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EDITOR'S NOTE

It is an immense privilege to be associated as the editor of the Golden Jubilee Commemorating volume of the **JOURNAL OF POLITICS** on the occasion of the Fiftieth year of the existence of Dibrugarh University. In this volume we have tried to bring together contributions from teachers who have been associated with the Department in the past and in the present. The articles in the volume cover a wide range of topics within the ambit of Political Science from freedom, Identity, Role of the State and Civil Society Organizations, autonomy of institutions of Higher Education to India's Development model and her foreign policy.

We express our gratitude to all the contributors for their contributions and to Dibrugarh University for the financial assistance without which this issue of the Journal would not have been possible.

Alpana Borgohain

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INDIAN FOREIGN POLICY TODAY: INTERFACE BETWEEN GLOBAL POLITICS AND DOMESTIC POLITICS

Gautam Kumar Basu

To implement foreign policy in an economically interdependent, politically democratized, strategically unstable, technologically networked and culturally differentiated world is absolutely complex, difficult, if not impossible. Economic interdependence in a globalized world compels a nation state to open up its economy to the much broader world. This may bring some positive outcomes for that specific country, but such opening up may also invite the possibility of massive economic crisis – the Asian economic crisis of the 1990s and the economic recession of 2008 – 2009 extend support to such argument. Such a situation may raise questions about the regime that remains in power of a particular country. The present phase of globalization may have encouraged retreat of the state, as Susan Strange (1996) has argued long time back, from its economic activities. But the 9/11 incident, which has been influenced by the technological innovations of the same phase of globalization, has brought the state back in. In fact, states in the twentieth century have started encroaching upon individual liberty in the name of preventing terrorism – the PATRIOT Act in the United States is a classic example of such encroachment. It is true that such counterterrorist activities of the state may have mass support. But, simultaneously, it is difficult to rule out that the state will not resort to repressive measures against its own citizens in the name of defending its territory from terrorist onslaught. Can any one deny that such acts on the part of the state will also challenge the legitimacy of the state? In fact, Susan N. Herman in her book has

tried to "correct the lack of balance in our (American) perceptions of the War on Terror by showing how innocent Americans have been prosecuted, incarcerated, blacklisted, watch listed, conscripted as antiterrorism agents, spied on and gagged" (Herman: 2011: p.18). Such a possibility can hardly be ruled out in any democratic set up – however strong it appears to be. It is, in this background, we intend to look into the possible challenges the Indian state may have to face while pursuing its foreign policy with the twin goals of embracing global economic integration and protecting its own citizens from the likely onslaught of delinquent and violent global non-state actors.

The main purpose of this paper is to examine whether, how or to what extent India's engagement with the external world – either in terms of economic diplomacy or in terms of adopting anti-terrorism policies – might strengthen or challenge democratic foundations of our society. In fact, Indian foreign policy will have to be pursued in the backdrop of certain variables which may have negative impact on the future development of the country. Those worldwide phenomena, as identified by the World Economic Forum, are: deepening income inequality, persistent jobless growth, rising geopolitical competition, rising pollution, increasing occurrence of severe weather events, intensifying nationalism, increasing water stress and growing health concerns along with the problem of immigration. The point is: such trends may lead to acute feeling of human insecurity among individuals which may weaken the foundation of a democratic society (Sheng: 2015). Keeping this scenario in mind we intend to look into what kind of challenges Indian foreign policy makers may have to face in the near future. This paper will mainly be theoretical in nature and will identify only certain possibilities which policy makers and foreign policy analysts can keep in mind. In the first part of our paper, we shall try to highlight some lacunae in the study of Indian Foreign Policy; in the second part, we shall try to see the likely implications of India's foreign economic policy if it continues to adopt an uncritical approach to the global political economy; in the third part, we shall try to argue that state policies to curb terrorism should be based more on prudence rather than on whims.

II

The study of Indian Foreign Policy, broadly speaking, moved in two different directions: First, it moves around the discourse of what is known as political realism whereby foreign policy goals of India have been viewed as revolving around the concepts of military strength, an abstract notion of 'national interest', and likely strategies to be pursued for attaining such interests and confronting security dilemma. Those who have adopted a somewhat liberal approach try to concentrate on how the Indian state has been trying to establish norms, laws and institutions for engaging itself in collective ventures towards establishing an international order. Such efforts are generally aimed at maintaining collective order and achieving collective goals.

Secondly, the study of Indian Foreign Policy tends to embrace, consciously or unconsciously, certain 'temporal narratives' whereby such studies 'tend to concentrate on different time-frames, historical events and delineation of supposedly distinct eras. For example, the so-called Cold war era' literature on Indian Foreign Policy revolved, more or less, around notions of nonalignment and 'north-south dialogue'. The end of cold war, which accidentally coincided with the consolidation of the second phase of globalization, saw flourishing of literature which sought to visualize a world order characterized by interdependence, interconnectedness and integration, and search for global governance architecture. The 9/11 and subsequent Mumbai tragedy gave a fresh impetus to Indian Foreign Policy scholars to move towards likely state responses to threats of international terrorism, search for domestic security structure capable of dealing with such disruptive forces, and evolving counter terrorism policies. One can, however, identify continuity in pre-post-9/11 period studies of Indian Foreign Policy – the emergence of India as a major power. In fact, India perceives 'power' in a different way – such perspective is based on one basic assumption that goes back to Nehruvian notion of foreign policy objective – that is: rejection of all sorts of military alliances and maintain cordial relations with all countries (Malone: 2011: p.252).

It is, however, possible to understand the dynamics of Indian Foreign Policy from somewhat different perspectives. One can formulate certain basic assumptions such as First, foreign policy does not necessarily reflect a natural consensus behind certain policy options of the people living within a spatial boundary – rather, it reflects a power-knowledge relationship. Secondly, the politics of foreign policy should not be viewed exclusively as a problematic of international politics, but also as a problematic of viewing and understanding international politics from a specific domestic politics perspective. In fact, foreign policy involves constant struggle between different societies over the right to establish hegemony over economy, territory and social space. Thirdly, foreign policy reflects an institutionalized and centralized way of seeing as well as displaying a given society, both in its internal and external dimensions. Fourthly, in this contemporary phase of globalization, states are not as autonomous as they are supposed to be in the sphere of international relations. In fact, their actions as well as responses to the international system are shaped, modified and restrained by the aspirations, demands and expectations of several constituent units that either lend support to or offer challenges to states' legitimacy.

As a student of International Relations, one may confront three different problems while dealing with India's foreign policy: First, the status quo orientation of the discipline: it has been argued long time back that International Relations, as an academic discipline, is more concerned with 'the theory of survival', rather than with 'the theory of good life' (Wight: 1966) . Despite massive changes in its contents, the discipline continues to be, as has been argued, "the realm of independent sovereignties, jealous of their interests and their prestige", and the discourses of international relations are "dictated by exigencies of power" and guided by "hegemonic transcript" (Mahoney and Anderson: 2003 : p. xii). It is difficult for anyone to offer a critique of 'national interest', as formulated by the so-called statesmen.

Secondly, as a status quoist, one can argue, in the backdrop of India's role in the BRICS, its assertive role in the Bali Ministerial Conference of WTO, its

approximately twenty companies trying to reshape global industrial scenario, that India has reached a stage whereby it can influence international politics and intervene in the global economy in an effective manner. But the moment one looks into deepening income inequality, persistent jobless growth, apparent weakening of its representative institutions, one becomes concerned regarding who benefits from such gestures in the sphere of foreign policy (The Statesman: 17.1.15).

Thirdly, it seems that contemporary political scenario in India has been producing a space from which politics has more or less been disappeared, public dialogue is absent and human consciousness seems either to be unhappy or embrace skepticism. No one knows whether we are moving towards an empty democracy or what Fareed Zakaria (1997) has described as 'illiberal democracy). But one can easily feel that our society has increasingly been moving towards a binary division between 'us' and 'them'. Any statement, made in terms of objectivity, if not value neutrality, will inevitably be viewed and interpreted in terms of 'us' and 'them'. Intellect without power is useless – living in the twilight zone will only bring alienation, frustration and misfortune.

III

India's foreign policy tends to be guided by the following objectives: First, it seeks to maintain – or, at least, project – autonomy in the sphere of inter-state relations; secondly, it tends to maintain its 'credibility' in the international sphere by explicitly embracing the goal of economic reforms in its domestic sector. Two things India has sought to pursue: one, to provide generous economic assistance to its neighboring countries; two, to enter into alliances with countries which are considered as 'emerging powers', such as Brazil, Russia, China and South Africa. In fact, the establishment of BRIC in 2006 – and its subsequent transition to BRICS in 2010 – reflects a different dynamic in North-South relations. On the one hand, it reflects desire of those countries to negotiate developed countries at different global organizations. On the other hand, it also shows how global financial crisis has accelerated "the process of articulation" (Fontes and Garcia: 2014 p: 214).

Recently efforts have been made to achieve 'concrete economic gains' in the neighborhood through extension of humanitarian aids and solidarity, such as providing drinking water to Maldives or providing extensive humanitarian assistance to Nepal during one of the most devastating earthquakes. The question, however, remains: to what extent will such aid provide India with 'access to markets, favorable economic opportunities, and greater influence in multilateral forums' (Fontes and Garcia: 2014: p.215)? Besides, to what extent can one see the presence of India's private enterprises either in its neighborhood or in other southern countries?

One may argue that Prime Minister Modi has been trying to establish regional hegemony in South Asia recognizing the fact that this requires certain concessions to its neighboring countries. But it is not clear whether such initiatives will allow India to provide leadership in advancing these countries' interests against the PRC, for example. Recently it has been argued by some, in the context of declining oil prices, that this is the time for Indian oil majors, particularly the ONGC, to step up acquisition game for energy security. ONGC has the expertise – and making bid will be a bold step indicating that India is now in play (Bhandari: 2015). But here lies a problem: The Indian state, in its search for 'market based economy' (Government of India: 2014: p. 46), forgets that ONGC, and for that matter the so-called Navaratna, may be tilted to the country's national interest, and can be agents of competition in a globalized world economy.

In fact, a look at India's foreign policy during the last one year reflects certain tendencies: First, it tends to revolve around the concept of democratic alliance so that an 'area of freedom' may emerge; secondly, it tends not to ignore but to form alliances even with so-called non-democratic countries like Russia and the Peoples' Republic of China; thirdly, it seeks to ensure strategic partnership with global powers and enhance India's position as global power; and, finally, efforts have been made to reorder relations with neighboring countries so that India could emerge as a power of substance rather than a hegemonic power.

