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Delhi Assembly Chronicles: A Tale of Law and Politics

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Abstract
The yearning for good governance has undeniably contributed to the clamour for effecting change in the Indian political setup. However, what if there is no government to deliver the remedy for all that plagues the governance setup? This peculiar, but not unheard of, situation has most recently arisen in Delhi, wherein the National Capital of India has been deprived of a functional legislative assembly and a local government for the past four months. The special constitutional status accorded to Delhi has resulted in not-so-special treatment being meted out to two pillars of its governance structure. Even as the nation gears up for an overhaul in governance under the new central government, the Delhi Assembly lies in limbo. This paper endeavours to scrutinise the constitutional framework which could have contributed to the extant situation in Delhi, as also to traverse the political contours of this conundrum. Further, the paper assesses the choice of keeping the Assembly in suspended animation rather than dissolving it. The paper concludes with the authors’ brief opinion on whether the absence of a local Government and a functional Assembly has affected governance in our national capital.

Keywords: Delhi Assembly, Suspended Animation, Constitution

This paper was presented at the 2nd National Conference on Politics & Governance held at India International Centre, New Delhi on 3 August 2014

Introduction
The 2014 General Elections have been interpreted as a decisive mandate for good governance (Denyer, 2014). The newly-elected Central Government has indicated as much by announcing its intention to ensure “minimum government, maximum governance” (IANS, 2014). Curiously, amidst this atmosphere of reducing governmental interference, the seat of power of the Central Government, i.e. India’s national capital New Delhi, is without a local Government and a functional Legislative Assembly.

The local Government in Delhi, formed by the Aam Aadmi Party (“AAP”) after the 2013 State Elections, resigned on 14th February 2014. As his last decision before demitting office, erstwhile Chief Minister of Delhi Arvind Kejriwal had recommended dissolution of the Delhi Assembly and for fresh elections to be held. However, the Assembly was kept in ‘suspended animation’ and President’s Rule imposed, resulting in the absence of two crucial pillars of government (the Executive and the Legislature) in the national capital for the past five months.

This paper analyses the nuances involved in the Delhi Assembly impasse through a legal prism. The authors focus on how the position occupied by Delhi in our Constitutional
scheme and the role of its Lt. Governor contributed to the national capital’s governance structure being kept in limbo. The authors attempt to decipher whether the prevailing political circumstances in Delhi around February 2014 justified keeping the Assembly in ‘suspended animation’ and also seek to predict how the issue may play out in the coming days. The paper concludes with the authors’ personal views on whether the absence of a local Government and a functional Assembly has affected governance in our national capital.

Status of Delhi
Any discussion on the present impasse in Delhi is incomplete without keeping in mind that the territory in question is not a State, but a Union Territory (“UT”). Delhi’s position in our Constitutional scheme has over the years undergone numerous changes, the historical evolution of which has been eruditely described by a 9-judge Bench of the Supreme Court (“SC”) in New Delhi Municipal Committee v. State of Punjab (1996). Relevant for the purposes of this paper is its present status, specifically the following:

(i) It is a UT administered directly by the Central Government through an appointee called the Administrator/Lt. Governor;
(ii) Unlike most other UTs, Delhi has a Legislative Assembly of its own; and
(iii) It has a Council of Ministers/local Government to aid and advise the Lt. Governor in the exercise of his functions.

The SC had noted in New Delhi Municipal Committee that “various UTs are in different stages of evolution” and that “some are on their way to full Statehood”. In other words, while all UTs in India as of date fall within point (i), Delhi and Puducherry are the only UTs which exhibit points (ii) and (iii), and Delhi is the only UT which has been conferred points (ii) and (iii) through the Constitution of India. However, the SC cautioned that in spite of its evolutionary one-upmanship over the other UTs, Delhi remains a UT and cannot be equated with a State.

The different plane in which Delhi as a UT operates as compared to a full-fledged State is reflected in the position occupied by its Lt. Governor as opposed to the Governor of a State. In Devji Vallabhbai Tandel v. Administrator of Goa (1982), the SC had clarified that unlike the Governor of a State who is bound by the advice of his State Government on most matters and has discretion only in a few specified matters; the Administrator of a UT is never bound by the advice of the local Government. The SC further clarified that in the event of a difference of opinion between the Administrator and the local Government on any matter, the Administrator is required to refer the matter to the President for the President’s decision.

Position of the Lt. Governor
Tandel makes it amply clear that the Administrator of a UT, or in the present case the Lt. Governor of Delhi, is empowered to disagree with the local Government on any issue. However, two piquant questions arise at this juncture, on which Tandel is silent:

(i) When the Lt. Governor has a difference of opinion with the recommendations of the local Government, is it an expression of his own disagreement or is it the Union’s disagreement which is voiced through him?; and
(ii) Merely because the Lt. Governor can disagree with the local Government on any issue, is there no legal fetter on when he can disagree?

On point (i), the Government of National Capital Territory of Delhi Act, 1991 provides some guidance. This Act enumerates decisions which the Lt. Governor can take only after prior approval of the Central Government (such as making rules for conduct of business in the Assembly, salaries and allowances of members of the Assembly, etc). The authors believe this is an indication that certain matters have been specifically delineated where the Lt. Governor’s decision is shaped by the views of the Central Government. By necessary implication, matters which are not so delineated have been left to the Lt. Governor for deciding on his own. Interestingly, dissolution of the Assembly is not a subject-matter which requires prior approval of the Central Government. Therefore, the authors surmise that on 14th February 2014 when erstwhile Chief Minister Kejriwal submitted his Government’s recommendation to Lt. Governor Najeeb Jung for dissolving the Assembly, it was the Lt. Governor’s own disagreement with this recommendation and not the disagreement of the Central Government which led to the matter being referred to the President.

If that be the case, point (ii) mentioned above is of critical importance. The absence of any fetters on when the Lt. Governor can disagree with the Delhi Government’s recommendation would imply that he can disagree with the Government’s recommendations at will. This would place the Lt. Governor in the position of a game-maker who decides when the Delhi Government’s recommendation should be referred to the President. Since the President of India acts on the aid and advice of the Central Government, this would imply that the Lt. Governor occupies the politically bizarre role of deciding when the Delhi Government’s decision on a particular subject-matter needs to be approved or trumped by the Central Government.

Of course, there is always recourse to the Courts of our country to challenge any unreasonable or arbitrary action taken by governmental authorities, including the Lt. Governor – something which the AAP has done by approaching the SC challenging the decision to keep the Delhi Assembly in ‘suspended animation’ rather than dissolving it. However, in order to understand whether the Lt. Governor’s actions were justified, it is necessary to understand what facts and circumstances could have persuaded the Lt. Governor to disagree with the Delhi Government’s recommendation.

To the authors’ mind, three relevant considerations could have weighed on the Lt. Governor’s mind on the evening of 14th February 2014 – (i) the AAP government had lost the confidence of the Assembly and therefore he was not bound by their recommendation; (ii) there was a possibility of an alternate viable government being formed; and/or (iii) it was too early to hold fresh elections.

**Defining ‘Confidence’**

On the first consideration, the Sarkaria Commission Report (1987-88), *S.R. Bommai v. Union of India* (1992), the Report of the National Commission to Review the Working of the Constitution (2001) and *Rameshwar Prasad v. Union of India* (2006) have consistently opined that an Assembly’s confidence in the Government can only be tested on the floor of the Assembly. The authors believe that ‘confidence’ in this sense means a vote specifically
on the point of whether the Government should continue in office, i.e., a vote of confidence or no-confidence as the case may be. The defeat of a motion on whether to introduce a bill ought not to be considered a vote on ‘confidence’. In fact, the Sarkaria Commission Report (1987-88) seems to suggest that the defeat of such a motion may at best be viewed as an indicator that the Government is “likely to have lost majority support”, warranting a test of confidence on the floor of the Assembly to establish whether the Government has actually lost confidence.

The defeat of a motion on whether to introduce the Jan Lokpal Bill (even if it was the cornerstone of the AAP Government’s agenda) could not have been interpreted to mean that the AAP Government had lost the confidence of the Assembly (Balaji, 2014). If the Lt. Governor was under such an impression, he should in an ideal situation have asked Kejriwal to prove his majority on the floor of the Assembly. However, since Kejriwal had resigned from the post of Chief Minister, the possibility of a floor-test was precluded. In such a situation, the authors submit that the Lt. Governor could not have simply assumed that the AAP Government had lost the confidence of the Assembly and that therefore he was not bound its recommendations.

**The possibility of an alternate Government**

With regard to the possibility of an alternate viable government being formed, the authors foresee only two means by which this could have been achieved:

(i) Members of the Legislative Assembly (“MLAs”) from one political party individually extending support/joining another political party which was closer to the halfway mark in the Assembly; or

(ii) MLAs from two or more political parties forming an alliance of sorts.

On point (i) an argument has been floated that the Bharatiya Janata Party (“BJP”) could have deployed its covert political tactic with the moniker ‘Operation Kamala’ to form a majority government in Delhi (Krishnaswamy & Mukherjee, 2014). Operation Kamala involves getting opposition party members in an Assembly to resign from their seats and contest by-elections on a BJP ticket, thereby skirting the anti-defection laws under Schedule X of the Constitution. Of course the same strategy may be co-opted by the other political parties in the fray as well, although their numbers in the Delhi Assembly are such that they would require large-scale resignation to cross the halfway mark. However, the authors opine that the applicability of Operation Kamala or any other similar strategy to the Delhi Assembly scenario remains suspect.

The authors believe that the first step towards implementing an Operation Kamala-esque strategy, i.e., a member resigning from the Assembly, cannot be achieved while the Assembly is in ‘suspended animation’. The Government of National Capital Territory of Delhi Act, 1991 states that a seat becomes vacant when a member of the Assembly submits his resignation to the Speaker and his resignation is accepted by the Speaker. Therefore, acceptance of the resignation by the Speaker is a crucial step in the process of creating a vacancy in the Assembly. Since the very nature of keeping an Assembly in suspended animation precludes the Assembly or any of its constituents from discharging their functions with regard to that Assembly, this freeze on functionality would bar the Speaker of the Delhi
Assembly from discharging any of his functions including, *inter alia*, the capacity to decide whether to accept or reject a member’s resignation.

If that be the case, a member of the Delhi Assembly cannot resign from his seat while the Assembly is kept in suspended animation, raising questions about how the BJP or any other political party can possibly garner the numbers for forming an alternate viable government while the Assembly is in suspended animation.

If Operation Kamala-esque strategies cannot be implemented in Delhi at present, the only possible way out of the impasse would then be through point (ii) mentioned above. Justice R. M. Lodha, as he was then, had orally remarked (whether in jest or with sincere belief) in the SC on March 7, 2014 that “the Congress and the BJP... can still meet on the same platform and form the government” (Venkatesan, 2014). Had the Lt. Governor foreseen the possibility of the Congress and the BJP coming together to form a local Government in Delhi and refused to dissolve the Assembly based on this premise, the authors believe this to be a Machiavellian political assessment which can neither be tested nor faulted on principles of law. However, if this was indeed the reason which influenced the Lt. Governor, the AAP would stand somewhat vindicated with its long-standing allegation that the Congress and the BJP are hand-in-glove with each other and that there were vested political interests behind keeping the Assembly in suspended animation.

**Fresh elections**

On the point of holding fresh elections for an Assembly within a short span of the previous elections, the Sarkaria Commission Report (1987-88) had recommended that if an Assembly had not even run half of its full term, it would be too early to hold elections. The Central Government, in its affidavit to the petition filed by AAP in the SC, has taken a similar stand by asserting that the decision to keep the Delhi Assembly in suspended animation was taken in public interest. In this context, ‘public interest’ could either mean:

(i) the possibility of an alternate government being formed (as discussed in (b) above);

or

(ii) avoiding the huge expenses on the exchequer in conducting fresh elections within a short span of the 2013 Assembly Elections.

The SC is presently seized of a somewhat related issue to point (ii) in *Voters Party v. Union of India* (2014), where the huge expenses incurred in conducting bye-elections has been cited as a ground for barring politicians from contesting elections in two constituencies simultaneously. The SC’s views on this emerging issue, i.e., whether burden on the exchequer is a valid ground for curbing electoral strategies, will be decisive. Till such time, the Lt. Governor may claim the benefit of the doubt over avoiding fresh elections within a few months of the previous elections.

**Crystal Gazing: What the Future holds for Delhi**

Whatever be the Lt. Governor’s reasons for disagreeing with the recommendation to dissolve the Delhi Assembly, the matter was referred to the President. The Central Government, in its wisdom, decided that inability to form a majority Government amounts to “failure of Constitutional machinery” and imposed President’s Rule in Delhi. While typically President’s Rule is imposed in a State by invoking Article 356 of the Constitution,
Delhi as a UT has a separate provision, i.e., Article 239AB, for imposing President’s Rule. The authors believe that Article 239AB will play a role in determining how the dissolution, if at all, of the fifth Delhi Assembly plays out in the coming days.

In a situation where President’s Rule is imposed under Article 356 and a State Assembly is kept in suspended animation, the Governor’s power to dissolve the Assembly is typically taken over by the President. It is the President who then announces the dissolution of the Assembly at a later date (as was the case with Bihar in 2005, when President’s Rule was announced in March but the Assembly was kept in suspended animation till May when the President dissolved the Bihar Assembly). However, the authors believe that the subtle difference in the language of Article 356 and Article 239AB will preclude the possibility of the President taking over the power of the Lt. Governor to dissolve the Delhi Assembly. This is because:

(i) Article 239AB does not allow the President to assume the Lt. Governor’s powers; and
(ii) the Order imposing President’s Rule in Delhi can only suspend provisions of law, and does not envision arrogating the powers under those provisions of law to the President.

Therefore while the Central Government, acting through the President, can revive the Delhi Assembly by revoking President’s Rule, dissolution is still the Lt. Governor’s prerogative. The Order imposing President’s Rule in Delhi may have at best suspended the Lt. Governor’s power to dissolve the Assembly in the interim, but any subsequent decision to dissolve the Assembly has to emanate from the Lt. Governor.

However, any prediction with regard to whether the Lt. Governor is left free to decide for himself or the Central Government politicizes the issue by giving directions to the Lt. Governor on when to dissolve the Assembly (a direction which will invariably factor in the BJP’s ability to reap maximum electoral dividends for itself in Delhi) is subject to the vagaries of electoral politics and is anybody’s guess.

**Conclusion**

Lt. Governor Najeeb Jung has had the onerous task of handling Delhi’s administration on his own for the past few months. In all fairness, the Lt. Governor has tried his best to address the emerging issues confronting our national capital – his key initiatives include (i) giving the go-ahead to the Regional Rapid Transit System (Economic Times, 2014), (ii) constituting a panel to ensure safety of people from the North-Eastern States (Indian Express, 2014), (iii) forming a committee to look into the alarming pollutions levels in the city (The Hindu, 2014), and (v) instructing the National Agricultural Cooperative Marketing Federation of India to purchase onions to tackle dwindling stocks in Delhi (Indian Express, June 2014). He has also issued directions for easing the acute power-crisis in Delhi by ordering speedy restoration of the local power transmission network and instructing government offices to save electricity during peak hours (Economic Times, June 2014).

Despite having a well-intentioned local administrator at the helm in Delhi, the fact remains that a Lt. Governor neither shoulders the same extent of accountability as elected representatives nor is he often experienced in governance. The authors feel that there is a compelling case for restoring Delhi’s governance structure to address the plethora of
administrative issues involved in running the national capital. At stake is not merely the efficient management of day-to-day governance issues, but also the underlying constitutional fabric of our country. Maintaining status quo will only serve the interests of political parties, who for the time being have a convenient excuse for playing the blame-game over Delhi’s governance woes.

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Absolute Democracy and Aam Aadmi Party: 
(Meta)-theoretical and Post-colonial ‘Dream’

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Abstract
It is often noted that the social production of the political space is fast losing its ground along with the concept of modern Nation-State. Instead, transnational/hybrid political entities are emerging in the global horizon, challenging existing political space formations through alternative forms of resistance. Across the globe from Egypt, Turkey to Greece and Brazil a clarion call of “Absolute Democracy” (Hardt & Negri) has culminated in an autonomous, horizontal, non-hierarchical, reach out of the “Multitude” (Hardt& Negri). These unpredictable ruptures are radical in so far as they carve out a profound re-thinking of the contemporary political movements. In India too, the Anna-Hazare movement against corruption, Delhi-gang rape protests, the rise of Aam Aadmi Party (AAP) and its transformative potencies that opened up debates on comprador democracy, politics-business nexus, transparency and electoral representation signaled the emergence of a new political subject attempting to reconfigure the claims of direct democracy of the constituent masses. However, with AAP taking the plunge into governance and performing the same “hegemonic” politics of antagonism that has captured the political imaginary of the postcolonial democracy, the question as whether one can look for alternative paradigms in the representational democracy of India has come back to haunt us. This article aims to explore whether a post-national model of the Negrian kind can sustain in the hegemonic paradigm of postcolonial democracy with its palimpsestic micro-histories. This is what we need to perhaps keep in our mind while attempting to radicalize the model of democracies in the global south, especially India.

Keywords: Absolute democracy, AAP, Hegemony

[This paper was presented at the 2nd National Conference on Politics & Governance held at India International Centre, New Delhi on 3 August 2014]

I

We begin by making a much discussed observation of our contemporary past. For many years now, both liberal and welfare states have sought to limit the role of the State in the delivery of what were considered as public services. They are concerned to mobilize agents, movements, energies, and cultures outside of the state which is evident in the cautious enchantment with “local communities” or civil society. These movements and programs have not only given Foucault’s notion of “state-phobia” a renewed pertinence in the analytic and normative study of social sciences but has also fuelled the erosion of the concept of ‘Nation-State’, specially discernable among theorists of globalization and governance. Transnational/hybrid political entities are emerging in the global horizon, challenging existing political space formations through alternative forms of resistance. This paper
engages with the concepts of neo-Marxists, Hardt & Negri and tries to tease out the radical positions their framework upholds while subscribing to the dissolution of the State in the neo-liberal times. The article also aims to explore whether a post-national model of the Negrian kind can sustain in the hegemonic paradigm of postcolonial democracy with its palimpsestic micro-histories. This is what we need to perhaps keep in our mind while attempting to radicalize the model of democracies in the global south, especially India. The rise of AAP and the recent spurs of urban movements in India are often debated to have opened up the transformative potencies of the polis. However it will be worth exploring whether the AAP factor has indeed reconfigured the political imaginary of the postcolonial Nation and traversed beyond the representational and constitutional democratic set up or they end up performing the same ‘hegemonic’ politics of antagonism after their plunge into governance.

To probe in and engage with the phenomenal rise of AAP, the radical potencies that it called forth amidst the growing temper of democratizing democracy across the globe one needs to explore the conjunctural newness that shapes the AAP, or about what the AAP tells us about the context of its emergence. Although the Aam Aadmi Party is commonly hailed as an attempt to resolve the legitimation crisis that the Indian state and bureaucracy have been facing in recent years, the event of the singular irruption of AAP as a political agency demands rigorous intellectual reading into its political praxis and potenza. The present essay is an attempt in that direction and AAP, we argue, started off as a potent Indian version of Negrian Multitude (Murphy, 2012) that provides a heterochronos in Indian politics. In the post Occupy Wall Street/Arab Spring times when spontaneous revolutionary irruptions have descended into the streets and occupied city squares, not only threatening and toppling rulers but also conjuring visions of a new world, the birth of a Spinozian metaphysics of radical immanence that endows the polis with the constituent power of ‘living labor’, gifted with Potenza or counter-power of resistance is foreshadowed. At this juncture a glance into the post-2000 Negrian oeuvre is imperative.

II

Negri and Hardt’s Empire (2000) and Multitude (2004) envisage the new economic and political form that late capitalism takes in postmodernism with a “decentered and deterritorializing apparatus of rule that progressively incorporates the entire global realm within its open, expanding frontiers” (Negri, 2000, 56). Thus Nation-states and its apparatus of sovereignty come to be replaced by the new domains of a transnational class such that the traditional class conflicts and hierarchies are no longer relevant. This however doesn’t prefigure the end of the modern Nation State; rather in a society of control these institutional structures and state apparatuses operate with more flexibility, shifting registers and intensification such that the “dominance without hegemony” (Guha, 1997, 77) gets foregrounded. In fact, the hegemony of the Capital has reproduced new State forms albeit the Mediatized and Securitized machinery that controls virtually everything from internets to markets, stocks to state – everything becoming a node in a network. The neo-liberal times have thus come to subsume and transform not only our technology and markets but also change the terrain of the social and the political. The Keynesian planner state does not mediate between social and political life anymore rather through the instrumental power of both the factories and society completely subsumes all life and time for the production of
surplus value. Thus the proletariat is no longer a ‘mass worker’ of the factory but a ‘socialized worker’ who can bring about a new material foundation of the political, the transformation of communism through a spontaneous production of needs and demands i.e. self-valorization. The new hegemony of production involves this socialized worker and its “self-valorization” who becomes the “new common”/ “immaterial labor”, ushering in the immanent voice of the coming community in the form of “Multitudes”. How does Negri define “Multitude”? As opposed to the notion of “people” that is always represented as a unity and tends to the crystallization of a ‘general will’, ‘multitude’ is a non-representable, non-essentialist concept to Negri. Thus unlike the Marxian parameter of an individual, who exists only as a ‘ensemble of social relations’, often identified as a class, always situated in the dynamics of “organization and conflict” forecasting a teleological and transcendent horizon of praxis; Negrian ‘multitude’ is a dis-embodied assemblage of the Deleuzean kind, unable to be grasped in the identity politics that old social movements were a part of. The indeterminacy of this formation thus lends an interesting character to the capillary struggles of our times, be it the movements of Seattle, Porto Alegre, Zapatistas, Arab Springs, or the ones closer to us, the Shahbag uprising, Anna-hazare campaigns or even the rizwanuur and the Delhi –gang rape protests. Multitude or the “Multitude” thus theorized by Negri is derived from Spinoza’s Political Treatise that signifies the naming of the multiplicity of human singularities whose collective power can produce the world of the future. Such immanent and collective notion of subject formation would constitute the counter-power of resistance or democracy today. However, Hardt & Negri are skeptical about the neo-liberal form of democracy where the depoliticized figure of the represented (Negri, 2012) has corrupted the radical potencies of ‘real democracy’. Their framework advocates radical democracy sans the concept of the transcendent sovereignty of the nation state and located in the constituent power of the multitude. In political coinage this idea of a network of self-governing mechanisms constantly expansive, has its roots in the republican ideals of the US constitution (Chatterjee, 2004) and Hardt & Negri is interested to float this framework across the global democratic network of Empire. According to them, any dimension of the multitude is also a possible vindication of the right to defeat factory discipline, party discipline and any coercive state practices and usher in the becoming of an ‘affective’ body of desires that can strike at the very heart of Empire with possibilities of open ended struggles. Politics thus is no longer a State power (Potestas) which is increasingly disconnected from the citizens in the postpolitical society (Crouch, 2005); but lies on the potentia. This concept of democratizing democracy with the constituent power of the multitude is quite similar with Ranciere’s position (Crockett, 2007) but finds serious contest from the Gramscian school of political thought that presupposes hegemony and antagonism in the polis necessitating strategic political articulation.

III

All these theorizations and reflections increasingly put the recent happenings of the global south into the frame. The history of our postcolonial space has been such that “difference” is what defined us, inscribed our subject position and also makes us increasingly conscious of the palimpsestic layers of our geo-spatial locale. Our objective is to explore how the murmurings and reverberations of the Global uprisings and their clarion call for “Absolute Democracy” strike a chord in our own urban space. It is true that some of our moments of protest- Anna Hazare campaign, Delhi gang rape (Menon, 2013) or the Shahbag uprising in
Bangladesh gained much visibility because they were to a large extent mediatised making them public events in an angst-ridden urbanity. Besides, they were facilitated through the virtual space that further enhanced the free interplay of solidarity and affects much in the Negrian vein. As Shahbag was more about justice and the right to reclaim a nation from the dogmas of political Islam, Anna-Hazare campaign and Delhi gang rape showcased the rising concern over corruption and sexual violence that had of late given rise of deep sense of anguish and discontentment with the system. But these movements did not require political/non-governmental/activist mobilizations. Instead what they championed was the “carnivalesque celebration of the pure ideals of democracy” (Menon, 2013) that the people have a claim over the sovereign. This perhaps is not far from Hardt& Negrian call for democratizing democracy.

Yet one must understand that this clarion call for the constituent potencies of the masses to rise to the occasion is not very new in India. In fact, “Hind Swaraj” of Gandhi was one way of negotiating the anti-colonial movements to emerge from the commons (Gandhi, 2010). Lately, Partha Chatterjee has also noted how the unstable nature of institutional politics in India has enabled the continuous challenge to the State and allowed the prominence of the immanent power of people in the “political society”. We are once more witnessing the beginning of a new kind of politics that has all kinds of forces within it and some of them do claim to rejuvenate the “political” bringing about a revolution in becoming. AAP in its skillful attempt of the handling of new media and riding on the wave of anti-corruption activism has indeed managed to exploit the deep anxieties of the middle class about politics (Palshikar, 2013). What the Occupy movement signaled for the West was a different way of imagining and articulating politics. The movement was based on the concepts of autonomy and horizontalism and consciously defies the idea of top-down leadership. Occupy speaks with many voices but resents being spoken for. The AAP moment was also not far from it. In the spate of contemporary movements across the globe – it is the political parties that have been the target of attack. Political parties have been identified as being responsible for the hijacking of the democratic impulse and for the transformation of democracy to an arrangement in which the rule of capital is entrenched. It is against this constituted state power and its transcendental hegemony that the constituent power of the Multitude in the form of the “common” man came down heavily. Thus the statist model of representational politics, where representation itself has become synonymous with corruption that “erodes democracy, and weakens the foundations of our state” (Mukherjee, 2014) became the crucial problematic that AAP grappled with. In the wake of anti-corruption movement AAP managed to enter governance based on local, urban issues of the metropolis and yet championing “AAM AADMI”. They continued to ride piggy back on flash mobs and yet reconfigure the “political” by democratizing referendum based politics in Delhi through their concepts of mohalla samitis, gram sabhas and janata darbar. Very soon the mainstream political parties and media started displaying their conservative institutional anxiety as AAP took the national political imagination by storm during the 2014 general election. AAP came to be characterized as anarchists, escapists and non-constitutional in their engagement with politics. We do not wish to probe into the many commentaries about how their honeymoon period with the media ran into troubled waters or how they failed to meet the expectations and challenges of the nation during their short stay in governance and their sloppy show during the elections 2014, despite the hype generated.
AAP did come a long way to foreground the constituent –dasein space by injecting fresh political optics and subjectivity or “living labour” (Negri, 2004) in our postcolonial realm. According to Hardt & Negri, living labour produces life and constitutes society in the realm of contemporary capitalist relations such that capital succeeds in domesticating it for its own productivity. However, this subsumption is also immanently subversive and thus each node of the social realm can pose a radical alternative to its order. This theorization thus opens up a Dionysian creative spirit in the form of the living labour of Multitude. AAP with its critique of representative constitutional democracy and its ability to empower the sovereignty of the social collective came a long way to perform this living labour of resistance in Indian political climate. The political space left vacant by the Left quickly lapped the AAP moment as they asserted the new grammar of politics through the figure of “aam aadmi” or the common man. The point of our critique is how far this very phenomenon lived up to offer a critical praxis to deconstruct the contemporary hegemonic state-form, its institutional and ideological apparatuses and exposed the underlying structure of social relations based on exploitation and domination. The question is the rule of “swaraj” that they advocate can possibly take shape without a radical transformation of the capitalist structure within which our postcolonial state and its political institutions are sustained. We argue that the relationship of corruption has generated an unparalleled social division in India — between a special privileged group khas who are gainers and the vast majority of commoners, aam, who are the losers. The AAP imagines a political system in which the “aam aadmi” — will determine the ‘how’, ‘what’, ‘when’ and ‘where’ of their social life. It thus seeks to open an alternative ‘place’ for democracy. If the state-centric democracy signifies the centrality of the individual then the political at the domain of social or grassroots democracy inaugurates the appearance of multitude. However their movement for deepening grassroots political democracy needs to be supplemented by a systemic transformation of the way in which the wealth of the nation is produced, appropriated and distributed. Without addressing the question of surplus, surplus appropriation and particularly class exploitation in the differential temporality of the postcolonial fabric the radical potencies of Negrian Multitude may not fructify. While AAP has not paid much attention to class organization of surplus, it has made development distribution one important component of its agenda. Since coming to power in Delhi its policy to provide subsidy on power and water is an exemplification of surplus being directed towards social needs. Without a dialogue between appropriative justice (end of exploitation) and economic democracy (decision making and participation of the workers), there can be no swaraj even in the political realm. There is another way to look at this: pursuit of political equality is incomplete and self-defeating without the pursuit of economic equality in terms of the organization of surplus. This certainly calls for a huge investment in understanding the political economy of the capitalist machinery and a radical unraveling of AAP’s political program. Despite having been seen as a significant actor in changing the rules of the game, AAP has created its own pitfalls by appropriating the rhetoric of the statist political party in the post-election scenario. The constant infighting in the executive level of the party form has further demonstrated that the hegemonic rhetoric of political representation (which they strived to chase away) has come back to haunt it.
If the AAP is to retain its movementist spur as a way to re-imagine, re-signify and restructure the Indian political system in the manner it has laid down, there is no escape from the following hard choice: to be for or against the hegemony of the capital and its entrenchment in various state forms. There is always a thin line between the making and the unmaking of a revolution. It is our contention that while AAP has opened up a radical terrain of imagining the political realm in India we must make a sustained intellectual engagement with the challenges it must ride through so that it doesn’t fade away as a mere carnivalesque anarchism of the multitude. The way AAP shapes up in the days to come will register whether it will be remembered as the “siteevenementiel” (Badiou, 2012: xxxii) or in the making of a possibly failed revolution that remained caught up in the liberal social corporatist agenda unable to subvert the material segmentations of the socio-technical division of labour. The savage energy of the living labour that AAP embodies must (de) (re)territorialize the political logic and hegemony of the statist regime lest it ends up being yet another manifestation of the politico-corporate nexus of the neo-liberal globality. The questions at this juncture are thus- does AAP open the door to further irruptions/ruptures? Where does AAP go from here? What roles will these historical actors perform in the futural space of Indian polity?

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Reflections on Parliamentary Elections and Gorkhaland Movement in Darjeeling Hills

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Abstract
In conventional wisdom electoral system has been considered for long as a particularly important element in the attempt to accommodate ethnic conflicts since it acts as the most specific manipulable instrument of politics that opens up scope for negotiating conflicting claims through accommodation and cooption of the rebel leaders. Mediation of such institutional engineering is possible since election and electoral politics helps introduce meaningful competition for power, it also encourages inclusive participation and contributes towards the guarantee of civil and political liberties necessary for the fair play of political competition and participation. Arguments of this genre are plenty in Western academia. Consociationalists like Lijphart or the centripetalists like Horowitz, for example, did endorse electoral engineering as the most powerful instrument that enables ethnic conflict ridden political systems move in the direction of conflict containment, peace and tranquility. Differences of opinion, whatsoever is there, are based on the nature and form of the electoral process but not on the argumentative content that elections do accommodate ethnic conflicts. The present paper intends to weigh up the strengths and weaknesses of such arguments with the help of the empirical realities of Darjeeling Hills – a region that has been marred by ethnic conflict and movement and also marked by the episodic continuance of elections of various sorts. It is interesting to note that elections did take place in Darjeeling hills almost without interruption, which have apparently fostered democracy in the hills by enabling both participation and contestation in Dahlian sense but they hardly accommodated the leaders to the extent of resolving the aspiration of having a separate state called Gorkhaland for the Indian Nepalis/Gorkhas. The case study of Darjeeling Hills largely suggests that the electoral engineering took place in the region has sharpened rather than ameliorated the ethnic cause. Mainstream national political parties did participate in the electoral processes but that have hardly dismantled the ethnic exclusivity of hill politics and the ethnic bloc voting pattern of the Gorkhas. For reasons of space the paper will restrict itself with the analysis of the pros and cons of parliamentary elections and electioneering vis-à-vis the Gorkhaland movement in the Darjeeling hills.

Keywords: Parliamentary Elections, Gorkhaland Movement, Darjeeling

Introduction
Scholarship engaged in understanding the bearing of elections and electoral politics upon ethnic conflict has been a proven field fertile for academic research in the West. Of late such
efforts to contextualize the import of institutions like elections, electoral engineering and power sharing arrangements in accommodating ethnic conflicts in deeply divided societies like India have started gaining ground. Notions like consociationalism (Lijphart 1968; 1996a), centripetalism (Horowitz 1990; 2003), and power dividing (Roeder & Rothchild, 2005) popular in Western academia justify the import of institutions in regulating ethnic conflicts. Attempts were also made to situate the efficacy of such approaches in analyzing Indian situation. However, the responses relating to the concepts and models of peace building like say consociationalism have been mixed. While Lijphart (1996b) himself seemed to have solved the puzzle of Indian democracy through his consociational interpretation, scholars like Wilkinson (2000) raised critical issues to disprove his hypothesis. Likewise experts on Indian politics like Atul Kohli (1997) has been faithful towards consociationalist propositions of Lijphart while Paul R. Brass, another noted scholar of ethnic phenomenon in Indian situation, held the view that the success and failures in resolving ethnic conflicts in culturally diverse societies like India do not support the assumptions and solutions offered by the consociationalists (Brass 1991: 334).

As a matter of fact, the Consociationalists like Lijphart or the Centripetalists like Horowitz, all have endorsed electoral engineering as the most powerful instrument that enables an ethnic conflict inflicted political system reinstate harmony and peace through accommodation. Studies aimed at examining the worth of such propositions as to how elections facilitate the accommodation of ethnic conflict in Indian situation are curiously negligible. The present paper with the help of a case study of Gorkhaland movement is aimed at understanding the import of elections and electoral politics as strategies of accommodating ethnic conflicts in India. The paper thus revolves round two central propositions: i) the relationship between election and ethnicity and ii) the effect of elections upon ethnic conflict and the resultant processes evolved thereafter. In order to illuminate these propositions the present paper seeks to explore three related issues which in fact will help us understand the relationship between ethnic conflict and election, if any in Indian situation. The issues include: i) the extent of post-electoral accommodation, ii) the assessment of electoral process by the ethnic parties and iii) the responses of mainstream parties towards the ethnic cause. Finally the paper will end up with an overall appraisal of the recently held 16th Parliamentary election in the context of Darjeeling district, where the ethnic movement known as Gorkhaland movement has been run by the Indian Gorkhas for more than a century.

