focus more on quality of life issues that outweigh crime. In addition to paying attention to 'conventional' crime issues, fear of crime needs to be addressed.¹⁴

Through their research on difficult cases, renowned legal anthropologists have made significant contributions to our understanding of how indigenous people from various cultures resolve conflicts and handle issues. The takeaway from such research is that legal categorizations of a personal contact, like murder or rape, typically do not convey the genuine character and felt consequence of such an encounter, as experienced by the person involved. Issues as experiences are rooted in a network of interpersonal connections, formed by a variety of social forces, constrained by intersecting norms (moral, custom, and ethics), and accelerated by interpersonal dynamics. Because of experience, no two crimes are the same.

Social interactions are guided by normative behaviour, which is determined by a society's sense of what is and is not acceptable. Rules are merely the formalisation of social standards, which are essential for communities to function. Friedmann contends that whether an act is made illegal or legal depends on how society views it and how much toleration it will or will not accept. It details the victim, the perpetrator, the crime, the setting in which it was committed, the location of the crime, and the punishment that will be meted out. Although from a legal standpoint deviant behaviour should only be treated as criminal when it violates a specific law, it is important to understand that at least some of such deviant behaviour could be handled on an informal level as well to resolve a conflict before it becomes an official crime. However, the leap, or transition, from informal social norms to formal laws is not clear.¹⁵

In brief, the widely held belief nowadays is that crime and delinquency should not only be seen as legal violations but also as antisocial behaviours that result from individual and societal instability. Higher degrees of disorder in society are a result of

social causes like population expansion, insufficient economic development, unequal opportunity distribution, unplanned industrial and urbanisation, as well as ignorance and poverty.

Social Order and Community Policing

A major theoretical concern in the social sciences is social order. Aristotle's most influential notion of social order is reiterated by Rousseau, Durkheim, Parsons, and other modern scholars. It holds that compliance with particular ideals and standards that people have managed to internalise constitutes the ultimate source of social order rather than the enforcement of external constraints. According to this theoretical tradition, the attainment of order is typically not seen as a problem in socially and culturally homogeneous societies because in these contexts, internalised values and norms tend to be shared by all, as opposed to heterogeneous societies, which include a variety of normative orientations, and internalisation is likely to sow the seeds of conflict rather than order in such societies. Community policing initiatives in such diverse cultures should work to establish local order by collaborating with and persuading various local social groupings to engage in informal social control among themselves for their own gain. Members of the social group can be anticipated to create local order in order to further their own personal goals, and once this local order is created, it will contribute to the community's overall social order, regardless of its normative content.

According to Robert Lombardo and Todd Lough, some community police programmes and community gatherings can aid in restoring the informal social control mechanisms that were once present in communities but were lost in areas plagued by crime and disorder. This will enable residents to contribute to upholding social control. They assert that two theoretical ideas form the foundation of the majority of community policing initiatives. These are the 'Community Implant' theory and the 'Broken Windows' notion.

Both views, which are based on the social disorganisation theory, contend that there is a clear link between crime and underdeveloped areas. According to the social disorganisation theory, there is a clear connection between increasing deviation rates and the increased complexity of metropolitan life. Accord-

ing to Shaw and McKay's structural theory of crime, which was developed in 1942 and still remains relevant, disadvantaged communities with diverse and unstable racial and ethnic populations are more likely to lack social order and, as a result, have greater rates of juvenile delinquency. After researching the city of Chicago, Julius Wilson (1987) asserted that American society's de-industrialization had resulted in the formation of a new set of structural restrictions that had continued to feed social instability. So, it is accurate to say that communities with high rates of unemployment, inadequate educational possibilities, and residential immobility also lack the social order necessary to rein in criminal and delinquent conduct. The process of community policing becomes challenging in such places.

The Broken Windows theory, developed by American criminologists James Q. Wilson and George L. Kelling in 1982, is predicated on the idea that disorder and crime are related in a developing manner. A building's other windows will eventually break as well if one window is broken and not repaired. As the unrepaired window sends the message that no one is concerned, breaking other windows won't bring about any official repercussions. If the sense of respect for one another and the duties of civility are diminished by actions that appear to show a lack of shared concern, this kind of vandalism can happen everywhere. Wilson and Kelling contend that in areas where property is left unattended, weeds proliferate, windows are shattered, and carers stop reprimanding misbehaving kids, families leave and single adults move in. People start to utilise the streets less as a result, which makes the neighbourhood more open to invasion by criminals. The community's exodus results in an increase in smuggling, prostitution, and drug sales. The Broken Windows theory, which holds that unchecked behaviour causes the breakdown of social constraints and, ultimately, leads to crime, has been the motivating impetus behind community policing initiatives.

The "Broken Windows" theory has, however, been disputed by a number of academics and criminologists. In his 2001 book "Breaking away from Broken Windows," Taylor made an effort to identify the origins of civilities and to ascertain whether or not they over time degraded urban life. Zero-tolerance, order-maintaining police policies, he claimed, may be misguided and should not be implemented indisputably in order to reduce the fear of crime. He stated that

crime fighting is more important than grim fighting for long-term decreases in crime, and that incidents of crime are best understood as the outcome of an economically underprivileged community rather than as a symptom of a chaotic and unorganised neighbourhood. Sampson and Raudenbush (1999) make a similar case, claiming that disorder and criminality are both outcomes of the same explanatory process. Their structural and sociological roots are similar. They contend that structural disadvantage and low collective efficacy—the capacity of a group to control its own behavior—are the root causes of crime.