A look at these features would reveal that India has been trying to reframe its image as a nonaligned power. A conscious effort has been made to act on

behalf of the developing countries without ignoring the fact that India should project itself as an emerging power to the outside world. It seems Indian foreign policy makers continue to give emphasis on "Nehru's policies of friendship for international order" (Chacko: 2012: p. 64), and simultaneously recognize the fact that despite being a "growth engine", India will "work for rule based rather than power based relations" as stated by Mr. Monmohan Singh (cited in ibid: p.201). One can probably identify the continuation of the same trend in Mr. Modi's foreign policy gestures. As Tanvi Madan (2014) points out in a recent article "Modi's government—like the previous Bharatiya Janata Party (BJP)-led coalition government headed by Atal Behari Vajpayee—has not departed from the strategy that underpinned non-alignment: diversification, which involves establishing and maintaining relationships with multiple countries in order to maximize benefits and minimize risks to Indian objectives. Thus, for example, we've seen the government participate actively in a forum like BRICS, with Modi travelling to Brazil for the summit. We've also seen Modi continue to engage all the P-5 countries, including traditional partner Russia—bilaterally (with Modi meeting Vladimir Putin in Brazil and the Russian deputy prime minister in Delhi, and Putin expected to visit India in the fall), trilaterally (the Indian foreign minister is expected to travel to Beijing for the China-India-Russia meeting), as well as in multilateral settings". This comment has been made at a time when Mr. Modi has just assumed the office of the Prime Minister. His foreign policy gestures, including frequent travel abroad, reflect one thing — that is, India continues "to maintain an independent and sovereign foreign policy devoid of alignment and sees itself as a major global power" and it has become "an aspiring pragmatic state" (Poudel: 2015). This, however, does not mean that India will automatically transform itself into what Stephen Cohen (2001: p. 117) has described as "a great power in the classic sense". Rather, the possibility is that in a transformed world order where treats of economic recession have been looming large, India's assets and resources will be more exposed to external economic interests. It is still uncertain whether it will make the country more vulnerable to the external order or strengthen its position vis-à-vis the global political economy.

Recently, in a paper Lant Pritchett and Larry Summer in a NBER Working Paper (October 2014) 'Asiaphoria Meets Regression to the Mean' argue that China and India's growth spurt may sputter back towards the mean of slow growth. Based on this assumption, Andrew Sheng raises this question: "Is the alarm about Asiaphoria (bullish about Asia) really coming from Asiaphobia – the fear of the rise of India? After all, it is the rise of the billions of poor that threatens the entrenched position of the rich West" (Sheng: 2014). Probably, no one would deny the positive correlation between growth strategy and social policy. But one can easily identify a gap between demands for public goods and its supply. Under this circumstance, government will have to look for feedback from citizens who will inevitably reflect some sort of 'de-globalization'. Public reactions against three ordinances that have recently been promulgated, probably in accordance with the traditional spirit of globalization under the Washington consensus, reflect popular mood. It has been argued that transition from Nehruvian model of state-induced economy towards market-oriented economy "was governed by a complex mix of domestic and international compulsions and had a fundamental bearing on not only the state-market relations but also the domestic political process" (Srivastava: 2013: p.112).

The question is: Will opening up of India's economy ensure human security? As Andrew Sheng (2014) has argued: "The new knowledge-based economy means that inequality must worsen because the few with special knowledge will benefit, but the unskilled masses face huge insecurity about their future jobs and income". In fact, the present unrest across India reflects a deep malaise throughout the country – the protesters know that "they are not in the driver's seat". No one listens – and no one will listen – to them, but they are the victims of "the consequences" of "such actions and decisions" (ibid.). Take, for example, the case of MNREGA – the scheme seems to be diluting; several eminent persons expressed serious concern about it – does anyone listen? (The Statesman, 27.10.14).

The opening up of the economy and collaboration with foreign enterprises may generate two consequences: on the one hand, India's economy will dance in

tune with international economic ups and downs; on the other hand, politics of connectivity may generate high social costs, such as displacement, mobilization of laborers with poor working conditions etc. In fact, as has been pointed out in a different context, "integration process that sustains the circuits of capital lead to the disintegration of previous conditions of life, work, and wealth production, expropriating whole populations, which lived so far from their labor in the territories" (Fontes and Garcia: 2014: p.216) . Again, one can introduce the concept of 'imperial capitalism' which may explain development of capitalism and its dynamics in developing countries, including India. Imperial capitalism, as defined by Fontes and Garcia (2014: p.222), tries to "address the contemporary capitalist dynamics, its democratic and social elements, pointing to the current challenges to understand a system whose results are beyond the control of its main powerful decision makers". But it may generate contradictions whereby social, environmental as well as human security dimensions may have to be systematically excluded from serious considerations.

One of the major challenges that Indian foreign policy makers confront is that it can hardly play the role of 'stabilizer', as Brazil does, in its neighborhood – that is, to mediate conflicts and political crisis either at the regional level or beyond. In fact, almost all members states of SAARC appear to be 'highly suspicious' of India's probable hegemonic design, if there is any, and are afraid of the fact that Indian goods may 'flood their markets' and thereby stifle their nascent industries (The Statesman15.12.14).

Another major challenge is China. Chinese diplomacy is unique: on the one hand, Mr. Xi Jinping, the Chinese President, continues to project his very friendly, sophisticated and warm image to the country he is visiting and dignitaries he is interacting with; on the other hand, Chinese soldiers continue to pursue their intruding, if not aggressive, gestures towards India. The problem is: should India be guided by Xi's charm offensive or should one be serious about China's likely threat towards India's border region? In fact, a group of Indian scholars continues to argue that

Chinese leaders are too much concerned with their domestic problems and economic growth. As such, one should not overestimate China's propensity to threat India's national security. Two points should be noted: First, although China tends to highlight its "operational objectives" in terms of certain abstract notions such as "achieving air superiority", this does not mean that China will not opt for developing "a grand strategy that aims at regional or global primacy" (Gilboy and Heginbotham: 2012: p.161). What is needed for India is to develop "an overarching strategic framework that would oblige the services to work more closely together" (ibid). Secondly, one should not deny the fact that "GDP monotheism" appears to be "a single-minded, near religious devotion to increasing measurable GDP as the determinant of political success" (Antholis: 2015: p.18). Surely, it has generated frustrations in various segments of the Chinese society (ibid: p.22), but China is determined to ensure that "all instruments of the state are to serve the overriding goal of strengthening China's national interest" (Shambaugh: 2013: p.56).

Probably it will be unwise to ignore the likely impact of India-Pakistan relations in this context. One can visualize two probable scenarios: First, if India decides to teach Pakistan a lesson through military intervention, what will be the economic costs of such action? Can we afford to do that? It is somewhat difficult to make a forecast regarding such an action. But one can easily guess that neither will such action stop conflicts immediately across India-Pakistan border nor will it ensure economic growth. Secondly India cannot act in a way USA did during either Iraqi war or against Afghanistan. After all, as one expert argues, that "bombs and missiles are weapons that pulverize entire zone without distinction between combatants, civilians, women or children. Instead of weakening the resolve of terrorists, they increase recruits in hoards, turning bereaved civilians into suicide bombers and fighters" (The Times of India 26.12.2014).

IV

The last statement actually brings us to the question of terrorism and its likely impact on the democratic set up in India. One may or may not agree with the

view, but it is a hard reality that politics in South Asia is shaped, to some extent, not by romantic prospect of inter-state cooperation, but by the mythical presence of certain enemies. Politics, broadly speaking, has two major projects: First, it has a project of autonomy and it has a project of achieving consensus through communication, deliberation and recognition. This is, in contrast to a scenario of conflict and war, reflects a normal state of affair. Thus, reason becomes the truth and politics is the exercise of reason in public sphere. But does politics operate in such a rational way? In reality, it can be less abstract but more empirical which hinges on the question of life and death. Now, if sovereignty means the power and capacity to dictate who may live and who must die, then sovereignty today is no longer the monopoly of the state. In other words, sovereignty's space has been extended in the sense that domain of life on which power has taken control. Both state action and terrorism are as much means of achieving control as well as a way of exercising the right to kill. Even if we assume that this right to kill under regime of terrorist threat is more or less an impossible scenario in a democratic set up, one cannot ignore the fact that the so-called war on terror has the capability of generating what Zbigniew Breziniski has described as "a fear of culture" to him, it is essentially a "technique of warfare" and "political intimidation through killing of unarmed civilians" (cited in Moskin: 2013: p.588).

Today's terrorist movements are motivated, to a large extent, by religion. Use terror, subversion and insurgency; have global outlook, but do not ignore local connections. Such movements are not reluctant to resort to latest developments in information and communication technologies – they do not raise anti-colonial slogans, but are opposed to modernity in its westernized form. However, once we highlight or experience conflicts between states and local actors having linkages with regional as well as what has been described as 'transnational terrorist', the whole situation becomes more complex. As one scholar has pointed out: "the dynamic interaction between the modern international system of nation states" and several non-state organs – "terrorist and guerilla, postmodern and pre-modern, nihilist and traditionalist, deliberate and accidental" (Kilcicullen: 2009: p. xv) raises serious questions about international and regional politics.

Power always looks for exception, emergency and a fictionalized enemy. It is true that terrorism is a real threat not only to India but also to human civilization. Unfortunately, any effort to curb such a menace by the state generates more problems for peace loving citizens rather than those who are involved in such activities. A citizen will have to prove that he belongs to India even after living for a long time; he will have to show his residence certificate while buying a railway monthly ticket; he will be frisked while entering a library. All these are done in the name of state's responsibility to stop terrorism. Any protest to such actions will invite punishment from an arrogant state. After all, terrorism has to be prevented. Even members of the community in which we live will rarely extend its support to one who raises such issue. In fact, in such a situation, an imagined community will transform itself into an empty community. The point is: legislations are made in the name of preventing an unwarranted situation; but in reality the peace-loving citizens will have to face all sorts of problems, while dishonest and unscrupulous people will move around freely.

Again, such a state of affair tends to divide humanity into what George Bush has once described as 'we' and 'they'. In fact, the politics of 'otherness' may be linked to the politics of death. One can identify two different aspects of such a scenario. First, terrorism today does not establish its presence in a 'remote, ungoverned or conflict prone zone' as is the common practice. Rather, it makes presence felt in a geo-strategically significant area which is well-governed and considerably well-off. Members of such groups try to establish – and, are very often become successful in establishing – alliances with like-minded people in adjoining areas. However, once their identities are revealed, they often met with resistance from local people. Secondly, terrorist activities are not confined to internal territory of a particular state – in fact, inter-state connection of terrorist activities that have been exposed are disturbing. It is disturbing in the sense that it can encourage other terrorist organizations to come together. This is what can be described as 'luxury' dimension of politics of death. Martyrdom, human bombs etc. reflect this 'luxurious form of life' (Mbamba: 2003: p.15). Thirdly, from the

above, it also implies that the state should intervene. It involves "the overt deployment of state apparatus", "overt monitoring" of public rallies and "subjective assessments by public authorities than clearly defined parameters" (Nadarajah: 2009: pp. 119 – 120) – these may become antithetical to democratic values. But such intervention should be "slower, less violent and lower in profile", because terror represents the "site where sovereignty consists fundamentally in the exercise of power outside the law, where peace is projected as a face of war without end" (Mbambe: 2003: p.23). State violence at this moment becomes more intimate, a leisurely form of cruelty. Believe it or not, state violence in India affects peaceful citizens more than the delinquents. What it implies is this: control over life by the state in the name of combating terrorism may undoubtedly be viewed as 'a state of exception'. But democratization of the means of disposing the enemies of the state may itself negate the whole notion of justice. Tension between public passion for revenge and notion of justice is critical.