The Background
Within the given reality of Parliamentary elections and electoral processes in West Bengal the case of Darjeeling is unique among the nineteen (now twenty) constituent districts of the state. It is the only district that was conspicuously incorporated in Bengal during the mid-nineteenth century, yet it maintained a peculiar isolation from the purview of Bengal mainland administration till the last days of the Raj. There is no gainsaying the truth that in topographical and climatic terms as also in manners of cultural attribution the district, particularly its hilly portion, is still very different from the Bengal mainland even today. Though the Gorkhaland movement reached its zenith in the 1980s and became well known when it turned violent the early traces of it can be located in the first decade of the twentieth century. Since 1907 the political claim of the Gorkhas to get the hills separated from Bengal continued to form the crux of hill politics. The substance of hill politics since the
pre-independence days was based on the premises of an urge to establish ‘monopolistic social closure’ and thereby to prevent the non-hill people in general and the Bengalis in particular from acquiring symbolic or material benefits out of the hills. After independence the segregationist zeal gained more political acumen and was channelized in the direction of the claim of separate political arrangement and from the decade of 1980s onwards hill politics has become synonymous with the claim of a Gorkha homeland to be known as Gorkhaland within Indian Union. What is interesting in this regard is to note that the Darjeeling hills have been the historical site of an ethnic movement and that the region has also been exposed to various types of elections. Interestingly enough elections continued and so does the Gorkhaland movement.

The first ever election that took place in Darjeeling was in the year of 1937. According to the provisions of Government of India Act 1935 Darjeeling hills as a ‘partially excluded area’ was allotted with one member to be elected for the Provincial Legislature of the then Bengal. Siliguri, the sub-division in the plains, was excluded from this constituency and for election purposes alone clubbed with Jalpaiguri District. The election to the Provincial Legislature of Bengal was declared to be held on early January 1937 in which S. W. Laden La, Rai Saheb Hari Prasad Pradhan, Gyan Tshering Sitling, and Dambar Singh Gurung had participated as candidates from the hill constituency. Each of these four major players have represented not the anti-colonial nationalist aspiration popular in the then Bengal but specific localized ethnic claims raised by each participants in the first ever election took place in the hills. S. W. Ladenla, the Bhutia leader of the hills, who made earnest attempts to secure an electoral breakthrough by forming even an association known as Hill People’s Social Union (HPSU) in December 23, 1934. The HPSU was actually a ‘multiethnic party’ since it invoked on the ethnic identity of the hill people as a whole and refrained from excluding any group on the salient dimensions of identity. As such HPSU and Laden La stressed more upon the fostering of fraternity among the hill communities by putting the Bhutias at the centre stage. Excepting HPSU no other organization was there for any other hill community but community exclusivity received its due expressions in the attempts made by the individual leaders who contested the 1937 election in the hills. For example, G. T. Sitling, the Lepcha leader raised the concern for the Lepchas while Hari Prasad Pradhan, Newar (the business community among the Nepalis) by community background took up the case of Nepali exclusivity from Bengal administration. Dambar Singh Gurung, belonged to matwali (or alcohol drinkers – people belonging to mongoloid racial stock are referred to in traditional Nepali caste system as matwalis – literary meant low caste people) community, had an altogether different stand. As a result of his early association with the movement of language and cultural nationalism among the Nepalis of Darjeeling hills spearheaded by the Nepali Sahitya Sammellan since the 1920s Gurung maintained inclusionist fervor of cultural nationalism as his electoral agenda. In the absence of any strong opposition, which would not have been the case if Ladenla was alive, Dambar Sing Gurung won the election. He subsequently became the most significant among the hill leaders who was credited with the political articulation of the Gorkha cause through the formation of the first ethnic political platform of the Gorkhas in 1943 known as All India Gorkha League (AIGLI). It is worth noting a point that the imprint of ethnicity was very much present even in the first ever election that took place in the Darjeeling hills in 1937. In subsequent years the AIGL has set a trend of emphasizing Gorkha ethnicity in exclusivist terms whenever the question of elections came in.
Post-Electoral Accommodation

The history of the movement vis-à-vis the elections held during the three decades (1950-70) immediately after independence has shown some interesting developments. The movement during this period of time was more or less peaceful and democratic, if not pro-State. Barring a few occasions, strikes were hardly called on, elections were never boycotted, no incidence of genocide or of mass killing have ever happened. Besides the AIGL, the Indian National Congress (INC), undivided Communist Party of India (CPI), and later on the Communist Party of India-Marxist (CPI-M) evolved as the major political platforms of Darjeeling hills although they did have their District Committees established in pre-independence period. All the Assembly and Parliamentary elections were held at regular intervals in which all the above mentioned political parties and also some independent candidates have participated. It deserves mention that while the AIGL was the only indigenous political platform during this period of time, the other political parties (like the INC or the CPI-M) have also thoroughly depended upon the hill people while distributing the party portfolio or nominating the candidates for elections, for obvious reasons. It is also interesting to note that the prominent hill leaders of the INC during this period of time were either the dismissed AIGL members or had an erstwhile linkage with the League².

The immediate result of such developments did yield opportunities for accommodation and the hill leaders were moderately placed in the ministerial positions of the respective governments during the period of 1950-1970. It is to be noted that the accommodation of hill leaders in most cases were made particularly in response to the assembly elections. None of the hill leaders elected in the sixteenth rounds of general elections held so far were offered any position in the Parliament except being an MP. The portfolio offered to the hill leaders elected in the different Assembly elections are provided in Table No. 1. Data reveal that post-electoral accommodation did take place mostly when Congress (INC) formed government in the state of West Bengal. However, during coalition governments AIGL leaders also got the opportunity to enjoy power positions. The situation changed during the Left regime. Dawa Lama, the CPI-M candidate from Darjeeling constituency, for the first time secured a position in 1977 yet as a result of by election and later on in the subsequent two terms his electoral victory from Darjeeling constituency was basically the result of poll boycott call declared by the then Gorkha supremo Subhas Ghising. Hence Dawa Lama as a CPI-M candidate from the hills actually lacked people’s mandate and practically the process of accommodating hill leaders in the West Bengal Assembly seemed to have been blocked during the Left Front rule and the trend still continues.

Table 1: Post-Electoral (Assembly) Accommodation of Hill Leaders

<table>
<thead>
<tr>
<th>Sl. No.</th>
<th>Name</th>
<th>Party</th>
<th>Year</th>
<th>Portfolio</th>
</tr>
</thead>
<tbody>
<tr>
<td>1.</td>
<td>Tenjing Wangdi</td>
<td>INC</td>
<td>1952</td>
<td>Deputy Minister, Tribal Welfare &amp; Excise (Congress Government)</td>
</tr>
<tr>
<td>2.</td>
<td>Shiv Kumar Rai</td>
<td>IND</td>
<td>1952</td>
<td>Deputy Minister, Labour (Congress Government)</td>
</tr>
<tr>
<td>3.</td>
<td>Tenjing Wangdi</td>
<td>INC</td>
<td>1957</td>
<td>Deputy Minister, Tribal Welfare (Congress Government)</td>
</tr>
<tr>
<td>4.</td>
<td>Nar Bahadur</td>
<td>IND</td>
<td>1957</td>
<td>Deputy Minister, Labour (Congress Government)</td>
</tr>
</tbody>
</table>
Gurung

5. Tenjing Wangdi
INC
1962
Minister of State, Animal Husbandry & Vet. Services (Congress Govt.)

6. Deo Prakash Rai
AIGL
1967
Minister-in-Charge, Tribal Welfare (United Front Government)

7. Deo Prakash Rai
AIGL
1969
Minister-in-Charge, SC & ST Welfare (United Front Government II)

8. Deo Prakash Rai
AIGL
1971
Minister-in-Charge, SC ST Welfare & Tourism (Democratic Coalition Govt)

9. Gajendra Gurung
INC
1972
Dy Minister, Tourism, Cottage & Small Scale Industries (Cong Government)

10. Dawa Lama
CPIM
1977
Minister of State, Hill Affairs Development & Planning (Left Front Govt.)

11. Dawa Lama
CPIM
1982
Minister of State, Hill Affairs (Left Front Government II)

12. Dawa Lama
CPIM
1987
Minister of State, Hill Affairs (Left Front Government III)

Source: Banerjee 2006. Election Recorder

Deepening of Democracy vis-à-vis Intensification of Ethnic Antagonism

Keeping in view the accommodationist posture of the West Bengal Government during the initial three decades (1950-70) after independence one should not be overwhelmed to the extent of treating these facts as the palliative which would have dampened the Gorkha cause and as a result of all these democracy would have deepened in the hills. In fact, the phenomenon deepening of democracy, the way it is understood in democratic theory serves as a critical factor that helps us understand the relationship between elections and ethnicity in the Darjeeling with some precision. Democracy is considered to be deeper when it satisfies the two principal criteria: contestation and participation. By contestation, democratic theory means the freedom with which those in power are challenged in elections; and participation indicates how large a segment of the population takes part in elections (Varshney 2000).

So far as the perspective of contestation is concerned it can be safely argued that in the electoral agenda of Darjeeling hills the question of contestation made its reflection more in the sense of a politics of claim and counter claim regarding Gorkhaland. Interestingly enough this contentious claim of a separate state by the Gorkhas continued to serve as the prime issue centering which assembly and parliamentary elections were fought. In 1989 the GNLF with the agenda of Gorkhaland has won for the first time in the general election, but that was actually the visible tip of the iceberg. As we dig deeper we find that the Gorkha cause was insisted by the AIGL from the very beginning yet with little success. Though the AIGL failed to secure a breakthrough in the Parliamentary elections it was successful in establishing its dominance in the assembly election since 1957 in the hills. Initially through the efforts made by the AIGL and later on by the GNLF what became increasingly clear is the fact that the prospect of electoral politics in Darjeeling hills over the years was largely
determined by the politics of Gorkha agitation. Whether it was the demand of separate politico-administrative arrangement for the Darjeeling hills made in the past or the contemporary urge for a separate state of Gorkhaland raised by the Gorkhas since 1980s – both were articulated through the path of confrontational politics. The more such a contestation got intensified the higher the participation in electoral process was registered. These propositions get their validation when we look closely into the perspective of participation.

Much like the increasing consolidation of the perspective of contestation the issue of people’s participation in the electoral process kept on snowballing over the years in Darjeeling. Despite the widespread prediction of voter apathy, elections in Darjeeling did show increasing trend of participation in the electoral process. It appears that (vide Table No. 2) turn out in Darjeeling district has stabilized around 60% since the 1980s and in the subsequent decades (1990-2000) it rose up to 70% and beyond, which by international standards is reasonably high. Turn out of votes were, however, drastically low during the 1980s when the Gorkhaland movement was at its peak. Subhas Ghising and his GNLF has declared a poll boycott call whose impact is visible in the low turnout of votes registered in the two assembly elections took place in 1982 and 1987.

Table No. 2: Electoral turnout: Parliamentary & Assembly Elections in Darjeeling District

<table>
<thead>
<tr>
<th>Parliamentary Elections</th>
<th>Assembly Elections</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Year</td>
</tr>
<tr>
<td>1957</td>
<td>41.67</td>
</tr>
<tr>
<td>1962</td>
<td>46.97</td>
</tr>
<tr>
<td>1967</td>
<td>58.39</td>
</tr>
<tr>
<td>1971</td>
<td>53.53</td>
</tr>
<tr>
<td>1977</td>
<td>43.54</td>
</tr>
<tr>
<td>1980</td>
<td>56.65</td>
</tr>
<tr>
<td>1984</td>
<td>68.12</td>
</tr>
<tr>
<td>1989</td>
<td>74.25</td>
</tr>
<tr>
<td>1991</td>
<td>71.11</td>
</tr>
<tr>
<td>1996</td>
<td>69.91</td>
</tr>
<tr>
<td>1998</td>
<td>51.96</td>
</tr>
<tr>
<td>1999</td>
<td>46.21</td>
</tr>
<tr>
<td>2004</td>
<td>71.09</td>
</tr>
<tr>
<td>2009</td>
<td>79.51</td>
</tr>
<tr>
<td>2014</td>
<td>79.46</td>
</tr>
</tbody>
</table>


It is interesting to note that during initial three decades (1950-70) when the accommodationist strategies were at work and the Gorkha agitation was not that intensified
turn out of votes both in assembly and parliamentary elections were very low. In case of assembly elections it ranged between 20% - 50% and the figures for parliamentary elections took place during the same period (1950-70) were between 40% - 50%. In all respect the participation in the electoral process did increase substantially since 1970s onwards. It is also very significant to note that the Gorkha agitation got increasingly ignited in the post 1970s. Hence it is naïve to be faithful to such propositions that accommodation can slow down the pace of ethnic movement. In fact, the question of participation is indeed the crucial factor that discounted the efficacy of accommodationist propositions particularly when the turnout of voters was very low. Unlike the typical western liberal context, where deepening of democracy invariably leads to consolidation of ‘liberal values’ greater participation in Indian context does mean the involvement of communities or groups and not merely the participation of ‘atomized individuals’ (Chakrabarty 2008: 171). In the context of Darjeeling hills such a meaning of participation is aptly applicable where people largely voted for registering the voice of their community to be heard by a larger audience. The worth of increasing participation in the electoral process in Darjeeling has to be read as the involvement of individuals not as an isolated atomized case but as a member of primordial community drawn on the basis of Gorkha ethnic identity.

Keeping in view the two critical conditions of contestation and participation it may be argued that the experience of election vis-à-vis ethnic conflict in the Darjeeling hills is indicative of a positive correlation between deepening of democracy and intensification of ethnic antagonism. In other words, democracy in Darjeeling hills deepened as a necessary correlate of intensified Gorkha agitation. Through the twin processes of contestation and participation the Gorkha politics in Darjeeling hills has not only acquired a definite ethnic fervour but this contested idea of Gorkhaland and its increasing mass base helped them figure out their seasoned political acumen leading towards the imagination of an ‘invented’ Indianess at the same time. It is through their struggle for a separate homeland of their own within the motherland called India (and not Nepal) the Gorkhas have been incessantly attempting to establish what they think the rightful claim of an Indian citizen. Deepening of democracy in the hills based on the processes of contestation and participation in a certain sense, leads towards the affirmation of Indianess among the Gorkhas of Darjeeling hills.

The assessment of electoral process by the ethnic parties

Although Electoral systems represent perhaps the most powerful instrument available for institutional engineering, with far-reaching consequences for party systems, the composition of legislatures, and the durability of democratic arrangements, the experience of Darjeeling hills largely suggests that electoral process has hardly served the purpose of either being a process of ‘constitutional engineering’ or an ‘institutional design’ that could have promoted peaceful amelioration of ethnic antagonism. Electoral politics has instead sharpened the ethnic cause to the extent of transforming it into a significant political cleavage relevant for electoral maneuvering. Initially the AIGL, the earliest ethnic political party of the hills, almost singlehandedly captured all the Assembly seats. Later on the Gorkha National Liberation front (GNLF), since its inception in the 1980s, has dominated the Parliamentary and Assembly election results. Again in the recent past the same phenomenon was repeated. The Gorkha Janmukti Morcha (GJM), which emerged just in 2007 after displacing Ghising and his GNLF, has attained sweeping victory with huge margin in all the three Assembly seats in the hills in the last Assembly election took place in 2011.
Moreover, the GJM has also enabled the BJP to secure the single Parliamentary seat of the district consecutively for the last two terms.

The point is that the ethnic political parties did consider election and electoral politics as an ‘opportunity structure’ rather than as the ‘institutional design’ to neutralize ethnic conflicts. Perhaps that is why they either preferred for aligning with an established political party after having made a self-assessment regarding their own strengths and weaknesses. If they find the ethnic cleavage gets truly reflected through the political activism that their respective political parties have spearheaded, they compete the election without forming coalition with other political parties (this has been the case with AIGL, GNLF and GJM’s sweeping electoral victory in the assembly seats) and in other situations they found it more calculative to support mainstream parties believing that such a strategy would enlarge the scope for achieving Gorkhaland. In exceptional situations when the ethnic parties do find the election as an event that is not going to yield political opportunities in ethnic terms but rather will dismantle the current tempo of ethnic struggle they simply go for boycott the election. This has been particularly the case during 1980s and 1990s when the GNLF raised poll boycott call repeatedly.

Consideration of electoral process as an ‘opportunity structure’ appeared to be far more precarious in case of Parliamentary elections, although Darjeeling has been allotted with a single seat for the entire district. If one considers the election results of Parliamentary elections essentially through figures one may miss the intricate relationship between ethnicity and politics, which has become a staple discourse of hill politics so far as the question of Parliamentary elections are concerned. Studies based upon electoral figures are prone to arrive at oversimplified conclusions regarding the rather complex nexus between election and ethnicity. Such has been the case with a recent study made by Amit Prakash, an expert of Jharkhand ethnicity. While making an assessment of the 15th General election of India on the pretext of regionalism, politics of autonomy and demands of smaller state taken place in different states including West Bengal Prakash came to such an oversimplified conclusion. Prakash has rightly pointed out that the issues like Gorkhaland has had a long innings and that it is nowhere close to being resolved. However, Prakash was equally mistaken in his prognosis when he concluded that the GNLF had no presence in the 2004 elections and not much has changed as far as this issue (i.e. the politics of agitation) is concerned to have a serious impact on the outcome of the forthcoming elections (Prakash 2010: 212). Contrary to what Prakash, one of the celebrated experts of ethnicity within contemporary Indian scholarship, has forecasted both the GNLF and the claim of Gorkhaland were neither a missing factor in the 2004 Parliamentary elections nor even did they fail to make ‘serious impact’ on the forthcoming elections, nevertheless GNLF refrained from filing its own candidate in the 2004 Parliamentary Elections.

Table No. 3: Votes secured (in %) by major political parties in Parliamentary Elections:
Darjeeling District 1957-2014

<table>
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<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>INC</td>
<td>43.27</td>
<td>35.03</td>
<td>38.54</td>
<td>--</td>
<td>41.81</td>
<td>41.27</td>
<td>41.71</td>
<td>--</td>
<td>48.07</td>
<td>36.00</td>
<td>25.20</td>
<td>24.90</td>
<td>44.70</td>
<td>19.43</td>
</tr>
</tbody>
</table>
If we strictly concentrate on the figures represented by the General Elections results we will find that out of the fifteen Parliamentary elections (held during 1957-2014) Congress (INC) and CPI-M did secure victory most of the times (INC for five terms and CPI-M for six terms) while ethnic parties like GNLF and an Independent candidate only for once. The BJP however, won the Parliamentary elections twice, even though the BJP has maintained a weak track record of maintaining political and organizational activities in the district. It is doubtful as to whether the poll results as reflected in the quantitative data can yield the significance of ethnic cleavage in determining courses of electoral politics particularly in case of the single Lok Sabha seat of the district. This might have led Prakash to make such a sweeping statement regarding hill politics. All this necessitates serious analysis of the issue as to how the pattern of voting gets affected by ethnic factors (this issue has been taken up separately in the subsequent part of the present essay).

If we consider the facts beyond the figures we will find that ethnic demand of the Gorkhas to have their own state called Gorkhaland has always marred the electoral process. Sometimes the issue was taken up rather directly on occasions when ethnic parties filed their own candidates and sometimes indirectly when they opted for supporting any of the nationalist parties. What happened in 2004, 2009, and 2014 General elections was basically the second choice that the respective ethnic parties (GNLF in 2004 and GJM in 2009) have considered as beneficial. In the numerical data of poll results (vide Table No. 3) both the GNLF (in 2004) and the GJM (in 2009 and 2014) were absolutely non-existent. However, in the hill politics as also in the overall political scenario of the state during the respective periods it was almost an open secret that both the INC (in 2004) and BJP (in 2009 and 2014) were able to become successful only through securing the tacit approval of the ethnic parties like the GNLF and the GJM respectively.
Responses of mainstream parties towards the ethnic cause

The formal political footing of Darjeeling district as a Parliamentary constituency is rather weak as only one seat is earmarked for the whole district while the state of West Bengal elects 42 representatives to the Lok Sabha. However, the differential stands taken by the different mainstream political parties regarding Gorkhaland at the time of Parliamentary elections, and the ensuing political maneuvering followed thereafter make it an interesting area for concern and comment. The commonplace strategy of playing out a politics of ‘non-indulgence’ or the ‘lack of it’ in relation to the claim of Gorkhaland, as pursued by the different political parties, largely reveal that the substance of hill politics does influence the political calculations and the subsequent electioneering necessitated by the Lok Sabha polls in the state.

The question of Gorkhaland the way it figured out in the political programmes and actions of different political parties during the time of Parliamentary elections needs to be looked afresh. To the extent the ruling parties of the state were represented by different protagonists than that of the Centre, a phenomenon that characterizes the state of West Bengal roughly for the last four decades, politicking with the hills took place in a regimented fashion raising a complete disavowal of the claim of Gorkhaland. Such has been the stand taken up both by the ruling parties whether it is the Trinamool Congress (TMC) of the contemporary period or the Left of the yester years. Politicking with Gorkhaland considered being most unlikely or perhaps a dangerous choice that none of the ruling parties of the state ever risked to entertain it. Interestingly enough the very attempt to keep safe distance from politicking with Gorkhaland has itself become a very persuasive political strategy indeed. Slogans and political mobilizations thereof emanating from such arguments like “it’s better to sacrifice one seat in order to keep the integrity of the state” or that “Bengal cannot be divided” set the tune of electoral maneuvering in West Bengal during the Lok Sabha polls.

Gorkhaland has been a viable political purchase for the ruling parties and also for the national political parties those who used it for weighing up their relative political strength in the state of West Bengal during the time each general elections. While the sordid claims of ‘politics of non-indulgence’ was the actual route through which the ruling parties of the state did actually become indulgent in the affairs of the hills somewhat indirectly, the direct political indulgence of the national political parties (like the INC or the BJP) with the issue of Gorkhaland was far more precarious and consequential. If the moderate and often a soft political stand on Gorkhaland helped the Congress-I to gain the tacit approval of the undisputed Gorkha leader Sri Subhas Ghising in the past the same politicking became a handy tool for the BJP during the last two instances of Lok Sabha polls. The point is that though the BJP has marked a trend of registering sweeping victory in the single Lok Sabha seat meant for the district, one should not lose sight of the very fact that the said electoral victory of the BJP can hardly be attributed to the so-called Hindutva ideology or even to the current hype of Modi phenomenon that has played its havoc in the recent rise of the BJP at the national level.

Gorkha Vote Bank and Ethnic Bloc Voting by the Gorkhas

It is worth noting a point that since the rise of Subhas Ghising as the undisputed leader of the Gorkhas/ Indian Nepalis the seeds of ‘Gorkha vote bank’ have been sown. The idea of
Gorkha vote bank is instrumental to the pattern of ethnic bloc voting that the Gorkahs of Darjeeling exemplified. Such a process is traceable from 1980s onwards when the segregationist zeal of the hills got codified and consolidated into a single agenda politics i.e. the achievement of Gorkhaland. Needless to mention that prior to Ghising and his GNLF such a regimented politics surrounding the issue of Parliamentary elections hardly had taken place. Though AIGL since its inception in 1943 was keenly engaged in politics and also took active part in Parliamentary elections immediately after independence but it did fail to consolidate the Gorkha voters to the extent of what Ghising later did. Perhaps that is why the AIGL has failed to secure electoral victory even for once during the five Lok Sabha elections took place during 1957-1977 in the district.

On the contrary, with the rise of Subhas Ghising it became crystal clear that electoral victory in the single Parliamentary seat meant for the district of Darjeeling can be secured by any political party provided it becomes successful in capturing the ‘Gorkha vote bank’. In other words the fate of electoral politics in Darjeeling district is determined by the hill voters even though they constitute 43.22% (as per the sixteenth Parliamentary elections electoral roll) of the total voting population of the district. Data reveal (vide Table No. 4) that whenever people’s mandate in the district was near total or that whenever the people of the hill and the plain region of the district voted overwhelmingly the election results were determined primarily by the hill voters. The contribution of the hill voters has been significantly higher than their plains counterpart in securing electoral victory for a political party in the district. The percentage share of the hill voters was highest (82.86%) in 2009 that in fact enabled the BJP to win the Darjeeling seat for the first time in fifteenth Lok Sabha election with a record margin. In other occasions the contributions made by the hill voters were considerably high than the contribution of their plains counterpart.

### Table No. 4: Lok Sabha Elections Result (in %): Darjeeling District 1999-2014

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<tbody>
<tr>
<td>Winning Party</td>
<td>BJP</td>
<td>BJP</td>
<td>INC</td>
<td>CPI-M</td>
</tr>
<tr>
<td>Total vote secured</td>
<td>43.45</td>
<td>51.50</td>
<td>44.74</td>
<td>44.24</td>
</tr>
<tr>
<td>Contribution of Hills</td>
<td>59.24</td>
<td>82.86</td>
<td>52.82</td>
<td>9.42</td>
</tr>
<tr>
<td>Contribution of plains</td>
<td>40.76</td>
<td>17.14</td>
<td>47.18</td>
<td>90.58</td>
</tr>
<tr>
<td>Total Polling</td>
<td>80.70</td>
<td>79.51</td>
<td>71.11</td>
<td>86.21</td>
</tr>
</tbody>
</table>

**SOURCE:** Statistical Reports of respective Lok Sabha Elections (available at [http://eci.nic.in/eci/eci.html](http://eci.nic.in/eci/eci.html))

As a matter of fact, the CPI-M won the Darjeeling seat in 1999 Lok Sabha polls in which the participation of the hill voters was abysmally low (10.09%) and the results were thus determined by the plains voters (CPI-M won by securing 90.58% of votes from the plains). The point is that the Lok Sabha election results of the district were determined by the voters of Darjeeling plains only in those occasions whenever total mandate was not accounted for. Keeping in view the electoral victory of the CPI-M in 1999 and also in earlier two terms of Lok Sabha elections held in 1998 and 1996 it would be an unrealistic estimation to hold that class ideology has persuaded ethnicity to the extent of weakening its significance to be felt in the poll results. Reality rather suggests otherwise. Ethnic politics did survive the taste of time at least since 1989 when GNLF won singlehandedly out of its hill support base and then
onwards this trend continued. Later on the GNLF either have supported the Congress (Congress won in 1991 and 2004 general elections out of GNLF’s backing) or boycotted the polls (this has resulted in CPI-M’s victory in 1996, 1998 and 1999 elections). The same strategy has been followed by the GJM chief Bimal Gurung in the last two elections resulting in the assured victory of the BJP in 2009 and 2014 general elections.

Towards conclusion
By now it became demonstrably clear a fact that the fate of electoral politics in the Darjeeling Hills, over the years, has got overwhelmingly dominated by the political prospect of Gorkhaland. There will be no escape from this general trend in the years to come unless the pattern of ethnic bloc-voting by Gorkhas changes seriously. Moreover, giving the workings of Parliamentary democracy in India, where the politics of numbers trumps intent or ideology, it deserves mention that the key to BJP’s success in the Darjeeling seat consecutively for the last two terms has been the effective consolidation and spearheading of this ethnic bloc-voting trend of the Gorkhas concentrated predominantly in the hills and also in and around the peri-urban spaces of Siliguri – the emerging Metropolis of North Bengal located in the plain region of the district.

In such a situation when the crucial chemistry of ethnic bloc voting determines the electoral prospect of the district the rhetorical anti-Gorkhaland stand can hardly neutralize the separatist sentiment of the Gorkhas. The attempt made so far to diffuse Gorkha ethnicity by an equally chauvinistic Bengali ethnicity in the electoral process has been proved to be catalytic that in fact encouraged the Gorkhas to rely more and more upon the ethnic bloc voting pattern as a means of registering their voice. If Gorkhaland movement has to be negotiated through parliamentary elections and electoral politics then the political entrepreneurs have to think more realistically. Political lessons of such endeavours that projects Gorkhaland as a mirage or as an unattainable goal are indicative enough that these courses of actions ultimately proved to be politically beneficial for the Gorkha cause itself. Consequently the demand of Gorkhaland gained more political teeth and new sets of distasteful followers. It should also be noted that the recurring dependency of the mainstream parties on the Gorkha vote bank as a proven strategy to capture the single parliamentary constituency of Darjeeling ultimately establishes the mass base of the appeal of Gorkhaland itself. How long in the name of parliamentary democracy such a mockery will go on?

It deserves mention that, in case of parliamentary elections the ethnic parties (be it the AIGL of the 1960s, the GNLF of the 1980s or the GJM of the present day) of the Darjeeling Hills all the time have estimated the Parliamentary elections as the short cut route for fulfilling their long cherished dream of a Gorkha homeland. It is no exaggeration to argue that within the high tide of political expediency the occurrence of periodic elections can hardly be considered as the pillars of a successful democracy. The bankruptcy of the democratic ideal vis-à-vis the elections become evident when the ethnic parties did not find any of the mainstream political parties as helpful in fulfilling their aspirations. In such situations they have no other options left for them but to go for out rightly boycotting the elections. Not to mention that such repulsive attitude has been repeatedly registered by the GNLF during 1996, 1998 and 1999 when it shunned Lok Sabha polls and this boycott call enabled the CPI-M attain a smooth sailing in the Lok Sabha constituency of Darjeeling with meagre turnout.
of votes. This would have surely been the case once again in the last two instances if the BJP would have refused to ally with the GJM in 2009 and 2014 Lok Sabha polls.

The Darjeeling situation is suggestive of the very fact that the political parties typically find the election as the appropriate strategy to fetch the rewards of ethnic outbidding. Aspiring politicians greedy for attaining electoral victory at any cost have strong incentives to harness these identities as a political resource since ethnic identities tend to be invested with a great deal of symbolic and emotional feelings that constituted its potentiality of being a weapon much stronger than a politics based on issues or ideologies. The question that needs to be asked as to whether such mobilization of ethnic identities for political expediency can contribute towards the development of a deep democratic culture? Can such highly politicized path of electoral politics, in which only ethnic cleavage has gained prominence rather than politics of issues or of ideology, enlarge the scope for democratic inclusion of the ethnic entrepreneurs in the larger body polity by providing them a chance to become stakeholders in the overall governance process on behalf of their own region? Contrary to the functionalist assumption that elections and electoral politics would mediate people’s ultimate authority to pave the way for Parliamentary democracy, Darjeeling experience leaves the message that the Lok Sabha polls and the subsequent electioneering have in fact, strengthened the capacity of ethnic cleavage to fix up the goals and directions of local politics. Needless to mention that in situations where periodic occurrence of elections appears to be a mere fait accompli, the failure of democratic politics is often the end result of these processes. The point is that the successful operation of the procedural norms of a democratic system does not necessarily guarantee the realization of what in academia is called as ‘substantial democracy’. The hill politics of Darjeeling is replete with such defunct predilections of ‘procedural democracy’ and the real essence of ‘substantive democracy’ is far beyond appropriation even after the successful completion of the 16th round of Parliamentary elections.

End-notes
1 S. W. Ladenla died just at the eve of election in December 25, 1936.
2 For example, N. B. Gurung who happened to be the District Congress Committee President of Darjeeling during 1963-1967, Member of All India Congress Committee in 1972 besides being the Deputy Minister of Labour in B. C. Roy’s ministry for two times was the younger brother of Dambar Singh Gurung who founded the AIGL. Although N. B. Gurung himself was in charge of the Labour wing of the League since its inception, he resigned from the League in 1962.

References


Affirmative Action and Electoral Politics

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Abstract
This essay attempts to argue why affirmative action is required in a society where inequality persists. It locates the justification for affirmative action in philosophical argument as well as in expediency. The philosophical argument consists in the fact that nature has arbitrarily endowed different individuals with different talents or the lack thereof, and therefore no individual is entirely responsible for what one possesses or not. Moreover, in a given society, for good or for ill, an action of a member – or the lack thereof – affect another member of the same society. Given this condition, if those least advantaged are not given due consideration in the form of affirmative action, it is more likely that overall human flourishing will be harder to achieve. The essay also critiques the present economic and political order that provide reservation to all the members of the Scheduled Caste (SC) and Scheduled Tribe (ST). It further underlines that political parties should not use this policy of affirmative action as a tool for electoral gain.

Keywords: Affirmative Action, Electoral Politics, Political Parties

[Inthis paper was presented at the 2nd National Conference on Politics & Governance held at India International Centre, New Delhi on 3 August 2014]

Introduction
Affirmative action is an approach devised to provide special opportunities to those group of people who are disadvantaged because of various reasons. It is not a new approach. This concept was introduced in India by the framers of the Constitution to benefit those who are socially and educational backward. This policy of affirmative action being in place for over sixty years now has significantly contributed to the welfare of the people in the state. However, the fact that there is still social and economic inequality suggests that it is still in great need. The persisting inequality does not suggest that affirmative action as a political policy has failed; it rather suggests that it requires reform so it is more efficient. Critics of affirmative action have from time to time argued to do it away. The article will argue that affirmative action is required to establish a just and a flourishing society.

Affirmative Action Re-affirmed
Nature is arbitrary. Some people are endowed with excellent physical fitness while there are many others who are not so. Some people are born in slums and therefore do not even have sufficient resources to get two meals a day; while there are many others who are born into rich set up and therefore do not experience what shortage of food is. Some people are born in times of plenty; while many others are born in times of war and shortage. The effect of such diverse circumstances is that all humans do not have equal access to potential privilege and success. And the circumstances are beyond the control of the human beings. Some are
born into broken families where parental abuses prevent growth; while some others are born into families whose environment is conducive for excellent physical, moral and intellectual growth. Some are born with high IQ; while some others are not so fortunate. Some are born into situation which motivates creative thinking; while some others are born into situation that arrests even freedom of conscience and thought. Surely, one’s location has an effect on the way one learns and grows. Rawls underscores, “even the willingness to make an effort, to try, and so to be deserving in the ordinary sense is itself dependent upon happy family and social circumstances.”