The Community Implant theory, on the other hand, is based on the preposition that the absence of informal social control in community settings is the primary factor contributing to high rates of crime. Sociologists contend that in areas where social control is innately poor or nonexistent, informal social control can be introduced into a community by collective citizen activity. The term Community Implant hypothesis was first coined by Rosenbaum (1987) in his work entitled 'Theory and Research behind Neighborhood Watch'. Community building is the term Mastroski, Worden, and Snipes (1995) used to define this theory. According to them, community building is a process by which police increase the capacity and resolve of citizens to thwart crime by forming strong bonds with locals. In his book *The Politics of Community Policing*, Lyons (1999), makes the case that creative police tactics, like providing adolescents with educational, recreational, and employment possibilities, might activate the covert social control mechanisms ingrained in local culture.¹⁶

In general, social control refers to a group's or community's ability to control its members. It involves the application of incentives and sanctions. The courts and the police are always responsible for enforcing formal social control, which is always drawn from specific written rules and regulations. Contrarily, unofficial social control relies on traditions and conventions and is enacted by the populace through actions like observation, verbal chastisement, warning, rejection, and other emotional pressures to assure conformity.

In a society that is prone to disorganisation and where permissiveness is pervasive, even law-abiding citizens are more likely to engage in illegal activities due to their frustration, displeasure, and anger over

the discrepancies between promises and accomplishments and the obvious division between profession and practice. Police encounters are the result of all these issues.

By addressing the issue at its inception with appropriate community-based programmes and fully involving the community groups at various stages of decision making, planning, and implementation of the programmes for the protection of the community, community policing has the potential to address the problems of deviant behaviour in a disorganised society. Through the participation of the community members in community-owned organisation, group anti-crime activities, neighbourhood social integration, local social control, and conquering fear of crime, these programmes can subsequently serve as the foundation for all neighbourhood community police projects. The fostering of mutual understanding and appreciation among community members follows from such community-based programmes.¹⁷

Despite the popularity of the community-building programmes, the success of the community implant theory is not well-supported by empirical data. Skogan (1990) came to the conclusion that informal social control systems do not foster greater social engagement or solidarity. Furthermore, none of these initiatives can enhance neighbourhood circumstances. Yet the studies by renowned CP scholars Silver and Miller in 2004 revealed that neighbourhood levels of informal social control are greatly influenced by community attachment and contentment with the police (the foundations upon which community policing is based). Residents of a community who felt confident in the police's abilities to keep the peace and control crime were more likely to take part in initiatives to rein in antisocial behavior.

Conclusion

The police are at the forefront of governmental control, and what they do is integral to governmental operations. The political system in which the police force functions and the methods in which the government employs the police both influence the role of the police force. Although upholding civil order and enforcing the law are the primary responsibilities of the police, the police force may also have political overtones if social biases exist within it, if it is used to quell civil unrest and settle political disputes, or if

there is a police state where the police force is transformed into a private army that only upholds the interests of the ruling class.

To comprehend the function of the police in political evolution the passive theory of political development as given by David Bayley maintains that the political system's makeup and the agency within it are determined by the environment. However, the theory of social processes proposes that a government may in fact behave differently from what the general populace demands, expects, or desires. In other words, the government might be a tool of the elite that uses force to impose its will on the people. Yet, it may be contended that if government is regulation, then police personify it. Since the police are the most important and visible branch of the government, even to the common citizen, they have the power to influence their own surroundings.

The rationale behind the police having a significant influence on informal social control mechanisms can be inferred from the following points:

The police are more clearly and generally apparent. As they wear uniforms, it is difficult for their actions to go unnoticed, and their responsibilities affect every aspect of social interaction. Some government organisations primarily focus on specialised areas of human existence and receive minimal public attention for those activities. Second, the use of force by police is essentially monopolised. They carry an emotional weight with them that other government representatives do not. Thirdly, they are obligated to protect the foundational components of human life. People associate the biggest life crises with police. Fourthly, law enforcement is instantly associated with police. They are frequently more significant than the law itself since they carry out its requirements and determine when and how it should be applied. Sixthly, maintaining stable social conditions is mostly the job of the police. The success of any development project is heavily influenced by whether or not they do so. The police hold the balance between lawlessness and order, security and insecurity since they are a key factor in determining whether or not growth will be successful. Finally, by taking part in high-level policy creation, the police may have a direct impact on political life. Police can also have an impact on politics by opposing the implementation of previously determined policy decisions.

Therefore, it may be rightly asserted with some justification that the nature of the police has a significant role in determining whether the government is led by the people or the law. Nevertheless, it is acknowledged that police innovation is rarely simple. Any police department's internal reluctance to reform is likely its biggest challenge. To successfully execute innovation, the chief executive and staff must be steadfastly dedicated to proactive issue solutions by encouraging maximum community participation when necessary. They must also inspire employees to support such ideas. Many officers might choose to stick with the old ways of doing things, thus it is necessary to integrate them with the new ways of operating and thinking. Police in India must change their reactive nature and adopt a more proactive one. Although this is an outdated proverb, it will eventually become more and more true.

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