V

In conclusion, two points may be noted: First, India is one of the developing countries which have been successful in maintaining its liberal democratic framework over the years. In the present context of economic liberalization, such continuation of liberal-democratic image before the world may enable India "to easily identify with the powerful nations sharing the same values, and the opportunities presented by economic partnership with prosperous nations not only in the West but also in the East" (Chakrabarti: 2007: p.101). However, one should also remember – as students of Political Science we all know – that periodic election may constitute a major feature of a liberal democratic polity, but it does not necessarily contribute to the consolidation of such a system. In fact, the success of India's foreign economic policy will depend, to a large extent, how India tackles its "interregional and urban-rural disparities, a languishing agricultural sector; infrastructure grossly inadequate to the needs of a rapidly growing economic power; and a lack of skilled manpower due to disappointing education opportunities and misaligned training" as well as

"economic poverty" affecting millions of population (Malone: 2011: p.99). The point is: the success of India's foreign policy will depend, to a large extent, on sound economic policy.

Secondly, as far as terrorism is concerned, we should note that it is a double-edged sword. On the one hand, it is generally employed against civilians who are absolutely "vulnerable simply by their existence"; it involves "novelty, the unexpected against which people have not armored themselves psychologically", and probably there is no "easy solution to dealing with the fact of fear" (Hunter: 2012: pp. 209 – 210). On the other hand, even we accept the fact that liberal-democratic states are not terrorist organizations; still, such states may restrict individual freedom in the name of initiating and adopting counterterrorism measures and treating security as a political goal (Waldron: 2010: pp. 146 – 151). Once one combines these two apparently contradictory tendencies, one confronts a sad possibility that "the existence of a threat from terrorist attack does not diminish the threats that liberals have traditionally feared from the state" (ibid: p.40).

It seems two trends are clear: First, India will occupy an important position in the emerging global economic order. It will not be viewed as a potential rival – but will be recognized as an important partner in the economic development of the present century. The question will, however, remain: Can such economic role bring about relief, if not radical changes, for the common people? Secondly, all political parties will continue to talk about marketization, globalization and democratization in the backdrop of global economic interdependence and threat to national security from certain vicious non-state actors. The scenario seems paradoxical. As one scholar states that "consensus and coercion are more closely intertwined than ever by the incessant call for democratic participation and accountability, all happening beside the direct violence of primary and secondary expropriations" (Fontes and Garcia: 2014: p.221). Can India be an exception to such trend?

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SOCIO-ECONOMIC DEVELOPMENT IN RURAL AREA

Apurba K Baruah

The process of Socio Economic Development in the rural areas in our times has come to be closely associated with the concept of Rural Development and of late integrated rural development. Rural development as a concept actually emerged initially within the scope of the discipline of rural sociology. This discipline gained centre stage in the academia of United States when after the World War the rural society of that country was faced with a challenge of reconstructing the rural socio-economic situation and the discipline of Sociology was found wanting in that aspect. During this period the rural societies in America were facing many socio-economic problems which attracted the attention of many scholars leading to establishment of a discipline to study rural society. Rural Sociology got a real boost after the appointment of Country life Commission by Roosevelt.Now, all over the world rural development has become an important subject of study. As a discipline, it is multi-disciplinary in nature, representing an intersection of agriculture, social, behavioural, engineering and management sciences.[1] As a concept Rural Development embraces economic growth and social justice, improvement in the living standard of the rural people by providing adequate and quality social services and minimum basic needs. Scholars like Henry Maine, Etton, Baden Powell and Stemann became deeply interested in the socio-economic problems faced by the rural societies of America. The studies carried out by those scholars led to the establishment of rural sociology as an academic discipline. It is from this discipline that over the years rural development emerged as an independent field of study.

As a concept emerging in rural sociology, rural development refers to development programs in rural areas that are executed by the local or regional authorities, NGOs, national governments or international development organizations. Under these programs local populations can also take initiatives for development. The term is not limited to the issues for developing countries. In fact many of the developed countries have very active rural development programs. It aims at developing the undeveloped villages.

Till recently state was considered to be the main agency of development.[2] Since the powers of controlling law and order and ultimate authority over the resources within its territory have always been an integral part of the state, in all its forms, looking after the well being of its citizens has been a function of the state. When development came to represent this idea of well being, the state came to occupy a major role in developmental activities. In the writings of economists, like Gurnar Myrdal, Paul Baran and many others this role of the state is discussed in great details.[3] Rural development is only a part, though may be a vital part, of development as such. As an agent of development the state, then, came to be considered the motive force of rural development too. Under this perception the state and its machineries were expected to plan and execute the programmes of rural development. The success of the state controlled planned development in the "socialist" countries like Soviet Union and china strengthened the belief in the developmental role of the state.

On 12 April 1961, when Yuri Gagarin was launched into orbit around the Earth on Vostok 1 the Soviet Union won the race with the United States to get a human being into space. That event represented the success of a development project that was planned and controlled by the state and that privileged the society over individual and emphasised cooperation instead of competition. Planned economy became a preferred model for development for poor and under developed countries. Developing countries like India, for instance, adopted planned development. Empirical work in Japan and some east-Asian countries on growth and development

led to the emergence of a theory of developmental state in the post world war era. Even in United States developmental state has become a key concept,[4] and by the late eighties of the last century the concept spread to the academic circles of virtually the entire world.

Globalization and Rural Development and Paradigm Shift

There is a paradigm shift so far as the perception of the motive force of rural development is concerned. This shift is actually a fall out of the general shift in the perception about the role of the state in a globalised world. The discourse of development is now replete with the idea of the withdrawal of the state. Prabhat Patnaik, has explained that this, has happened as a result of the inter-state/national capital flow particularly of the he finance capital. To quote Patnaik,

> "In the current phase of imperialism, finance capital has become international, while the State remains a nation-State. The nation-State therefore willy-nilly must bow before the wishes of finance, for otherwise finance (both originating in that country and brought in from outside) will leave that particular country and move elsewhere, reducing it to illiquidity and disrupting its economy. The process of globalization of finance therefore has the effect of undermining the autonomy of the nation-State. *The State cannot do what it wishes to do, or what its elected government has been elected to do, since it must do what finance wishes it to do.*"[5] (Emphasis mine)

There are others who make the same point but also bring out more pernicious affects of the free flow of capital, particularly because of the associated restrictions in flow of labour. Amit Bhaduri for instance says,

> "To begin with, the most fundamental asymmetry in the world economy arises today from the freedom of movement of capital, especially financial capital on one hand, and the restrictions on the movement of labour on the other, especially unskilled labour from developing countries. Despite vast improvements in travel and communications technology, available estimates suggest that labour migration as a proportion of the total world population has been lower in the current phase (approximately 1973 to date) compared to the earlier phase of globalization (approximately 1870-1913)."[6]

Withdrawal of the state has not happened in a straight jacket manner. The social turbulence created by the economic crises of post-cold war world, particularly in late twentieth century, necessitated propagation of ideas of empowering people, implying creation of capabilities for exercising control over their own lives and enabling them to interact in the social context with dignity and respect. [7] As a result of this development, the role of the state in all developmental work has been seriously affected. Many of the activities that were considered traditionally state driven came to be dominated by Non-Governmental agencies which apparently were people's initiative or at least initiatives in collaboration with people. The expansion of the NGO sector affected politics itself. Retreat of the state became a catch word in the discourse of development. With the decline of the state activity, funding agencies like the World Bank and the IMF came to see Non-Governmental agencies as key institutions in developmental activities. It seems that the emergence of NGOs and the development process of neo-liberalism go together in the globalized world.[8]

There is an attempt at projecting the NGOs as non-profit social service organizations. Though there are some rather rare NGOs who take upon themselves non-profit social service as a responsibility, yet, large majority of these NGOs are professional service providers. They are almost like private companies. These professional NGOs are motivated more by profit than by social service. After all most of these NGOs make use of national or international government funds (like those of European Union, Unesco etc.) to carry on programmes for government. Some of such NGOs actually are organised by governments only. This has led to emergence of what some of us have been calling "Government organised non-government organisations (GONGOs). In a market-driven society, the NGOs themselves enter into competitive activity to secure funding for services rather than concentrating on socio-economic justice. Thus, "politics" continues outside the sphere of the state and development ceases to appear to be the responsibility of the state. The international funding agencies like the World Bank and the IMF gave it a push through an imaginative concept called social capital developed by

American social scientists. It was argued that presence of civil society', meaning the sphere of associations situated between the state on the one end , and family and kin groups on the other, or even more simplistically as NGOs – is a condition of good governance. In this approach NGOs were expected to take the place of the state. This is a phenomenon that John Harriss had called depoliticizing development.[9] It was in this environment of the retreat of the state that the new paradigm of development became dominant and new paradigms of rural development emerged. As Muller argues,

> "(N)ew paradigms celebrate the local over the national, civil society in preference to government, and micro-entrepreneurship rather than industrialization as the way to overcome poverty and achieve rural development. The private sector rather than the state is seen as the preferred supplier of agricultural services, whether speaking of marketing, credit, or input supply."[10]

There are considerable scholarly works that point out that this shift has been generated more by the preferences of the international donor agencies than an actual realisation of the states' unsuitability to carry out developmental work at the rural level. The most popular expression of these new paradigms is found in the idea of decentralization. It is seen as an antidote to states, that were perceived as predatory and characteristically exploiting the rural poor, a means of improving service delivery to them, and the best way of encouraging popular participation so that rural people will be party to their own development. But is it possible to argue that implementation of decentralization can prevent reproduction of the state authorities in a different form? Do decentralized authorities become different from their predecessors? Do they become more accountable, more democratic, and more interested in improving the plight of the rural poor? Considering the omnipresence of the forces attached to state power in the political life is it possible to take it for granted that the decentralized authorities will not become new arms of the state? And should we not ask as to why the centralized states become insensitive to the concerns of the rule poor? Should we not ask whether there is anything in the character of these states which drives their concerns away from

the needs of the poor? Is it because of the fact that because the rich and powerful and their agents come to control politics in these states that the entire administration turns its back n the poor? Is it merely because of centralization or because of a particular kind of centralization controlled by particular sections of society that these states begin working in the interest of the rich and against the poor? There is no doubt now in the mainstream academia that integrated rural development, including environmental sustainability, is key to real development of rural masses. The question is - are decentralized non-state authorities more interested in these issues than the centralized state? These are questions that need serious consideration when we discuss rural development in the twenty first century.