Humans are relational being, and therefore those people with whom we share lives determine, to a large extent, our failure and success. The individual alone is not the creation of his state of failure or success. Thus, the fruit of one's success must not entirely belong to the person. After all, to a great extent the fruit of her success can be plausibly attributed to factors beyond her doing. This is not to undermine the effort and hard work of the individual in its entirety. A person who has worked hard must be recognised and rewarded. Without such reward, the joy of hard work will be greatly undermined and the human society will be poorer. At the end one must acknowledge that the fruit of one's success lies in the sweat of one's brow as well as in the natural endowment. Perhaps it is not feasible to precisely determine how much each of these factors — sweat and natural endowment — have contributed to one's success. Yet, this difficulty must not result in denying the fact that one's sweat and natural endowment collectively determines one's success.

All human beings have equal value. There is no one who is inherently more valuable than another person. Though our intellect, physique, emotions or acquired skill are different, our basic need for food, shelter and clothing are part of the givenness that we all share as human being. We all share the earth; enjoy the same sun and moon. We may belong to different nationalities, yet the basic commonality that we all share as human being is the same. It is because of this commonality as human being, we get our own individual personhood. Our individual personhood is dependent on the relation we enter into with the other person. A person in isolation does not make one complete. 'No man is not an island entire of itself, every man is a piece of the continent; a part of the main' says the poet. It is in community where we share relations with others that we begin to discover our humanness and fulfilment. Given this need for the other to discover and fulfil one's own life, there has to be the obligation to share the misfortune of the other. More importantly, if the members are from the same political community, the misfortune of one affects others more intensely. If we are to construct a flourishing society, it ‘can only exist on the understanding that the interests of all are to be regarded equally’. A society where a section of a population is undermined or whose rightful economic or political interest is not adequately accounted for is to invite social and political unrest. Such social and political unrest result in affecting the well-being of the members of the given community. Human flourishing will not materialise if a collective future is not envisioned.

Remaking Affirmative Action Policy

The members of SC/ST are spread across different states of the country. Some states have many of those who belong to SC category while some states have very high number of those in ST category. The figures below give statistics of the highest concentration of SC/ST in certain states.
Fig. 1 Scheduled Castes Population in Select States as per Census Data 2011

<table>
<thead>
<tr>
<th>State</th>
<th>Population</th>
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<tbody>
<tr>
<td>Uttar Pradesh</td>
<td>35.1</td>
</tr>
<tr>
<td>West Bengal</td>
<td>18.5</td>
</tr>
<tr>
<td>Bihar</td>
<td>13</td>
</tr>
<tr>
<td>Tamil Nadu</td>
<td>11.9</td>
</tr>
</tbody>
</table>

Fig. 2 Scheduled Tribes Population in Select States as per Census Data 2011

<table>
<thead>
<tr>
<th>State</th>
<th>Population</th>
</tr>
</thead>
<tbody>
<tr>
<td>Arunachal Pradesh</td>
<td>64.20%</td>
</tr>
<tr>
<td>Meghalaya</td>
<td>85.90%</td>
</tr>
<tr>
<td>Mizoram</td>
<td>94.50%</td>
</tr>
<tr>
<td>Nagaland</td>
<td>89.10%</td>
</tr>
</tbody>
</table>

Fig. 1 and Fig. 2 show the population and percentage of SC and ST in few states in India according to 2001 Census. The Census of 2001 records 166,635,700 people in the SC category and 84,326,240 people in the ST category. Thus SC and ST constitute 16.2% and 8.2% respectively of the total population. As of today there is 15% and 7.5% reservation in the state funded institutions for the SC and ST respectively. Of the several millions of people in the SC/ST category, there is a significant number of those who are well placed. By this it is meant that there are members of SC/ST who are in high government position which includes those in Indian Administrative Services, Indian Foreign Services, Indian Police Services, medical professionals, High Court judges and so on. Whether one is in a general category or in Other Backward Class category or in SC/ST category, the positions cited above are well regarded in the Indian society. Members of SC/ST who have attained such position are considered to be much more ahead of others in the same community – whether it is in term of social status or financial status. No wonder given the kind of privileges accorded to those in such positions, they are highly sought after by almost every member of the society.

Since those people in such coveted position have the resources, they have the potential to raise their children in the best educational institutions and provide environment for a balanced physical and mental growth. Thus children of such parents generally fare better than children of the same community whose parents are not in such position. The result is that in recent times many of the members of SC/ST who get into the finest higher educational institutions funded by the state or the coveted public position such as the ones cited above are children of those parents who occupy or used to occupy highly regarded position. One can now find among SC/ST where a son is in the coveted Civil Services just as the parent used to be; or a daughter being a physician just as her parent used to be. Whereas the children of those parents who cannot afford to send their children to decent school at the lower level could not get admission in a decent higher educational institution. With poor higher learning added onto poor lower learning, the ward cannot be expected to get the kind of coveted position cited above. The effect of such policy maintained over decades is that those who truly deserve to benefit from affirmative action do not get access to such benefit. The cumulative effect of such policy is that there gradually emerges a social and economic division within the same group of people.
As of today there are several groups of people who pursue hard to be included in the category of OBC and SC/ST. Jats have now been brought in the OBC category just before the 2014 General Election. Groups of people like Kau (Bihar), Mahara (Chhattisgarh), Kallu Wadar (Karnataka), Madiga (Kerala), Sakhwar (Madhya Pradesh), Situlia (Odisha), Poundra (Uttarakhand) and several other groups are pressing to be included in the SC category. Other groups of people like Tai Ahom (Assam), Bakho (Bihar), Hatti (Himachal Pradesh), Chopan (Jammu & Kashmir), Pathiyana (Kerala), Uram (Odisha) and several others have raised voice to be included in the ST category. Altogether thirty seven groups of people are vying for inclusion in the SC category while there are two hundred twenty groups of people vying for inclusion in the ST category. If all these groups of people were to be included in the SC/ST list, the percentage of SC/ST would go up significantly – far beyond 15% for SC and 7.5% for ST.

For those in the OBC category, there is a concept called 'creamy layer' which was introduced few years back. Those people in the OBC category whose annual income cross six lakhs (Rs. 600,000) are said to be in the 'creamy layer' and they are not eligible for reservation in state funded institutions. The policy is to ensure that this reservation policy benefits those who truly deserve it. It is time that such a concept is introduced for those in the SC/ST category as well. More and more groups of people being listed as Scheduled Caste and Scheduled Tribe is not the efficient way to erase inequality in the general population. In this present arrangement if more groups of people are included in SC/ST list, it would require to raise the percentage of reservation for SC and ST. However, given that there is an emerging trend that it is the well-off within the SC/ST who are getting the maximum benefit, raising the percentage of reservation would not be the most efficient solution to erase inequality prevailing in the society. The more efficient solution lies in introducing the concept of 'creamy layer' for SC/ST as well.

If the concept of 'creamy layer' is introduced for SC/ST as well, there would be a significant percentage of SC/ST who would not be eligible for reservation in state funded institutions. This slot can be filled in by bringing in members of certain communities who are now outside of the purview of SC/ST. There are at least two options on how to execute filling the empty slot. The first option is to bring in any individual who is poor. This is to allow a poor person from any caste or tribe or religious belief to avail this opportunity. The second option is to bring those poor individuals of certain groups into SC/ST category. This arrangement can thus maintain the percentage of those who deserve reservation closer to the current rate – 15% and 7.5% for SC and ST respectively. Over a period of decades, the present percentage can even be reduced depending on the number of people who would have to be categorised as those belonging to 'creamy layer'.

Conclusion
The present policy of including more and more communities under the reservation category by the political parties – state or national – potentially to gain electoral benefits is not healthy for the state in the long run. It is a moral imperative that political leaders do not undermine the larger interest of the state just to benefit one's political party. However, including more and more groups of people in the SC/ST category hoping that these groups of people may vote in favour of the political party that includes them in the SC/ST category is to harm the interest of the state in the long run. If more and more peoples groups are
included in the reservation category without raising the percentage of the reservation, the benefits will eventually go only to the well-off. After all with more people being added to compete for the current reserved seats – 15% for SC and 7.5% for ST – those at the lowest rung of the economic ladder will be most affected because more people would be there now to compete for the same percentage of opportunities. On the other hand raising the percentage of reservation – just because more people are now in the reservation category – will also not truly address the problem of inequality. The reason for affirmative action being in place is to reduce or erase inequality and create a society of equal citizens, not to perpetuate inequality.

References

John Donne in No Man is an Island.


This was stated by the then Minister of State for Social Justice and Employment shri D. Napoleon on 13.08.2012 in Lok Sabha.
Political Pragmatism and the Development Process

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Abstract
The paper analyzes the influences of ideology and politics on the development process. The term development is not a neutral concept with a given meaning, but is one that is constructed through the adoption and dissemination of a particular idea of what development should consist of based on different ideologies. More often than not, development models are said to be influenced by the ideology of a particular party or group. However this correlation between development and ideological proclamations will be analyzed and questioned by bringing in the aspect of politics. The main hypothesis of the paper is that Ideology influences Development, but does so through a process intertwined with Politics. To explore this, the political scenario in West Bengal has been used as the framework to analyze the hypothesis. While the ideological influences of the Left ideology on the development model is evident, the ‘paradox of political pragmatism’ that exists parallel to such ideological premises is undeniable.

Keywords: Development, Ideology, Politics, West Bengal

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Introduction
The term ‘Development’ has been popular among theoreticians and practitioners alike for quite some time now. In today’s world it is one of those words which while on the one hand brings a ray of hope to the downtrodden and poor to signify improvement and better conditions of life, has also brought with it displacement and environmental concerns. Again, for practitioners it is a popular sector to work in which guarantees an influx of funds from donor agencies. It is, nevertheless, a highly contested term as there is a lack of consensus behind the ideas and premises that have given rise to this notion of development, and also about how such development is best implemented. The concept of development has been undergoing changes ever since its inception in the post-World War II era. The notion has evolved not only with the changing socio-economic and political context in the world, but also due to the changing idea of what development should encompass and what its aims and goals should be. Having stated this, the paper first attempts to establish the influence of ideas and ideology on the development process and then moves on to show the intervening role played by politics on the development process as a whole.

The Ideology-Politics-Development Nexus
The word ‘Development’ came into prominence with the ‘discovery of mass poverty in Asia, Africa and Latin America’ (Escobar, 1999, p. 382.), and came to be equated with economic growth and industrialization. Subsequently, the meaning of the word has undergone several
changes with various approaches offering their own formulation of what development means and how to achieve it – whether it be the Modernization theorists and Dependency theorists still working with the growth oriented development model, or the Alternative development and Human development approaches which marked a shift in the paradigm by moving away from merely economic growth to capacity building of the people themselves. This shift was a result of not only the weaknesses which were inherent in the earlier models and their failure to bring about the expected results, but also due to a change in the existing ideas propelling such development models. What is important to note in this conception of the use of development is that, development is not merely a process through which a society inevitably passes, but is the outcome of rational decision making and choices. Development is an activity which requires implementation for the stated objectives to be fulfilled. Just like any activity, or programme, has an objective in mind that stems from a particular idea or belief, the activity of developing, too, originates from a particular idea of what the objectives of development should be. Thus, different groups abiding by different systems of ideas or ideologies would have a different notion of what the activity of development means to them.

An ideology essentially denotes the very essence on which people live their daily lives. It could put emphasis on particular forms of activity, or the neglect of certain others, which that ideology does not prescribe to. In short, it could be used as an overarching term to gain legitimacy for any strand of thinking which a certain group of people adhere to for a particular reason. However, ideology has been characterized and described as being much more than that. Thus, it would be useful to look at the various attempts at defining the term from a number of different perspectives, and by people having different academic and intellectual backing, to be able to establish how it is interlinked with the idea of development. Lyman Tower Sargent (1969) describes ideology as ‘…a value or belief system that is accepted as fact or truth by some group. It is composed of sets of attitudes toward the various institutions and processes of society’ (p. 1). What an ideology essentially does is that it questions the bases and values of our fundamental beliefs and ideas. Samuel P. Huntington (1957) defines ideology as ‘…a system of ideas concerned with the distribution of political and social values and acquiesced in by a significant social group’ (p. 454). In a sense then ‘[i]deology is someone else’s thought...’ (McLellan, 1986, p. 1), which is then accepted by a group and distributed amongst the members of that particular group. Again, though ideologies originate in a particular section of society by a certain thinker or number of thinkers, it cannot or does not remain so, and rather has to have a universal appeal to gain increased participation and build up adherence to have an impact globally. Sargent (1969) further elaborates on the definition by citing Robert Lane’s criteria of what he thinks ideology consists of, which characterizes ideology as an argument that intends to persuade and counter opposing views, ideology as affecting certain major values of life, being moral, ethical and normative in tone and content. Even though the term ideology has been defined by many, it was popularized and put at the forefront of political discourse by Marx and Engels who referred to something as ideological if it was a set of political illusions produced by the social experiences of a class.

This overall view of what the notion of ideology encompasses can be very clearly linked to the discourse on development. Development thinking, as it originated and progressed through the decades, not only put emphasis on certain forms of activity through
industrialization, modernization, structural adjustments etc., but these values were also accepted as fact by the agents propagating such values. Following from Huntington’s definition if we look at ideology as a system of ideas concerned with the distribution of political and social values, development thinking was definitely influenced by such a system of ideas in its promotion of so called ‘modern values’ in the third world. All these features that are evident in development thinking were informed from an ideological position which the First World countries and West-led institutions had acquired. This very discourse was later countered by a different ideological position whose intention was to persuade a different view of development in terms of capacitiation and human development.

However, even though policies are developed based on ideological premises, in the realm of practice one cannot ignore the aspect of politics which becomes vital in the implementation process. Merilee Grindle (1980) is of the opinion that a lot of factors intervene between the ‘...statement of policy goals and their actual achievement in society’ (p. 3). The aspect of politics and political compulsions play a major role in such interventions. The implementation process has a lot of political overtones, and it takes place in contexts and realities which are not always conducive to upholding one’s ideology. This is especially true of development policies as development is mainly about distribution of resources, and it is only natural for politics to predominate such a redistributive process concerned with who will get what and how much. How resource distribution is to be prioritized, too, is an ideological decision. Moreover, for any set of ideas or ideology to implement its values, needs certain institutions and processes to be able to carry forward the function of implementation. This usually includes the political and administrative institutions and processes, and thus, politics and the need to have access to these political institutions becomes an inevitable element of implementing any policy at all. Within this framework we now move on to the development and political processes prevalent in West Bengal under the Left Front Government (LFG) to explore this ideology-politics-development nexus.

Development and Politics in West Bengal
The LFG, dominated by the Communist Party of India (Marxist) (CPM), came to power in West Bengal in 1977 with promises of implementing land and political reforms. This did not come as much of a surprise as the Left are essentially anti-bourgeoisie, and are for the up-liftment of the ‘masses in subjugation’ or the so called ‘proletariat’. Through their agrarian and land reforms they forcefully implemented existing tenancy laws that gave security of tenure to tenants, and distributed land holdings above the legally permitted limits from landowners to small and marginal farmers as well as the landless rural poor. The most important success of the CPM has been this programme called ‘Operation Barga’, barga meaning sharecropping and bargadar the sharecropper. What existed prior to this was an inequalitarian relationship existing between the landowner and the sharecropper through which the landowner was able to exercise his control over the land by exploiting the ‘bargadar’. The presence of laws regarding land tenure and Panchayats that were enacted by successive administrations of the Congress Party, before the advent of the Left, but were never implemented, helped them immensely. In the political sphere, the LFG put in place a three-tier local government a year after coming to power and was a pioneer in introducing direct elections to all three tiers. Again, the legislation for a three tier local government had been passed in 1973 by the Congress government but was never implemented due to lack of political will. Since the inception of the LFG, elections have been held at regular intervals of
five years without fail. They implemented for the first time the concept of ‘Political Panchayats’ (Kumar & Ghosh, 1996, p. 3), thus enabling political parties to participate in the elections to these bodies. In the first five elections, the CPM led Left Front and its constituents had retained their overall hold over the panchayat system at all levels. The LF’s share of village council seats have ranged between 60 per cent and 70 per cent, and it had obtained a much higher share of seats at the two upper levels which gave it an overwhelming control of the Panchayat system (Ghatak and Ghatak, 2002, p. 47). From the very beginning it was a conscious decision taken by the LFG to concentrate their energies on the rural areas and on agricultural growth. The land reforms were instrumental in creating conditions for the sharecropper whereby he was given security of land, and his produce, and thus this created better incentive for production. Also, with the panchayat system the middle peasantry came to acquire a strong position in the rural areas who then ‘...started using public funds (particularly wage employment funds) for creating public works in support of agricultural production...’ (Bandhopadhyay, 2003, p. 882) effectively by investing in irrigation, rain water harvesting structures etc. We thus see a clear path chosen by the LFG in improving agricultural growth, as opposed to industrial growth, in its initial years by improving the conditions of the peasantry in rural areas and as a result consolidating their rural support base.

On the other hand a massive decline in industrial output was noticed in the 1980’ and 1990’s. ‘In 1980-81 West Bengal produced 9.8 percent of the industrial output produced in India. In 1997-98...the share was 5.1 per cent, up from a nadir of 4.7 per cent in 1995-96. Organised sector employment actually declined in West Bengal over the period 1980-97; in particular employment in the organised private sector went down from 10.84 lakhs all the way to 7.99 lakhs’ (Banerjee, Bardhan, Basu, Dutta Chaudhuri, Ghatak, Guha, Majumdar, Mukherjee and Roy, 2002, p. 4203). Thus with the advent of the policy of liberalization and abolition of licensing system by the Centre a shift in the development discourse was noticed with the announcement of a new Industrial Policy in 1994 which reiterated the Left’s positive attitude towards private investment and indicated the ‘government’s pragmatic approach to the capital-labour relationship’ (Dasgupta, 1998, p. 3058). The Left in India, especially the CPM Central Committee have justified such a shift by stating that ‘...the advent of the liberalisation and abandonment of the old State-sponsored path of capitalist development, the policies of the Left Front Government and the tactics of the mass movement had also to change...it is up to the Left Front Government to initiate steps to attract capital investment in West Bengal. This can be done only by allowing greater investment of private capital in various sectors. This is the basis on which the Left Front Government has to adjust its policies in West Bengal to meet the new situation brought about by the Centre’s policy of liberalisation...’ (Karat, 2002, pp. 4-5). The effect of the New Industrial Policy on the development discourse was finally being manifested in the industrialization drive a decade later. The pro-peasant orientation emphasized in official sources was now seen to shift away from the peasant and the rural areas towards the middle classes and the urban sector. This shift did not have the support of the rural masses and since the shift, the dominance of the left in Bengal was on the decline as was evident in the 2008 Panchayat Election where it lost its dominance in the rural sphere, which was its main stronghold, finally being ousted from power in the 2011 assembly elections.
Political Pragmatism and the Development Process

The LFG led by the CPM in Bengal started out with development measures which were in tune with the ideological premises of a left party – anti-capitalist, anti-imperialist, pro-proletariat/poor etc. Its entire ideology, in this stage of historical transition, revolves around a class struggle against the capitalist forces of production which thrives by exploiting the workers or the proletariat. It is worthwhile to note here that in the Indian context with the distribution of industry and industrial workers being highly uneven, the Left contextualized their ideology by shifting their social base to marginal farmers, sharecroppers, and the landless poor, who in the Indian context share certain features with the ‘proletariat worker’. Following such ideological premises it sought to implement land reform measures, as mentioned above, which re-enforced their commitment to work for the poor and subjugated classes. The dividends of this measure lasted for a number of years. However, apart from this, their prolonged existence in power, and the need for survival, saw ideology give way to political pragmatism. Due to the declining status of industries and industrial growth in Bengal, and the stagnation of agricultural growth after a period, the Left sought a pragmatic approach to revive the state of economic growth in Bengal even at the cost of their professed ideological stance. This was clear with open invitations to capital investment and a shift in emphasis from the needs of the rural areas, where the majority of the poor are located, to an emphasis on the need for private capital. This shift in discourse was accompanied by cases of land acquisition from unwilling farmers, followed by widespread protests against the LFG’s policies, which further elaborates their diminishing pro-farmer, pro-poor stand. On being criticized, it was often retorted by the Left that ‘[t]he state cannot be allowed to be turned into an industrial desert by taking a dogmatic and unrealistic position’ (Dasgupta, 1995, p. 1897). This change in their ideological thinking was endorsed by the Central Committee of the Party by adopting the resolution which stated that ‘[u]nlike in 1985, when the struggle was against the discrimination of the Centre, with its power of licensing and regulation of industry against West Bengal today with deregulation and delicensing it is up to the Left Front Government to initiate steps to attract capital investment in West Bengal. This can be done only by allowing greater investment of private capital in various sectors. This is the basis on which the Left Front Government has to adjust its policies in West Bengal to meet the new situation brought about by the Centre’s policy of liberalization’ (CPM, 1994). The rationale for such a shift has been justified by many left thinkers, with Jayati Ghosh commenting on the inherent difficulty of an autonomous development trajectory to be followed within a single State with such policies of liberalization being adopted by the Centre. Ghosh argues that the neo-liberal policies have adversely affected the state post 1992 in terms of the ‘...negative fallout of these processes on small manufacturers and traders...’ (Ghosh). Thus, the influence of politics and the limits of working within a constitutional political framework are evident in this shift in the development discourse in Bengal. Further the issue of decentralization and creation of ‘political panchayats’ can also be seen in a very pragmatic light. It was probably calculated that the decision to politicize the panchayats was safe because the CPM had enough support at the local level in order for their own candidates to win these elections. Indeed candidates running on CPM tickets did win a massive majority in 1978: 87 percent of the seats at the district level (zila parishad), 74 per cent at the Block level (panchayat samitis) and 67 percent at the village level (gram panchayats) (Kohli, 1987, p. 109). A form of clientelism was seen to exist in Bengal by which
the Left parties held their supporters under some sort of permanent dependence by making various governmental and other benefits conditional upon their continued electoral support. What existed in rural Bengal was the ubiquitous presence of the party; every sphere of life was dominated by the party. This is what Dwaiypayan Bhattacharyya (2009) calls ‘a party society’ (p. 60). He says that ‘political parties tended to displace other competing channels of public transaction... political parties in rural West Bengal largely transcended caste, religion or ethnicity-based organisations, which have a greater salience in struggles for social justice in other parts of the country’ (Bhattacharyya, 2009, p. 60). The Left were initially able to respond to the key demands of large sections of the society through its control of the Panchayats. As Partha Chatterjee says, ‘[t]he continued effectiveness of this structure ensures the continued electoral support for the LF’ (Chatterjee, 2009, p. 42). Thus, the creation of panchayats, too, can be said to be of a highly political and pragmatic nature rather than that of empowering the masses. There have been many criticisms which indicate that if the Left were indeed keen on bringing about decentralization, they would have ensured that such decentralization reached its logical conclusion in terms of devolution of function, and functionaries, to its fullest. However, what did exist was not a development path aimed at empowering the rural institutions and rural masses which is what their ideology would prescribe, but rather the political pragmatism needed to sustain itself in power by acquiring excessive control over the rural institutions and masses. Thus, the intertwining of politics and the political process is evidently an important factor in the development process which unfolded in West Bengal under Left rule.

Conclusion
Development is ‘...an idea, an objective and an activity.’ (Kothari and Minogue, 2003, p. 12) With varying ideas and ideologies, the objectives too differ, and are seen to give rise to different activities. However, the above analysis shows how the objectives are not always mediated by one’s ideological beliefs as political realities and influences creep in, giving rise to different objectives of what the activity of development should achieve. Thus, the notion of development is simultaneously ideological as well as political amongst a host of other discourses.

References


Paradox of the Developmental State in India: Revisiting New Economic Policy

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Abstract
The purpose of this paper is to undertake a descriptive-interpretative analysis of the political economy of economic reforms in India in order to interrogate the idea of the developmental state in the Indian context, through a study of the structural changes that took place as a result of the New Economic Policy. This is done by examining two long-term reflecting engagement with diverse economic interests – nature of state-capital relations and imperfect financialisation of the economy. It is seen that the post-1991 changes have led to a certain kind of configuration of the developmental state in its relationship with the political economy. Despite the processes of liberalization, there is not a clear reversal of the kind of developmental model which marginalized growth-oriented market outcomes in favour of growth-oriented outcomes produced by state intervention. Rather, what we have is the emergence of a state whose structure is geared towards the production of developmental outcomes while processes are actualized through a market-determined course. Such a state structure will be examined through the two components of the bureaucratic structure (relationship between government and regulatory bodies) and the relationship with business, and is seen to produce mixed developmental outcomes untranslatable into socio-economic well-being.

Keywords: Developmental State, Political Economy, New Economic Policy

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The Developmental State Paradigm (DSP) in the Indian context
The DSP, based on the largely successful East Asian record in economic development, is based on the divergence between democracy and state autonomy i.e. state autonomy helps to develop the bureaucratic state capacity needed for maximizing developmental outcomes when the state is largely isolated from the conflictual demands of diverse interests in a democratic polity.

Even when this early Developmental State Paradigm was revised, the idea of introducing the notions of ‘embeddedness’ (Evans, 1995) to re-link political democracy and development, the discourse suffered from the challenge that the later DSP treats the state as a neutral actor, by assuming the absolute effect of embeddedness of the state on its autonomy. Yet, the operation of the discretionary state in a democratic polity led to counter-productive outcomes in terms of socio-economic indicators of development. This was clearly

**Indian state and the structural changes of the NEP**

The role of state and politics is critical to an understanding of the manner in which the reforms under the New Economic Policy have come to be institutionalized. The manner of institutionalization of the reform process – in terms of the variety of actors and interests, political and economic conditions and institutions and norms – is essential to an understanding of the NEP, as it is these sets of processes that have primarily determined the supposedly objective economic conditions that operate on an everyday fluctuating basis.

Thus, the conceptualization of the role of the state in NEP has come to be shaped by the question of how the legitimacy of the reform process that institutionalized the NEP reflects on the nature of the Indian developmental state, since democratic ‘legitimacy’ is one of the important aspects of the democratic developmental state model (Routley, 2012). There are three levels of the political process through which this has manifested in the NEP – internal structures of the state, relationship between state and democratic social processes and relationship of state with capital.

First, it manifests through politics of contestation at the level of policy actors within the decision-making institutions of the state. The diversity of policy actors within the state defies attempts at homogenization of the ‘Indian state’ i.e. this diversity precludes ideas which argue that the NEP was a product of a uniform transformation of the state as a whole, thereby eluding the presence of three classes of policymakers, within the Indian state, which were, politically, at odds with each other – ‘orthodox statists’, ‘selective liberalisers’ and ‘market radicals’ (Sengupta, 2008). The politics of contestation played out between the selective liberalisers, which were dominant throughout the pro-business shift of the Indian state during the 1980s and the market radicals, which consolidated their power through a deliberate political process in the aftermath of the reforms (Sengupta, 2008).

In the present context, what is significant about this process by which the NEP was treated among the policymakers is the coherence of the development-market divide that characterized the ultimate institutionalization of the NEP, as even the market radicals who pushed for the paradigm change were cautious in their abandonment of the ideas of the selective liberalisers (Sengupta, 2008).

This blurring of the sharp policy divide, despite the ‘paradigm’ shift of the 1991 reforms, shows the presence of a double process in the simultaneous persistence of the development-market goals that came to characterize the institutionalization of the NEP. Second, the simultaneous developmental and market-oriented processes respectively have also manifested at the level of the relationship between the state and the democratic social processes. Thus, the institutionalization of the NEP became possible as a result of a process designated as ‘reform by stealth’ (Jenkins, 1999) whereby a number of conflicting social and political interests were accommodated by the political system, through the three major instruments of ‘political incentives’ (a shrinking of the state’s role through liberalization was realized by the political elites as facilitating new sources of patronage and new, low-cost forms of interest group mobilization), ‘political institutions’ (regional and state-wise
oppositional interests were pitted against each other in the drive to attract capital and accommodated through formal and informal institutions) and ‘political skills’ or the diffusion of tactical strategies of the political elite to mobilize support for the new economic paradigm (Jenkins, 1999).

The implications of this kind of a self-professedly rational choice analysis of economic reform in India for the current context of the New Economic Policy becomes evident in the fact that market reform continued to be cautious vis-à-vis developmental outcomes. The very idea of ‘reform by stealth’ occurring practically to make feasible the institutionalization of the New Economic Policy itself, ironically, involves a process of both accommodation as well as compromise on the part of the state. It was this compromise, through a veiled and filtered implementation of the reform package, that resulted in the paradoxical relationship between developmental and market outcomes that is visible in the current context.

This contradiction has been clearly highlighted by Bardhan (2005) by detailing the manner in which the popular opposition to economic reforms comes to be largely constructed by the political elites who are interested in preserving their entrenched interests perpetuated by the existing divisive interest-group culture in society and states and the resultant inefficiency of the public enterprises, which are geared towards the accommodation of such a culture. This role of the public institutions is one of the clearest empirical manifestations of the manner in which the state and bureaucratic structures geared towards the fulfillment of developmental outcomes produce certain kinds of economic consequences when they operate in an environment where economic policy processes supposedly function through market-determined mechanisms.

Finally, the relationship between development-market outcomes becomes manifest through the relationship between the state and the capital. This process can be studied in two ways—first, the rise of monopolistic or rentier state capitalism, and second, the developmental-distributive aspects in the state-capital relations in India.

The rise of rentier capitalism in India, in recent years, has occurred through two processes (Tillin, 2013)—

i) **Patterns of financialization** seen most prominently in the Indian banking sector, which has remained relatively immune to the processes of liberalization, characterized by the market dominance of public sector banks. Structurally, the Indian banking sector is characterized by the necessity of institutionally promoting developmental outcomes, since it is underpinned by the imperative of maximizing priority sector lending and inclusion, which private banks are not geared to provide. Practically, the rising percentage of Non Performing Assets (NPAs) or gross bad loans of the Indian banking sector grew to Rs.2.43 trillion at the end of December 2013 (Unnikrishnan, 2014), clearly highlighting the development-market contradiction produced in the context of the relationship between developmentally-embedded institutions and a market-oriented economy.

ii) **Patterns of state-business cooperation** due to rising investment in natural monopolies, such as spectrum, land and minerals. This partly helps to explain the contradiction posited by Kohli (2006) i.e. how the rates of growth of investment
and of productivity and employment in manufacturing increased during the 1980s and then remained unaffected by the paradigmatic economic reforms after 1991. There are two perspectives from which an explanation to this contradiction can be viewed:

a.) The decade of the 1980s –characterized by debt-fuelled growth and promotion of the domestic capital by the state –was marked by high, albeit variable and unsustainable growth, whereas the implementation of economic reforms –as can be validated by empirical data showing average GDP rates after 1991 led to more stable and sustainable growth rates, despite little rise in average growth in the post-reform period as compared to the earlier decade (Panagariya, 2004).

b.) Rising state-capital cooperation in natural monopolies, underpinned by the rise of rentier capitalism, has resulted in a pattern of investment by businesses increasingly investing in ‘rent-intensive, non-traded sectors’, which is the primary source of supposedly ‘new dynamism’ in the economy, while the growth of new manufacturing firms has seen a dilution since the 2000s (Tillin, 2013).

Another aspect that needs to be studied in order to assess the development-market relations in the context of the state-capital relations is the distributive-developmental aspects of the state-capital relations. According to Tillin (2013), Atul Kohli has argued that one of the major reasons why the developmental state in India cannot be compared to the equal and efficient East Asian developmental states is that, in the Indian case, given the policy imperatives in the context of the crisis situation in the late 1970s, economic growth needed to be prioritized. This prioritization of economic growth without first grounding a sufficient basis for redistribution is what makes the Indian developmental experience completely different from that of the East Asian economies.

Changing nature of the Indian state: A shift from development to neo-liberal markets model?
Prior to the institutionalization of the New Economic Policy in 1991, the developmental state that was dominant during the 1980s was characterized by three major components. These were:

First, there was an emphasis on the prioritization of economic growth, rather than on neo-liberal notions of laissez faire. This was seen through the state’s refusal to engage in financial repression by cutting down on budget deficits and by promoting the interests of the domestic capital. It was also seen in the fact that the policy class of ‘selective liberalizers’ was united by a nationalist consensus, in continuation with the post-Independence state rhetoric, of the perils of free trade and its representation as a form of imperialist legitimation (Sengupta, 2008). Thus, even when the interests of the domestic private capital were being promoted, there was no shift towards trade liberalization and shrinking of the role of the public sector.

Second, the objective of the state to promote economic growth, in such a manner, was to be done through:

a. Supporting traditional big business through the strengthening of alliances with them.
b. Rise of an activist state involved heavily in public expenditure, based on the notion that public expenditure crowds in, rather than crowds out private investment.

Finally, the state, in order to further promote the interests of the domestic capital, ensured intervention in the labour-business relations by controlling labour.

The post-1991 change in the nature of the Indian state, in the light of the above, has been characterized by the major question of whether there was a transition, in the era of NEP, from a developmental to a neo-liberal state, with the critiques of the effects of the 1991 reforms being based on the assumption that there was indeed such a clear-cut transition. Existing literature treats the nature of the Indian state as being significantly changed post-1991, due to the changed relationship between the state and the economy.

This takes the form of two broad strands of argument:
First, as Kohli (2006) argues, the change in the nature of the Indian state had less to do with the market reforms of 1991 and more with the policy shift of the state in favour of big business, establishing a continuity between post-1991 and 1975 to 1991 periods, thus, marginalizing the market component of these reforms.

Second, there goes the argument which focuses on the liberalization of the Indian economy, seen in the increasing marginalization of the planning process, rise of the regulatory state and accommodation of big business rather than compromise with it. It is an argument which admits the rise of a competitive market economy, albeit impeded by policy hurdles, as a result of the 1991 reforms (Panagariya, 2004).

Whether there has been such a neo-liberal shift is debatable on the basis of the existing empirical evidence. Once again it is in the context of a crisis that this can best be seen, as the 1997 East Asian crisis that was cyclical and systemically contagious in nature, had little impact on the newly liberalized Indian economy precisely because the paradigmatic shift defined by the various processes of reform was never fully precipitated (Ghosh, 2006).