When we look at India in the context of this paradigm shift one of the things that needs examination is what is the impact of this shift in India's policy of rural development? That requires an understanding of India's rural development situation. Despite India's recent high economic growth rate, according to United Nation's Millennium Development Goal (MGD) programme in 2011-2012, 270 million or 21.9% people of 1.2 billion of Indians lived below poverty line of $1.25. As is well known there have been attempts at defining and redefining the index of poverty in India to suite powerful forces of Indian politics. The most infamous of such attempts is known as the Tendulkar committee's definition which sought to exclude all those from the below poverty line mark who earn a daily wage of Rs. 32. That a section of this poor lives in the rural areas is self evident. According to one estimate seventy-five percent of India's poor are living in rural areas. They are primarily dependent on agriculture and natural resources for their subsistence. The Indian Government in its National Common Minimum Programme had declared the development of rural areas a top national priority.[11] However, the divide between the urban and the rural has been increasing in India. NSS data show that the ratio of urban to rural per capita consumption increased from 1.62 in 1993-94 to 1.76 in 1999-2000 and further to 1.91 in 2004-05. This makes rural development a sensitive political issue. India's rural development policy has been undergoing various changes according to the focus of the approaches of the plans over the years.

The First five year Plan (1951-56) looked at community development as a method of rural development. The government introduced the national extension services as the agency for rural development. The most important feature of this phase was active role of state in all economic sectors because immediately after independence, India was facing basic problems of deficiency of capital and lack of infrastructure for industrial development. The Second Plan (1956-61) focused on Co-operative farming with local participation. Third Plan (1961-66) was the period of re-strengthening the Panchayati Raj System through a democratic decentralized mechanism. Special Area Programmes were started for the development of backward areas in the Fourth Plan (1969-74). In the Fifth Plan (1974-79), the concept of minimum needs programme was introduced to eradicate poverty in rural areas. In all these plans the state was conceived as the prime mover of rural development.

There was a paradigm shift in the strategy for rural development in India. The Sixth Plan (1980-85). This plan emphasised strengthening of the socio-economic infrastructure in rural areas, and the idea of Integrated Rural Development Programme (IRDP) was introduced. This theme remains the mainstay of all the following plans. The Seventh Plan (1985-90), tried to create skill-based employment opportunities under different schemes. Special programmes for income generation through creation of assets, endowments and land reforms were formulated for participation by the people at the grassroots level. Eighth Plan (1992-97) was to build up rural infrastructure through participation of the people. Priorities were given to rural roads, minor irrigation, soil conservation and social forestry. The Ninth Plan (1997- 2002) sought to promote the process of nation-building through decentralized planning. This plan envisaged a Greater role of private sector in the development process and laid stress on a genuine thrust towards decentralization and people's participation in the planning process through institutional reforms. It emphasized strengthening of the Panchayati raj and civil society groups for promoting transparency, accountability and responsibility in the development process. In this approach the role of the government, in general, had to shift, from being the

provider, to the facilitator of development processes by creating right types of institutional infrastructure and an environment conducive to broad-based economic development. The Tenth Five-Year Plan lays emphasis on alleviation of poverty, generation of adequate employment and provision of basic minimum services such as drinking water, shelter and connectivity to all in a time bound manner. Programmes for providing self employment, generating income, imparting technology and skill up gradation training (SGSY) and wage employment (SGRY), Special Area development programmes (MLACDS, WGDP,DPAP), programme for people's participation to accelerate the effort of the development process and to provide for community maintenance of public assets and programmes pertaining to institutional reforms for people's participation in decentralized governance, planning and development is being viewed as to constitute the core of the Rural Development Programmes.

The eleventh Plan objectives were based on the assumption that Indi's economy was on a stronger footing. This Plan sought to provide an opportunity to restructure policies to achieve a new vision based on faster, more broad - based and inclusive growth. It is designed to reduce poverty and focus on bridging the various divides that continue to fragment our society. It aimed at putting the economy at a growth rate of approximately 10 per cent. It wanted to create productive employment at a faster pace than before, and target robust agriculture growth at 4% per Year. It avowedly sought to reduce disparities across regions and communities by ensuring access to basic physical infrastructure as well as health and education services to all. It must recognize gender as a cross - cutting theme across all sectors and commit to respect and promote it is only in a rapidly growing economy that we can expect to sufficiently raise the incomes of the mass of our population to bring about a general improvement in living conditions. Rapid growth was thought to be necessary to generate the resources to provide basic services to all. The 11th Plan was supposed to provide an opportunity to restructure policies to achieve a new vision based on faster, broad and inclusive growth. Reducing poverty and focusing on bridging the gaps among the divided sections of fragmented Indian

society were its declared goals. The private sector, including farming, micro, small and medium enterprises and the corporate, was expected to play a critical role to play in achieving the objective of faster and more inclusive growth. The emphasis on growth and privatizing the economy remained a mainstay of the Twelfth plan also. The National Development Council approved a target of 8% growth rate. There was a realization that world economy was in a bad shape. The deteriorating global situation, forced the council to bring down the target from 9% as originally projected by the approach paper to the plan. Montek Singh Ahluwalia had said, "I think given that the world economy deteriorated very sharply over the last year...the growth rate in the first year of the 12th Plan (2012-13) is 6.5 to 7 percent."The government intended to reduce poverty by 10% during the 12th Five-Year Plan. Mr Ahluwalia said, "We aim to reduce poverty estimates by 9% annually on a sustainable basis during the Plan period." But this was sought to be done in real term. The Government sees to have tried only to reduce the number of people below the poverty line by fudging figures. The commission used the Tendulkar poverty line, and hoped to reduce poverty in rapidly five years.

The discourse till the 10th plan seemed to adopt a strategy of rural development that focused mainly on poverty alleviation, better livelihood opportunities, provision of basic amenities and infrastructure facilities through innovative programmes of wage and self-employment. The above goals were to be achieved by various programme being implemented creating partnership with communities, non-governmental organizations, community based organizations, institutions, PRIs and industrial establishments, while the Department of Rural Development provides logistic support both on technical and administrative side for programme implementation. This development would imply access to and equitable management of local resources in a viable and sustainable way. The new push on growth instead of equitable distribution and the emphasis on the greater role of private sector seem to have changed the prospects of rural development. It has now become clear that despite all promises of corporate social responsibility and capitalist development with a human face the Indian private sector has not

been come out of type crony capitalist mode. The large number of scams revealed recently and the inactivity of the governments of almost parties, in the states and the canter in the front of eliminating black money indicate that private initiatives will not be able to take care of rural development, at least in the present phase of capitalist development in India.

It indeed is possible to argue that if private sector cannot help even the public or the state initiative too seems to have failed. The experiences of last 65 years and more would easily convince one of the validity of this argument. The last point to be made is that the corruption infested administration and the nexus between the corrupt babus and politicians have been making implementation of developmental programmes, including rural development, run by the state virtually impossible. We do not need to marshal statistical data to prove that the public funds provided by the state both for urban and rural developments have been used more often than not for lining individual pockets of the Babus and the politicians. It has become abundantly clear that the private sector has also become equally corrupt and even the NGO's have to a large extent been infested by corruption though there are honorable exceptions in all fields of public activity. All attempts at socio-economic development in rural areas will fail if we cannot fight the menace of corruption and allow crony capitalists to hijack the development project. No wishful thinking can help us out. What we need now is an alternative politics based on integrity, decentralization of power and mobilization of the poor for effective participation in politics not only by voting but also by forcing politicians to change their ways and actively participating in decision making. The anti-corruption movement launched by the IAC has brought corruption to the centre-stage and there is a hope that reforms to effectively deal with corruption has become an important agenda and Aam Aadmi Party , an offshoot of the movement had created great hope among a section of the well-meaning middle class. The derailment of the project of the party under the leadership of Arvind Kejriwal disheartened a section of the conscientious anti-corruption activists. The opportunists who rode the band wagon of the Anna movement and the AAP that rose to power immediately after that

phase of the India Against Corruption hung on to Kejriwal's new Avtar and got co-opted to politics of patronage and psychophancy. There was no hope of that trend being able to arrest the rise of corruption. The incidents of AAP trying to defend the Ministers involved in malpractices and Kejriwal's self-advertisement process involving huge public funds proved beyond doubt that, the party with a difference has finally accepted the *Aam* (common or run of the mill) politics and not a *Bikalp* (alternative) politics. However, the fact that a major section within the party and a large number of sympathizers decided to launch a movement for Alternative politics under the name and style of *Swaraj Abhiyan* seems to have rekindled hopes. The *Abhiyan* has started what it calls a *Jai Kishan yatra* and thereby kept the focus on rural masses and their interest. This definitely gives some hope to those who want the rual development to succeed. The point that I am making is rural development is not possible if corruption can not be rooted out and if the development agenda toes the line of crony capitaliasm.

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AUTONOMY OF UNIVERSITIES

Abu Nasar Saied Ahmed

India, once known as a remarkable destination of thousands in their pursuit of knowledge, has an incredibly history of university education since the days of the Takshashila (wrongly spelled as Taxila) University, which was set up more than 2700 years back, where 10,500 students from different parts of the world flocked into. It was a seat of highest learning, where Kautilya (350-275 BC), author of Arthasastra, used to teach, before becoming the Prime Minister of Chandragupta Maurya. It was followed by the Nalanda University, which flourished during the 5th century to 1197 AD. The most striking feature of these centres of learning was their autonomy, which allowed innovative ideas and new areas of knowledge to grow and critical understanding of all available earthly information and knowledge to flourish. Even the kings in ancient India sent their children to Gurukuls or Ashrams, run by highly revered saints for acquiring quality knowledge and skill on all available art and sciences, without interfering in the courses and affairs of the centres of learning, the aforesaid Universities enjoyed full autonomy, and that is why they could attract all seekers of truth and knowledge, transcending natural and man-made boundaries. In other words, autonomy was the soul of those universities.

University education in India in modern sense started in 1857 with the setting up of three Universities in Calcutta, Bombay and Madras Presidencies. At the time of independence, there were 20 universities only. Now, the country takes the pride of having 504 universities. The new Government of India has felt that there was an urgent need to set up at least 500 more universities in different parts

of the country to enable the upcoming new generation to get access to higher education and research and in this process to present India as a leading knowledge power in the world.

What are the basic objectives of a university? I had the great privilege of studying, visiting, working in different capacities and researching in more than one university, some of which have great reputation. I was a student of Gauhati University, did my post-doctoral research at the University of Illinois, Urbana-Champaign, made short visits to Harvard University, University of Chicago, Wisconsin University, Massachusetts Institute of Technology and National University of Singapore, worked at the Universiti Putra Malaysia as a Visiting Fellow for a short period, served Dibrugarh University for 24 years as a faculty, and then Indian Institute of Technology Guwahati. I was also the Dean, School of Social Sciences at the University of Science and Technology Meghalaya, which is a private university. As of the date, I am associated with a number of leading universities in India. My long years of association with these universities helped me understand what a university stands for. In addition, I tried to get access to various reports, books and articles on university education to get a right perspective of university education. I have, in my long span of four decades, experienced and observed the functioning of our universities and also occasionally I have written on university education. That is why I have ventured to address an important question that often finds a space in public discourse - what does a university stand for. This definitional issue leads me to spell out precisely my understanding of a university. It is the highest seat of learning, known for its creation, criticism and dissemination of knowledge, through teaching and research, so that a dependable knowledge society is established for the advancement of human civilization. A university belongs to the universe and cannot be circumscribed to narrow framework of localism, parochialism and regionalism. I take two definitional benchmarks, while trying to explain my understanding of a university. Perhaps, anyone trying to do the same cannot perhaps wish away the valued comments made by two great nation builders of modern India.