**Discretionary developmental state fuelling market outcomes**
The sharp divides between the two perspectives discussed above gets considerably blurred in the present context. Evaluating these reforms in the present context, it is clear that there is not much conflict between the pro-business and pro-market models of the developmental state in the Indian context, as what has emerged in the post-1991 period was the rise of the discretionary state in a democratic setting, such that we have the peculiar phenomenon of the discretionary or pro-business policies of the state, paradoxically, fuelling market outcomes.

This is because if economic growth in India, through all times, had been contingent on the continuation of the pro-business state –then the high economic growth of the period between 2003 to 2009 cannot be explained, since it was not exclusively based on pro-business growth, but also demonstrated the rapid opening up of the external sector, financialisation of the economy and positive market outcomes in terms of greater consumption expenditure, despite the presence of monopolistic capitalism in some sectors.
This gives rise to an important question – How is it that positive market outcomes were achieved during this economic boom period, at the cost of the industrial developmental model, when Kohli (2006), from one of the perspectives, had argued that growth in the post-1991 period is to be attributed to such a model of state-led development rather than to liberalization?

This question arises because it is assumed in the market-business perspective posited by Kohli (2006) that competitive markets are not an independently sustainable variable in the Indian political economy – for that matter, pure competitive markets are not an independently sustainable variable anywhere except in economic theory – and, therefore, that a state-business perspective provides a better articulation of the problem. However, in the light of the contradictions thrown up by the recent crisis, it becomes evident that market-determined processes do have an objective value at a particular level of the economy i.e. at the level where decentralized, individual economic decisions, framed on the basis of a system of expectations when there is no policy manipulation from the top, are taken and have an impact on the larger economy.

It is here that the idea of a discretionary state, with state structure geared towards developmental outcomes and processes determined by market mechanisms, can be substantiated. The conflictual outcome in terms of the structural economic crisis that the country faced can be substantiated in terms of a conflict between the state structure and the market-driven processes.

On the one hand, the key elements of this structure have remained largely unchanged and institutionally geared towards the production of developmental outcomes. These elements are manifested through two key components:

a.) *The bureaucratic and regulatory structure* – the conflict in this arena is clearly visible through the conflictual relationship between the government and the regulatory bodies. This often translates into a tension between the developmental outcomes that are intended by the state structures and the market-driven processes that inevitably intervene in the process, such as that seen in the fluctuating relationship between the government/Ministry of Finance and the Reserve Bank of India. Inflation-targeting by the central bank through a hike in interest rates, as a form of economic austerity, necessarily intervenes with the government’s developmental objective of promoting broad-based growth by avoiding attempts to curb aggregate demand; they would usually prefer the Keynesian-welfare alternative of injecting greater stimulus in the economy.

b.) *State-capital relationship*, which has, since the pro-business shift of the state during the 1980s and throughout the 1990s, largely remained unchanged in its promotion of monopolistic forms of capital. While giving rise to corruption and concentration of power, it has also become an important mode through which the state has been able to promote selective outcomes based on its discretion. This is validated by the recent debates on corruption which argue that attempts to do away with the discretionary power of the state, under the present conditions, has resulted in a policy paralysis or the inability of the state to deliver outcomes, at several different levels. The consolidation of rentier capitalism in recent times has continued to stand in contradiction with the market-driven processes that were a result of the NEP.
On the other hand, the kind of incomplete liberalization and globalization that this structure has fuelled has had such an impact on the developmental structure as to make its developmental outcomes also redundant, seen in the inability of the Indian state to transform economic growth into the developmental good of the provision of ‘well-being’ of the population by a reduction on poverty and inequality (Nayyar, 2006).

Bibliography


End-Notes:

1 For instance, a phenomenon like currency movements appears to manifest as a direct product of the direction of free transnational capital flows and to that extent be a product of decentralized market-driven decisions of investors around the world, which can be changed when the government, through the agency of the central bank, deliberately intervenes in the markets. However, to the extent to which these capital flows really free, decentralized and market-driven becomes problematic once we factor in the reality of the
manner in which the hegemonic states in the global order – such as the US – influence the investor decisions, and thereby the direction of the capital flows, by monetary policy decisions taken by their central banks in response to the domestic economy. The recent example of precisely such a process is the Federal Reserve’s policy of Quantitative Easing, in order to provide greater economic stimulus to the American economy. It shows that the Federal decision of easing or taper of stimulus becomes the state/policy factor which, then, determines the apparently decentralized investor decisions regarding capital flows.

ii This pro-business shift only implied a promotion of the domestic business interests to foster growth, rather than any shift towards trade liberalization or openness of the economy. There was also no cutback in government spending. This inability to rein in public expenditure, while fuelling a high growth of averaging around 5% without significant liberalization measures, was what led to a debt-fuelled, unsustainable growth (Panagariya, 2004).

iii Refer to Panagariya (2004).
Dharma & Governance from the Lens of Bhagvad Gita & Arthashastra

Shimla
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Abstract
What we know as political thoughts in today’s time was known as Niti in ancient Indian thoughts expressed by great sages and thinkers. Bhagvad Gita was spoken to Arjuna by Lord Krishna just before the onset of war of Mahabharta. This discourse is one of the greatest philosophical and policy related dialogues, known to men. It is the greatest book encapsulating the Political Science, Administrative acumen, social and philosophical dimensions of living life meaningfully. The meaning of word ‘Dharma’ is not religion, rather it is the prescribed duty. The duties of the ruler or leader or the king to lead the society by example,(with regard to Dharma Artha, Kam & Moksha), to provide for reward/protection and punishment and establishing order based on law of rule which are the basic postulates of any form of Governance and to establish a social order based on jurisdictional provisions is so beautifully described in Bhagvad Gita, what else can be the duty of a ruler?

Bhagvad Gita also talks of revolution by ending one ‘Yuga’ and starting a new one. Whenever there is total anarchy, no rule of law and personal interests and whims of the ruler become supreme, then there will be an upheaval and the unjust system, ‘Adharam’ will be destroyed and just system based on rule of law i.e.‘Dharma’ will be established. This great treasure of political thoughts wherein Dharma of the ruler as well as of ordinary people, personal and corporate management is so lucidly described is not merely a religious scripture to be recited only but it is to be practiced in life. The Greatest Political Thinker of India, Chanakya, is the author of the ‘Artha Shastra’ and Niti Shastra. Arthashastra encapsulate his thoughts on Monetary and fiscal policies, international relations and war strategies while Niti Shastra contains nearly 216 sutras on ‘Raja Niti’ (the dos and don’ts for running a kingdom). He is also comparable to Machiavelli of ancient western thinker on politics. This paper attempts to glean the gems of political thoughts from the two marvelous sources and trace their relevance in the contemporary world.

Keywords: Bhagvad Gita, Chanakya, Dharma, Duties of Ruler, Governance

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Introduction
With man forming civil society came the concept of state and governance to deal with the conflicts and unrest arising in the society. The forms of governance may vary, it may be monarchy, it may be oligarchy, it may be democracy but basic postulates remain the same. The government is to dispense justice by protecting the rights and property of the law
abiding people, punishing the law breakers and to working for the welfare of the people/society.

**Bhagvad Gita**

Although read by itself originally appear as an episode in Mahabharta, the epic. The two armies were arrayed, fully prepared for war. When Arjuna, the greatest Archer warrior became overwhelmed with compassion and said to Lord Krishna who was charioting him in the battle field that it was not possible for him to fight and kill his own kins and relatives in the battle. At that crucial moment, Lord Krishna exhorted him to perform the prescribed duty or Dharma of Khatriya. In that process a discourse between the two took place which contains the knowledge, (spiritual, social, political) and righteousness in the form of cryptic small verses (shaloka) in Sanskrit language. This discourse is known as Bhagvad Gita (The song of God)

Gita is the essence of all Vedic knowledge. It is a treatise on administration, management, strategies, morality and ethics, most wonderfully described. It is not just a religious book or scripture to be read and recited but to be lived and followed in life in order to live life in a meaningful way. The knowledge encapsulated in this great treatise belongs not to any particular religion or community but to the whole humanity. It talks about `Sanatam Dharma’, and not about Hinduism or Islam or any other religion, rather about the eternal and Universal code of conduct for kings and common people alike.

I will dwell upon six of such verses which are relevant to the subject at hand and hold good in the contemporary form of governance. As has been discussed in the introduction part, any form of Government has to devise laws/ rules for punishment and rewards. Unless the miscreants/law breakers are punished, laws cannot be enforced. On the other hand the good people, the ordinary law abiding citizens, who have put their right of protecting their own life and other natural rights into the hands of the ruler/ Government in good faith and have a tacit understanding that the ruler or the Government will provide him the protection and ensure their welfare.

All the political theories of rights and justice and state propounded by numerous political thinkers from Plato to Aristotle and John Lock to Rouseau is based on this premise. One verse in Bhagvad Gita hands down to the humanity, the whole system of dispensation of justice.

`Paritranaya sadhunam vinasaya cha, dushkritam,
dharm sansthapanarthya, sambhavami yuge yuge’
(4.8 Bhagvad Gita)

(To deliver the pious and to annihilate the miscreants as well as to establish the principles of Dharma, I Myself appear, millennium after millennium)

The whole system of Governance, administration, law, dispensation of justice, internal security, or external security (war & peace) are inspired by this very goal. Here though, the massage is given by Lord Krishna that He will manifest incarnate Himself in different eras for this purpose, but for a discerning secular thinker, the message is that it is the duty of the ruler/king/leader who is at the helm of affairs to do justice to all kinds of persons.
Now, what is duty and how it should be performed is also made crystal clear by the poet through the lips of the Lord Krishna: ‘Karmami’ means prescribed duty under certain jurisdictional distribution or division of work.

The job or occupation, one is trained/ skilled in, and is efficient in and is expected to perform effectively is the ‘Dharma’ or the prescribed duty of a person. The duties were divided in four ‘Varnas’ in the ancient jurisdictional division of work; Brahmin, Khashtriya, Vaishya and Shudra. They were trained and skilled in their occupation in father to son tradition through generations. Hence they had attained the mastery in their professional occupations in their respective fields. Gita says one should perform one’s prescribed duties. The same thoughts are shared by Plato, ‘In a just society, the rulers, the military, the artisans all do what they ought to do.

When each one performs ones prescribed duties, there will be harmony in the society. There will the least possibility of conflict and maximum efficiency will be ensured. Today this kind of division of work/ duties is based on formal training and competition in political and administrative areas. And once that jurisdiction is settled, one must not violate that. One should only perform the prescribed duties of his or hers. Bhagvad Gita says:

\[
\text{Sreyan sva-dharma Vigurah para-dharma sv-anusthitat.;}
\text{Sav dharne nidhanam shreyah para-dharma bhayavahah.}
\]
\[(3:35 \text{ Bhagvad Gita})\]

(It is far better to discharge one’s prescribed duties even though faultily, than another’s duties perfectly. Destruction in the course of performing one’s duty is better than engaging in other’s duties for to follow other’s path is dangerous).

The principle of following the authorized direction is always good. Entering into other’s jurisdictional duties is bound to bring dangerous consequences. Just imagine if an engineer tries to perform the duty of a doctor, how dangerous would be the consequences.

Gita stress upon the dispassionate discharging of duty by the ruler or even by any ordinary person.

\[
\text{Sukha –duke same kritva labhalabhau-jayajayau}
\text{Tato yuddhaya yulyastva naivam papam avopsyasi}
\]
\[(2.38 \text{ Bhagvad Gita})\]

(Do fight for the sake of fighting without considering about happiness or distress, loss or gain, victory or defeat and by doing so, you shall never incur sin)

The duty should be performed without fear or favour, without any prejudice and without any discrimination and without bothering about any personal benefit or loss, victory or defeat.

Gita strictly prohibits ‘Avarm Karma’ and exhorts to keep distance from those activities which are abominable and are against the prevailing rules/laws and customary laws.

\[
\text{Durena he avaram karma buddi yogad Dhanjya}
\]
\[(2:49 \text{ Bhagvad Gita})\]

(O Dhananjaya keep all abominable activities at far distance by use of Budhiyoga)
In the end, the last verse of Bhagvad Gita makes it very clear that for establishing a state based on morality the rule of law and strong state and a prosperous people, the ruler needs counsel from Wise Counsellors and should have invincible armed forces to maintain internal and external security and rule of law.

\[ Yatra yogesvarah krishno yatra partho dhanur-dharah, \]
\[ tatra shri vijayo bhuter dhruta nitit matir mama \]
(18:78 Bhagvad Gita)
(Wherever there is Krishna, the master of all wisdom and knowledge, and Arjuna, the supreme archerwarrior, there will certainly be opulence, victory, extra ordinary power and morality)

Gita is not for a ruler who has unbridled passions or rules in whimsical and capacious matters. A ruler should keep his senses under control and run the administration according to the ‘Dharma’. He should set the high standard of character and conduct, to be emulated by the ordinary people. He being the great leader should educate the people by his own character and moral conduct and ethical way of life. It is the duty of the leader/ruler to set the highest standards.

\[ Yad yad Acharti sreshthas; tad tad evitaro \]
\[ sa yat pramanam kurute, lokas tad anuvartate \]
(3.21 Bhagvad Gita)
(Whatever action a great man performs, common man follows. And whatever standard he sets by exemplary acts, all the world pursues).

Aristotle in 3rd B.C. echoes Gita’s wisdom, when he maintains politics as the continuation and verification of ethics. When he regards the object of politics as supreme which is the attainment of a good and honourable life of the members of the community. (Nicomachean Ethics)

Gita terms it Dharma or righteousness which includes justice and principled character and conduct of the ruler as well as the ruled. Adharma or unrighteousness comprises injustice, avarice and unprincipled character of the ruler or leader.

These will give rise to dissension and upheavals and revolutions. Lord Krishna declares in Bhagvad Gita:

\[ Yada yada hi dhramasya’s glanir bhavati bharta \]
\[ Abhuthanam adharmasya, tad atman surjamy aham \]
(4.7 Bhagvad Gita)
(Whenever and wherever there is decline of Dharma, O descendant of Bharta, and a predominant rise of Adharma. At that time I manifest Myself)

Whenever there is decay in ethics and morality and breakdown of order and violation of customary laws and dispensation of justice is polluted, there will be some great leader who will lead the people to total revolution. It may be an incarnation of God as is said in Gita, may be a pegamber or Masiha or a dynamic leader who lead the people to totally annihilate the unjust system and establishing a new system based on Dharma. The world has
witnessed many revolutions in the history of the world whether it is French revolution or Russian Revolution or American War of Independence or Indian Independence struggle.

**Arthashastra of Chanakya**

Chanakya or Kautilya’s Artshastra deals with various functions as well as the methods of running the state and various acts of public administration. He goes on discussing the qualities and duties of ideal ruler, importance of ministers, military power, strategic alliances, appointment of various officials, dispensation of justice, importance of wealth and most importantly the factors which lead to discontentment among people and ultimately overthrowing the ruler (revolution).

**Arthashastra on the qualities and duties of the Ruler**

Chanakya lays emphasis on the, importance of the people. He says that it is the people which makes a territory a country and a country; a state. That is why a ruler should ensure the happiness, welfare and benefits of the people above his own.

’praja sukhe sukham raghyah;prajanam cha hite hitam’

The use of power and achieving some result by that should culminate in winning over the people. The people will not trust a ruler if his behaviour is contrary to that of his people. His mode of life, his dress, his language and the customs should be the same as of the people. Thus Chanakya is for welfare centric state, where in, it is the people who are at the centre and also support the ruler who is just in his action. Loyal people are a great wealth (Human resources).

As has been propounded in Gita, Chanakya also defines ruler as the Divine dispenser of justice through rewards and punishments. The punishment should neither be sever nor mild but deserving and without any prejudice and discrimination (equality before law).

*Dustrya dandah; sujansya puja, nyayen kusharya vivardhamncha*  
*Apakhpatothishu rajyarakhsha, panchaviv yagya hathita nrepanam*  
(The ruler’s duties are stated to be five; punishment of the wicked, rewarding the righteous, development of state revenues by just means, impartiality in granting favours and protecting the state).

Chanakya compares a good ruler to a skilled gardener rehabilitating the uprooted one, watching the blooming ones, strengthening the weak, bending down the too tall ones, weakening the exclusively strong ones, separating the clustered ones, trimming the thorny ones and protecting the ones that have come by themselves.

The ideal ruler, according to Chanakya should have absolute mastery over himself and should also be pre- eminent in virtue.

The importance of control over senses, righteousness pre-eminence in virtues, character and control over six enemies, lust anger greed, infatuation arrogance and envy for a ruler is a continuous theme of Arthashastra and Rajniti Sashtra of Chanakya. A ruler is the person whom the people look up to and whatever conduct he follows the people follow the same. Here again we find the echo of the Bhagvad Gita:  
*Ragyi dharmini dhamishtha, pape papa samesama*
Rajanmanuvartate yatha raja tatha praya
If rulers are righteous, people are righteous, if they are sinners the people are sinners, like ruler like people.

Importance of ministers and their advice and the qualifications for their appointment
Chanakya lays emphasis on the pre-eminence of learning of the ruler in order to be fit to receive the advice. Chanakya is of the opinion that without advisors governance is not possible. Even a well-endowed, intelligent and learned ruler needs counsel and advice. Therefore, ministers should be appointed and their advice/counsel should be listened to. The ruler should gather around him a collection of wise men or consult learned elders in order to attain prosperity. He goes on to give example of ‘Indra’ whose council of ministers consists of one thousand sages, that is why he is called ‘The Thousand eyed one’.

The ministers are the eyes of the rulers through which he can see the weaknesses of others. ‘Hence all his decisions should be based on at least unanimous opinion of three counsellors’. He should also listen to the ministerial advice with a very calm and composed attitude. For Chanakya the secrecy of the counsel is of supreme importance which should be guarded from all quarters. The discussions between him and his counsellor should not reach to a third person. If it reaches to six ears, the secrecy of the counsel gets broken. “Shat karnad bhidyatimantrah”

He goes into minute details of statecraft from delineating the qualities/ qualifications for one to be appointed as ministers and other officials. He talks of testing people before appointing them to the position of power. He says that the ruler’s minister should be prompt in action, have a good memory, be grateful, be well versed in political science, intelligent and far sighted.

The cardinal principal of the ruler’s ministers is; cheerfulness at all times, sweetness of speech and firmness of decision at heart. He should be able to suggest strategy in enemy’s affairs, take quick action in own affairs, exhibit happiness in friend’s achievement and boldness in state affairs.

A ruler should appoint as counsellor one who respects him, one who is learned and who is free from fraud. He is against the appointment of a classmate as minister for though trust worthy he will not respect the ruler having been playmates. The ruler should always appoint a person of good qualities and righteousness and avoid appointing those who are fraudulent, dishonest, cruel, without enthusiasm, incompetent and cowardly and who are addicted to vices, timid, too out spoken independent and spendthrift, to the positions of power. He goes on describing the qualities for specific posts. They should be learned, honest, expert in their profession, loyal and free from fraud, having good family background and conduct.

Military Policy, forging alliances, diplomacy and policy towards
Chanakya is for several commands of the army as the armed forces under several commands due to mutual fear do not go to enemy. This principle is followed even in modern armies’ structure of chain of commands. He also lays importance of transportation, weapon systems and sufficient stock of ammunition and essential supplies for the army.
He lays down the clear cut instructions about war and alliances with the enemies. He says 'A ruler with contiguous territory is a rival, while next to the adjoining one is a friend. It is very true even in the contemporary world. For fighting a war he advises only to fight with the weak but to sign a treaty of peace with the enemy who is equal or superior in military strength. When there are many enemies treaty should be entered with one. He is for deployment of fourfold policy of sama, dama, danda bheda both in administration and foreign policy.

Wealth and Finances
Arthashastra, as the very nomenclature goes is the science of wealth. Chanakya is of the opinion that material wealth alone is important for both righteousness and pleasure are based on that.

\[
\text{Arthaiv pradhan iti kautilya} \\
\text{Arth mulau hi dharm kamaviti}
\]

Through Chanakya stresses on the acquisition of wealth ceaselessly but he never advices the unrighteous means. He says the state revenue should be collected only when due. No undue burden should be imposed on the people. Chanakya warns the rulers about the causes of discontentment among the people which lead to the revolution. The same causes which are elaborated by him have been encapsulated in Gita in one verse. Chanakya says at in so many words: 'Disrespect to good people and encouragement of the unrighteous, acts of unprecedented and unrighteous violence, stoppage of righteous and appropriate customs, encouragement of vice and discouragement of virtue etc. If we say in one sentence, it is doing what ought not to be done and not doing what ought to be done and so on....'.

Even today we find that the governments indulging in these tabooed activities, fall because of the discontentment of the people.

Conclusion
Both Bhagvad Gita and Chanakya’s Arthashastra and Rajnitishastra contain the universal and time tested knowledge, on ‘Niti’, ethics and political science which holds equally good in contemporary world. All that has been discussed above is eternal wisdom from which lesson can be taken today and ever. The universal value of the wisdom enshrined in Gita and elaborated in Arthashastra cannot be questioned.

What can be said better about the timings of forging alliances, then what is said by Chanakya ‘In opportune time alliance should be made with the enemies and war with friends, the wise one lets go time with a purpose and to achieve task’. There is no permanent friend in politics and international relations. It depends on the timings.

Both the Bhagvad Gita and Arthashastra talk of control on senses and discharging of duty as per prescribed jurisdiction of four Varnas. Both describe ‘Dharma’ and ‘Adhram’; as what ought to be done and what ought not to be done. Both also talk of setting of standard of behaviour and conduct and performance of duties without fear or favour by the leaders of the society. Both deals with revolution and its causes and how to avoid it. Hence these two books are the timeless treasure of wisdom on governance, justice and ethics. Chanakya goes in minute details of the statecraft, diplomacy and welfare.
References and notes:

(i) Bhagvad Gita; The six verses have been culled out as per their relevance. The interpretation of these verses and connecting that to the methods and ideals of governance is author’s original contribution.

(ii) Maxims of Chankaya; V.K. Subramanyam, Chankaya’s Rajniti Sashtram and Arthasastram has been the major source of the interpretation of Chankaya’s Thoughts.
Economic Governance and Growth: A Review of Literature

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Abstract
Increased global integration over the past few decades has left the countries vulnerable to economic shocks. The recent financial crisis in 2008 made the issue more prominent, calling for efficient governance of the economies. The issue of effective governance has been attracting the attention of the policymakers and the various multilateral organisations ever since. Quite a few research projects on economic governance have been undertaken at the international level with a view to promoting good governance of the economies at the national level. This paper builds on this very issue to collate the existing prominent literature analysing the relationship between economic governance and economic growth. In addition, this paper will also assemble the various empirical datasets made available till date in brief to carry out the governance research analysis. All this is aimed at providing a conceptually enhanced understanding of the field of economic governance with a view to helping fellow researchers in their efforts to carry out policy oriented academic research in future.

Keywords: Economic Governance, Economic Growth, Empirical Data

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Introduction
The Institutional Economics, founded in the middle of the 19th century by the German Historical School (Veblen, Commons, Mitchell, Ayres), laid emphasis on the role of institutions in the growth process. This was followed by the more recently developed New Institutional Economics, a term coined by Oliver Williamson in 1975 and built on the neo-classical theory, which highlighted the emphasis placed by Marx on the institutions. (Ollila: Working Paper 56). The state machinery has always been integral to the rise of an economy. The prominence of a sound institutional structure became more distinct during the recent financial collapse. According to Dominique Strauss-Kahn (2010), “the global financial crisis can be traced to bad governance. The onset of the crisis was clearly linked to insufficient financial regulation and supervision.” Even though India was not trading in the assets which sparked the crisis, it was affected to a great extent by it on account of the capital flowing out of the economy due to the gloomy trade situation in the United States and Europe. Good institutions affect investment and growth positively. In a regime, whereby the rights of the investors are well specified, it encourages them to undertake production and distribute the gains from trade efficiently. Poor institutional environment in the form of excessive red tape, high level of corruption, weak rule of law, lack of transparency, improper protection of property rights, inadequate regulatory policies, etc. act as an impediment to private investment and growth and thus, derail the process of economic development. Effective institutional framework developed on the basis of sound governance helps in the
efficient delivery of public goods resulting in better distribution of income and bridging of the income gap. Further, indicators of macroeconomic stability signal the state of the economy to the public at large, both at home as well as abroad. With low levels of inflation, fiscal prudence, low long term interest rates and stable currency, strong macroeconomic fundamentals provide a boost to the investors’ confidence in the economy and thereby increase the FDI into the economy.

The Nobel Laureate Douglass North viewed institutional differences as the primary cause of growth differentials across countries. He defined institutions as the rules of the game in a society, together with their enforcement arrangements (North 1990). The importance of institutions for economic growth dates back to Adam Smith. According to John Stuart Mill (in Jones: 1981): societies are economically successful when they have 'good' economic institutions and it is these institutions that are the cause of prosperity. There must be enforcement of property rights for a broad cross-section of society so that all individuals have an incentive to invest, innovate and take part in economic activity. There must also be some degree of equality of opportunity in society, including such things as equality before the law, so that those with good investment opportunities can take advantage of them (AJR: 2005).

Good governance has been classified as market-enhancing and growth-enhancing by the liberal and the heterodox economists, respectively (Khan: 2007). The market-enhancing aspect of good governance focuses on the ability of the government to reduce the transactions costs resulting in efficient markets. In contrast, growth-enhancing framework stresses the role of the government in allocating resources to more productive sectors, acquiring new technologies and maintaining political stability in the face of social transformations.

Economic governance is increasingly being recognised at the global level as an issue that needs immediate attention if the slowdown in the growth rates has to be reversed. As per the World Bank, efforts aimed at fostering good governance, effective rule of law and lowering corruption can increase the per capita income levels of countries by as much as 400 per cent (World Bank: 2004). Thus, what matters is how the officials, entrusted with formulating the laws and policies, use the correct mix of these policies at the appropriate time and manner in order to accelerate the growth of the economy as a whole and not that of some particular segment of the society. In the light of the above points, the proposed study will try to look into the concept of economic governance as stressed in various literatures followed by a brief account of the empirical datasets available.

Avinash Dixit has defined the concept of economic governance as: Economic governance consists of the processes that support economic activity and economic transactions by protecting property rights, enforcing contracts, and taking collective action to provide appropriate physical and organisational infrastructure. These processes are carried out within institutions, formal and informal. The field of economic governance studies and compares the performance of different institutions under different conditions, the evolution of these institutions, and the transitions from one set of institutions to another (Dixit 2001:1). Improper protection of property rights and inadequate regulatory environment often act as an impediment to investment, innovation and thereby growth. The Doing
Business surveys highlight the degree of procedural delays faced by the entrepreneurs in various countries in obtaining permits and licenses for setting up their business units. Rodrik (2008) mentions, “the focus of reform in the developing world has moved from getting prices right to getting institutions right.”... “Governance reforms have become the buzzword for bilateral donors and multilateral institutions, in much the same way that liberalization, privatization, and stabilization were the mantras of the 1980s.”

Institutional Differences
The division of Korea into North and South after the World War II throws light on the institutional aspect of economic growth. Both the regions shared similar characteristics in all respects except the institutional structure adopted. Yet, post the split and by the late 20th century, South Korea emerged as one of the most economically advanced economies as compared to North Korea. This success can only be attributed to the market and government based institutions adopted by South Korea as opposed to the soviet socialism framework followed by the South (AJR: 2005).

A similar explanation pertains to the growth patterns exhibited by the Latin American and the East-Asian countries since 1950s. Around 1950, Latin America had emerged as a highly developed region, second only after the industrialised countries. It had the real GDP per capita levels comparable to those of the U.S (around one-fourth) and more than that of East-Asia’s sans China and Japan. Yet, by the end of the 20th and beginning of the 21st century, the growth performance of Latin American countries plummeted while the East-Asian countries witnessed substantial increase in their per capita GDP levels. Geographical factors played a very negligible role, if at all, in explaining this growth pattern across the two regions. Macroeconomic instability, poor integration with the rest of the world and weak public institutions emerged as the main reasons explaining the decline in the growth performance exhibited by Latin America in stark contrast to East-Asia (Elson: 2006).

Contemporarily, there have been cross-country variations in the quality of the governance levels ranging from the most efficiently governed public institutions of Finland to the most poor institutions of Venezuela. Switzerland, Singapore, Sweden, Norway, Canada, Barbados, Costa Rica, Qatar, UAE, Israel, Mauritius, South Africa, Rwanda, Botswana, Seychelles and Namibia are some of the economies in the American, European, African and Asian regions with top-notch public institutions. These countries are characterized by the presence of transparent bureaucracy, lack/very low levels of corruption, independent judiciary, protection of property rights, macroeconomic stability, proper infrastructure and well developed financial markets. On the other extreme there also exist a large number of countries with a very unsound institutional environment comprising of rampant corruption, absence of security, high political influence, lack of transparency, ill-defined property rights and poor infrastructure. India, Pakistan, Czech Republic, Russian Federation, Greece, Brazil, Peru, Colombia, Ecuador, Senegal, Nigeria, Tanzania, Ethiopia, Zimbabwe, Mozambique and Angola are some of the nations belonging to this category (GCR: 2013-14).

Institutions
Institutions have played a role more important than any other variable in explaining cross-country income differentials. This issue was empirically confirmed by Dani Rodrik et al (2004) whereby they estimated the impact of institutions, geography and integration on per
capita GDP for a 79 country sample. They have used rule of law index, absolute value of the latitude of a country and the ratio of nominal trade to nominal GDP as the measures for institutions, geography and integration, respectively, in estimating the following equation using 2SLS:

\[ \log Y_i = \mu + \alpha \text{INS}_i + \beta \text{INT}_i + \gamma \text{GEO}_i + \epsilon_i \]

Where \( Y_i = \) income per capita in country \( i \)

\( \text{INS}_i = \) measure for institutions
\( \text{INT}_i = \) measure for integration
\( \text{GEO}_i = \) measure for geography
\( \epsilon_i = \) random error term

Corruption has garnered a lot of debate as it has long been touted as a hindrance to the steady development of emerging economies. Persistent corruption prevents the economies from reaping the full benefits of their growth process. It also results in social unrest in an economy, further disrupting the process of ongoing growth and development. This issue studied in detail by Paolo Mauro (1995) in his paper on “corruption and growth”, wherein he tried to find out the avenues through which corruption affects economic growth and also estimated the magnitude of such effects. He proves his point of a negative and a significant relationship between the two using both the OLS and the 2SLS over the period 1980-83 for a sample of 67 countries. His results show that an increase by one in the standard deviation of corruption index leads to an increase in the investment rate by 2.9 per cent of the GDP, irrespective of the type of bureaucracy. Also, an increase in the bureaucracy efficiency index by one leads to an increase in the investment rate by 4.75 per cent of the GDP using OLS. 2SLS gives an even higher result using Ethno linguistic fractionalization as an instrument. He further uses the two specifications viz., Levine and Renelt’s (1992) and Barro’s (1991) to check this relationship. These specifications again confirm the negative association between the two. Although the test of over identifying restrictions rejects the null hypothesis of corruption working its impact on growth through investment rate at 10 per cent level, it appears that the major part of the impact of corruption on growth takes place through total investment.

What matters for growth is not only the resource endowments which a country is naturally blessed with but, more importantly, the manner in which it utilises those resources. Effective governance of the resources helps explain the cross- country differentials in outputs and incomes. This issue was studied by eminent economists, Robert E. Hall and Charles I. Jones (1999) at NBER, where they attributed cross-country differentials in capital accumulation, productivity and output per worker to the differentials in the quality of social infrastructure viz., institutions and government policies, across 127 countries during 1985-1995. In doing so, they adopted the Neo classical formulation theoretically. Empirically, Instrumental variable approach was applied in testing the proposed hypothesis. The instruments used were: distance from the equator, fraction of the population speaking European languages today and the log of predicted trade share of an economy. The result showed that a change of 0.01 in social infrastructure leads to a change in the output per worker of 5.14 per cent. This result was robust to the use of a limited set of instruments. This was undertaken by dropping one instrument at a time. The smallest coefficient in the robustness analysis is of 4.93.
Daniel Kaufmann and Shang-Jin Wei (2000) build a stackleberg game model between the firm and the government official who extracts rent in a general equilibrium framework. Their results provide support to ‘sand the wheels’ hypothesis. The concept of ‘grease the wheels’ and ‘sand the wheels’ was also studied by Pierre-Guillaume Meon and Khalid Sekkat (2003) whereby they analyse the role of governance quality in the impact of corruption on investment and growth during 1970-98 for a range of countries. The results once again reject the ‘grease the wheels’ hypothesis. Apart from these cross-country studies, NIPFP (2012) undertook the first ever study at the state-level in India with the aim of rating the governance level in India’s 17 major states. The indicators included covered the executive, judiciary and legislative branches of the government. The raw indicators were transformed in order to incorporate the issue of correlation between governance and development. However both the transformed as well as the original indicators are used to construct the Quality of Governance Index using 3 methods: Principal Component Analysis, Average of the sum of ranks and Average of the average of ranks. This study shows a positive but statistically weak relationship between the rate of growth of GSDP during the period 2004-05 to 2009-10 and the quality of the governance level of a state. In another study by Arvind Virmani at ICRIER (2004), the economic factors behind the behaviour of voters in a democracy have been explained. It accomplishes this by building a model from the theory of consumer utility followed by its testing using the results from General election in 2004 and the state elections in the two years prior to that. This model relates the growth performance and economic governance to the voting behaviour. With the exception of few states, the results of MP, Rajasthan, Bihar, and Punjab confirm the hypothesis of a direct link between the growth performance and governance of a state and the voting patterns. A study by Mancur Olson Jr., et al (2000) try to examine how the quality of governance and institutions affect the productivity growth under a neo classical production function across a cross-section of countries.

This study also confirms the hypothesis of a statistically significant impact of governance on growth. Pierre-Guillaume Meon and Laurent Weill (2004) analyse the relationship between governance and aggregate technical efficiency for a sample of 62 countries using Battese and Coelli’s (1995) one-stage approach for the cross-sectional data, year being 1990. The results show a significant and negative relationship between governance and inefficiency. Narrowing it down, ‘Government Efficiency’ has the largest coefficient whereas ‘Voice and Accountability’ has the smallest. In Witold J. Henisz’s (2000) “The institutional environment for economic growth”, a new variable is derived which measures the political constraints, POLCON. It is then modified into POLCONJ. With the help of these variables, it tries to test the relationship between the likelihood of policy change and cross-country economic growth differentials. The results show that the executive turnover has no significant effect on growth rates in OLS and GLS. But it is statistically and significantly negatively related with growth rates using GMM. Thus, POLCON and POLCONJ do lead to cross-country growth differentials. Jac C. Heckelman and Benjamin Powell (2008) test the relationship between corruption and growth in the presence of limited economic freedom. It analyses the relationship between the two after controlling for the political and the economic institutions and also allowing their interaction. As per the results of this study, corruption can affect growth positively but as economic and institutional scenario improves, the benefit of corruption declines and eventually turns negative. This happens when freedom in areas of government size, freedom to trade internationally, and regulation of credit, labour and
business is low. When economic freedom in government size and regulations increases, the beneficial effect of corruption decreases and finally becomes negative.

However, some of the studies have also pointed in the opposite direction. For instance, Jeffrey D Sachs (2003) finds out empirically the hypothesis of no direct impact on per capita income levels once the institutions are controlled for, to not always be the case. This hypothesis stands rejected when ‘malaria transmission’ is included as a geography variable. Malaria transmission is found to have a statistically significant impact at 5 % level and 1 % also in most cases on the (PPP adjusted) log of GNP per capita in 1995 using the two-staged least squares for a large sample of countries. Many other studies have been undertaken which again reiterate the insignificance of institutions in explaining the growth differentials across countries. This shows that the literature on institutions has been mixed.

Data Sources
These studies have been facilitated by the use of the wide array of secondary datasets made available on indicators of economic governance. Various subjective, outcome based data sets along with the objective and rules based ones have been developed from time to time which enable the users in undertaking their analysis thoroughly and rigorously. Some of them are listed below:

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Conclusion

The recent years have seen a massive spurt in the literature on the relationship between institutions and economic performance. There is quite a literature on the role institutions play in a country’s growth process. Some of the studies point towards a significantly positive impact of the institutions on an economy’s growth. As we move to increasingly market-driven societies, we must not forget the fact that these markets do require a sound institutional framework to operate. However, there also exists quite a handful of literature which does not see the institutions-growth relationship in such a positive light.

The study of governance-growth relationship has been based on primary as well as secondary data sources. Since primary studies are not always practically feasible, secondary datasets have been constructed by international organizations; some being subjective while the others objective. These data sets provide valuable information on various indicators of governance viz., Bureaucracy, Corruption, Government Effectiveness, Political Stability, Regulatory Quality Rule of Law Voice and Accountability, to name a few for various countries. However, not all the data sources are provided for free, the primary example being the most widely used ICRG data set.

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India’s Third Gender at Crossroads: A Human Rights Perspective

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Abstract
India’s Third Gender (with reference to Hijras and Transgender) lies at the intersection of community, society, nation and international human rights law regime and are simultaneously ‘included’ and ‘excluded’ from the enjoyment of equal rights. Applying the notion of human rights this paper tries to situate the Problematique and tries to analyse the disjuncture between formally guaranteed constitutional rights and the State’s dual role of both ‘inactiveness’ and ‘discrimination’ under the dominance of patriarchal values that relates to various experiences of discrimination of the Third Gender in India. With the increase of Judicial Activism, where the Supreme Court of India is turning to human rights law to interpret constitutional guarantees of equality and freedom from discrimination, this article tries to evaluate the possibility for the Hijras and Transgenders to move towards equality through the translation of human rights from a universal to a local context. However, the paper concludes by examining the ‘Substantive Dilemmas’, that exist in the way of realisation of human rights in India, (for e.g. laws related to Article 377) and also tries to capture the interplay between global justice on one hand and local politics on the other.

Keywords: Transgender, Human Rights, India

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Introduction
India’s Third Gender (with reference to Hijras and Transgender) lies at the intersection of community, society, nation and international human rights law regime and are simultaneously ‘included’ and ‘excluded’ from the enjoyment of equal rights. Applying the notion of human rights this paper tries to situate the Problematique and tries to analyse the disjuncture between formally guaranteed constitutional rights and the State’s dual role of both ‘inactiveness’ and ‘discrimination’ under the dominance of patriarchal values that relates to various experiences of discrimination of the Third Gender in India.

Exploring these cases of ‘social exclusionism’ based on the binary distinction of ‘Purusha’ and ‘Prakriti’, discrimination has ensued in different aspects of their lives in neighbourhood family, schools, peer groups, employment, health and other sectors. This article evaluates the potential of a human rights framework as an analytical tool to challenge their exclusion from enjoying equal ‘rights’, ‘liberty’ and ‘freedom’ – the basic minimum natural rights required for the growth of the ‘self’. Examining Universal Norms of Human Rights (especially with reference to Article 2, 3 and 7 of UDHR) this paper tries to find out the emancipatory potential of the discourse of universal norms of human rights on one hand and the discrepancies that exist in implementing these laws at a particular situation, in this case in
the lives of the *Hijras* and Transgenders in India. By narrating cases of discrimination this article tries to *Frame an Inquiry* as to how gender identity, in these cases has served as an immediate entry point for the human rights violation. The ‘hyper visibility’ of their identities have made them targets of violence and violent social exclusions eventually reducing them to a State of ‘marginalised’ in the society.

With the increase of Judicial Activism, where the Supreme Court of India is turning to human rights law to interpret constitutional guarantees of equality and freedom from discrimination, this article tries to evaluate the possibility for the *Hijras* and Transgenders to move towards equality through the translation of human rights from a universal to a local context. However, the paper concludes by examining the ‘*Substantive Dilemmas*’, that exist in the way of realisation of human rights in India, (for e.g. laws related to Article 377) and also tries to capture the interplay between global justice on one hand and local politics on the other.

**Understanding Human Rights in terms of Human Dignity**

The new millennium ushered in great advancement of human rights movement in terms of its dimension and content as a tool to redress human misery. It has burgeoned enormously since its adoption by the United Nations in 1948. After the Second World War, the only preoccupation of human rights was how to secure ‘security’ for an individual vis-à-vis the atrocities of the state. Thus the movement which arose under a civil liberties tradition soon spread across the globe, most states accepting the core values of human rights mainly in terms of political, social and economic.

Thus human rights discourse serves the pious duty of sensitizing us to the needs and problems of ‘others’ in the society but also show us the way in which one can relate oneself to the ‘other’. It is for this reason over the last few years, the language of human rights has become so strong in carving out a niche not only for individuals vis-à-vis the atrocities of the state but also for carving outer space for oneself in terms of “human dignity” that is intricately woven with the concept of human rights.

Following the words Allan Gewirth, it can be argued that,

“Human Rights are based upon and derive from human dignity. It is because humans have dignity that they have.............. Rights

As George Kateb observes, public and formal respect for rights registers and strengthens the awareness of three .....

1. This paper acknowledges the fundamental tenet of human rights embedded in the United Nations Declaration of Human Rights (UDHR).
Article 1 announces that all human beings are born free and equal in dignity and rights. They are endowed with reason and conscience, and should act towards one another in a spirit of brotherhood.

Article 2 says that everyone is entitled to all the rights and freedoms set forth in the declaration ‘without distinction of any kind such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Article 2 is elaborated by Article 7, which states that all are equal before the law, and are entitled to equal protection of the law without any discrimination.

This paper has referred to these three articles of UDHR as an yardstick in addressing human rights of the Hijras in India. It tries to look into the local cultural practices which engages itself in discrimination as regards to such emancipatory potential such as equality and freedom and tries to suggest ways in order to make them meaningful. It emphasizes that human rights violation not only occurs from within the state but might arise from unequal power relations existing also within culture, gender, religion and other societal cleavages. The state in these cases is not the primary violator of human rights. In most cases the state either becomes a spectator or a passive rejoinder in lashing out atrocities and violence towards individuals and communities, thus robbing them from a leading a life of dignity. The study at the same time emphasize the need to strengthen the language of human rights as a critical tool in enquiring the issues that bring human suffering and misery.

Thus the task is to concentrate on the local cultural contexts which unleashes discrimination on the ground of cultural diversity and stifle the emancipatory potentials like equality and freedom (which is the fountain head of man’s natural rights) of individuals and disempowered groups. The book also acknowledges that the subject of all these rights are individuals, by themselves or as members of a group or community who are exclusively the sufferers of excruciating pain, misery and agony.

With the central focus on humanism, the book brings out how gender deviance has led to major cause of human rights violation in the society. The work tries to emphasize how the society which acknowledges only the binary mode of gender, the ‘Purusha’ and ‘Prakriti’ has ostracized these individuals from participating into the main stream society. Following the argument of A. Belden Fields, it can be said that a holistic approach to human rights, entails that all human beings have the potential for development, (intellectual, creative, or affective) and these human potentialities are developed within a web of cultural, economic and social relationships that are both facilitating and constraining.

This paper critically examines the role of the families, schools, peer groups and the state in ascertaining their responsibility in securing the human rights of the Hijras and their community in Kolkata. As it has been observed that human rights violation which occurs every day in the society has failed to attract due attention. Only large scale human rights violations that involves the State has been focussed. Issues that arise from socio-psychological complexities caste a deep impact on the minds of individuals towards victims of these atrocities practised by the state and society in the name of cultural practises. As it has been observed that for most people, most of the time the virtues that matter are
Ordinary people may get terrorised, massacred, mass raped and may suffer from outrageous activities from the society. Their very existence may also be considered as a curse when socio-cultural milieu and practises render them as one not belonging to the human community. They are socially ostracized and eventually marginalised. The concept of human rights becomes relevant to these ordinary people whose relative security of everyday life is absent or snatched away. There is almost unanimous agreement on the point that human rights are most needed when they are most violated. There has been lack of scholarly works in this area which shows how daily and routine violation of human right can cast a deep impact on the growth and development of human personality. Not all tortures are related to physical atrocities and violence. Social atrocities are capable of causing deep agony that cause deep impact on the minds of an individual.

Upendra Baxi in his book ‘The Future of Human Rights’, observed that the historic mission of ‘contemporary’ human rights is to give voice to human suffering, to make it visible and to ameliorate it. However the articulation of the voices of suffering always entails acts of representation.

In this paper, I have referred to certain case studies pertaining to the Transgenders and Hijras belonging to urban middle class of Kolkata and have tried to trace their sufferings, pain and agony in the journey in the search of personhood and dignity of the self. It should be mentioned at the outset that the definition of the terms ‘hijras’ and ‘transgenders’ are not mutually exclusive and in most cases they are overlapping. For e.g. an individual within the hijra community may be either a hermaphrodite by birth, intersex, an eunuch (a castrated male) or a transgender etc. Therefore my study may refer to one, two or more categories of deviant gender identities at the time of discussion of the human rights of Hijras and Transgenders in India that lie outside the hetero-normative matrix which does not accept that the only ‘natural way’ to be sexually related to one another is within the framework of ‘marriage’ and ‘procreation’.

Though the word Hijra is used as an umbrella term in the Indian society, and anyone who do not belong to either male or female is nomenclated as hijra, it actually refers to those persons who are engaged in the traditional profession of ‘badhaii’ a ritual where the hijras attend the wedding ceremonies to give their blessings to the newly wed and also visit homes of new born babies to usher blessings by clapping their hands loudly, singing & dancing, by playing the dholak. While the term hijra is associated with South Asian society and culture, it should be pointed out that the word transgender is of recent origin in the context of India and has largely been incorporated in the discourse of gender and sexuality studies from the west.

In recent times the ritual of ‘badhai’ has greatly declined. On the one hand urban population has witnessed much lesser growth in birthrate compared to earlier days of the 1960’s due to the State sponsored family planning programmes. But the dilemma of gender identity and their recognition from the society can be largely traced within the adolescence of urban population, who can no longer be forced to leave their family to join the Hijra profession but
desire to continue to live in their families. But due to the discrepancies that follow from their psychological self and their genitalia (or sex with which they are born) often put them under great pressure from their families, friends, peer groups and society. The resistance which they face from their families often lead to violent social ‘exclusions’ which has increased their ‘vulnerability’ and has put a blow to their confidence and self-esteem.

In this section I have narrated cases of some of the individuals who consider themselves as ‘Transgenders’ and believe that they are trapped in the wrong body. While some of them may want to change their sex and lead a life which they psychologically belong to, others may continue to live the way they are born with and has belief in gender ‘fluidity’ and performativity (a term first used by Judith Butler). The cases discussed here refer to (with slight economic variation between the cases) the urban, middle or lower class, and seeks to unfold their journey in spite of great adversities to a position, where they could carve out a space for themselves.

Cases of Untold Miseries:

**Story 1: Tista**

Tista was only around her late teens when I first met her almost ten years back. I still remember the day when I visited an NGO named Rhitwik in Baruipur, an area located in the South 24 Parganas in the south of Kolkata. Tista was residing there due to problems in her family and Late Mr. Subrata Mukherjee, the founder of the organisation and her wife Shellydi were giving shelter and assistance it was Tista who opened the door and said in Bengali: “Ashun” meaning please come inside.

I instantly felt a strange familiarity for the tall, dark skinned girl wearing a yellow salwar and printed kameez whose face was lit up with bright eyes, and felt quite comfortable to move inside the room with her. Inside the room was also Subratada, (we in Bengali attach the word dada, or didi show respect to elderly men and women) who cordially greeted me. He was waiting for me and knew the purpose of my visit. He told me: “Apni to Hijreder niye gobeshona Kortchen” (I know you are doing research about the lives of the hijras)

When I replied in the affirmative and told him that I trying to study their problems from the human rights perspective, he looked at Tista and told me: “Apni oar interview nite paren” (You can take her interview)

Minutes later I shifted in the next room with Tista, who was more than accommodative and eager to tell me about her life. The first shock which I received only moments after entering the room, when I came to know that Tista was not her original name and that she is not a woman, or a person with both genitalia, but is born as a male child of Mr. Kailash Das whose original name is Susanta Das. A resident of Mahajati Nagar, Agarpara Sushanto grew up with taunts and seers from family, neighbours and peer groups.

In the midst of the interview Tista (the then Sushanto) suddenly asked me: “Lopadi amake dekhe ki mone hoy” (Lopadi What do you think about me). I replied very spontaneously that’s why you are a girl. To this Tista laughed aloud. She informed that she is born as a man but she feels trapped within a woman’s body and mind. It was during her the adolescence
period that Susanta (Tista) realised that though born as a male child, her feelings are that of a woman. She started imitating the gestures and likings of woman as she reached adolescence. The difference between her body and mind became more acute. She started to dress like a girl.

This outraged her family members as they were afraid of the humiliation that they will face from their neighbours and people in the society. The family insisted her to retain the male identity whereas her entire mind and body showed signs of feminity. In this sense Tista agrees that she belongs to the group of “Transgender” (where an individual psychologically belongs to the opposite gender not originally following from the sex they are born with).

Tista was thus forced to leave her home and seek for a separate identity. But she told me life is really harsh for a transgender. “Kintu amader sange anek anayay hoy. Kajer jaigateo amader anek kichu face kortey hoy” (We transgenders face humiliation even at workplace.)

People try to exploit me at every single opportunity. People who employed her wanted her to please their clients with the unusual kind of body that drew men folk with great curiosity. However, at the end of the interview I was wondering how education can transform an individual to a fighter. Amidst such adversities, Tista got herself educated. She kept changing her colleges and finally completed her graduation. Her control over languages both English and Bengali made me realise that in talent she is no less than any other individual.

“Aajke bideshe thakle amra amader gender nijera beche nite partam” - (We could have chosen our gender category if I would have resided in a foreign country). Tista could vote at the age of 32 for the first time on 27th April (third phase of Assembly election) from Ward no. 8, booth 47. She received her ration card and then got her voters ID Card on 15th July, 2005. Tista decided to change her sex, to save herself from everyday taunts, and mundane problems like that of entering into public toilets, most of the time she was shown the ladies toilet and most importantly she wanted to realise her true self.

I again met Tista in the year 2008, four years after she underwent a sex change operation on 9th May, 2004 coinciding with her birthday. Tista is among the first few who had the courage to undergo a sex change known as Sex Reassignment Surgery (SRS) in Kolkata. She did not want to continue with a woman’s mind in a man’s body. This is the biggest trauma, she ever felt. When I met her in a seminar, I could not take away my eyes from her. Her posture has completely changed, and her confidence about herself was to the fullest. When i asked her from where she got all this support for sex change, she told me that “Pray ghati bati bikri Kore Taka jogar korte hoyeche” – In Bengali ‘ghati’ and ‘bati’ symbolises the essential utensils. Tista confessed that there was no support or funding from any external organisations but she had to sell her utensils to get the money for the operation. It took almost nine hours.

Life for Tista has completely changed since then she enjoys her freedom, of being untrapped and now there is perfect alignment of her body with her psyche. Tista now follows her passion and wants to take it up also as her profession. Though she is aware it is difficult to achieve stardom from her position of a ‘transexual’ identity, yet Tista does not lose hope.
Tista worked with very popular Bengali filmmaker like Buddhadeb Dasgupta’s film “I could not be your son, Mom” is based on her life (she even plays herself in the movie) and was screened at the Durban Film Festival. Moreover films like The Third Gender, made by Subrata Datta and Umesh Bishit’s ‘Beyond Reflections’, - are also films that are made on her life, and received accolades abroad. In another film Rehab Tista plays the role of a lady psychiatrist, and has been screened at the Cannes and Toronto Film Festivals.

But for Tista problems regarding gender bias still persists in the society. A popular Bengali women’s magazine selected her to be a part of an anti-smoking panel but unceremoniously dropped her at the last minute when they came to know that she was not a naturally born woman. Even a popular Bengali film director whom Tista approached with the interest of working in it told her that he will give her a call when he will do a film on “Transgender” issue.

Tista was quite disheartened. She told me: ‘Amader talent keu recognise kore na’. Jai korte jai amar transgender identity sab samay samne ashe” – She is saddened by the thought that they are still recognised as “transgender” identity and not by her talents or acting ability which may deserve recognition on its own. Tista who has exhibited strong personality and self-dignity refuses to continue at the margins till now. Will she ever get justice which will be true to herself, but will continue fighting through her journey of life. Like any other woman Tista wants to settle down in her life by marriage but she will do that only when she meets someone “courageous” who can accept her in entirely and will have the ability to convince their families and is sensitive to her sentiments. Tista will not settle for anything less.

Story 2: Sumit

It was month of December. As part of Kolkata Rainbow Pride Festival (KRPF), a carnival was being celebrated at Rabindra Sadan premise, near Kolkata’s most popular Film Screening Centre, Nandan. It was like a mela and everyone there was enjoying to the fullest. Though the mela was meant for the individuals belonging to this community, (who consider themselves as people belonging outside the heteronormative paradigm) there was quite a congregation of individuals, who had come to see the events and probably “those different looking individuals” whose dress and body language distinctly spoke of a ‘deviance’.

Amidst this crowd was Sumit who like to call herself Sumita, self-poised, matured and confident. I had also met him before, and when I said I would like to know about her facts of life and about the environment on which she finds herself, she did not hesitate to tell me the incidents which had happened with her. She is associated with an NGO ‘SAATHI’ that fights against gender biases and believes in raising the capabilities of these people.

Sumita told me that she was born as any normal child, a male child, when I asked her what was her problem she quickly replied that “She does not think it as a “problem”, “Amar bhavna niye karur kono problem thakle amar kichur korar nei” -She answered that she has no problem. But if somebody has any problem about her thinking then she cares less.

During her adolescence she started to realise that she psychologically belonged to a different gender and was trapped in a wrong body. At this time she had faced tremendous discrimination and teasing from his fellow colleagues. Her family too was not co-operative.
and did not understand her problems. But she needed to convince her family to respect her views. According to Sumita, she is categorical about the fact that she is not doing anything wrong. Even there are people from the mainstream who indulge themselves into lots of “other”, activities that is termed as “bad” in this society. According to her she is only pursuing what she feels psychologically and does not interfere into anybody’s business. As far as she does not cause any harm to anybody she should be left free to pursue her life in her own way. Her liberty and freedom of thought should be respected. Asked whether she feels that there has been significant changes, she replies that there is a movement towards acceptance but there is still a lot to be achieved.

Finally, when I asked her if she would consider sex reassignment surgery Sumita replied, that she does not consider this as a “disorder”, and therefore does not wish to go for any sex change. “Ami karuke kono proman dite cha in a Lopadi” (I do not want to give any proof to anyone. How I will adjust my life is totally personal. In our society people still admire those women who imitate men but society never accepts those men who exhibit feminine attributes.)

**Story: 3 Ranjit**

The story of Ranjit Sinha Director, of Association of Transgender/Hijra in Bengal (ATHB) is quite different. With an aim to take an interview I had entered the office of ATHB, one of the posh localities of South Kolkata, Gokhale Road. Sitting in a chair with a computer on the table in which Ranjit, who likes to call himself Ranjita seems relaxed and happy to achieve this position in her life today. However for Ranjita, life was never too harsh. She fondly remembers her school days in Kolkata, which was a Christian Missionary School and emphasizes the tenderness and fondness of their father, who groomed her to perfection.

Ranjeeta admitted that her school accepted her as she was and never questioned her gender identity. On the contrary she was called for all the programmes, theatres and workshops, that were conducted by the school authorities. She was special to her school as they won prizes and awards for their school. Ranjeeta’s mother and her family needed time to understand her. Ranjeeta now lives in a flat which is owned by her mother. She is happy to find a man who regards himself as her husband.

Asked whether she wants sex change, Ranjit replied that she believes in gender fluidity and will want to continue the way she is. She devotes a considerable time for ATHB, and also Bandhan (where she is currently working as its Secretary) and is busy attending seminars organising workshops, expanding networks and also fight for any injustice that comes in the way of these individuals of this community. She strongly feels the need to be sensitized and to sensitize people and families who are struck with this problem that unless and until the families are sensitized it is difficult to usher in justice.

Moreover, Ranjita actively carries out the campaigning movements to discuss issues of legality like Article 377, mustering support in its favour and condemning when the judgment was moved against it. She involved a great deal of high profile individuals and celebrities from the Bengali film world and as part of the mainstream invited researchers, and teachers like us and other individuals like lawyers, doctors and poets to speak on behalf of their movement and create an awareness and amongst other in the society.
Story 4: Madhu
I was introduced to Madhuja during a seminar organised by ATHB. During the brief interaction Madhuja who calls herself Madhu now informs me that she was a transgender but after SRS she now feels like a complete woman. However she narrates some of her incidents of life, where she has repeatedly been harassed due to her transgender identity. And now she faces immense problems in changing her certificates from earlier name to her new name.

She said: “Lopadi Tumi amader dukkher katha lekho”. Amader transgender der kotha keu shunte chain na. Amader ekhane police station e boleche ekhon meye hoyecho ekhon tomar complaint nebo.” (Madhu is shocked to know as transgender nobody is bothered about them, but once she is a woman they will take her complaint.)

Moreover this entire process of sex change, and then problems associated with name change has struck a severe blow to her identity and recognition as a human being and she was harassed running from pillar to post to prove her gender identity. During my research work I felt that instances of case studies can be multiplied but their plight is mostly same in all cases. Due to their ‘deviant’ gender identity they are denied access from participating in all spheres of their lives, in families, at schools in their neighbourhood, in medical issues, in employment etc.

Moreover the transgender community in particular has been subject to brutal assault by goondas, policeman and other vigilante elements. The people’s union for civil liberties – Karnataka (PUCL-K) elaborated upon some egregious cases of sexual assault on transgenders. The PUCL-K report concludes that, sexual violence is a constant pervasive theme in all these narratives along with subjective to physical violence such as beatings and threats of disfigurement with acid bulbs, the sexuality of the hijra also become a target prurient curiosity, brutal violence etc. 6

Government Response
The victims of sexual violence can be men, women, as well as transgender persons. Sexual assault is as much a crime of violation of bodily integrity and causing grave physical harm as it is about sex. The role of the government is highly confusing. On the one hand the government is an advocator of equal rights to all its citizens. But in case of transgenders and hijras their role is shrouded in what I will call positive discrimination and apathy leading to gross human rights violation. Here the ‘State’, instead of being the ‘protector’, of human rights also becomes the sole ‘reason’ for causing severe hurt to individuals.

For example if we look at the case of Pinki Pramanik, we find that Pinki who is a medal-winning athlete was accused of being a man and jailed on charges of rape. Pinki who was first noticed as a member of the national 4×400m relay team won a silver medal at the 2006 Commonwealth Games and the gold at 2006 Asian Games. She won three gold medals in the 2006 South Asian games-including the 400m and 800m events.

However what is shocking is to find that before the guilt could be proved Pinki was made to undergo all kinds of humiliation and mental degradation. She was rounded up by policemen
who forced her to undergo tests in a nursing home. An MMS clip of parts of Pinki’s naked body went viral. (THE TELEGRAPH SUNDAY 15TH JULY 2012)

Twenty six days in jail had broken her spirit. Most days she would squat on the floor, resting her chin on her knees and stare blankly at the grey floor. “The humiliation was ran so deep that I could eat very little. I was told there were hardened criminals all over that place and I kept thinking what I had done to earn their company.”(THE TELEGRAPH SUNDAY 15TH JULY 2012.)

This event raises questions about the protectionist role of the state as far as retaining human dignity of an individual is concerned. Culture in this case again seems to have dominated politics. Those engaged in the states arm to protect its citizens could not rise above “sexual politics” that seeks to generate a kind of curiosity mixed with feelings of sexual apprehension which lies latent in probably man’s primitive instincts. In the entire process whether Pinki being a case of deviance (whichever gender she may belong to) is not the primary question, Harassment due to her gender identity is so sharpened that it robs the individual of his or hers human essentialism.

Civil Society Activism and the Role of NGO and Media
In order to ameliorate these sufferings of humiliation and loss of dignity, the NGO’s and CBO’s of Bengal especially those located at Kolkata, is playing an invaluable role in dispensing human sufferings and fighting against gross injustices and also acting positively on behalf of the community by providing them shelter, medical assistance (especially related to HIV and AIDS), legal counselling etc. In Kolkata CBO’s like ATHB, Bandhan, SAATHI, AMETHI TRUST has been playing an extremely supportive role in case of the members of the Hijras and Transgender community for the last few years.

Let me cite the case of Bini here. Bini, who is a transgender, is infected with HIV positive. Bini was taken to renowned public hospital in Kolkata with severe abdominal pain. But the authorities refused to take her admission on the ground that she is neither male nor female and they do not know in which ward to admit her. Neither are there specialised doctors to treat transgender patients. In these cases, Community Based Organizations like ATHB stands by these victims and tries to provide them assistance. Many of the cases are solved with the ‘intervention’ of the media. in cases where the government’s response is late or it is inactive the media highlights the incidents and the reports a covers a wide range of issues that increases the awareness of the public in general and make them more sensitive to the needs of these people.

The Substantive Dilemmas:
I was confronted with a question from the editor of a Bengali Journal ‘Abamanab’ writing on issues of gender and sexuality of the Transgender Community, who asked me, Lopadi what do we seek to achieve by devoting another book on the Issue of Transgender (since I am writing a book on their human rights) and how will the transgenders be benefitted in our society. Their space and existence is still shrouded in darkness. The only light that has entered in more than six decades of independence is the rectification of a section of Article 377, of the India Penal Code that criminalises the offence caused by “the carnal intercourse against the order of nature".
Attempts to include them on electoral rolls as “Transgenders” and their separate inclusion as “others” in the passport has been a positive step by both Central and State Governments towards treating them as equals. But there are gaps in between all these laws which needs to be filled up in order to translate these laws into reality. Though this judgement is a landmark decision, on part of the Judiciary to redress misuse of gender biases and to penalise acts which are private acts (consensual sex) of an individual we cannot rule out the fact that this decision is a part of a larger politics of Identity and Recognition.

On 11th December, 2013, the Supreme Court of India overturned one of the landmark judgements of the Indian Judiciary, the Delhi High Court’s NAZ Foundation Vs NCT, Delhi. This was a severe blow to the millions of lesbians, gay, bisexual and transgender (LGBT) individuals across the country just four years after the lower court had allowed them the status of equal moral citizenship. But again within four months of the last judgement the court came out with its verdict on 15th April, 2014, a month before the Lok Sabha Election 2014 that declared the transgenders as ‘Third Gender’. Though the verdict initially appears like fresh air entering into the age old archaic society, yet about how far this verdict can usher justice but it fails to answer many questions.

First, who constitutes the Third Gender category. If we mention Rights of the Transgender, then what will happen to all those who have gone for sex change operation or are in the process of changing their sex. Secondly it is still not clear why they have been identified as ‘Third’ Gender category while many of them refuses to get categorised as Third. They consider this to be derogatory that largely erodes their ‘human dignity’. They should be left out with the option of choosing their own gender identity. Moreover in the absence of valid government documents such as their entry into ration cards, voter’s ID card, passports and census, (As Inclusion has started only recently and in Census they were mostly identified as “other”) it is extremely difficult to demarcate between real eunuchs and fake eunuchs and fake eunuchs. How will one conclude that whether the person concerned is hermaphrodite by birth, transgender, transsexual or a castrated individual? In all these cases the court’s order to central and state governments to formulate welfare schemes and extend reservation in educational institutions and public appointment is soon to create problems and confusion and thus will be adding to another problem area of reservation.

Moreover since the hijras who are traditionally occupied with the professional of ‘badhai’ are not educated enough to voice their opinion, seek reservation or get admission to educational institutions. In their absence who will fill the vaccum, and to what extent this community will be benefitted are questions that fill up the grey area and are waiting to be answered. It may be concluded that this decision is largely an outcome of larger Identity, Politics, International norms and acceptance of third gender categories by other South Asian countries that might have triggered pressure putting India’s democracy in question.

End-notes
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Religious Conversion and Politics in Kandhamal

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Abstract
None can deny that there is no conversion taking place in Kandhamal. The higher growth of Christians in Kandhamal from 75,597 in 1991 census to 117,950 in 2001 census data has been cleverly interpreted by Sangha Parivar to raise an alarm over conversion in this area. While Sangha Parivar accuses missionaries for their fraudulent means used in the conversion process, Christian missionaries’ hint back to the caste exploitation of Hindu society as the major reason behind conversion and accuses Sangha Parivar for their forcible re-conversion. In such a situation, religious conversion which has happened more in Panas (SCs) than Kandhas (STs) in Kandhamal, has been trapped between these two extremes. While focusing upon the role of Christian missionaries and VHP in the conversion process in Kandhamal, this paper, based in intensive field work in Kandhamal, tries to understand the actual religious conversion from the convert’s point of views for which it has taken help of snowball method. By doing so, this paper examines the positions of both Sangha Parivar and missionaries on this issue.

Key words: Conversion, VHP, Christian Missionaries

[This paper was presented at the 2nd National Conference on Politics & Governance held at India International Centre, New Delhi on 3 August 2014]

Introduction
Nobody can deny that there is no religious conversion taking place in Kandhamal (a place in Orissa where communal riots had happened between Hindus and Christian) which has happened with the presence of VHP and missionaries there. Both VHP and missionaries are accusing each other for their negative role in the conversion and re-conversion process. While Sangha Parivar raises the issue of ‘force’ in conversion matter, it remains silent so far as intra-religious domination is concerned. On the other hand, Christian missionaries claim that there is no inducement or allurement involved in the conversion process. They argue that charitable acts are fundamental to them and any broad interpretation given in these two terms may restrict their freedom to meaningfully practice their religion or religious belief. In a way, freedom to choose any religion seems to be falsely hijacked by these two extreme forces. It gives a feeling as if people are not converting themselves. This paper based on an ethnographic study that has been conducted from 6th November, 2013 to 28th February, 2014 in Kandhamal, deals with the role of VHP and Christian missionaries in conversion process and actual convert’s experience.

Christianity and Conversion
The Christians see conversion as their legitimate right because Article 25 of the Indian Constitution has granted all citizens the ‘Right to Freedom of Religion’ which entails that ‘all
persons are equally entitled to freedom of conscience and the right freely to profess, practice, and propagate religion subject to public order, morality and health’. Although missionaries have accepted that they are involved in religious conversion, they have strongly denied the alleged use of force or inducements to convert people in the tribal areas. They have also declared that conversion is not carried out institutionally or in an organized manner. It is only a matter of personal faith. Denying all accusations of forced conversion, the Christian organizations in India have condemned the violence carried out by Hindu nationalists. They have presented themselves as innocent victims and argued that such violence is perpetrated by ‘fundamentalists with an ideology of intolerance, cultural exclusivism and dominion, who deny the pluralistic cultural heritage and the right of the poor’. They have further noted that this is ‘an attempt by high caste Hindus to retain their hegemony and dominate Indian society.

However, to understand and give an unbiased opinion on the Kandhamal phenomena, the operations of the Christian missionaries need to be diagnosed. There are more than 500 denominations among the Christians in India. Out of this, mainly three groups – Catholic, Protestant and Pentecostal - are living in Orissa. The Catholic and Pentecostal missionaries are mainly active in Kandhamal. They run Churches by name such as Assembly of God or Church of God. There has been virtual rivalry between these two denominations and they follow the principal of ‘business chain’ in attracting people to their fold. For example, each visitor to the Church will be asked to bring minimum one or two new persons in the next visit to the Church. They allegedly take care of the daily wages of the financially weaker visitors to the Church. They stress on the constant human touch in maintaining relationships with the people of their denominations. These Christian missionaries are very cleverly using Non-governmental organizations (NGOs) to reach the outreach communities. They allegedly either sponsor NGOs like World Vision or ask their own men to form NGOs under the Registrar of Societies Act or Indian Trust Act. These Christian funded NGOs have constructed Community Halls in Kandhamal. The ventilators of these Community Halls are made in the shape of Cross symbol. Once people start gathering to have meetings in these Committee Halls for the issues related to the concerned areas, they gradually place either a cross symbol or photograph of Jesus or even both in the main hall. And, a pastor starts teaching them about Bible both in morning and evening sessions in these Community Halls. The pastor is shown as a social worker on the official records of one of these Christian sponsored NGOs. The academically poor, backward caste and downtrodden youth are targeted to join as pastors. They are molded emotionally, psychologically and mentally with free food, lodging and medical facility for one year.