Dr. Sarvepalli Radhakrishnan, who was the chairman of The University Education Commission (1948-1949) observed: "If India is to confront the confusion of our time, she must turn for guidance, not to those who are lost in the mere exigencies of the passing hour, but to her men of letters, and men of science, to her poets and artists, to her discoverers and inventors. These intellectual pioneers of civilization are to be found and trained in the universities, which are the sanctuaries of the inner life of the nation."[1]

Likewise, delivering the convocation address at the Allahabad University in 1948, Pandit Jawaharlal Nehru said: "A university stands for humanism, for tolerance, for progress, for the adventure of ideas and the search for truth. It stands for the onward march of human race towards ever higher objectives. If the universities discharge their duties adequately, then it is well with the nation and the people". However, he warned: "But if the temple of learning itself becomes a home of narrow bigotry and petty objectives, how then will nation prosper or a people grow in stature?"[2]

A university is the seat of higher education and research, where ideas and true knowledge grow. It is the highest frontier of science and scholarship and also a seat of academic and administrative freedom, understood precisely within the framework of the term autonomy. What is autonomy? The Oxford Dictionary presents two interchangeable meanings - (i) it means "the freedom for a country, a region or an organization to govern itself" and (ii) "the ability to act and make decisions without being controlled by anyone else".

International Encyclopedia of Social and Behavioral Sciences defines autonomy as the condition or quality of being self-governing or free from excessive external control.[3] According to German philosopher Immanuel Kant (1724-1804), often credited with laying the groundwork for modern philosophy, autonomy is important to human beings because it is the foundation of human dignity and the source of all morality.[4] It is a precondition for human dignity and source of all

morality. The modern concept of university autonomy has drawn its inspiration from the Kantian concept of autonomy, underscoring its importance in the overall welfare of the highest seat of learning. In India, Sir Asutosh Mookerjee (1864-1924), Vice Chancellor of the University of Calcutta for four consecutive two-year terms and a fifth two year term, an emphatic personality of higher education, was perhaps one of the most prominent vocal pioneers of university autonomy.[5] As a visionary, he could foresee the intrinsic values of autonomy of a university. He assiduously protected and promoted the principle of autonomy in the University, that too, during the peak years of powerful British colonialism.

It is relevant to mention in this context that when the reconstruction of higher learning began in Europe at the turn of the 18th century, Napoleon was the real architect of the new system and reform, setting tone for critical and free thinking, search for truth, and creation and dissemination of knowledge. That is why, European scholars wanted a Napoleon and not a Bismarck. The idea of giving great emphasis on granting and upholding autonomy of universities dominated the culture of higher education in Europe. The idea of assimilation, healthy criticism, creation and dissemination of dependable knowledge reverberated throughout the continent. Creation of new knowledge and building knowledge capital became the motto of European universities.

Sir Asutosh Mookarjee, an iconographic personality of university education in the formative period of higher education in modern India, could take in proper spirit the inner depth of implications of autonomy shaped during the Napoleonic era. His vision of university education was institutionalized by the University Grants Commission, set up in 1956, in a manner as to protect the autonomy of Indian universities under its jurisdiction. The university system, created under legislative enactments, is expected to uphold and promote excellence in teaching and research, so that universities are transformed into "incubators of ideas" and creators of knowledge, and powerhouse of freedom for the pursuit of "intellectual work", which, according to the first University Education Commission "is not for all, it is for the

intellectually competent." Knowledge creation and dissemination, environment conducive to critical thinking, building a tradition of interrogating rationally all forms of knowledge and an unhindered culture for open and free discourses on one and all frontiers of knowledge are the hallmarks of a university. The administrative functionaries, the teachers and the taught are the inseparable partners of the process of building a university, which stands distinguished for its cardinal characteristics known as autonomy.

The American Association of University Professors, founded in 1915 by two eminent educationists, Arthur O. Lovejoy and John Dewey, prepared a statement known as "1925 Statement of Principles on Academic Freedom and Tenure,"[6] which became the guiding principles of universities and also governance of higher education based on democratic values, participation and quality education. To them, the most distinguishable feature of a university is freedom it enjoys. The statement centres around three basic principles (i) the teachers are entitled to full freedom in research and in publication of the results, (ii) academic freedom is that teachers should have the same freedom in the classroom and (iii) university professors are citizens and should be free to speak and write as citizens "free from institutional censorship." These are autonomy-centric principles, treated as the fundamental principles of philosophy of higher education aimed at creation, criticism and dissemination of knowledge of high standard, and not for dilution of standard of higher education. In other words, autonomy is a matter of multi-layer phenomenon.

There are contesting views on the issue of autonomy. While most of the academics hold that universities must have autonomy in their structural and academic domains, and bet for the autonomy of teaching departments and teachers in preparing and implementing curricula and syllabi, in creating environment conducive to free thinking and discourses, others argue that universities are not islands cut off from the society at large. Does autonomy mean that the state may take no interest of any kind in university affairs? Does it mean that the state cannot issue a strategic direction for proper utilization of its grants? Are the universities

free from accountability? The third view is that the ideal path rests somewhere in between these two. Autonomy does not mean that the society in which universities exist or the state, which takes enormous financial burden, should remain totally aloof from the functioning of universities. Autonomy, therefore, has to take care of the right of a university to determine its own strategy for promoting academic goals, at the same time it has to be responsive to public interests.

The European Universities Association[7] has put enormous emphasis on autonomy of universities basically in organizational, financial, staffing and academic matters. Such a position presents a structural perspective of autonomy, while some others talk about the strategic dimension of autonomy, which tends to ensure the responsiveness of universities to the fundamental needs of the society. It is universally acknowledged that people generally look towards universities for guidance on crucial matters. Here comes the strategic dimension of autonomy, which is more important than structural or managerial autonomy. While the state may regulate some of the structures of governance of universities in terms of staffing pattern and financial management, without interfering in overall academic environment, including the academic decision-making process. In other words, a right balance has to be made in structural and strategic autonomy of universities. The ultimate objective of universities in creating and disseminating knowledge in an atmosphere of unfettered freedom remains the critical and distinguishing mark of the university system.

In discussions about university autonomy, one often comes across a much quoted statement that 'it is a necessary condition for excellence'. Most academics would agree to such contentions, notwithstanding the profoundness of parallel argument that autonomy is not a sufficient one. Universities do not become excellent by the simple fact that they are autonomous. They must strive for excellence by improving the quality of their teaching and research. Their governance, leadership and management must be able to respond substantially, if not wholly, to the rapidly changing environment, while putting in place robust accountability

mechanisms towards their sponsors (State, private sector, foundations etc.). The reason why universities have been the most durable institutions in history is due precisely to a unique combination of autonomy and decentralization, which has been able to manage, change and facilitate innovation in a far more effective way than any government bureaucracy or corporate hierarchy, not an easy balance to strike but still one worth pursuing.

It has been argued by a number of scholars that Indian universities are taking much care of the socially and economically disadvantaged by accommodating students belonging these segments of the society without causing a threat to their autonomy. While agreeing to the defining feature of affirmative action, it is also viewed that autonomy of the universities is downgraded in the procedure of admission of students and appointment of teachers, academic standard becomes a big casualty.

Officials and academic professionals hold different perspectives on autonomy of universities. While academics put autonomy as a precondition for a healthy growth of universities, as already mentioned, the tendency to impose restrictions and conditions on universities is a characteristic of all bureaucracies, a trait inherited from the past as a colonial legacy. That is why recently the concerned bureaucracy in Assam issued an unreasonable circular asking the state universities in Assam to sign a MoU with the Government, if pension fund was to be made available. It is arbitrary because the state universities are established through legislative enactments passed by the state legislature. The recent circular calling for a MoU is an unholy attempt to overreach the statutory provisions of the University Acts. It is also discriminatory, because the Government of Assam has been making providing pensions to the employees of colleges without such conditions. Holding the retired employees of universities in ransom is a clear attempt to undermine the autonomy of the state universities. The government should be interested in protecting and promoting autonomy of universities, and to harass those who have rendered long years of valuable services.

While betting for protection and promotion of university autonomy, I want to make it clear in unequivocal terms that freedom and autonomy cannot be absolute and unrestrained, in view of the fact that they are largely dependent on government funding. Leaving aside this life-line cardinal issue, universities are not islands. They are accountable to the government for financial support. They are more accountable to the society at large. They cannot assert their absolute autonomy, saying that they are accountable to the members of governing bodies/councils. We are aware of the media reports regarding misappropriation of fund, nepotism and favouritism in appointments, dereliction of duties of teachers in teaching, low quality research, and so on. Many of our institutions of science and scholarship are afflicted by the vices of grave nature, mostly misuse and wastage of resources created with the tax-payers money. How to make them accountable to the public at large and to the government without restricting the academic autonomy, and how to strike a balance between autonomy and accountability are million dollar questions to ponder over.

If the universities uphold and protect their autonomy, they must show initiative in devising and adopting policies and prepare strategies that will change their social composition in the long run and make them diverse and socially inclusive. It is possible to achieve that without jeopardizing seriously the academic standards. Universities in other countries have established such a tradition. As already stated, universities are not isolated islands, and therefore, are a part of the overall social and political processes of a nation. If the overall environment of a nation-state is democratic in which, as in the case of mature democracies, freedom of thought and expression, respect for diversity, search for truth and knowledge are inherently prevalent, universities shine with great degree of autonomy and demonstrate high level of accountability.

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7. The European University Association (EUA) is an umbrella organization that represents and supports more than 850 institutions of higher education in 47 countries, and provides them with a forum for cooperation and exchange of information on higher education and research policies.

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BEYOND A DEONTOLOGICAL THEORY OF FREEDOM

Dhiren Bhagawati

(*The cause is a noble one. Failing in a noble cause is merit enough. My conscience tells me I am doing the right thing, even if I come, as you say, at the wrong time.* Krishna to Vidura after his trip to Hastinapura for peace failed. *The Mahabharata, Book-5)*

A popular T.V. channel captures a scene on the river Brahmaputra below the Saraighat Bridge near Guwahati, where a child appears to be not above the age of ten is sailing on a piece of thermocole with a coil of rope in his hand. While swinging on the water with a piece of hardboard as his oar in one hand, he will throw the end of the rope fastened to a disc of magnet to the bed of the river to collect coins that the commuters in the trains that pass over the bridge offer to the river for thwarting evils. This boy struggles to live a life without a thought how every moment he puts his life at the perils of being swept away by the current of water of the mighty river. It reminds me a poem of Lord Byron, *The Gladiator.* In that poem the gladiator combated the beast to win a game in order to maintain his family. And the child in the river today bets his life to meet his school fees and help his family. All the catchwords like sustainable development, inclusive growth, green industry, clean rivers etc. are meaningless jargon unless we can lay bare the real causes behind the present day's trauma.

Our greed for wealth and development and our persistent effort to protect poverty among the large section of society and their insecure condition will frustrate our so called missions and schemes for social welfare. It will be not an overstatement to suggest that the welfare schemes of the ruling class serve on the one hand as a device to hoodwink the masses for buying their votes during elections and on the other hand offer them a share of public wealth for misappropriation. People should refuse all these welfare schemes and demand the ruling class an unemployment allowance commensurate with a minimum standard of living to all persons capable and willing for work but not employed by the system. Along with it the state should be compelled to ensure minimum wages for workers of different professions in organized and unorganized sectors. Society has created enough resources to sustain a fair living of all people. The ruling class has amassed unfathomable wealth and some of them are hiding a huge part of it. A small portion of their wealth in the form of progressive taxation will provide the resources for a sustainable income for the people living below poverty line at present.

In our liberal democracy liberalization, privatization and development have become so sacrosanct that anybody critically viewing these concepts may be grouped with jehadis, Naxalites and considered to be enemy of the nation. Allegations of receiving foreign aids may be leveled against them. In June, 2014, the Intelligence Bureau, a central government intelligence agency reported that some NGOs including Greenpeace were funded by western governments to sponsor agitations against nuclear and other types of power plants which might have a negative impact on the development projects of the country.[1] Of course, it is their obligations to prove if these organizations for popular movements received any funds from foreign agencies and if they had received how they spent it. As I am not associated in my life with any such organizations or NGOs, I wish these allegations were not true. In fact, I entertain a feeling of suspicion towards many NGOs and self help bodies. My suspicion stems from the situation in which these bodies were encouraged to grow and take over many of the social welfare and social security

activities of the state. There are reasons to believe that many known and unknown international agencies might fund these bodies.

Still I find it difficult to believe that organizations spearheading the popular movements resisting big dams, displacement of marginalized people in the name of industrialization or power generation, organizations working for protection of children and women from exploitation and atrocities and protection of the dalits and tribal people in the backward and inaccessible regions are working with foreign funds against the interest of the nation. Well, their movement might adversely affect the design of the neo-imperialist forces and their collaborators in this country. But I really wonder that even colonial rulers did not bring such allegations against the popular movement for independence of the country. The predecessors of the present ruling class along with the support of the mass people struggled against the western imperialist regimes for independence of the country. Now the ruling class offer all the resources of the country in a golden platter to the same western imperialist powers and surrendered to their disguised policies in the form of FDI, Labour Reform, Disinvestment, supervisory control of international financial agencies dominated by neo-imperialist powers, international agreements on tariff and free trade, monopoly intellectual property right agreements, ever greening of patent and patent protection.

Under the disguised policies of neo-imperialism now the term 'progressive' metamorphosed into a new avatar . For example states like Rajasthan and Gujarat which are embarking on labour reform measures facilitating hiring, training and firing easier and measures for decreasing corporate regulations are the symbol of progressive dispensation.[2] In fact, the labour reform measures of the new NDA Government at the centre proposes such measures as the extension of overtime period from fifty to hundred hours which will restrict opportunity for new employment, exemption from filing compliance reports for small firms employing upto forty workers from the present limit of firms employing upto ten workers. Interestingly workers in more than fifty percent factories in the country at present

will be excluded from social security measures provided under the factory acts. And the proposal of amending apprentice act to include contractual workers, daily wage earners, agency workers, casual workers will place the position of most of the workers in any industry insecure.[3] The justification is that globalization has integrated the world economy and development of technology has made all those things indispensable for all nations.

Globalization might have created a world class of citizens who transcended their national identity and embraced an international character in their movement, residence, culture and food habits. But majority of the people of a nation like ours were hardly affected or affected only superficially by the process of globalization. But the common people have lost many things. Their land for setting industry, hospitals, schools by private firms, their water, mineral resources, their hearth and homes and paddy fields for construction of six lane express way; big dams to produce hydropower for private industries in remote metropolis. There is now a tussle between the farmers and the corporate over acquisition of agricultural lands for infrastructural developmental projects including private and public-private collaborative projects. The problem started with advent of liberalized economy and its off-shoots like Special Economic Zones (SEZs). Responding to the widespread protests against forced acquisition of the farmers' land by the government to hand over to the corporate, the government amended the colonial land acquisition act and brought out the Land Acquisition, Rehabilitation and Resettlement Act,2013 in order to give a rational and reasonable look to the process of land acquisition. The new dispensation coming to power in 2014 soon found it an impediment to the corporate in their developmental agenda and hurriedly brought in an ordinance when it failed to get the necessary legislation through the parliament. The proposed legislation would abolish the provisions of consent of the farmers for acquisition of their lands and the due process, social impact assessment including direct and indirect impact of the acquisition on different sections of people and provide the government and the private parties indefinite time in keeping the land unutilized. It appears the monopoly finance capital has made so penetrating inroads upon our

economy that it exterminates the purpose of food security and self sufficiency in food as a purpose of our economic growth.

There is more subtle effect of globalization and liberalization on the life of the people. It has damaged irreparably the sense of community and in its place fostered a spirit of 'unencumbered self' in every individual. We hardly bother about inconveniences of others when we pursue our selfish interest and even enjoy the sufferings of others, which is exploited by private channels as sensational news. Except for political purpose when we identify ourselves belonging to an ethnic identity to score more benefits from our fellow citizens, we hardly share the community values and goodwill for others. When we see a class of people living an extravagant life style, every occasion be it Bihu, Puja or wedding ceremony or even a small occasion, we in imitation of that class immerse ourselves in pleasures defying the sensibilities of rational beings. We are sickened by the hub of this new civilization. Most of the people have to keep themselves busy over earning for their bread and when they get a chance to escape from their tedious and boring work they try to imitate the life of the fortunate few. As they cannot attain the fortune of those few, they try to enjoy the life they can afford. The social structures inculcate in them the ideological values of the ruling class.

A basic value of the present social structure is what Karl Marx coined in the second half of the nineteenth century as commodity fetishism in a more aggressive way at present. Human beings are socialized from their very childhood to worship wealth. They learn that any time is money making time (be it a ghastly sight of road accident or a person committing suicide), any relation is a money making relation, any commodity including the free gift of nature is a money making commodity. Last week I was listening to a radio broad cast of All India Radio, where someone delivered a lecture on a subject how we convert our home to an industry. I was thinking that the idea of converting every home to an industry had permeated every mind in this society. In a sense Max Weber was right in attributing the Protestant ethics the reason behind the rise of capitalism. Because society's

religious, educational and cultural structures are recast to serve as an ideology of the new economic relations. Revolutionary technological innovations in the areas of communication accelerated rapid flow of capital throughout the world. A new technological culture has developed. In cinema, in music, in sports as well investment of capital and application of new technology transformed the domain of culture and sports into a big business enterprise. Fusion and cocktail in music, science fantasy, horror and crime blockbusters in movies, IPL, ISL in sports - all these are phenomena of big investment and big bazaar. Practices of culture and sports aim at providing entertainment and an egoistic pleasure to the audience, which reinforces the basis of present society and the regime.

How to resist these advances of the neo-imperialist forces within the constitutional arrangement of liberal democracy is a difficult task. Any idea of radical alteration of the present order by violent and revolutionary means is a self-satisfaction never expected to be fulfilled. For the time capitalism has triumphed the world. The global network of technology and expansion of military power has made neo- imperialist capitalism invincible. The situation is confounded by the challenges posed by religious fundamentalism to the progressive forces and their struggles. It is not absurd to think that the neo-imperialist forces may come in terms with the fundamentalist and terrorist elements which are offshoots of their power. When the neo-imperialist forces decided to destroy the regime of Saddam Hussein in Iraq, they invented excuses like chemical weapons of Iraq. Their action led to the destabilization of a secular and secured region and converted it to a hot bed of terrorist activity. Taliban in Afghanistan and Pakistan were creation of the imperialist power to contain Soviet power. Now the imperialist powers are collaborating with the religious fundamentalism of Saudi Arabia in their fight against some common enemy. Saudi Arabia is known for denial of basic freedoms to her citizens. Not to talk of any punitive action against that country for such barbarous act as flogging of persons accused of pursuing free debate on religious and political matters imperialism finds an ally in that country. The western imperialist powers depend on that country for fuel and markets for their products.[4] Resisting imperialism,

fundamentalism and terrorism as common enemy deserves a novel and unique approach for which classical theory of people's liberation may not come with a ready answer.

Someone may advance the contention from my words that I am opposed to economic development of our nation and my ideas would place the country behind others. No one desires pace of development to slow down in case of one's own nation. But my ideas are meant not for any one nation. It is my experience and observation with my own situation which I often narrate but my suggestions constitute a general formulation for all human beings who prefer a decent living with an equitable distribution of wealth in the society to a chaotic and frenzied race for accumulation and dispossession. The symbiosis between nature and human existence is threatened by the ecological imbalances, global warming and rise of sea level. High rise of toxic gas in the air, unlimited exploitation of underground minerals, deforestation forcing extinct of many rare species of flora and fauna from the earth, erecting big dams on the rivers endangering the life of surrounding natural habitats, non-degradable chemical products, production of bio-fuels, excessive use of fossil fuels, etc. are activities of the human beings directed by the motive of higher productivity and more profit and more accumulation of wealth and more investment and still more profit — the unsaturated desire to infinite possession.

Unless there is a break on this process of infinite possession it not only makes human living for most of the people unbearable but prophesizes a doom for human civilization also. Where and who first put on the brake depends on the extent of comprehension and appreciation of the imminent catastrophe to human civilization. Those western nations who were at the forefront in making the world unsafe for human living now tried to shift the danger to the developing nations by dumping their garbage on the territories of these nations and imposing their model of development on these nations. High technologies what once they monopolized facilitated their export of capital to the developing nations. But now some of the

developing nations particularly China outpaced the Western powers in technological progress and chose the same path of development like the west. Even a country like Cuba which resisted the crazy race for growth now appeared to fall in the line. As they say capitalism has triumphed the world but what they do not say is that capitalism has ruined the world also.

Ours is not an-antidevelopment approach, nor are we against revolutionary changes in technology. The fruit of modern technology is appropriated at present by conglomeration of industry, military and political power for the furtherance of the interest of monopoly capital. In its place we want the use of technology for improving the conditions of life of all people- in education, in health, in agriculture, in communication, in construction of roads and buildings and many other spheres but not at the benefit what a class of people can access. An argument is advanced that progress of science and technology is facilitated by the incentives of huge surplus profit of capitalist production. We are not denying that capitalism has made it possible to eliminate dearth and starvation from the earth by producing in abundance. But it cannot survive without keeping a large section of population in destitute and starvation, what Marx called a huge army of unemployed, to provide human labour at subsistence wage. Since the death of Marx, the advent of socialism and the welfare state, this concept of subsistence wage was attacked and was replaced by social welfare and labour regulation measures. From the turn of the century these measures were discarded and labour reform and economic reforms were imposed all over the world to restore the regime of subsistence wage and the policy of hire and fire.