And as per a senior journalist Ashok Parida, in case of emergencies like epidemics or health hazards, the nuns or health workers from churches attend the Christian patients and their families only and do not attend to the tribal patient living next door. The tribal patient is forced to wait till a government aid reaches the place which hardly happens in time. So, it’s not the non-Christian Kandhas only who differentiates itself from the Christian community but the church and Christian communities also has a role in promoting social discrimination, even in difficult situations. Such attitude of churches and missionaries widens the gap and strengthens the communal hatred’. So the missionaries should also take some blame for the riots as they too use devious methods for conversions and discrimination in the first place.
VHP and Conversion
Sangha Parivar thinks conversion as subversion, as an atrocity, as *adharma* and as a conspiracy to divide India along religious lines. They link it with the issues of national security and national culture by arguing that proselytization is part of a conspiracy to destroy Indian culture and to destabilize Indian polity. From this view, nobody converts out of his or her free will and converts are innocents who have either been duped or seduced by material inducements offered by the missionaries. This is how, conversion is not seen as simply an individual expression of faith but rather as a political choice that necessarily implicates questions of national allegiance, patriotism, and cultural determination (Menon 2003).

In order to understand the role of VHP in such a context, socio-economic condition of Kandhamal, especially Kandha-Panas relationship needs to be elaborated. The name of this district is derived from the name of its major inhabitants Kandhas. This district is predominated by the tribals. Numerically, the Kandhas constitute the largest tribe among all other tribes nearly 90% of total STs and Panas are nearly 80% of total SCs in Kandhamal District. Both these communities have been living together since centuries at least before the British officials and missionaries ventured into the district. From religious point of view, Hindus (incidentally the STs included despite the animistic religion followed by them) constitute 5, 27,757 (82%) and Christians (incidentally mostly dalit converted) are 1, 17,950 (18%) so far as census of 2001 is concerned.

In Kandhamal, originally the lands of *Kandhas*, the *Panas* were first brought by the Hindu king as well as *Kandha* king for rendering service to their community. Historically, *Kandhas* have control over the total land of Kandhamal and hence, they were considering themselves as *Rajas* (king) and *Panas* as their *prajas* (subjects). The *Panas* initially, worked as wage labourers on *Kandha’s* lands and provide important links between them and the outside world, as said before. They helped the *Kandhas* from tilling the lands, clearing forests for cultivation, to stealing children for human sacrifice (Bali) for which they got a very bad name as ‘criminal caste’ from the British Police as well as from the Hindus from the neighboring village. British Gazettes for such records also says, in few cases, the *Panas* were forced to give their children for Bali if they fail to supply. Now, tribes after giving up this inhuman practice call this caste people as ‘criminal caste’ too.

However, this so called social solidarity between these two worlds in Kandhamal collapsed, may be due to conversions during post-1947 period or due divide and rule policy of British while capturing *Panas* to clear forests and roads, buildings, railway works or paper industries by enticing them with higher wages, or due to introducing new land relations and depriving the *Kandhas* of their traditional rights over the forest land or due to the British policy of setting up a Shiva temple in 1855 which denied entry to the *Panas*, or due to the formation of the *Babudom* (peons or clerks) among the *Panas*. In retrospect, all of these factors cumulatively contributed to the weakening relationship between *Kandhas* and *Panas*.

There is also an economic side to their deteriorated relationship. It is because of the interaction of *Panas* with market economy in British rule and subsequently getting government jobs in post-independence period, they become money lenders with surplus
money earned from jobs and business, whereas *Kandhas* decided to stay away from interaction with the British Administration over most part of 19th century (Mahapatra, Bhattacharyya. 1996). However, by 2008, 20% *Panas* become land owner with an average holding size of half acre of land. A few *Panas* have taken advantage of money lending and got the *Kandhas* lands mortgaged and thus tribals (Kandhas) lost their land to a few *Panas* (See, “The Ugly face of Sangh Parivar”). The *Kandhas* felt that the *Panas* who were their dependent minister in one time, could even become land owner. Thus, for the *Kandhas*, the *Panas* became exploiters and land snatchers. This is true that the *Panas*, with the help of the state as well as the church, have been cornering the maximum benefits of constitutional reservation due to their educational and economic advantage. The *Kandhas*, however, allege that the *Panas* hide their Christian identity and even claim to be Scheduled Tribes (ST) or Hindu Scheduled Castes (SC) by producing forged certificates. The *Panas*, they fear, are out to dominate them economically, politically and culturally.

Using this situational advantage, VHP by generating the threat of insecurities among *Kandhas*, had entrenched itself in the district. By using the constitutional provisions for the SCs and STs and by playing with the fear of the STs in the district, the Parivar managed to draw a popular support of *Kandhas*, the late modernizers, now aspiring for modern jobs in the state sector when its space has already shrunk in the area of privatization. However, the emergence of the *Panas* as an assertive community has become an eyesore to the upper caste Hindus, not only in Kandhamal but also in other parts of Orissa. Thus, stereotypes of the *Pana* as ‘betayer’, ‘cunning’, ‘deceitful’, ‘exploiter’, has entered into the caste discourses in Orissa, which was skillfully used by an organized group like Sangha Parivar, to give such a negative image of *Panas* in Kandhamal.

For not depending on *Panas* for animal (meant for *Bali*), *Kandhas* are taught by Parivar to convince their god and goddess to follow a vegetarian strategy. For not depending on *Panas* for monetary matter, Parivar co-opted the entire road side trader, especially from outside. They were instructed by the Parivar to extend monetary help to the dependent tribe only if they give up animal sacrifice. As in some village, Christian-run NGOs concentrated services among Dalits (SCs), thus leaving out of Kandhas (STs) and OBCs; the Parivar finds this atmosphere very congenial to take *Kandhas* within its umbrella and away from the Panas and Christians in order to manipulate this Hinduised tribe as their ‘foot soldier’ in their battle against *Pana* Christians for the purpose of satisfying their ideology.

Along with it, Constitutional orders (SC) for Act, 1950 which provides for reservation for the Hindu SCs only, thus alluring the Hindu SCs to stay with the Hinduism, has been effectively used by Sangha Parivar in Kandhamal to convince *Kandhas* that ‘Christian Panas’ are no more eligible to get reservations facilities and that is why they are trying for duplicate ST certificate in order to get these facilities. In doing so, Parivar trys to generate two feelings among *Kandha* first, hatred feeling on Christian Panas and second, a trust on itself. These activities of Sangha Parivar are generating communalism by capturing the social imaginaries especially of *Kandhas*.

**Actual Conversion**

Studies on the late 19th century and early 20th century conversions in India show that they were primarily among the dalits and tribals (Fernandes, 1999). As the missionary activities...
resulted in elevating the status of a minority from among castes considered lowest in the existing hierarchy, the motives for conversion should not be seen in isolation but should be viewed as being able to encompass all aspects of life (Tharakan 1990). Thus, conversion is not ‘mere change of religion’ but a very complex process and often involves much more than ‘mere change of religion’. This is also true in Kandhamal case. Even though it seems from the action of VHP and Christian missionaries that as if all Kandhas are Hindu and all Panas are converting, but in reality Panas have more converted than Kandhas in Kandhamal. Some have converted before the communal riots of 2007-08 and some have converted after the communal riots. In fact, some conversions of dalits to Christianity in Kandhamal have happened due to the ethnic tension between Kandhas and Panas. Communal riots between Hindus and Christians give ample scope to Kandhas to attack on Hindu Panas ethnically. This attack is based on a false propaganda i.e. ‘Panos are Christians and Kandhas are Hindu’. The silence of mainstream Hindus to this attack hurt the sentiments of Hindu Panas which has forced them to convert and they started to say it publicly that ‘they are ready to die for Christianity, but they will never come back to Hinduism’. Those Hindu Panas, before converting to Christianity, claim to be Hindus, even though following the culture of animistic religion. They admit the fact that, it is not their wish rather they are forced to become Christians. Over all, in one line, one can say that injustice of Hinduism was the source of some dalit conversion to Christianity in Kandhamal. It is also reflected from the views that, the good behavior of Christian people in comparison to Hindu people, biased and orthodox Hindu understanding, caste-based politics and last but not the least jealous felling of Hindu to the development of others are some of the facts that can be said to be the causes of conversion of Hindu dalit to Christianity.

Non-dalit conversion to Christianity has brought many serious issues that has resulted conversion in Kandhamal. Firstly, inadequacy of Hindu religion in giving moral boosting to tribals (non-dalits) has become the reason of conversion. In Kandhamal, people consider the tantra and mantra as a part of Hinduism and believe those individuals as Hindus who do believe in it. In this sense, there are many so called ‘Hindus’ in Kandhamal who believe in the tantra and mantras and that was helping them to solve their problems to a great extent. Gradually, this tantra has been reduced to only a profession and again reduced to profit only. It is this reason, some false tantric come into existence with their fruitless results. In one sentence one can say, the exploitation of false tantric became the cause of conversion. It is due to the failure of government to do developmental works in Kandhamal and success of missionaries in their civilizing mission, conversion has taken place. In fact, people do not put pressure on the government; rather they simply join in the Christianity. Love is another reason of tribal conversion. When a non-dalit Hindu boy, falls in love with a dalit Christian girl, then both the side of boy and girl, do not agree to do their marriage. At this juncture, the boy secretly brings that girl to his home but he is driven out from his own home since he has gone against the interest of the family by marring a girl who is neither from his caste nor religion. Gradually, he comes under the influence of his wife and the members of his father-in-law’s side and then he converts. In this connection, rigidity of Kandha culture or Hindu culture is also responsible for conversion. Moreover conversions to Christianity among tribes also happen due to the absence of Hindu symbols and Hindu civilizing mission on one hand and assurance given by bible to attain salvation after death.
Conclusion
Since India is a secular state, it has to protect the freedom of religion in Kandhamal. To do this function, understanding of inter religious and intra religious domination is a necessity for Indian state. Conversion should not be a tool for either VHP or Christian Missionaries to satisfy their ideology and mission respectively. It is the conscience of the individual which ought to be the guiding principle of his decision of conversion. In order to protect the conscience, positive intervention of Indian secular state is necessary in Kandhamal.

Reference
Success of Autonomous District Council in Bringing Development: 
A Case of Dima Hasao District in Assam

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Abstract
The long drawn turmoil in Northeast region arises from two reasons- a) the issue of ethnic and linguistic identity, which is perceived to be threatened by encroachment and infiltration of people both from within and outside region; b) economic backwardness. To deal with these issues writers of the Constitution brought in the provision of Sixth Schedule that deals with the administrative system of the tribal areas in states of Assam, Mizoram, Tripura and Arunachal Pradesh. The objective behind were- a) to protect the unique ethnic identities of the tribal people; b) faster economic development of these areas, which remained backward than other parts of India due to British policy of exclusion of the tribal areas. After sixty years since the policy was adopted there are 10 Sixth Schedule areas in 4 states of North East- Assam, Meghalaya, Tripura and Mizoram. Keeping this background, this paper makes an attempt to study the case of Dima Hasao Autonomous District in Assam to understand success of the Sixth schedule areas in bringing development with an objective of suggesting corrective step to attain this goal.

Keywords: Autonomous District Council, Assam, Development

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Introduction
India’s northeast region comprising of eight states including Sikkim, Assam, Meghalaya, Mizoram, Manipur Tripura, Nagaland and Arunachal Pradesh is home of more than 100 schedule tribes, which is 12% of India’s tribal population. The inhabitant of the region speaks numerous Tibeto-Burman and Austro-Asiatic languages. The region also has large portion of plain people who speak Bengali and Assamese in states of Tripura and Assam. Around 80% of the region’s border is international. It shares borders with countries including China, Bangladesh, Nepal, Myanmar and Bhutan. Only 20% of its territory is connected with the mainland India through the small Silliguri Corridor or the ‘Chicken’s Neck’ as popularly referred spreading over a 26 kilometres of land. The region is also prone to conflict over issues like right of the land, language, identity and demographic change etc. The Sixth Schedule had its origin in the British isolationists policies, which marked the tribal habitat areas as ‘excluded’ or ‘partially excluded’ meaning these areas where outside the preview of the rules and regulations which were normally applicable in other areas of the country. This unique feature of the region greatly hampered development of these areas. During India’s independence the tribal areas were backward in comparison to rest of India. Keeping in mind the colonial policy of exclusion, writers of Indian Constitution included Sixth
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Schedule with focus on protection of the tribal areas and interest by allowing self-governance through constitutional institutions at the district level. These institutions are entrusted with twin task of protecting tribal cultures and customs and undertaking development tasks

The Sixth schedule was meant purely a temporary measure and expectation was it will exist until these backward areas are advanced enough to fend for themselves. Also, idea behind Sixth schedule was to unite the Northeast region with India rather permanently keeping it apart from the rest of India. Interestingly, after six decades since the Sixth Schedule was adopted the demand for autonomous districts and states have been increasing in Northeast, which often resulted in armed conflicts. The rising demand of autonomy puts in doubt success of the Sixth Schedule, especially, in developing tribal.

Sixth Schedule in Brief
The Sixth Schedule of the Indian Constitution that include Articles 244(2) and 275(1) deal with the provisions of the administration of Tribal Areas in the States of Assam, Meghalaya, Tripura ad Mizoram. District Councils are entrusted with the administration of an autonomous district. These Councils are endowed with legislative, judicial, executive and financial powers. Sixth Schedule areas are mini states within a state.

Normally, a Council consists of 30 members and can have a maximum of 4 nominated members; however, numbers varies with different district councils; for example-Bodoland Autonomous District Council has 46 members. Members are elected through adult suffrage for a period of 5 years from the date for the first meeting after the general elections to the Council. Nominated members can hold office only at the pleasure of Governor.

Under Sixth Schedule, Governor of the state is empowered to determine the administrative areas. States Governors can make regulations, prohibition or restricting transfer of land from tribal to non-tribal. Interestingly, many of the laws passed in the Parliament and in the state legislatures are not application in the areas governed by District Council as it enjoy autonomy provided by the Constitution. Governor is entrusted with powers to adapt with the laws for the Schedule areas.

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Dima Hasao District
Dima Hasao district previously known as North Cachar District was established in 1970 after bifurcating United Mikir and North Cachar Hills. The district is located in the southern part of
Assam. Dima Hasao is surrounded by Nagaland and Manipur in the east, Cachar District of Assam in South, Meghalaya and a part of the KarbiAnglongdistrict in the west and another portion of Karbi Anglong and district of Nagaon in the north. The district covers an area of 4888 square kilometres which is 6.24% of the total area of Assam with a population of 213,529. The district mostly hilly has a population density of 44 people per square kilometre.

Dimasas, the tribe after which the district is named, is the dominant tribe in the district but it is also home of other tribes including Hmars, Kukis, Zemi Nagas, Khasis, Jaintias, Hrangkholts, Biates, Khelmas and others. Since Dimasas are also scattered in other parts of Northeast they are listed in some places as Scheduled Tribes (plains) and Scheduled Tribes (Hills). This led to severe sense of identity crisis among Dimasas giving rise to discontent, which has culminated into an intense desire for a homeland, a separate state by integrating all the Dimasa inhabited areas. Dimasas have taken up arms to press for the demand of separate home state and district witnessed one of the most violent armed conflicts in the northeast.

However, Dimasa armed groups namely Dima Halam Daogah and its breakaway faction Dima Halam Daogah (Black Widow) have surrendered arms but they are demanding greater power for the district council. In a settlement agreement with the armed groups, the government agreed to form a Dima Hasao Territorial Council with greater administrative and financial power.

Success of Dima Hasao District Council in further development and fulfilling aspiration
Guwahati based organisation Omeo Kumar Das (OKD) Institute of Social Change and Development in a study claimed that the District Council have not come up to the expectation of the people and remained under developed. The District Council, whose aim was devolution of power to larger population, has substantially failed in its objective. In reality, the power is concentrated amongst small group of elites. The popular perception is the District Council hardly has any contact with the common people. The feeling is the greater power to the District Council will led to absolutism and an autocratic style of functioning, which ultimately hamper the development of the district.

Again, corruption is rampant in Dima Hasao and is a major cause for lack of development. Although, the district gets grants for various development projects but development activities hardly could pick-up due to corruption. In 2011, the National Investigation Agency and Central Bureau of Investigation, carried out an investigation on the Dima Hasao Autonomous District Council for the alleged misappropriation of over Rs1000 crore of government funds. The investigation revealed interesting nexus between the Council and the militant. The money was siphoned off to the coffer of the Dima Halom Daogah’s Jewel Garlasa faction (DHD-J) for purchasing arms. NIA arrested leaders of DHD-J, a former chief administrator of the council and some officials in this connection.

Status of development indicators including health, education communication and industry are studied to assess success of the District Council in Dima Hasao in bringing development. Health- Major health facilities available in the district are- 3 Hospitals (Two rural hospitals in Maibang and Umrongso and one central hospital in Haflong), 12 Primary Health Centres, 2 Dispensaries and 19.2 Bed’s (per fifteen thousand populations).
According to records the central hospital in Haflong which is 200 bed is equipped all major medical equipment and specialist doctors. But reality paints a different picture. The OKD Institute study had found that the hospital lack even the minimum generator, which is extremely important in place like Haflong where power cuts are frequent. People of the districts complain about the abysmal condition of healthcare. Access to health facilities has been one of the major causes of concern for people living in Dima Hasao.

Education: According to the census of 2011 average literacy in Dima Hasaois 77.54% compared to 67.62 % of 2001 which is an improvement from past. Gender wise rate of literacy rates are male-83.29% and female 71.33%. Statistics suggest there has been some progress in the field of education. The district has a wide network of district council run schools- according to the data provided by Inspector of School Dima Hasao the district has 694 primary schools and 175 Middle schools and 84 high schools. However, quality of the education imparted in these schools remains an issue. Most prominent bottleneck in this respect has been the fund crunch and absence of teachers in the schools largely due to the communication, which is extremely underdeveloped and teachers often face hardship in reaching their place of work. In case of higher education the district has four colleges teaching humanities and science subjects. But these colleges often face shortage of teachers hampering education. Again, opportunities for technical education in the district are limited. Except one Industrial Training Institute and a Teachers Training Institute there is no major institute imparting higher technical or professional education.

Communication: Communication here refers to rail and road connectivity. According to the official data the district is covered 605.98 kilometres of surface road including National Highways, Major District Roads, and Village Roads etc. The district has 135 Kilometres of railway network. There have been large allocations for development of road in the district. From 2001-06 the District Council had allocated Rs 5098.9 lakhs and one time assistance of Rs 1400 lakhs for the development of roads and bridges. In spite of such large investment condition has been not satisfactory. Most of the roads in the district are little better than mud tracks. The condition of the railways is also not satisfactory.

Industry: Dima Hasao has rich reserves of natural resources. Most prominent are limestone and dominant has been Lime Stone and Coal. The lime stone are ideal for manufacturing of cement. The district is rich in forest resources like Bamboo, Cane, Nahar, Bonsum, Sal. In spite of richness of natural and forest resources, the industrial development in the district has been very bleak. In 2006 the district was listed to be one of the 250 most backward by government of India. There are only 3 factories in the district, mainly producing cement and a hydro power generation unit in Umrangso run by North East Electric Power Corporation. Dima Hasao district ranks 25th in the industrial development of Assam. Again, the handicraft and handloom sector, one of the key aspects of tribal life providing major push to the economy in other parts of the country, is yet to be developed. There is barely any store in Haflong that sell traditional tribal handicraft and handloom products. The District Council should take initiative in promoting tradition handloom and handicraft, which could become a major generator for employment and also economic development.
The table below is a survey result of a study undertaken by OKD Institute to assess development of the Dima Hasao district is self-explanatory of the status of development in the district.

### Development deficit in Dima Hasao Hill District

<table>
<thead>
<tr>
<th>Sl No</th>
<th>Indicators</th>
<th>Survey Result</th>
<th>India</th>
<th>Deficit</th>
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<tbody>
<tr>
<td><strong>Socio-economic indicators</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>1</td>
<td>Rate of literacy</td>
<td>86.4</td>
<td>67.30</td>
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</tr>
<tr>
<td>2</td>
<td>Rate of female literacy</td>
<td>84.6</td>
<td>57.10</td>
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</tr>
<tr>
<td>3</td>
<td>Work participation rate</td>
<td>47.9</td>
<td>38.00</td>
<td>11.2</td>
</tr>
<tr>
<td>4</td>
<td>Female work participation rate</td>
<td>32.7</td>
<td>21.50</td>
<td>11.2</td>
</tr>
<tr>
<td><strong>Basic amenities indicators</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>5</td>
<td>Percentage of pucca houses</td>
<td>6.6</td>
<td>59.40</td>
<td>-52.8</td>
</tr>
<tr>
<td>6</td>
<td>Percentage of households with access to safe drinking water</td>
<td>56.3</td>
<td>87.90</td>
<td>-31.6</td>
</tr>
<tr>
<td>7</td>
<td>Percentage of household with sanitary toilets</td>
<td>0.6</td>
<td>39.20</td>
<td>-21.0</td>
</tr>
<tr>
<td>8</td>
<td>Percentage of electrified house holds</td>
<td>46.9</td>
<td>67.90</td>
<td>-21.0</td>
</tr>
<tr>
<td><strong>Health indicators</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
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<tr>
<td>9</td>
<td>Percentage of fully vaccinated children</td>
<td>66.0</td>
<td>43.50</td>
<td>22.5</td>
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<tr>
<td>10</td>
<td>Percentage of institutional delivery</td>
<td>21.3</td>
<td>38.70</td>
<td>-17.4</td>
</tr>
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</table>

Source: Baseline Survey of minority concentrated districts, North Cachar Hills Assam study conducted by Omeo Kumar Das Institute of Social Change and Development available in [http://www.icssr.org/N%C20Hills.pdf](http://www.icssr.org/N%C20Hills.pdf) accessed on 5th July 2014

**Conclusion**

The Sixth Schedule to some extend has been able to protect the tradition and culture of the tribal people in this respect it has been a success. The sixth schedule also has been success in attaining development is areas like education but it is still far behind in many other parameters. Reasons for the backwardness of the Sixth schedule areas are mainly corruption, resources crunches, in appropriate policy planning, complex politico and administrative framework, effects of conflict which often prevent smooth delivery of government programmes. This paper has been an effort to analyse the reason behind the development deficit in the Sixth Schedule Districts. However, this paper suggests few following measures which could be considered to usher faster development and better governance in the Sixth Schedule districts.

These measures are:-

1) For faster development smooth governance is extremely important. So, training and capacity building of the Autonomous District Council member will be necessary as it will improve efficiency of governance.

2) Initiative should be taken for establishment of permanent watchdog like Lokayukta with power to order inquiry and initiate actions when irregularities are discovered.
3) Proper coordination with the state government and district council is necessary to avoid duplication of policies which often hamper implementation as jurisdiction issue become a problem\textsuperscript{\textsuperscript{xii}}.

4) The district councils should design policies that would look into inclusive development and attain that grass-root democracy will important as that would lead to devolution of power\textsuperscript{\textsuperscript{xxii}}.

\textbf{End-notes}

\textsuperscript{1} “North East India: -Status of Governance in the Sixth Schedule Areas” retrieved from http://socialissuesindia.files.wordpress.com/2012/10/sixthschedule.pdf


\textsuperscript{3} District Census 2011” retrieved from www.Census2011.co.in. 2011

\textsuperscript{4} Official website of DimaHasao District, DimaHasai at a Glance, retrieved from http://nchills.gov.in/NCHILLS_GLANCE.htm

\textsuperscript{5} TreveniGoswami Vernal, Autonomous District Council As a tool for Diversity Management: A Boon or Bane? Paper presented at the 2013 Peace Practitioners Research Conference, Siem Reap.

\textsuperscript{vi} Ibid

\textsuperscript{vii} Ibid

\textsuperscript{viii} Times of India, 17 August 2011

\textsuperscript{ix} TreveniGoswami Vernal, Autonomous District Council As a tool for Diversity Management: A Boon or Bane? paper presented at the 2013 Peace Practitioners Research Conference, Siem Reap.

\textsuperscript{x} Ibid

\textsuperscript{\textsuperscript{xii}} Author’s interview with people living in DimaHasao

\textsuperscript{xii} “DimaHasao District Population Census 2011” retrieved from www.census2011.co.in

\textsuperscript{xiii} Department of Information and Public Relations (Janasanyog) DimaHasao Assam, District profile- DimaHasao District, retrieved from http://www.dipromahasao.gov.in/district.htm

\textsuperscript{xiv} Official website of DimaHasao District, “DimaHasao District, retrieved from http://nchills.gov.in/ NCHILLS-GLANCE.htm

\textsuperscript{xv} TreveniGoswami Vernal, “Autonomous District Council As a tool for Diversity Management: A Boon or Bane?” paper presented at the 2013 Peace Practitioners Research Conference, Siem Reap.

\textsuperscript{xvi} Ministry of Panjayat Raj(8 September 2009), A Note on the Backward Regions Grant Fund Programme.

\textsuperscript{xvii} Department of Information and Public Relations (Janasanyog) DimaHasao, Assam District profile- DimaHasao District, retrieved from http://www.dipromahasao.gov.in/district.htm

\textsuperscript{xviii} Ibid

\textsuperscript{xix} “North East India: -Status of Governance in the Sixth Schedule Areas” retrieved from http://socialissuesindia.files.wordpress.com/2012/10/sixthschedule.pdf

\textsuperscript{xx} Ibid

\textsuperscript{xxi} Ibid

\textsuperscript{xxii} Ibid
Impact of MGNREGS on Migration and Emancipation of Women in India

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Abstract
MGNREGS was a major flagship programme of the UPA government passed in parliament in 2005. Initially it was implemented in 200 selected backward districts. But later by 2008, it was extended throughout the country. It is a historic legislation enacted since independence, guarantying rural employment and “right to work” as an enforceable legal entitlement in a rural milieu marked by stark inequalities, created opportunities for gainful social inclusion. According to Indian government’s 2001 Census report rural India constitutes 72% of Indian population, of which around 33% population is under the poverty line. If India has to realize the promised growth and development, then it is imperative that this multitude of people be able to earn their livelihood in a sustainable way. This is the very objective with which NREGA was passed with a goal to provide 100 days of employment to unskilled rural laborer and with the help of that create sustainable community assets. But while providing employment priority shall be given to women in such a way that at least one-third beneficiaries shall be women and there is gender parity of wages. This is certainly revolutionary in this context in comparison with all the previous schemes and also with others sectors. By providing an employment opportunity for women at legally ensured minimum wage in the village MGNREGS can play an important role in socially and economically empowering women and laying the basis for greater independence and self-esteem. This is clearly demonstrated with the substantially increasing participation of women in MGNREGS over the years. Thus MGNREGS has certainly become an effective instrument in arresting the problem of out migration of women. The participation of backward caste population is also high in MGNREGS. Therefore MGNREGS is certainly a socially inclusive scheme in nature.

Keywords: Women Empowerment, Gender, Migration, Employment

[IntThis paper was presented at the 2nd National Conference on Politics & Governance held at India International Centre, New Delhi on 3 August 2014]
Raj, and it is through Panchayats, he dreamt to make India a strong country in the world. In India, Panchayati Raj was formally introduced in 1959. All the employment generation schemes were implemented through Panchayati raj institution. The MGNREGS was one of the major flagship programmes of U.P.A government passed in parliament in 2005. It was a part of commitment made by U.P.A government in its common minimum programme, and came into force in February 2006—initially in 200 selected districts, at least one in each state.

It is the biggest employment providing programme ever started in a country for the development of its rural areas. It has diverse objectives. On the one hand it is a social protection measure and builds on the experience of previous Maharasatra Employment Guarantee Scheme. On the other hand, it also seeks to improve labour market outcomes. This scheme is on the one hand demand driven and on the other treats employment as a right of rural household. Thus the unique feature of this act is the recognition of "right to work" as the legal right. The main intention of the act was to create wage work during agricultural lean season, through a public work programme available. In addition to a safety net by providing a minimum income when no other work is available, it was expected that distress migration would be contained, village assets created, a process of sustainable development initiated and women empowered. The NREGS shows a measure of gender sensitivity in its design (wage parity, one-third representation), which was not visible in all the previous schemes. A notable aspect of NREGS is large number of women who have sought work under the programme. But there are complexities surrounding women's participation in public work programmes. These cause significant differences in the level of women participation under NREGA both across and within states.

**History of Employment Guarantee Schemes**

Employment guarantee programme is one of the oldest forms of direct intervention for fighting poverty and unemployment in most countries both developed and developing. The concept of employment guarantee scheme or the idea of government as an employer of last resort has been used by many governments in different forms starting with Poor Employment Act of 1817 in Britain, New Deal Programme in USA in 1930’s, Argentina’s plan Jefes Y Jefas, Morocco’s Promotion National (since 1961). For the last few decades government intervention in labour market as an employer of last resort has become an integral part of labour market policies in many developing countries, that include public work programme in India, Bangladesh, Pakistan, South Africa, Chile, Kenya, Botswana, Egypt, Philippines. Yet it was only in the last decades that social protection has emerged as an important component of development planning in Asian countries. Internationally, social protection gained greater attention after Asian financial crisis, which resulted in huge job losses and as more evidence came in to suggest that globalization and it’s economic and financial repercussions have adverse consequences for certain groups. Indian economy is one of the largest economy of the world. It had the internal resilience to survive even during the major financial and economic crisis of 2008. But even after that it may fail to achieve the UNDP Millennium Development Goal on most of the indexes by 2015. Despite high economic growth it raises serious concern regarding unemployment and poverty. The India has had a prolonged experience with such schemes. The transition of Indian economy could be analyzed from its history. In the post-colonial world the newly freed countries embarked on the path of development planning. Through this path it was true that infrastructure and certain heavy industries developed in these countries. But all these countries experienced
jobless growth. It was found that due to capital centric growth around the urban economies, there was indeed job creation though urban unemployment increased steeply. Prior to this growth process rural unemployment and poverty were the fundamental problems. But after the growth process urban unemployment and poverty became a serious concern.

Harris and Todaro hypothesized that this urban unemployment is a product of misguided preference. According to them rural surplus labour overestimates the urban job possibilities and hence migrate to urban centers, but end up as urban unemployed. In the initial years of planning in India post-independence, the planners prescribed that the solution to all problems lie in maintaining high growth rate. Even though the Indian economy grew at 7-8 % in recent years, but regular employment growth remained only around 1%. Thus according to Bhaduri this is manifested by "jobless growth". The adoption of labour saving and capital intensive technology gives rise to enormous source of profit at the expense of misery of mass. After recognizing the hype story about high growth rate and its impact on employment generation the Government of India rectified it’s economic policy from 5th five year plan and onward. Thus from the 5th plan, it stared new social sector schemes, which would be helpful in creating direct employment opportunities in rural India and become effective in curbing rural-urban migration. All the previous schemes prior to MGNREGS became less effective than what was expected. So an effective social safety net must provide a guaranteed source of income through a guaranteed source of work opportunities. In this background in India, an ambitious MGNREGS came into force in February 2006. All the previous schemes are now merged into MGNREGS. This is the world's largest self-targeting programme.

MGNREGS has come mainly due to two imperatives
Economic imperative-agricultural growth is gradually slowing down since latter half of 1990’s despite over all G.D.P growth. Due to this rural wages or income stagnated and Gini coefficient of income further worsened.
Political imperative-previous governments’ India shining campaign failed to win votes and Congress led U.P.A came to power on rural or agricultural development agenda.

Salient Features of NREGA
a. adult members of rural household willing to do unskilled manual work may apply in writing or orally to Gram Panchayat.
b. employment will be given within 15 days of application for work.
c. work should be provided within 5 km. radius of village.
d. wages should be paid according to price rate or daily rate.
e. at least one third beneficiaries shall be women who have registered and requested for work.
f. work site facilities should have to be provided.
g. permissible work predominantly include-water and soil conservation, afforestation, land development
h. 60:40, wage and material ratio has to be maintained
i. social audit has to be done by gram sabha
j. grievance redressal mechanisms have to be put in place.
k. all accounts and records relating to scheme should be available for public scrutiny.
Rural-Urban Migration

Migration generally implies movement of people from one area to another in search of better opportunities. Rural-urban migration has long been associated with economic development and growth in economic literature. It is a response to diverse economic opportunities across space. Here we are looking migration as a negative force, focusing on distress migration, which is what happens when people have to go cities to find work, because they cannot survive on what they can earn in their own villages. The process of rural-urban migration has played historically significant role in the course of urbanization in several countries. Despite that many urban centric problems have been blamed on rural spill over. According to Harris & Todaro, income differentials are taken as the motivating factor in moving people from low income areas to relatively high income areas.

Labour migration in India seldom involves the migrants alone. The decision to migrate to urban location is often taken after due consultation within the household, with considerations of wider family and or community contexts. In India a sizeable proportion of potential migrants are women. There is a wrong perception that it is the poorest of poor who migrate. But migration requires capital-to cover the costs of journey and potential unforeseen problems (exploitation of women in work place) along the way or during the stay, social networks and access to information. These are not very feasible or convenient for the poorest of poor (or women) and thus they often do not know much about positive migration opportunities and /or cannot afford to move. Caste also play an important role in determining access to positive migration opportunities ,largely because of strong correlation until this day between poverty and social exclusion on the one hand and belongingness to a S.C. or S.T. on the other.

Migration is gradually recognized as an important factor in the lives of rural poor. There are different interpretations of why poor people migrate temporarily for work:

1. Dual economy model: this model derives from neoclassical economics which sees labour mobility as an expression of rational choice of migrant to move from a poor agricultural/rural/traditional area to a richer or better paying industrial/urban/modern area. Labour migration in this context is seen as a voluntary choice, a response to diverse economic opportunities across space, where the migrant are basically pulled out by better economic options. In the Indian context this model is exemplified by praise for growing informal sector, which commands for nearly 60% of GDP and 90% of workforce and also provides ample opportunities to switch between different jobs.

2. Marxist theories: it emphasizes the role of structural factors rather than individual agency for the exploitation of migrant by dominant classes and large scale capital. The migrant are pushed out of peripheral areas.

3. Neo Malthusian variant of structural analysis: in this analysis migrant are seen as ecological refugees pushed out by natural calamities, declining agricultural opportunities ,debt cycles, demographic pressures, deforestation, soil erosion etc.

There are two major hypothesis explaining the impact of migration:

a. rapid rates of population growth ,pushing the landless labourer into cities .The low rate of growth of industrial employment and high rate of rural-urban migration leads
to excessive urbanization, involving a transition from rural unemployment to excessive urban unemployment and underemployment.

b. Migrants are being pulled into cities by economic forces such as domestic TOT squeezing agriculture, diffusion of technology from developed state favouring modern large scale urban industries, foreign capital inflows and large scale manufacturing.

Rural-urban migration is certainly creating a hindrance for the all round development of the economy. Rather than reducing the problem of unemployment, it increases the problem of unemployment and underemployment. It is therefore necessary to contain the phenomenon of migration for an effective solution of the problem. The way to solve the complexities is to create an employment opportunity in rural India for the unskilled labourer. In this spirit 10th five year plan suggests that wage employment programmes, an important component of anti-poverty strategy, have sought to achieve multiple objectives. They not only provide employment opportunities during lean agricultural seasons but also in times of floods, droughts and other natural calamities. They create rural infrastructure, which support further economic activity. These programmes also put an upward pressure on market wage rates by attracting people to public work programmes, thereby reducing labour supply and pushing up demand for labour. Such an assurance would ensure a minimum level of employment and stability to the incomes of the poor and give them an opportunity to develop their collective strength. It would improve their economic position, reduce vulnerability and discourage migration to facilitate their continued access to health, education and welfare facilities available in village. The allocation under this second stream would be enhanced for every able bodied person willing and seeking work.

**MGNREGS and Migration**

MGNREGS is the largest flagship welfare programme of its kind in India. Its main objective is to provide 100 days of employment during agricultural lean season so that people do not migrate. Although, it has been able to arrest the problem of out migration of work force to a certain extent, but certainly it is below the expectation. The impact of NREGS on migration is certainly higher among female work force rather than male counterpart. This is mainly attributed to the problem of gender disparity in wage rate in informal sector (see annexure). But in contrast MGNREGS ensures gender parity in wage. The male wage rate is certainly higher than female wage rate in informal sector. And also in most states, male wage rate in urban informal sector is greater than the NREGS wage rate. But on contrary, in informal sector the female wage rate is lesser than NREGS wage rate. So the male participation in NREGS is still not satisfactory and they would prefer to migrate. But the female labourers are happy to stay back in the village and work in NREGS rather than shifting in urban proximity in search of job. Thus NREGS is certainly effective in containing the migration of female labourer. This is mainly attributed to the concept of gender parity in wage rate which is certainly the prime feature of MGNREGS in comparison with previous wage employment schemes. (see Annexure)

It is beyond doubt that NREGS is becoming an effective instrument in empowering the women by creating an opportunity to work for unskilled women labourer in her own village with a sense of respect. In comparison with the previous schemes NREGS has the potential
of making an impact in the life of women and turn out to be the only scheme socially and economically inclusive in nature.

NREGS and Women Participation
In rural India, NREGS offers female labourer a better wage than what they are getting in agriculture. So NREGS is certainly a better option to engage with. NREGS is certainly turned out to be a revolutionary in the matter, as it emphasizes no gender disparity in wages. This is certainly a big leap forward in comparison with the previous schemes. (see Annexure) The success of NREGS in empowering women is justified by the economist in their papers. Das (2012), explained in his paper that in India gender is the inevitable push factor for growth and development. The major share of chronically poor population is constituted by women in rural India. The government has framed a revolutionary scheme to uplift people from poverty and vulnerabilities. Although participation of women varies substantially across parties but at the national level participation of women has increased significantly. MGNREGA plays a significant role to meet the needs of women’s participation. Sudarshan (2011) in his paper tries to explain the success story of NREGS in Kerala and Rajasthan. A significant aspect of NREGS is that large number of women has sought work under the programme. But at the same time there are complex issues regarding women’s participation in public work programmes.

In many rural areas there are few work opportunities outside agriculture. The poor household dependent on agriculture work for their survival forced to migrate during lean seasons. This is precisely the situation that NREGS is intended to address through the creation of additional work opportunities during agricultural lean seasons. In Kerala woman have organized themselves in “Kudumbashree” groups, self-help groups of eight to ten women, which provide alternative opportunities to agriculture. In Kerala and Rajasthan many women have been persuaded to come out of house for paid work for the first time in response to NREGA. The reason behind this is the convenience of working close to home, no job search was needed and government is trusted employer. Union Minister of Rural Development Jairam Ramesh, Neelakshi Mann and Varad Pande in an article (2013) rejected the negative campaign that is going on regarding NREGS. According to them women have been the major beneficiary and the proportion of women person days that was 49% in FY 2011-12 (until December 2011) rose to 53% in FY 2012-13 (until December 2012). It indicates that MGNREGA is an important work opportunity for women who would have otherwise remain unemployed or underemployed –probably because it incorporates gender sensitivity in its design, ensuring that work is provided within 5 km. and wage parity. This fact is fact validated by NSSO’S 66th round survey. C.P. Chandrasekhar and Jayati Ghosh (2009) in their paper try to judge the scheme from the question of social inclusion. According to them NREGS disproportionately involve women, SCs, STs as workers in the scheme. This clearly demonstrates the inclusive potential of the programme in unanticipated ways. According to the study conducted by the NFIW in Chattisgarh, Madhyapradesh, Odissa, Tamil Nadu found that due to NREGS there was enhanced women’s empowerment and identity. But despite all the positive things regarding women participation in NREGS, there are certain problems regarding the engagement of women due to delay in wage payment, work site atmosphere e.t.c. It is beyond doubt that in spite of all the gray areas regarding the implementation of NREGS, a silent revolution is taking place with respect to women in rural India. With NREGS women labourer are getting empowered as visible in the form of growing contributions to
household expenditure, bearing cost of children education and health care. NSSO survey report published in 2010 revealed that disparity in wages between male and female workers in rural India had reduced between 2004-05 when there was no NREGS and 2007-08 when the scheme was introduced by UPA-1. With the introduction of the scheme, the wage difference between male and female worker has also reduced.

**Qualitative Impact of MGNREGA on Women Participants**

NREGS has several positive and negative effects on women participants’. The positive impact of NREGS upon women participants’ are given as under:

- **Income—Consumption effects**—it means an increase in income of women workers and as a result the ability to choose consumptions baskets. In order to analyze NREGS, more emphasis should be given on consumption, because it is the only way to judge the income-consumption effect. NREGS empowers women by giving them an opportunity of independent earning and savings.

- **Intra household effect**—NREGA has a significant impact in converting some amount of unpaid work into paid work and also widening the ambit of decision making role played by women.

- **Enhancement of choices and capability**—it has enhanced the choice set of women by giving them an opportunity to do so.

- **Community level effects**—Despite 73rd amendment, prior to NREGS women participation in India is low. But after NREGS women workers in good numbers are attending Gram sabha meeting. It really increases empowerment of women largely across the country.

With all the positive aspect, regarding women participation in NREGS, there are few shortcomings which we need to look into:

- **Non availability of childcare facilities**

- **Low level of awareness**—women participation is low because of low level of awareness about process and entitlements of the programme.

- **Nature of work**—nature of work is also not helpful for workers.

- **Poor worksite facilities**

- **Illega l presence of contractors**

- **Delay in wage payments**

- **Lack of skill generation**

In spite of all the positive and negative effect of NREGS, regarding the participation of women, it is beyond doubt that the women are getting involved in the scheme in large number. The proportion of women in labour force is certainly higher than the binding of one-third representation. Although the participation of women is increasing, but there are large scale interstate variation (higher number in Southern states than Northern states with the exception of Rajasthan). The large scale interstate variation is mainly attributed to rising coefficient of variance (COV). But irrespective of that we cannot and must not deny that MGNREGS is highly socially inclusive in nature. The social inclusion is the prime feature of this act which is largely different from all the previous schemes.
Methodology
The main goal of the paper is to analyze the impact of MGNREGS upon the emancipation of women. It has a positive impact if MGNREGS can reduce the out migration of women or otherwise if it increases the participation of women in MGNREGS. The hypothesis can be stated in the following manner-
Null hypothesis-NREGS has a negative impact upon women emancipation

Alternative hypothesis-NREGS has positive impact on women emancipation

Thus to justify the null hypothesis we are using relevant secondary data. The secondary data are taken from different sources like NSSO, NREGS official site etc. We are using different figures like pre and post NREGS wages in informal sector (urban), wage rate in agricultural sector and also the participation of women. The wage rates are taken in comparison with NREGS wage rate. In order to validate the secondary data and also to justify the hypothesis a primary survey was done in an area (TK-1 G.P) which was industrially poor and also agriculture although the main source of earning but not an enough productive opportunity. In this analysis we are using women participation as a dependent variable and informal wage rate (across gender), agricultural wage and NREGS wage as an independent variable.

Data Analysis

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| fy201112       | Coef.  | Std. Err. | t     | P>|t|   | [95% Conf. Interval] |
|----------------|--------|-----------|-------|-------|---------------------|
| revisedwg1412  | .02900067 | .3545741 | 0.08  | 0.936 | -.72675             |
| minagrwg1112   | .4237146 | .1872945 | 2.26  | 0.039 | .0245059            |
| avgw_female_u   | -.2125253 | .2007784 | -1.06 | 0.307 | -.6404744           |
| _cons          | 5.817634 | 33.31107 | 0.17  | 0.864 | -65.18323           |

Regression equation
Y=β+ β₁X₁+ β₂X₂+ β₃X₃+μ
In this equation,
Y is the dependent variable, representing participation of women in the financial year 2011-12
X₁, X₂, X₃ represent independent variables or explanatory variables or regressors (revised NREGS wage, minimum agricultural wage, average wage female-urban)
β is the intercept term. It gives the mean or average effect on Y of all the variables excluded from the model. The coefficients β₁, β₂, β₃ are called partial regression coefficients. µ is called stochastic disturbance term.

**Source** - Looking at the breakdown of variance in the outcome variable, these are categories we will examine - model, residual and total. The total variance is partitioned into the variance which can be explained by independent variables (model) and variance which is not explained by independent variable (residual/error).

**SS** - these are sum of squares associated with the three sources of variance - total, model and residual.

**Df** - degrees of freedom are associated with sources of variance. Total variance has (N-1) d.f. The model degrees of freedom corresponds - (number of coefficients -1). The model has (4-1)=3 degrees of freedom. The residual degrees of freedom = Total degrees of freedom - degrees of freedom of model = (18-3) = 15

**M.S** - Mean square = SS/Respective degrees of freedom

**Number of observation** - number of observation used in a regression analysis that is 19 (number of states). The number of states is constrained. It cannot be changed. It is a cross sectional data.

F(3,15) - F statistic is the M.S model divided by M.S residual.

Prob>F - it is the P value associated with the above F statistic.

**R square** - it is the proportion of variance in dependent variable which can be explained by independent variables.

**Adj R square** = 1 - ((1 - R²)(N-1)/(N-K-1)); (K-number of predictors)

**Root M.S** - this is the standard deviation of error term.

**Standard error** - this is associated with coefficient. t-statistic is used in testing whether a given coefficient is significantly different from from .0974

p>|t| - two tailed P values is used in testing null hypothesis, using α of .05 that is 95% confidence interval.

- a> Coefficient for revised NREGS wage is not statistically significant because P(t) = .936 > .05 - accept null hypothesis
- b> Coefficient for minimum agricultural wage is statistically significant because P(t) = .039 < .05 - reject null hypothesis
- c> Coefficient for average wage female_u is not statistically significant because P(t) = .307 > .05 - accept null hypothesis
- d> The constant (Cons) is not statistically significant because P(t) = .864 > .05
**Null hypothesis** - $X_1$ has a negative impact on $Y$ and others ($X_2, X_3$) have a positive impact on $Y$

**Alternative hypothesis** - $X_1$ has a positive impact on $Y$ and others ($X_2, X_3$) have a negative impact on $Y$

**Implication of Coefficient**

Revised NREGS wage - 0.0290067 - for every unit increase in revised NREGS wage, a 0.0290067 unit increase in female participation (2011-12) is predicted (all other variables are constant)

Minimum agricultural wage - 0.4237146 - for every unit increase in minimum agricultural wage a 0.4237146 unit increase in female participation (2011-12) is predicted (all other variables are constant)

Average wage female - 0.2125253 - for every unit increase in average wage female a 0.2125253 unit decrease in female participation (2011-12) is predicted (all other variables are constant)

**Field Work Analysis**

In order to justify the hypothesis that NREGS has a positive contribution on reducing the migration of women, that is women are empowered by NREGS, we need to conduct a primary survey. The goal of survey is to justify the hypothesis and also to verify the secondary data. In order to analyze the impact of NREGS we need to choose the area very carefully. The area had to be industrially backward and where NREGS was a major life line to survive. The area had to be agriculturally dependent but not productive enough to sustain their living throughout the year. By considering all the conditions, it seems to me that Tehatta – Kantaberia 1 G.P is an ideal choice to conduct survey as it comprises of socially and economically underprivileged population. Irrespective of urban proximity of that area, the people living in that region had limited options prior to NREGS. The options available to them prior to NREGS were zari and agriculture. They are mostly working as a agricultural labourer as they do not enjoy their own land right. This increases the chance of exploitation. Thus most of the people surveyed had chosen NREGS as the only options, due to dignity and certainty of work.

The people surveyed prefer to stick to NREGS despite the option to migrate to urban proximity. In spite of few shortcomings, the NREGS workers were very happy with the stability of job, minimum wage assurance, work environment and close proximity of work place. The wage under NREGS is higher than informal sector wage (wage in zari). NREGS provided them an opportunity to increase their earning as they did enjoy the option of working simultaneously in both NREGS and agriculture. The earning under NREGS had made an impact in their living. It certainly increases there day to day expenditure. They are now able to send their children to school and being able to afford the medical expenditure.

During conversation with the NREGS workers, we find many things that highlighted the positive contribution of wage-employment scheme-

- minimum wages are being paid
- wages are paid within stipulated time
- contractors and machines were largely disappeared
- chance of exploitation was virtually absent
- successful in containing out migration
But despite those grand success, in encouraging women labourer to take part in the scheme, there are few areas that need answer-

- Non-awareness of entitlements by worker
- poor participation of women in TK-1 G.P
- improper maintenance of job card
- basic worksite facilities are required
- low work productivity
- poor implementation
- lack of skill generation
- poor quality of public assets created

The field work analysis clear demonstrated the fact that when people were asked about the option of migrating to urban proximity for better wage, they clearly rejected that opportunity and preferred to stay back in the village and worked under NREGS.

**Conclusion**

The primary aim of the NREGA is to provide welfare for the section of population that does not even earn their subsistence living. The fact that it can also curb the problem of distress migration is just positive secondary impact of the act. The scheme is very useful in addressing the problem of women emancipation. But a success in short run does not necessarily imply a development of rural India and people in long run. Thus it is important that in order to make the scheme successful in long run it is required that assets created persists in long run and sustainable development generated. At the same time it is required to make a convergence of MGNREGS with other schemes like National horticultural mission, National agricultural mission etc. to create a good public asset. But irrespective of all those claims and counterclaims, it is of utmost importance that the scheme is being implemented properly and the accountability mechanism must be put in place in order to check the mis-utilisation of public fund, so that the cherished dream of “Father of Nation” must be duly respected with and the scheme is successful in attaining the socially inclusive potential.

[Acknowledgement: I am really indebted to Dr. Amit Kumar Biswas for his constant guidance and inspiration]

**References**

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7. NSSO; 66\textsuperscript{th} Round
8. MGNREGS website: www.mgnrega.nic.in

Source-www.mgnrega.nic.in
Source- www.mgnrega.nic.in

Source- NSSO 66th round

Source- NSSO 66th round
Source-NSSO 66th round

Source-NSSO 66th round
Annexure-1

Average wage/salary earning per day received by casual labours of age 15-59 years engaged in works other than public works

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### Annexure-2

Average wage/salary earning per day received by casual labours of age 15-59 years engaged in works other than public works

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Percentage of women person days from FY 2006-07 to FY 2011-12

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Source-NSSO 66th round

Source-www.mgnrega.nic.in
Annexure-4

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Source: NSSO 66th round

Annexure-5

Increase in MGNREGA notified wages from FY 2006-07 to FY 2011-12 (Rs/day) FY 2011-12 and minimum agricultural wage

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Source: www.mgnrega.nic.in
Tritiya Prakriti: Overcoming the Vulnerability

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Abstract
From Vedic era, it is believed that there are no accidents or errors that occur; in nature whatever exists has a purpose and role to play so do these transgender have. This research paper would analyse and compare how there came a transition with respect to acceptability of these transgender starting from the Vedic era till the modern world of India. As well as by empirical research, highlight main problems that these transgender face in daily lives and bring them to light. The constitution of India ensures gender equality in the constitution, but this definition of gender needs to be precisely mentioned, rather than to be left for vide interpretation. Unequally treating these transgender would be denial of social justice and constitutional rights to them. The state has a right to protect its citizen which includes the transgender and fill up the lacunas existing, thus providing a non-discriminatory atmosphere as well as making them aware about the growing problems of HIV thus lastly highlighting the aspects of the bill pending in the parliament over this issue.

Keywords: Tritiya Prakriti, Transgender, HIV, India

[Int this paper was presented at the 2nd National Conference on Politics & Governance held at India International Centre, New Delhi on 3 August 2014]

Introduction
"You are defined not by falling, but how well you rise after falling. I’m a licensed practical nurse now and am studying. I have walked these streets and been harassed nearly every day, but I will not change. I am back out there the next day with my head up.'"

It is estimated that about 2-5% of the population are transgender. 83% of transgender reported verbal abuse due to their gender identity 37% reported physical abuse 46% reported employment discrimination. They breathe so do we. They eat, excrete, so do we. Since time immemorial we have been respecting, providing Trans a social status and have looked upon them with due respect. These transgender i.e. the tritiya prakriti are also people, born on the very same earth that we live in. They are just no different from you and me.

Transgender also called as a hijra; a eunuch; hermaphrodites are humans with ambiguous genitalia. They are also referred to as intersexed, who bear both masculine and feminine traits. An ethnic minority, which are present all over the parts of the globe, are unfortunately treated in the most inhumane way, just because of some medical complications or some somatic disorders. These minorities have always been treated and shunned as outcasts; thus have developed an idiosyncratic lifestyle. Recognizing transgender it is not a social or medical issue but a human right issue and an urgent cause to stand up.
The tritiya prakriti are people having both masculine and feminine qualities within them. These people are at the most vulnerable stage of the society because they are viewed as an “outcaste”, because of which they face anger and prejudice.

The Tritiya Prakriti

To talk about a Trans is a very easy task, but to actually meet and get them into confidence for extracting information about their creed in a country like India can prove to be a very difficult especially in smaller cities, where they still prefer to stay indoors and not roam around much. If we see Uttarakhand in particular, there are hardly handpicked NGOs like HIRA-Himalayan institute for rural awakening which work for the benefit of these Trans like making them aware about AIDS, providing them with condoms so that the risk of HIV is stopped. The tritiya prakriti refers to those biological men who discard their masculinity in due course to identify themselves either as “women”, “not-men”, “neither man nor woman”, or “half man or woman”. They are those people in majority who after constant suppression and humiliation in life are now afraid of humanity, and even have a hitch to be outdoors.

But there is a particular fact that is quiet interesting about these Trans, we in childhood were taught about the Guru-shishya relationship, there is a similar concept which I found from my research, that they too have a similar concept called the guru-chela concept, where they respect those TGs who have risen high as well as are established and respect them allot, they never say anything against them which will deteriorate their image as being that of a guru.

Since time immemorial, gay’s bisexual transgender have existed in Indian society as well as have been accommodated in the world. Kamasutra by Vatsyayana also mentions and describes a complete episode on transgender which shows that Trans existed since time immemorial. The tritiya prakriti or the third sex are those humans who are of no gender or we can say are of a neuter gender, they are those men and woman who are born with ambiguous genitalia. These people have lead a tragic life. The law of the country does not provide with much of the protection even after the recognition of these transgender in the latest Supreme Court judgment. These transgender’s life is endangered since their childhood; a better understanding would be obtained after reading few true life histories which are of the Trans of Uttarakhand whom I met during the empirical research.

This is about a Trans from the Uttrakhand region, who was subject to great violence from the age of 5 years. At the age of 5, the parents of the Trans got to know that their boy was a Trans who had an inclination towards feminine things and had abnormal genitalia. They from that very day subjected her to great torture and violence, where they repeatedly told him to stop behaving like girls. She was then sent to school... Where she was tortured allot which frivolous comments and was even looked down upon by her headmaster. She had developed great inclination towards dancing and singing, one day a group of dancer came to her home, she ran away with them. There after she learnt how to dance, dress up, wore saares, cosmetics and just loved the way things were. Later on when grew up, joined the kinnar community at the age of 15. Meanwhile she faced immense troubles like people calling her by names, fearing her, lack of money and food at times lead to starvation, no money for medical treatment as well. No rights if anyone committed violence over her as
the police also made fun and didn’t listen to their problem. When she reached the age of 19 she came across an NGO which worked for LGBT, and presently she works here. When interviewed she felt safe within the NGO only and was scared even to go outdoors. Such is the position of these Trans.

Another story is of a boy, whom I came across in Dehradun. From childhood this boy liked wearing woman attires and applying cosmetics. Her parents didn’t treat him well as well her brothers and sisters, she then realized that she wasn’t a normal human as her parents and friends were. When she reached adolescence her parents told her to leave home, and to go somewhere far and never to return, as she was bringing shame to her house. On seeing that even her parents disliked him she went away. But as she had no educational qualifications, no money, and no exposure to the outer world, she went to a temple and started weeping bitterly. An old man saw her and in order to help her took her to the right place where she belonged: the hijra community. There she met people of her own type and felt much better. But her future ahead was not that easy. Working and earning a living were a risky task for her. She faced problems like sexual harassment by policemen, she adopted sex work gradually as she was uneducated and wasn’t getting any job. Task, she here faced even more problems like: customers ran away at times without paying money, no rights to claim for injustice suffered etc.

But this sex work isn’t so easy, as from my empirical research and various other reports. In sex work, customers, many a times run away after having the fun work done, at times these Trans are molested raped by the people when roaming in nights especially on roads too, this has been mentioned in the report as well as many a Trans claimed this as truth as per the empirical research which I did. This is well known fact: that once someone is in a habit of doing something and this habit is acquired by birth; one possibly cannot change. This is rightly quoted by a hijra (name not disclosed) at Roorkee, whom I met during the research. Once this femininity sinks inside a Trans, then despite repetitive beatings and torture to behave like a boy, this does not make any difference.

**Transition vis-à-vis Acceptability**

There has been a drastic change on account of acceptability of these Trans in India. If we compare the ancient times and today: there is a big difference in the society’s thinking about these people. This is a very important aspect to be highlighted, as one should ponder into the fact that why and how there came such a drastic change in accepting them. After extensive research, this question got its answer, since time immemorial these Trans lived under kings as their queen’s companions. No one had the authority to question them or to mock them as the supreme authority was the king. We can pen down our imagination to the times when Akbar was alive: his queens too kept these Trans as their companions. They used to stay with the queen almost 24 hours, and served the king indirectly. Hence, no person had the courage to speak against or ill for them at that very time. But as time changed, the system of kings gradually came to an end: India became a democracy and these people gradually were thrown to begging. Due to this they came into light more and more and people started getting aware of such communities that existed. These Trans then became independent and they had to earn money for themselves in order to survive. They choose sex work as their profession, some choose “badahi dena” on occasions of child birth, marriage by singing and dancing. This all created a hostile environment and a stigma within
people minds that they are some sort of evil and unhealthy creatures. At present they are ill-treated, called names like “chakka”, abused, looked down upon, feared, inhumanly treated. They now fear in moving about in nights on roads, as according to the data of research they are harassed and bullied by policemen even if caught not committing any crime.

Problems attached in being a Hijra

Being a hijra is a problem in itself in a country like India, where once they were respected but unfortunately are looked down upon now. The main problem if analysed comes down to the aspect of accepting them within our society and as a part of it. We are ourselves not ready to accept them. It’s the problem of our mindset. We just need to be more accommodating which will solve the problem at a large scale in India. Another aspect which can be seen is the problem of unawareness among the masses. People are unaware of who Trans are and various other things associated to them. While researching, one of the transgender of Roorkee remarked that during adolescence she didn’t like the way people and her community teased her, so she started telling people about herself and that she is fine with what work she is doing and doesn’t liked to be treated the way she is. It was astonishing to come to know that as people gradually came to know about her atleast 80% of them stopped insulting and ill-treating her. By reading this, only one thing strikes the mind, that, if people are made aware of a particular thing on which they have made a pre-conceived notion, the chances that people start reacting positively to that very aspect are high.

These Trans face problems since they are children itself, like in school they face teasing by their peers, comments by even their head masters and masters, such as “ tu lugai h kya” which means “are you a villagers wife”, and are tortured bullied. At home, the condition is no well of, some as according to the data of research are left in the kinnars community when they are small itself, as parents cannot afford to be subject to shame in the society due their child born as a hijra, some parents accept their children but out of frustration and anger commit violence on them so that they stop acting like females and behave properly, but as quoted by a hijra: once you are in a habit and this habit is acquired by birth, you cannot change this within yourself. Once these Trans get the taste of being a female i.e. by wearing cosmetics sarees and doing other house hold work as a typical Indian girl does, they even if wish to quite this urge within them, unfortunately cannot. And keep on indulging themselves into this. And as far as I think there no harm in this, because according to my research I found that they love and are happy by opting such ways. And it’s a well-known fact that, do whatever interests you, which we as students have heard quiet often from our parents. So far as they are not forced to do so and are happy in pursuing their interests, there is no harm in accepting such work.

Further, if they opt sex work as their profession, they face problems like client running away without giving them money, harassment by police; they often become victims of sexual assault by them. Lack of rights given to them for sex work is a big problem as they cannot complain anywhere if in case there emerges an issue, because same (sex) sex work which they profess is illegal according to section 377 of the IPC in India. Coming on to another aspect is the judgment given by Supreme Court, wrt to Trans, this judgment recognises Trans as a third gender. But still there exist at least 99% of gender injustice cases seen
among Trans especially in the backward and village\textsuperscript{vii}. This is apparently due to the fact that it is a recent judgement and people will take time to adjust and come to know about this in due course.

But while talking and discussing the benefits of the judgment with Trans on a personal level, they exclaimed that this judgment might bring a change for their upcoming generations and not presently. As, even if people know about this, they tend to pretend and become unaware of such and continue violence. As for instance, one of the Trans whom I met told me that even if this judgment has passed she knew that there are now three genders recognized, but policemen especially continued to torture them whenever they saw them on road and pretended as if they are offenders.

**Conclusion**

Everything that’s new, be it a new change, a new dress, new shoe or even a new law, it takes time to adjust and fit completely into the system. I do hope that after the Supreme Court’s judgment over recognising transgender as a gender and with the incorporation of new laws in future, these Trans would get a new status and respect that they have longed for. It just requires a change in the mindset, and the zeal to accommodate them as a part of our society. If we see it in a realistic way, these Trans are just people as we are. There is an urgent need to make people aware about who they really are and they pose no threat. There is also to bring in changes in section 377 which possibly should legalize consensual same (gender) sex, which will protect these Trans from policemen and possibly would be a step for them through which their respect can be retained.

**Recommendations**

Since time immemorial Trans existed on earth, now when they are coming into light there is a problem of accepting them. Their main problem as established earlier lies in the fact that people are unaware of such form of nature. Indians tend to keep their children away from these beings; in fact they themselves tend to be away, all because, they lack the knowledge of who they actually are. Awareness will lead to social inclusion, social solidarity and social acceptance of such Trans, as well as it will lead to the change in mindset of people.

For the betterment and recognition of these transgender there should be a separate Act incorporated within the legal system: labelled as a transgender Act, which should exclusively dedicate itself to this community and which has all the penal provisions that will look after harassment, violence, abuse. This will not only provide recognition but also Respect which they demand. This recommendation is given by a Trans herself, which was obtained during the research process, which I found to be really beneficial if implemented.

As per the judgment is concerned as given by supreme court, unless until this isn’t telecasted on a large scale and made known, people will keep on taking advantage of these TGs. They lack the potential to stand up for themselves as these people were subjugated to excess violence and tease since childhood. It was found that 50% of the population of these Trans (especially of backward areas) are still unaware of the judgment. Hence, the latest judgment which recognizes Trans as a third gender should be broadcasted so that not only these TGs are aware, citizens are aware at the same time.
During the research it came to light that many a Trans refuse to use condoms. As they do not use contraceptive ways like usage of condoms during intercourse they are at a risk of HIV, they should be made aware of the pros of such usage by NGOs. Such should be set up more in the country as well as properly funded.

These TGs face a major problem during nights by policemen, as they torture, harass, humiliate them at times without any reason, just because of their sex work which is illegal, as according to section 377 of IPC. I feel, if this section has an addition with the clause of “consensual sex” i.e. unnatural sex which is consensual should not penalized...the problem of these TGs might mitigate to a great extent. As then their work would be legal and policemen hence have no authority to harass and confine them. Which might bring them back their lost respect, as the profession which they profess would be legal in the eyes of law.

End-notes


ii supra


vi Ibid no. 4

Legal Interventions for Combating Gender and Social Inequality

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Abstract
This study examines the nature and causes of inequalities, social justice, and gender justice in India and how Indian legal system contributed to combat such issues. Since independence reformation of Indian society has been an active agenda and Indian policymakers have always been concerned with the lessening of poverty and inequality. However, between the first five year plan after independence in 1947 and the turn of the century, Indian economic policy making went through a drastic change. Caste, class, family and individual are not only seen as units of social ranking, but are also viewed as ideas implying a value-frame for guiding and shaping of realization and social relations.

Gender justice requires ending the inequalities between women and men that are produced and reproduced in the family, the community, the market and the state. It also requires that typical institutions from justice to economic policymaking are accountable for tackling the injustice and discrimination that keep too many women poor and excluded. The idea of welfare state is that the claims of social justice must be treated as cardinal and paramount. Social justice is not a blind concept or a preposterous dogma. It seeks to do justice to all the citizens of the state.

Keywords: Gender, Social Inequality, India

[This paper was presented at the 2nd National Conference on Politics & Governance held at India International Centre, New Delhi on 3 August 2014]

Inequalities
The normative and democratic pillars of institutions and doctrines treasured in the Constitution of India set the itinerary of post-colonial state in India in relations of closure or at least reduction of social-inequalities. The objective of ‘welfare’ state was to make a modern caste-less society by sinking centuries old disabilities imposed upon the ‘depressed’ and attempt to improve their lot by providing them ‘reservations’ and ‘quotas’ in education as well as job market especially in state-bureaucracy and over-sized public sector enterprises. The Constitution of India needs the state to treat all citizens similarly, without regard to birth, gender or religious faith. However, society does not function merely on the foundation of formal principles.

Enforcement of legal doctrines and challenge to remove social discrimination is a process entangled in the complexities of social foundation. The pernicious aspects of jati, varna and class, therefore, still pervade our families, localities and political institutions. Human societies vary in the extent to which social groups as well as individuals have unequal access to advantages. Rousseau had made a distinction between natural and social inequality.
Role of Indian law to deal with inequalities

The Preamble contains the essence of the Constitution and reflects the ideals and aims of the people. The Preamble starts by saying that we, the people of India, give to ourselves the Constitution. The source of the Constitution is thus traced to the people, i.e. men and women of India, irrespective of caste, community, religion or sex. The makers of the Constitution were not satisfied with mere territorial unity and integrity. If the unity is to be lasting, it should be based on social, economic and political justice. Such justice should be equal for all. The Preamble contains the goal of equality of status and opportunity to all citizens. This particular goal has been incorporated to give equal rights to women and men in terms of status as well as opportunity.

Fundamental Rights

Part III of the Constitution consisting of Articles 12-35 is the heart of the Constitution. Human Rights which are the entitlement of every man, woman and child because they are human beings have been made enforceable as constitutional or fundamental rights in India. The framers of the Constitution were conscious of the unequal treatment and discrimination meted out to the fairer sex from time immemorial and therefore included certain general as well as specific provisions for the upliftment of the status of women. Justice Bhagwati in Maneka Gandhi v. Union of India1 said:

"These fundamental rights represent the basic values cherished by the people of this country since the Vedic times and they are calculated to protect the dignity of the individual and create conditions in which every human being can develop his personality to the fullest extent." Article 14 guarantees that the State shall not deny equality before the law and equal protection of the laws”.

Article: 14 Equality before Law

The State shall not deny to any person equality before the law or the equal protection of the laws within the territory of India.

Article: 15 Prohibition of discrimination on grounds of religion, race, cast, sex, or place of birth

(1) The state shall not discrimination against any citizen on grounds only of religion, race, cast, sex, or place of birth or any of them.

(3) Nothing in this article shall prevent the State from making any special provision for women and children.

Accordingly Article 15(1) prohibits gender discrimination and Article 15(3) lifts that rigour and permits the State to positively discriminate in favour of women to make special provisions to ameliorate their social condition and provide political, economic and social justice. The State in the field of Criminal Law, Service Law, Labour Law, etc. has resorted to Article 15(3) and the Courts, too, have upheld the validity of these protective discriminatory provisions on the basis of constitutional mandate,

Article: 16 Equality of opportunity in matters of public employment

(1) There shall be equality of opportunity for all citizens in matters relating to employment or appointment to any office under the state.
(2) No citizens shall, on grounds only of religion, race, cast, sex, descent, place of birth, residence or any of them, be ineligible for, or discriminated against in respect of, any employment or office under the state.

Judicial Pronouncements With Respect To Inequalities

In the case of D.S. Nakara v. Union Of India\(^2\) The Government delivered an office memorandum saying a liberalized pension scheme for retired government servants but made it applicable to those who had retired after 31 March 1979. The Supreme Court held that the fixing of the cutoff date to be discriminatory as violating Article 14. The division of pensioners into two classes on the basis of the date of retirement was not based on any rational principle because a difference of two days in the matter of retirement could have a traumatic effect on the pensioner. Such a classification was held to be arbitrary and unprincipled as there was no acceptable or persuasive reason in its favour. The said classification had no rational nexus with the object sought to be achieved. Madhu Limaye v. Supdt. Tihar Jail Delhi\(^3\) There were Indian and European Prisoners. Both were treated differently. Europeans got better diet. Court held that difference between Indian and European prisoners in the matter of treatment and diet violates right to equality under Article 14 of Indian prisoners. They all are prisoners they must be treated equally.