The moot question is whether science and technology can not advance without a huge surplus profit to spare for its growth and create the incentives. Surplus is to be produced but the diversion of the surplus for rendering socially necessary services, development of science and technology and for future production is to be decided by the society. What differentiates this decision making from authoritarian decision making of some of the erstwhile socialist regimes is the

democratic nature of the future social decision making. Democratic in the sense it is to be decentralized involving people in a way that people feel that they can make a difference in the functioning of the system. Secondly certain traits of liberal democracy, like respect to difference of opinion and dissent, a measure of personal freedom including freedom of conscience, cultural diversity and tolerance of others is to be made a meaningful part, not merely a façade of the constitutional structure. Thirdly, control over the economy – market, credit and banking, working of the multi-national companies and corporate industries is to be exercised by the supreme body of the representatives of the people. The present bodies of the representatives of the people are constituted largely by brokers of the owners of property. It is to be so because the present ruling class consists of monopoly capitalists, their political agents and military. Even though it is not possible to radically alter the class character of the political institutions, efforts should be made to curb the influence of monopoly capitalism both national and foreign over the political institutions and purge these institutions from thugs and frauds. A semblance of neutrality of the state and its institutions is to be upheld. Fourthly, certain basic principles like democracy, socialism, secularism and federalism should be clearly defined and adequately spelt out in the constitution and these principles should be made a part of the basic structure of the constitution not amenable by political parties according to their ideologies. An arrangement of planning not merely of the economy but the other vital aspects of social life like health, education, employment etc. should be constructed at different levels from village to the national levels. Planning at the highest level should be fed with the inputs from the lower levels. Planning should be a political exercise where experts and technocrats should perform the counseling and decision should be made by the consensus of the political forces.

Theoretically a neutral state is possible where different classes in society are placed in a situation where no class is dominating[5]. That is not the position at present anywhere in the world. Rather the working classes and the peasants are the most disorganized classes today and in a run-down condition. The primary task will be to organize these people and to raise their status to that of a class. This is the task the communist parties should have first priority but they failed. If the lost

position of these suppressed classes could be regained in the society and they are again organized, the idea of a neutral state will have some relevance. A minimum degree of independence of the state from the dominant classes is to be secured in a liberal democracy for its functioning in the interest of all people. But the working of the governments in this country since independence and particularly from late eighties more vigorously, betrays its class character.

Our emphasis on neutral state is motivated by our concern besides the welfare activities, for the promotion and use of technology. Now the western and the developed nations claiming to be the avant-garde of most of the technology imposed unfavourable conditions on sharing technology with other nations. But we have observed how non-western nations under compelled situation or otherwise too are able to develop similar technology in an indigenous way even at a lower cost. India's green revolution in late sixties and the recent space craft mission to Mars provide ample evidence of it. Cuba has developed a brigade of medical experts who are rendering services to different nations of the world. China laid the foundation of the infrastructure during Mao's period, on which the development of the super economy of latter period became possible. So the argument that the promotion of technology is possible only in a free and monopoly economy is not tenable. A state which is neutral and impartial towards different classes can help in the consolidation of masses in their different class statuses.

Two important requisites for making liberal democracy relevant to mass of the people are a universal, secular and uniform primary education in mother tongue for all children of a society and an assured minimum standard of living to every person in keeping with the scientific and technological advances of the society. A primary and high school educational system of same standard and instructions to be imparted in the mother tongue of the pupils and all the institutions should be maintained by same bodies like management committees which are aided, supervised and audited by the government; and equal material facilities are provided to all these schools would ensure equal type of education for all. Moreover, the curriculum

must be secular in a sense that it avoids religious instructions and discriminatory treatment of religions and also religious practices in educational institutions. Primary and high school education must be compulsory but it need not be free. Practices like mid-day tiffin and occupation of school premises for non-academic purposes and employing teachers for other than teaching work must be stopped. No teacher employed in a school will be allowed to give private tuition. Merit objectively determined should be the only criterion for appointment of teachers. Teaching is also a work. Therefore training and professionalism among the teachers should be encouraged. After high schools, students should be sent for different branches of learning like science, technical, commerce, humanities etc. according to their aptitude. But the present practice of dumping majority students in the study of humanities should be discouraged and in its place these students should be encouraged to pursue different lines of vocational education. Till the completion of high school level education should aim at imparting knowledge to create a human being out of the child, being aware of her / his potentialities and social responsibilities. After that level it is the task of the society to create man power out of the youth to man trades, professions and business and impart them the requisite skills.

Second requisite of liberal democracy to make sense for most of the people in the society is to ensure on the part of the state a decent standard of living including a house for every family and health care at reasonable price for every person. If there is no scope of full utilization of human resources by the economy in a liberal democracy, still the state should provide for unemployment allowances to those who seek work but cannot be absorbed in meaningful work. But it should be a temporary measure and the state must strive to give them work with a view to enhancing the purchasing power of the people. The state is not supposed to help one who is poor by choice i.e. a person does not like to work after getting the education the person deserved. We are not in favour of subsidy and remuneration without work. Everyone must get an opportunity to work. How this full utilization of resources and enhancing purchasing power of more people is possible without a redistribution plan? A redistribution plan is inimical in the view of proponents of

liberalized economy to investment and growth of the economy for which what was once called progressive taxation policy was dubbed now as 'unsustainable taxes'. A consensus has been developed among the ruling classes of almost all the societies to strive for tax simplification, policy stability, raising the rate of foreign investment in different sectors of economy and lowering tariff. In this atmosphere to talk about a redistribution plan is an abysmal absurdity.

Redistribution of wealth involves progressive taxation on the super rich and rich, society's ownership of means of production and radical land reform measures imposing ceiling on land holdings etc. which do not accord with the basic liberty of liberal democracy. Liberal thinkers like J.S. Mill, T.H.Green, L.T.Hobhouse, H.J. Laski, John Rawls etc. were seized with the problem of reconciling claims of liberal democracy to the need of social justice. Let us see how one of them, John Rawls tried to resolve it without going into the intricacies of his logical arguments. Rawls wanted to lay down certain principles which should guide how the major social institutions distribute among the members of society rights, duties and advantages accrued from social cooperation. He acknowledged the inequalities in the distribution of primary goods in society and tried to find out a way to justify the inequalities. But for him the principles of distribution must be a ground for just social order. He discovered two principles of distribution leading to a just basic structure in society. These are:

(a) Each person has the same indefeasible claim to a fully adequate scheme of equal basic liberties, which scheme is compatible with the same scheme of liberties for all ; and

(b) Social and economic inequalities are to satisfy two conditions: first they are to be attached to offices and positions open to all under conditions of fair equality of opportunity and second, they are to be the greatest benefit of the least advantaged members of society (the difference principle).[6]

Now, Rawls as an advocate of liberal theory though he carefully concealed his affiliation to liberal theory in his writings, talked about equal basic liberties of all persons, which was not possible in any liberal society. Being aware of it he would go for certain principles that would justify these inequalities provided certain conditions were met. Even here his emphasis on equality was confined to opportunities in holding offices and positions in society; not beyond that. However, he looked radical in his third argument for balancing inequalities with the condition of their subjugation to the greatest benefit to the least advantaged. Then he talked about the priority principle according to which the principle of distribution of civil liberties was placed above the two principles to justify inequalities. Again, the second principle of equalities of opportunities was placed above the principle of greatest benefit to the least advantaged. This hierarchy of order of the principles was embedded in his principle of upholding the supreme concern of the liberal theory, the inviolability of person and his/her rights. Well, if we attempt a rearrangement of Rawls' order of the two / three principles it might serve some purpose of equality but it would violate the very spirit of his liberal philosophy. Even then the cost will be commensurate to the extent of benefit it will meet to the least advantaged people of a society. Liberal theory will have to pay that cost if it wants to be meaningful to the largest section of a society. Our proposed rearrangement of Rawlsian principle will place social and economic inequalities subject to the greatest benefit to the least advantaged members of society first, and they being attached to offices and positions open to all under conditions of fair equality of opportunity secondly. Secondly, inviolability of person and his/ her liberty will be guaranteed so far they are compatible with the first two conditions in our rearranged order. Civil liberties of the individual are sacrosanct so far they do not clash with the demand that inequalities must be to the greatest benefit of the least advantaged and positions and offices open to all under conditions of fair equality of opportunity. In the rearranged order too civil liberties at the micro level will remain largely unaffected. Civil liberties are under more stringent restrictions both formal and informal in a liberal democracy like India. And what is the meaning of this civil liberty for a

person freely carrying a gun and shooting innocent people in the street or in the schools and then the court acquitting a murderer because the innocent happened to be of different race?[7] Liberal democracy practices all sorts of restrictions on individual freedoms like Armed Forces Special Powers Act, Preventive Detention Acts in India. Extraterritorial Detention Camps, Surveillance on individual communication, Special powers of the executive concerning terrorism in some other prominent liberal democracies point to the state of individual freedoms in these societies.

All these powers of the state are justified on the ground of some pre determined values in the interest of the ruling classes and it comes to be a teleological theory. On the other hand, if we accept the premises of deontological theory of Rawls there would be no limitations on civil liberties of individual even to meet his second principles. Liberal democracy will be an abstract referent only. Rawls could have made his liberal theory more realistic by subjecting his first principle to his second principles. But he could not do it for his liberal compulsions and for it his approval of a democratic socialism looked farcical. Our rearrangement of his theory will make it upside down. But then only it will have meaning for the least advantaged classes of people in the society and add some value to their aspirations and vision of a better society. Rawls' compulsions were overcome by another liberal thinker almost half a century before him. For this predecessor of Rawls the true self of the individual is his/her own, a product of milliard of acts, good and bad and indifferent. The ultimate isolation of the individual personality is the basis from which any adequate theory of politics must start.[8] After admitting that Laski candidly observed, " how devoid is the concept of freedom once it is divorced from the context of equality...Most political speculation was inadequate because it failed to understand the dominating influence of the property relation in determining the purpose of the state".[9] Of course, the situation was different. In Laski's time the liberal theory was not that secure and it faced invincible challenges from its opponents. In Rawls' time it was not only free from rivals but was metamorphosed into a type what even Rawls would not recognize in its new incarnation.