Gender Justice

It is said that “justice” is primarily a problem of discovering the right course of action. Since ancient times, political theorists have been trying to frame the concept of justice. With the rise and development of modern world and modern perception, especially under the effective effect of the principles of democracy and socialism, this very concept has been thoroughly transformed. “Gender justice” is often used with reference to emancipator projects that advance women’s rights through legal change, or promote women’s interests in social and economic policy. However, the term is rarely given a precise definition and is often used interchangeably with notions of gender equality, gender equity, women’s empowerment, and women’s rights. Gender justice in the spirit of social justice is about more than simply questioning the relationship between men and women. It involves crafting strategies for corrective action toward transforming society as a whole to make it more just and equal and it means “a place in which women and men can be treated as fully human”.

Gender Justice and Indian Constitution

The framers of the constitution bestowed sufficient thought on the position of women in Indian social order, which is quite evident from the provisions of the constitution. The Constitution of India which is regarded as the supreme law of the land, gives special protection to women’s such as Article 15 guarantees the right against discrimination. The prejudice and bias against women is rampant an issue to be countered by the right to equality, hence the right against discrimination. Article 15(3) talks about the special protection for women. Article 16 provides the right to equal opportunity in terms of public employment irrespective of the sex of the person. This provision aids women to start participating in elections and the decision making process. In this regard it is important to mention the 74th amendment, made for the reservation for women in Panchayats.
Article 19 guarantees freedom of speech and expression, to assemble peaceably and without arms, to forms associations and unions, to move freely throughout the territory of India, to reside and settle in any part of the territory of India; to practise any profession, or to carry on any occupation, trade or business. This fosters the right to equality, by providing the necessary freedoms needed to live in society. Without the right to equality, the purpose of gender justice cannot be achieved. Article 39 talks about the certain principles of policy that need to be followed by the state which are securing adequate means of livelihood equally for men and women, equal pay for equal work among men and women, and the health and strength of workers, men and women are not abused. Article 42 requires the state to make provision for securing humane conditions of work and maternity relief.

Role of Judiciary
In the case of C.B. Muthamma v. Union of India, the validity of the Indian Foreign Service (Conduct an discipline) Rules of 1961 was challenged which provided that a female employee to obtain a written permission of the Government in writing before her marriage is solemnized and at any time after a marriage a women member of the service may be required to resign from service. The Supreme Court held that such provision is discriminatory against women and hence unconstitutional. In Vishakha and others v. State of Rajasthan, the Supreme Court held that sexual harassment of working women at her place of an employment amounts to violation of rights of gender equality and right to life and liberty which is clear violation of Article 14, 15 and 21 of the Indian Constitution. The Court further observed that the meaning and content of the fundamental rights guaranteed in the Constitution of India are of sufficient amplitude to encompass all the facts of gender equality including prevention of sexual harassment or abuse. In Air India v. Nargesh Mirza, the Supreme Court struck down the provision of rules which stipulated termination of service of an air hostess on her first pregnancy as it arbitrary and abhorrent to the notions of a civilized society. In Pratibha Ranu v. Suraj Kumar the Supreme Court held that the stridhan property of a married women has to be placed in her custody, and she enjoys complete control over it, The mere fact she is living with her husband and using the dowry items jointly does not make any difference and affect her right of absolute ownership over them. Another landmark judgment was given by the Apex Court in the case of Gita Hariharan v. Reserve Bank of India in this case the Court interpreted section 6 of the Hindu Minority and Guardianship Act 1956 and held that the mother could act as the natural guardian of the minor during the father's lifetime if the father was not in charge of the affairs of the minor.

Concept of Social Justice
Social justice is defined as "promoting a just society by challenging injustice and valuing diversity." It exists when "all people share a common humanity and therefore have a right to equitable treatment, support for their human rights, and a fair allocation of community resources” The term social justice was first used in 1840 by a Sicilian priest, Luigi Taparelli d'Azeglio, and given prominence by Antonio Rosmini Serbati. It has also enjoyed a significant audience among theorists since John Rawls book. A Theory of Justice has used it as a pseudonym of distributive justice. The concept of social justice is a revolutionary concept which provides meaning and significance to life and makes the rule of law dynamic. When Indian society seeks to meet the challenge of socio-economic inequality by its legislation and with the assistance of the rule of law, it seeks to achieve economic justice
without any violent conflict. The ideal of a welfare state postulates unceasing pursuit of the doctrine of social justice. That is the significance and importance of the concept of social justice in the Indian context of today.

**Social Justice and Indian Law (Constitution of India)**

The Constitution of India has solemnly promised to all its citizens justices-social, economic and political; liberty of thought expression, belief, faith and worship; equality of status and of opportunity; and to promote among the all fraternity assuring the dignity of the individual and the unity of the nation. Article 19 enshrines the fundamental rights of the citizens of this country. The seven sub-clauses of Article 19(1) guarantee the citizens seven different kinds of freedom and recognize them as their fundamental rights. Article 19 considered as a whole furnishes a very satisfactory and rational basis for adjusting the claims of individual rights of freedom and the claims of public good. Articles 23 and 24 provide for fundamental rights against exploitation. Article 24, in particular, prohibits an employer from employing a child below the age of 14 years in any factory or mine or in any other hazardous employment. Article 31 makes a specific provision in regard to the fundamental right to property and deals with the vexed problem of compulsory acquisition of property.

Article 38 requires that the state should make an effort to promote the welfare of the people by securing and protecting as effectively as it may a social order in which justice social, economic and political shall inform all the institutions of national life. Article 39 clause (a) says that the State shall secure that the operation of the legal system promotes justice, on a basis of equal opportunity, and shall, in particular provide free legal aid, by suitable legislation or schemes, or in any other way, to ensure that opportunities for securing justice are not denied to any citizen by reason of economic or other disabilities. Article 41 recognizes every citizen's right to work, to education & to public assistance in cases of unemployment, old age, sickness & disablement and in other cases of undeserved want.

The social problem presented by the existence of a very large number of citizens who are treated as untouchables has received the special attention of the Constitution as Article 15 (1) prohibits discrimination on the grounds of religion, race, caste, sex, or place of birth. The state would be entitled to make special provisions for women and children, and for advancement of any social and educationally backward classes of citizens, or for the SC/STs. A similar exception is provided to the principle of equality of opportunity prescribed by Article 16 (1) in as much as Article 16(4) allows the state to make provision for the resolution of appointments or posts in favour of any backward class of citizens which, in the opinion of the state, is not adequately represented in the services under the state. Article 17 proclaims that untouchability has been abolished & forbids its practice in any form & it provides that the enforcement of untouchability shall be an offence punishable in accordance with law. This is the code of provisions dealing with the problem of achieving the ideal of socio-economic justice in this country which has been prescribed by the Constitution of India.
Judicial Interventions
So we can see that the Supreme Court has always stepped in to protect the interest of the Indian citizens, whether it has been has the case of consumer protection or claiming insurance or be it representation of suppressed classes. It has used the medium of social justice as an umbrella term to deliver justice. In the case of Oriental Insurance Co. Ltd. v/s Hansrajbai V. Kodala the Apex Court held that "The object is to expeditiously extend social justice to the needy victims of accidents curtailing delay - if still the question of determining compensation of fault liability is kept alive, it would result in additional litigation and complications in case claimants fail to establish liability of defendants - Wherever the Legislature wanted to provide additional compensation, it has done so specifically." The Supreme Court has firmly ruled in Balbir Kaur v/s Steel Authority of India that "the concept of social justice is the yardstick to the justice administration system or the legal justice and it would be an obligation for the law Courts to apply the law depending upon the situation in a manner whichever is beneficial for the society" as the respondent Steel Authority of India was directed to provide compassionate employment to the appellant.

In Superintending Engineer, Public Health, U.T. Chandigarh v/s Kuldeep Singh the Supreme Court held that "It is the duty of the authorities to take special care of reservations in appointments as a part of their constitutional duties to accord economic and social justice to the reserved categories of communities. If ST candidate is not available, the vacancy has to be given to SC candidate and the reserved roster point has to be filled in accordingly". In Ashok Kumar Gupta v/s State of U.P. it was held by the Apex court that "To give proper representation to SC/ST Dalits in services is a social justice which is a fundamental right to the disadvantaged. It cannot be said that reservation in promotions is bad in law or unconstitutional."

Conclusion
This social inequality undertakes a particularly reprehensible form in relative to the backward classes and communities which are preserved as untouchable; and so the difficult of social justice is as crucial and significant in India as is the difficult of economic justice. Equality of occasion to all the citizens to grow their individual personalities and to contribute in the pleasures and happiness of life is the goal of economic impartiality. The solution to social inequality lies within us only. We should be aware of the terminologies - the poor, the backwards, social impartiality which are being used to weaken standards, to flout norms and to put societies to work. We should subject every right whether it is made in the name of the poor, the retrograde, whosoever to rational examination. We must bear in mind that if the popular disregards smaller units in the community, it drives them to rebellion. We should try to change the policies of state on truly secular and liberal principles. The individual and not the group should be the unit of state policy.

Since no society is static, and social procedures are constantly altering, a good legal system is one which ensures that laws adapt to the changing circumstances and ensure social good. Any legal system pointing to ensure good should guarantee the basic pride of the human being and the essential need of every individual to grow into the fullness of life. The expectation of the Indian masses does not lie in the legal system alone, but in their aware awakening and fight for social and economic justice. Knowledge of their legal rights however, can be an important inspiring force in this. Many NGO's and individuals are
emerging in different parts of the country to take up the cause of social change and change for a more just India, where impartiality will not merely be talked about in intellectual debates on the intricacies of law, or written about in books, which the masses can't read, or replaced for good old money, but essentially lived and experienced by the bulk of the people.

End-notes
1 AIR 1978 SC 597
2 1983 AIR 130, 1983 SCR (2) 165
3 1975 AIR 1505, 1975 SCR (3) 582
4 1979 AIR 1868; 1979 SCC (4) 260
5 1997 (6) SCC 241
6 1981 AIR 1829, 1982 SCR (1) 438
7 1985 AIR 628, 1985 SCR (3) 191
8 AIR 1999
9 La Costituzione Civile Secondo la Giustizia Sociale, 1848
10 Appeal (civil) 2573 of 2001
11 (2000) 6 SCC 493
12 1997(9)SCC 199
13 (1997) 5 SCC 201

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Combating Inequalities and Social Injustice in India

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Abstract
In this paper, the authors will mention how inequality, social justice and gender justice are played in politics and governance. India is a democratic country where everyone is being given equal chances of being selected, represented, elected etc. But there are various forms of inequalities that exist in politics and governance like: social inequality, political inequality, gender inequality etc. To end these inequalities various efforts have been taken but still the social justice and gender justice is yet to be achieved. To give the disadvantaged sections an equal status and power, various forms of reservations have been made. But still the disadvantages sections of the society are being suppressed by the whims and fancies of the advantaged sections of the society because they have the “power” to rule them. Even for women various forms of reservations have been made but they are also being suppressed by the “power” of the advantageous section of the society. Reservations have played a more negative role than positive. It is a public stunt to woo people to make vote banks. So there is an urgent need to end these inequalities to achieve justice. The imperatives have been discussed in the paper.

Keywords: Reservations, Vote Banks, Democracy, India

[Int this paper was presented at the 2nd National Conference on Politics & Governance held at India International Centre, New Delhi on 3 August 2014]

Introduction
Democracy is a government by the people in which the supreme power is vested in the people and directly exercised by them or exercised by their elected agents under a free electoral system. In the phrase of Abraham Lincoln democracy is “of the people, by the people, and for the people”. This phrase is easy to remember but its implication is not easy
➢ of the people means fair and free elections in which every voter will fairly participate in election and will choose their elected candidate.
➢ by the people means the elected candidates are available for the public to help them and solve their problems
➢ for the people means government works for the development of all the sections of the society but not the targeted section of the society.

The following points will give us a fair idea about India’s democratic status:
➢ India is considered as a world’s largest democratic country. Democracy was ushered in India when the Indian constitution was framed on 26 January 1950.
➢ Democracy in India should ideally function as a well-oiled machine but certain detrimental factors through the spanner in work the result of which is that certain constitutional goals and democratic aspirations of India remain unrealized.
➢ In our preamble a pledge to make India a democratic country, to provide equality,
liberty and justice to all citizens remains only a promise. India has a capitalistic democracy where the rich inevitably exploit the poor. Illiteracy is one of the causes of the inequality. Casteism is being prevalent now also. Even the dalits are not allowed to go to certain public places or temples.

- We have a democracy of elections to elections. After winning elections, the parties become brazen and arrogant. They will do all the wrong things and if u ask them they will say why can't you change the government next time?
- Right to information is only a concrete step to make our government more democratic. In it you can just question what is happening in our political system?
- The success of democracy in the last few decades is indeed a proof that the democracy in India is keen to check the constitutional morality. All the processes which are being carried on to help to help build a democracy not by the name but also in soul and essence.

On 26th January, 1950 we adopted and gave to ourselves the Indian Constitution. We pledged to provide equality of status and of opportunity amongst the people of this land. The people thereby include both women and men. Has this pledge been redeemed? Have we been able to bring about practical equality? The Constitution provides a fundamental right to equality? The Constitution provides a fundamental right to equality where there is no differentiation on the ground of sex and caste. Have we realized this dream? These questions need to be reflected upon.

Discrimination of any kind, be it racial, religious or gender based, is a gross violation of basic human rights. Such discrimination directly affects the realization of all human rights, including civil and political rights, as well as economic and social rights. Caste discrimination—most commonly occurring in South Asia—is discrimination based upon descent, whereby individuals are marked by their caste from birth, and are obliged to follow various rules regarding occupation, housing and other social customs. These rules, particularly when dealing with those of a 'lower' caste, denies persons free will and choice regarding their lives. They also result in violations of the right to food, to land, to housing and shelter, to vote, to participate in public and social life. Discrimination may it be gender based or caste based has to be eradicated from Indian Politics and Government. The authors have mentioned the following ways in which inequality is played in politics and governance:

1. Elections: The Indian democratic government is elected every after 5 years, or if the government dissolves, before the completion of its term. Ideally, in a democratic government the voters go to voting ballots and vote for the candidate they think is desirable for representation. But is this all? Of course not during the process of election many instances happen which lead to inequalities in election especially against women and disadvantageous sections of Indian Society. For instance some polling booths are captured and these people are not given a chance of voting, and some other person castes multiple votes for them. This is one of the most dangerous inequality which exits in system. Universal Adult franchise has to be practiced in order to achieve a true democratic government. Moreover, the promises made by the candidates during election for upliftment of these people acts only as a publicity stunt to woo voters and to make vote banks.

2. Voters: In a democratic election, voters are the wheel to government. Only if voters represent the country’s population, then only a true government can be formed.
However, in India’s elections the voters do not represent the country’s population. The table clearly shows that even in 2014 the female voters are less as compared to male voters. This is a shame for India. (Table 1)

3. Policy-making: Whenever, a government comes into power policies are made, reviewed and deleted. Policies are being made for the upliftment of women and the disadvantaged sections of our society; however, these policies are either only made or not properly implemented. For instance, various acts have been implemented for upliftment of women like - Dowry Prohibition Act 1961; Contract Labor Act 1970 as well as Factories Act 1948 provide that women cannot be employed in the night between 9 PM to 6 AM. Women cannot be required to work more than 9 hours, Equal Remuneration Act 1976, The Indecent Representation of Women (Prohibition) Act 1986, The Commission of Sati (Prevention) Act 1986, Protection of Women from Domestic Violence Act 2005, Maternity Benefits Act 1961, and Child Marriage Prohibition Act 1929. But however, despite the passage of these acts, the heinous discrimination faced by them has not been reduced. Inspite of these acts, the problems has not eradicated.

4. Representation: When we talk about representation, it implies to represent a large mass of people in the government, to address those areas and issues which people want to improve and solve. The number of low caste people and women representation is very much less. In a democratic country, the number of representation should not be less. A February 1998 Times of India report corroborates much of what has been discussed in this handbook: namely that “domestic responsibilities, lack of financial clout, raising criminalization of politics and the threat of character assassination” are making it increasingly difficult for women to be part of the political framework. Moreover, women politicians point out that even within the political parties, women are rarely found in leadership positions. In fact, “women candidates are usually fielded from 'losing' constituencies where the party does not want to 'waste' a male candidate". Woman must not accept; she must challenge. She must not be awed by that which has been built up around her; she must reverence that woman in her which struggles for expression.

~ Margaret Sanger ~

As the Quote says women should not only adjust in the boundaries they are in rather they create boundaries for themselves. For this, there has to be a conducive environment. Swami Vivekananda once said “arise away and stop not until the goal is reached”. Thus our country should thus be catapulted into the horizon of empowerment of women and revel in its glory. In all spheres, may it be economic, social, political and even cultural inequalities do exist which have to be combated by Social and Gender Justice. Focusing on the political sphere, women participation is much less than what is desired in a democratic country which provides equal rights for men and women.

One irony of Indian politics is that its modern secular democracy has enhanced rather than reduced the political salience of traditional forms of social identity such as caste. Part of the explanation for this development is that India’s political parties have found the caste-based selection of candidates and appeals to the caste-based interests of the Indian electorate to be an effective way to win popular support. More fundamental has been the economic development and social mobility of those groups officially designated as Backward Classes and Scheduled Castes (Diagram 2). Accounting for 52 and 15 percent of the population, respectively, the Backward Classes and Scheduled Castes, or Dalits as they prefer to be
called, constitute a diverse range of middle, lower, and outcaste groups who have come to wield substantial power in most states. Indeed, one of the dramas of modern Indian politics has been the Backward Classes and Dalits' jettisoning of their political subordination to upper castes and their assertion of their own interests.

In order to overcome the disadvantages of being in groups designated as Scheduled Castes, measures have been taken to provide an opportunity to these groups to participate in the functioning of the panchayat, both as ordinary members and as presidents. Reservations have been in the same proportion as their population in the state, and also include reservation of seats for women. Seats that have been reserved for the Scheduled Castes have, by and large, been occupied by members of these groups. However, the issue that is also of concern is that, after they have occupied these seats, they have still not been able to participate in the deliberations and decision making of the government. The authors do not propose that all the decision making seats should be given to women or low caste members, instead the mind set of people should change and caste and gender should not be sole considering factors of politics and government in India.

Imperatives for Improvement

The present scenario of discrimination in politics and governance will only hinder India’s democratic development. The authors suggest the following points to improve the situation:

1. Government makes various policies to end up the arising inequalities but there is perennial problem of implementation. Development instead of being treated as initiative, is being treated as a government routine. The governmental program also suffer because of the high cost of implementation which leaves fewer resources for development at lower level. Financial allocation of these programs is made by the central government but it should be carried on by the state government.

2. Unless we change the social attitude which generates the social inequality and gender bias we will not be able to achieve women empowerment. There are various forms of reservation which are being made for the upliftment of the society and to eradicate gender inequality, but the problem lies in the attitude of the society which is highly against the women. So what is the solution for it? The only solution is the women to come up with a unifying force and initiate self-empowering action at the ground level. So if we become clear about the ground level realities and then we can think about changing the attitude of the society.

3. India needs people for growth and development and by through reservation they are adding undeserving candidates to it. According to the authors, if they really wanted to abolish inequality then reservations should be kept aside and a well-balanced plan should be formulated. If the reservations have been made then they will not be able to face a true competition which can make them capable to have a fighting spirit as no one is against a healthy competition.

4. There are several communities which no longer required the benefit of reservation and on the other hand there are still many other that are no longer are able to utilize its benefits. A quota on the basis of economic conditions is considered to be a more beneficial than this. If the reservations cannot be kept aside, then it should be formulated according to the present scenario.

5. Make women more visible in public life and institutions- It is shocking to see that women contribute only 5% in Indian Police Force and out of 24 judges in Supreme
Conclusion
Thus, in the final part of our paper the authors end by saying that Women’s participation in formal politics in India reveals that there has been a marked increase in their voting turnout and election campaigning. While there have been significant gains in these two areas, women continue to be under-represented in legislative bodies both at the national and state level and in political parties. An analysis of the factors influencing participation reveals that these differ for women in elections as voters and their involvement as campaigners. All said and done, positive affirmative action in the form of reservation in legislative bodies, greater accommodation of women in decision-making positions in political parties and in government would go a long way in addressing a serious lacuna in politics in the country.

The participation of women and their engagement in electoral process is an important marker of the maturity and efficacy of democracy in any country. It can be defined not only in terms of the equality and freedom with which they share political power with men, but also in terms of the liberty and space provided for women in the democratic framework of electoral politics. The Constitution of India promulgated in 1952 promised, “To secure to all its citizens justice, social, economic and political” and “equality of status and of opportunity”. Not only women, even the Scheduled Caste and Scheduled Tribes representation and participation have to be improved in order to enable their upliftment. All what is required a good intention and hard work. A Heart to accept the harsh realities and a mind to form policies to achieve a country, just like what the builders of our nation has desired.

Table 1

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### References


Camouflaging Democracy in Political Parties

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Abstract
To achieve stable mass support, party politics in India has become leader-centric rather than representing parliamentary constituencies leading to strong influence from popular icons on voters in constituencies apart from theirs. For instance in 1984 Mr. Rajiv Gandhi’s wave made the Indian National Congress win a total of 411 out of the then 533 seats in the Lok Sabha and recently when the BJP, swept the 2014 general elections on the back of their prime ministerial candidate, Mr. Narendra Modi. Through secondary research methodology we aim to answer “whether political parties, especially in India have the political will required in tackling sensitive issues or pass legislations wherein there is any foreseeable division in ideologies amongst the supporters of the political party” by Lokpall Bill, Uniform Civil Code, Food Bill and formation of Telangana. Finally there’s a comparative study to find whether the party system of India and Democratic-Republican Party system of U.S.A., could ensure greater political will? And the paper concludes by throwing light upon the fact that political parties in other countries are formed on the basis of ideologies where as in India they are mostly formed on religious or regional lines.

Keywords: political will, democracy, religion, representing parliamentary constituencies

[This paper was presented at the 2nd National Conference on Politics & Governance held at India International Centre, New Delhi on 3 August 2014]

Introduction and History
The economic, political and moral wreckage left behind by the collapse of the Nehruvian national project, to which the new-liberal; economic reform; is daily adding its own wreckage, has provided the social-material basis for all the sorts of regressive ideologies and politics, including Hindutva, which propelled the BJP to power at Delhi. But it is a mistaken to see the BJP as only as a Hindutva or communal party. By its opponents, including the left, impotently locked themselves up in a ‘communalism-secularism trap’, the BJP merrily went on implementing the congress-initiative ‘economic reform’ without much notice or objection. As the scholar, Radhika Desai has recently pointed out. “...More than ever, the NDA governments created two nations in India, already home to some of the starkest divides between poverty and wealth. Every criticism from the Left had its counterpart in appreciation on the part of the rich, and there is no doubt about a feel-good factor among the propertied elite and foreign interests in India: in fact, an overwhelming pro-BJP sentiment.”

This, of course, cost the BJP the 2004 Lok Sabha election. But it was no ‘rout’, as the opponent’s wishful thinking tends to view it (the BJP tally was 136 seats to 145 of the Congress). The corporate world, happy over BJP’s performance in power, is desperately
hopeful about its future as a ‘modern’ political party, alternating with the Congress in the much longed-for-two-party system in India’s parliamentary democracy. The corporates can well do its Hindutva and the accompanying obscurantism. Capitalism needs science and technology, but, as we know from history, capitalist classes have always needed religion and obscurantism too. The BJP’s aggressive nationalist posture could well be an advantage in the harsh competitive world of global economy and politics.

Having long forgotten what India’s struggle for struggle for freedom was about, and long forsaken Gandhi and Nehru except for ritualistic purposes, and now hamstrung in its pursuit of ‘economist reform’ by electoral compulsions and dependence on the Left Front, the Congress does not even have an ideology to speak of, much less one that represents any kind of radical opposition to the BJP. Even in matters of communalism and the accompanying obscurantism, it is not that different from the BJP as its leaders would have us believe and some others think, thought the difference here can, on occasion, acquire a certain tactical importance. Elsewhere, in political behaviour and economic policies, there is even less to distinguish between the two. ‘Lesser evil’ is perhaps the only claim to legitimacy the Congress now. In other words, unless it moves away from ‘economic reformism’ to recover some of its Nehruvian legacy, the Congress is all set to be finally reduced to the status of just another political party of the Indian ruling classes, a Congress tweedledum to the tweedledee BJP in an ideal, albeit coaltional, two-party system of bourgeois democracy that best secures ruling class interests in the economy and politics of India-very much the way it is with the Conservatives and New Labour in Britain where The Times has no problem asking people to vote for New Labour, or the republicans and Democrats in the United States where the only difference between the two, as Ralph Nader had told us ‘is the speed with which their knees hit the floor when Big Capital summons them’.

The task of the socialist movement to preserve a permanent link between its current partial or defensive struggles and its vision of a future socialist society which is at once distant and crucial. As the Communist Manifesto has it: The Communists fight for the attainment of the immediate aims, for the enforcement of the momentary interests of the working class; but in the movement of the present, they also represent and take care of the future of that movement.

Though easy to formulate in theory, what is involved here is possibly the most difficult yet vital practical task in the struggle for socialism: to link the immediate (necessarily reformist) activity with the ultimate (essentially revolutionary) objectives; or to phrase it differently, to preserve the integrity of the ultimate perspective without losing contact with the immediate demands, determinations and potentialities of the historically given condition.

The relationship between strategic extra-parliamentary and tactical electoral politics must not be inverted. Nor is the notion of revolutionary praxis to be divorced from the self-organized and autonomous class struggle of the working masses in the name of ‘flexible tactics’, ‘realism’ and ‘possibilism’, or by raising the bogey of ‘sectarianism’, ‘adventurism’ or ‘political immaturity’-formulas and phrases which social democratic reformism has used over the years, all over the world, to rationalize class collaboration and justify or condone any and every kind of pragmatism, even opportunism on the terrain of bourgeois democratic politics.
Another instance of a political party in India being formed on religious and regional lines is the “All India Majlis-e-Ittehad-ul Muslimeen” or AIMIM which literally translates into “All India Council of the Union of Muslims”. In June 2014, the Election Commission of India recognised AIMIM as state party in Telangana. AIMIM party leaders, has been repeatedly involved in making controversial speeches, violence and spreading religious hatred starting from Akbaruddin's grandfather, Maulana Abdul Wahed Owaisi who was arrested in 1958 for inflammatory speeches. In January 2013, AIMIM Floor leader Akbaruddin Owaisi was arrested for sedition, criminal conspiracy, waging war against India and creating enmity between communities. Akbaruddin made inflammatory speeches at Bodhan and Nirmal, going to the extent of saying that 25 crore Muslims would take on 100 crore Hindus if the police are kept at bay for 15 minutes and making a reference to the hanging of Pakistani terrorist Ajmal Qasab.

This shows that political parties in India have to defer from their primary propaganda of adhering to religious priorities to practical, issue based ideologies in order to achieve the intended success of the party system of politics.

**Utmost Importance of Political Will**

Herein few of the instances are discussed where the utmost importance of political will had been seen. It has been noticed that if there is a political will by the political parties then surpassing all difficulties the particular bill can will be passed. But if the political will is lacking then despite being number of protests or committees report, the political party in power or in opposition does not allow to pass the will as it obvious to affect their vote bank.

**Uniform Civil Code**

As rightly said by Hugh Hefner:

> "When the Religion rather than reason dictates the Legislation, do not expect Logic with your Law."

As stated in Article 44 of the Constitution that the state shall endeavor to secure for the citizens a uniform civil code throughout the territory of India. It shall be noted that Article 44 is comes under Part IV of the Constitution, i.e. under Directive Principles of State Policies which are not enforceable in the court of law. Each religious community has its own codifies and un-codified personal law and hence to promote secularism we require Uniform Civil Code which can only be secured through consensus and hence govern the citizens of our nation as a whole.

As stated by Justice Chandrachud in Md. Ahmed Khan v. Shah Banu Begum, “It is a matter of regret that Article 44 of our Constitution has remained a dead letter. There is no evidence of any official activity for framing the Uniform Civil Code for our country. A common civil code will help the cause of our national integration by removing disparate loyalties to law which have conflicting ideologies. No community is likely to bell the cat by making gratuitous concessions on the issue. It is the state which is charged with the duty of securing of a common code for citizens of the country and undoubtedly it has the legislative competence to do so. We understand the difficulties in bringing people from different religions together on a common platform but a beginning has to be made if the constitution has to have any meaning".
The same need was felt in the case of Ms. Jorden Diengdeh v. S.S. Chopra, and thus a copy of order was forwarded to the Ministry of Law for taking action on it. Even Justice Kuldeep Singh emphasized on the need to formulate Uniform Civil Code in the case of Smt. Sarla Mudgal & Ors. v. U.O.I. & Ors. In the same case Justice R.M. Sahai said that non-implementation of Article 44 amounts to failure of Indian democracy. The same feelings by Justice V.N. Khare were expressed in the case of John Vallamaton & Anr v. U.O.I.

In the area of personal law, the uniform civil code shall bring some uniformity in the matters of marriage, maintenance, divorce and hence shall commonly apply to all religion and community. By 44th Constitutional amendment in 1972, the word “secularism” was added in the Preamble which enhanced the need of a uniform code for everyone irrespective of their religion. But due to lack of political will in the government, even though Uniform Civil Code being the most sought after election agenda with the strongest stand of opposition and for securing vote bank politics, it still remains dead letter.

Similarly in the case of Food Bill and Lokpall Bill, due to lack of political will, as political parties are afraid to lose their vote bank, the Bills are still pending irrespective of the need of the hour, protests by the people and suggestions by the experts. But vice versa could be seen in the case of Telangana, where over the years the political will grew so much that nothing could stop its formation, not even the adversaries of the people of the state.

Formation of Telangana

In 1969 Over 300 people were killed in police firing when ‘Jai Telangana’ movement for separate statehood to Telangana began and 3 years later ‘Jai Andhra’ movement began in coastal Andhra for separate Andhra State. In the year of 1975 Presidential order was issued to implement Six Point Formula, providing some safeguards to Telangana. Political will of BJP was seen in support for Telangana in 1997 and following the same in 1998 election it promised ‘one vote two states. K. Chandrasekhara Rao floated Telangana Rashtra Samithi (TRS) to revive Telangana movement in 201 when he saw that over a decade no action was taken on the issue. When in 2004 TRS fought elections in alliance with Congress, wins five Lok Sabha and 26 assembly seats then UPA includes Telangana issue in common minimum programme. Stimulating to this in 2008 TDP announced support for Telangana demand. TRS contested 2009 elections in alliance with TDP but its tally came down to two Lok Sabha and 10 assembly seats. When due to the death of Chief Minister Y.S. Rajasekhar Reddy in helicopter crash, it triggered political uncertainty.

This led to the actual final active movement when in October 2009 Chandrasekhar Rao began fast—unto—death for Telangana state. And hence encouraging the political will in December 9 Centre announced decision to initiate the process for formation of Telangana state. A fortnight later protests in Rayalaseema and Andhra regions (Seemandhra) mass resignations of MPs and state legislators, centre put the process on hold citing need for consensus. When on February 3, 2010 Srikrishna committee was set up to look into Telangana issue which submitted its report in December suggesting six options.

The dying political will revived in July 30, 2013 when UPA coordination panel and Congress Working Committee decided to carve out Telangana state. Seeing the approach of elections, almost more than 2 and half years after report of Sri Krishna Committee protests in
Seemandhra started again. On October 3, 2013: Union cabinet approved the proposal to divide Andhra Pradesh. A Group of Ministers (GoM) was constituted to prepare the roadmap after consultations with all stakeholders. Oct 25, 2013: Chief Minister N. Kiran Kumar Reddy raised banner of revolt against Congress leadership. He wrote letters to president and prime minister urging them to stop bifurcation process. On Dec 5, 2013: Union cabinet approved draft Andhra Pradesh Reorganisation Bill 2013 prepared on the basis of recommendations by the GoM and sent to President Pranab Mukherjee with a request to make a reference to Andhra Pradesh legislature to obtain its views under Article 3 of the Constitution. The President gave time till Jan 23 to the state legislature to give its views. On December 16, 2013 the Bill introduced in both houses of state legislature amid clashes between Seemandhra and Telangana lawmakers.

Jan 8, 2014: After disruptions for several days, debate finally began on the bill in assembly and council on 8th January 2014 and one week time was given by the President and on Jan 27, 2014: Chief Minister Kiran Kumar Reddy gave notice to assembly speaker for a resolution to reject the bill. And again due to lack of political will the bill was rejected on Jan 30, 2014 by both houses of state legislature passed by a voice vote official resolutions and appealing to the President not to send the bill to parliament. Following this the Chief Minister staged sit-in in Delhi to oppose bifurcation on Feb 5, 2014. On Feb 7, 2014 Union cabinet cleared the bill and rejected Seemandhra leaders’ demand to make Hyderabad a union territory. The political turbulence grew when Congress expelled six MPs from Seemandhra for moving no-confidence motion against government on Feb 11, 2013.

Within 2 days the Bill was introduced in Lok Sabha amid clashes between MPs from Seemandhra and Telangana. L. Rajagopal, a MP from Seemandhra, used pepper spray in the house. Speaker suspended 16 MPs including Rajagopal for rest of the session. The Bill was finally passed by the Lok Sabha creating history on Feb 18, 2014. It shall be noted that constitutional procedure of the legislature was completed in a matter of days, amidst chaos, when the bill was passed by the lok sabha even though live telecast was stopped due to the chaos. This case is a perfect example to show that once the political party realises its benefits, it gathers political will then irrespective of the practicability or feasibility, the legislation is passed.

Conclusion
Through this research paper, the authors have concluded that the party system of politics in democracy in India is in need of a revamp as the major political parties are of the age old opinion and divide which stems from the very basis of the formation of such parties. In The USA, another country which follows the party system of politics has parties which are formed on pure ideologies and not on regional/religious lines like in India. The political parties have clear ideologies and are known for them. The prominent political parties in The USA are the Democratic Party, the Republican Party, Constitution Party, Green Party, Libertarian Party etc. The ideologies these parties are based on is clearly evident from the very names of these parties. It is time Indian political parties fulfil in the true sense the very objective behind introducing party system in India by moving on from regional or religious lines to being united in practical contemporary ideologies to gather the necessary political will needed.
End-notes
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