Let us see the practicability of the Rawlsian formulations in a complex and diverse society like ours. Inequalities in that scheme will have to meet the condition of keeping offices and positions open to all under equal opportunity of all which as it stands now is a mere impossibility for the economic, social, regional and institutional disparity prevailing in our society. And this diverse disparity is growing enormously in the last few decades. Third condition in Rawlsian formulation that inequalities to be justified must attain the greatest benefit to the least advantaged persons in a society will entail in actions on the part of the state that will undermine drastically Rawls' sacrosanct dictum that " each person possesses an inviolability founded on justice that even the welfare of society as a whole cannot override." Fair equality of opportunity requires the type of primary and high school education that we have suggested a few paragraphs above, a universal and uniform health scheme both at primary and specialized levels, a permanent residential house with minimum facilities of the time for every family and a bill of rights securing basic liberties to individual guaranteed by the courts at nominal cost affordable by the least disadvantaged persons. And if inequalities were to achieve the most benefit to the least advantaged one in the society, we needed measures in the line of the People's Republic of China in the Mao period. Mao's *On ten major relationship,* the State Council's directive to stabilize the income of an urban wage earner at the level of an average peasant's revenue, eight grades wage scale aimed at realizing the equality along with the growth were some measures to attain the best benefit and neutralize the adverse effects of economic inequalities in Mao's China. It is worth consideration if these experiments with some adjustments can be applied within the framework of a multi-party system and a scheme of civil liberties. For example in our situation a radical land reform policy providing ceiling on land holdings for cultivation and residential purposes, regulating transfer of agricultural land for industry and development purposes, rehabilitation of displaced persons- displaced by natural calamities, industrial disasters, construction works; progressive taxation on earnings above a rationally determined limit, stringent punitive measures on money launderings, unaccounted wealth, holding accounts in foreign banks by resident

citizens and such other measures will reduce the disparity of wealth among the people. Without the adjustments liberal democracy as it is developing now and will continue to develop, will not ensure freedoms to all individuals. Further these adjustments may seek alterations of priorities in the constitutional structure within the bounds of the basic principles. Knowing well that the existing political organizations including the political parties are making a farce of the basic principles we insist that these principles need to be vigorously pursued and effectively followed in state policies.[10]

I reiterate that my suggestions in the above pages are mere adjustments with the existing arrangements of a liberal democracy without seeking a radical alteration of it. I have two reasons to seek the adjustments. First as I mentioned above that a radical alteration of the system at present stage of international relations where every nation was inseparably integrated to a network of cooperation technologically and economically in an international order and where the super power though challenged by rising new powers yet spreads its security web throughout the globe which no country could escape from its surveillance and control, is a near impossibility. The arena of conflict is occupied by the orthodox state order and the non-state zehadi terrorism where other forms of resistance to power are clubbed with terrorism for branding them as enemy of people, as though progressive thinking itself is a casualty of fundamentalism and terrorism. Secondly people are distracted from resistance by the religious and political culture of our time. The ideological superstructure including the electronic media and educational institutions are engaged in depoliticization campaign in order to achieve an estrangement of the popular resistance. Estrangement of popular resistance! One may ask how it is possible if it is at all popular.

In a traditional society where religion preoccupies people's consciousness conservative forces erect an edifice of religious ideology to prevent radical ideas seeking progressive changes from reaching the mind of the people. During the colonial period some religion based organizations like Brahmo Samaj, Arya Samaj did perform some social reform activities and even after independence organizations

like Ramkrishna Mission continued to perform social service activities like other charitable organizations and they created no problems for a secular country. But now some religious organizations are seeking to establish a new identity of the nation which may have political implications inimical to popular resistance. For example, the organizations which have a design to impose a monolithic culture based on the dominant religion of the country may be a threat to the federal nature of the polity, secular principle, the plurality of our thought and expressions and the democratic movements of the people against the coercive power of state and monopoly capital. A theocratic state like Pakistan known for its notorious blasphemy laws is a great apprehension for all rationally thinking people. India taking those steps would be an insult to our sublime civilization. Moreover, the philosophy that the Hindutva represents is an enigma not only to the followers of Islam but to the Christians, the Sikhs, the Buddhists, the Dalits, the tribals of the Northeast and to great extent the Dravidians of the South. I wonder how that philosophy can hold this nation together. Unity emerges from understanding and tolerance among different groups not through imposition of a monolithic culture or developmental projects from above. Unfortunately the religious and political conservatism gathered strength in this country since the last decade of twentieth century and ultimately attained the seat of power. Recently when it won the elections with the slogan of development, its Hindutva philosophy and its clandestine program of a Hindu Rastra found expressions in its multitude of retrograde activities and expressions. What could not be imagined in nineteen fifties could become a common place in public life of this country. For what is happening at present in this country the so called secular parties ever-prone to compromises with the communal and fundamental forces of all religions and the left parties' appeasement policies to fundamentalism of the minorities[11] are largely responsible. In this situation the struggle to preserve the liberal democratic values has become the immediate necessity of the time.

Again, elections and popular representation have become a charade in our parliamentary practices. A few months ago different sections of Assam were agitated over the issue of nomination of a person from another state by the ruling party to

represent this state in the upper house of the parliament. Several issues are involved here. Many people consider this region as their colony to exploit its resources and grab its jobs and other economic opportunities. It is not a few politically illiterate people who indulge in such behavior. Even the national political parties among which is the Indian National Congress which accepted the federal principle of Indian politics long before India was federally organized consider imposing it's so called ' mainstream' line of thinking and action on the people of the region. Any resistance to it is branded as secessionist tendency. Is it possible to apply a notorious act like AFSPA in any part of the country? For three times Assam Assembly sent a representative to the upper house of the parliament, who had no relation with Assam culturally or otherwise and who was an apolitical personality to lead a government and had no regards for popular election because he never fought one. Still people accepted him because he was a dignified person and held highest political office of the country. But this time the same political party surreptitiously sent a person who faced criminal charges in the past and whose political image was very low in terms of his style of leadership. People of Assam never knew him for any of his action relating to the state. There is no other place to dump him so he was thrown to the state of Assam. The party leadership of the state of pre independence and immediately post independence period attempted and successfully so, on certain occasions to thwart the central leadership's unilateral decision.[12] That party lost its democratic functioning and became ideologically bankrupt.[13] The present leadership of the party in the state was detached from popular movements and issues. I have strong doubts that the present leadership could see beyond their immediate interest of protecting their power, making wealth and ensuring smooth transfer of power to their off-spring.

It is not merely the seat in the upper house of the parliament which has symbolic value only, even the real interests of people in terms of agricultural lands, natural resources and setting up of mega-electric power generation projects that the present leadership of the oldest political party of the country, which once swore by the principle of socialistic pattern of society, is offering a golden platter to national

and multinational capitalist houses destroying the hearth and home of the indigenous people and the environment. The federal character of the political system which is considered an element of the basic structure of the constitution as interpreted by the highest judiciary of the land is often sacrificed for political expediency of the ruling class. A system cannot ensure freedom to the people if its rules are more violated than observed. A federal system providing an upper house to represent the interests of the states separately from the popular house cannot promote a multicultural society and cannot preserve the distinct character of the federating units if it functions so perfunctorily as to offer a safe haven to political rivals or rejected leaders.

In the recently held elections for three seats in the upper house of the parliament where the members of the state assembly could elect three representatives and the ruling party with its ally had the strength of electing two members and the opposition parties united had the strength of electing one member. But the manipulators of the ruling alliance made the prophecy of winning all three seats. Surprisingly they did not resort to win over opposition candidates to vote for their party but some of the opposition candidates defied the party whip and deliberately invalidated their votes. As it is a secret ballot they knew that the system would protect their misdeeds and the courts would not easily reveal their names. Common citizens who elected these members had no way to know who cheated their respective parties. Parliamentary democracy functions on the basis of certain conventions and to follow the party whip is such a convention. There was enough scope to discuss an issue in the party and once a decision was taken every one in the party was expected to obey it. If there was any dissent that should have been made public before the election. No one did it and the act of those legislators was a betrayal of the cause for which a common candidate was nominated by the three opposition parties. Is not it a travesty of popular will?

Capitalism creates a culture that also obliterates popular resistance. The news telecast by the popular channels in television, the melodramas in our popular

films of Mumbai, the happenings around us like the incidence of rape incidents, killing of wretched women as witch, mob fury over petty theft cases, people dying in stampede in religious convergence of people, people scrambled to collect packets of salt which has virtually no exchange value but was made artificially scarce by a rumour network of a political party to embarrass the other party, crowd gathered around god men to seek panacea to their woes, some people waiting for any occasion to be saturated in their desire and greed, that too without least care for the interest of other human beings, the ruling class carefully preserving a huge segment of people in a state of destitution so that these people had to live on the mercy of the ruling class and faltered to return them to power at an interval, still citing the slogan of devolution of power to the people, these are some of the ingredients of the culture of the liberal democratic order. This may be termed as the culture of domination perpetrated on the people to frustrate their struggle of resistance.

Still we have witnessed numerous popular agitations against the policies of the government. The agitation of the landless people of Guwahati in the beginning of 2015 was an example of how people are thrust to resist an ineffective regime. The present day Guwahati was once a conglomeration of hillocks and marshy lands inhabited by tribal people, mostly the Bodos and the Karbis. In the course of development of the city most of these people lost their lands to migrants from other parts of the state. In the early seventies when the capital was shifted from Shillong to Guwahati there was huge influx of people to the city and most of the government lands were occupied by people. While some of these people were landless people others were influential people like politicians, bureaucrats, businessmen. After the process of liberalization grabbed the economy the government allowed the big business houses to occupy these lands at nominal cost while the same government refused lands to indigenous people in the excuse of preserving hills and water bodies around the city. Had the government little worry for ecological concerns it would not have allowed any sort of occupation of these lands. We know how the government both at the centre and the states regarded ecological concern as the obstacles to privatization of resources. Recently an organization of the landless

peasants and workers was spearheading a movement for securing the land rights of the people who were settling in these lands over the decades. It was basically a movement of the landless indigenous people. The government on the one hand declared that it would not permit settlement on hills and water bodies but on the other hand hurriedly selected some people whom it would confer land ownership certificates apparently with an eye to the coming parliamentary elections. The problem of landless people is most acute in the state. While the great portion of agricultural land was captured by the foreign and Indian tea planters since the middle of the nineteenth century, now land near the roadside throughout the state is owned by the business class mostly from outside the state. Then the newly arising rich class consisting of corrupt officials and employees of the government, contractors, service holders of public and private enterprises scrambled for purchasing lands in the urban areas. There is huge migration of people from the rural areas to the urban centres for the loss of livelihood in the rural areas. In this situation Assam needed a land policy to benefit the landless people of the state. Certain aspects of the land policy should be complete ban on transfer of agricultural lands to non-agricultural purposes, effectively enforced ceiling on occupation of both agricultural and non agricultural lands, transfer of surplus lands to landless indigenous people, distribution of illegally occupied lands of the tea gardens, rather I suggest distribution of lands of sick tea gardens among the landless tea-workers, permanent settlement of the people who lost their land for erosion and construction of dams and industries. I do not think any political party, national or regional in the country has a program to resolve the problem of landless people in the country. Both the big national parties are wedded to the ideology of liberalization, the regional parties sacrifice the interest of the poor peasants and landless people to accommodate the interest of petty bourgeoisie of the regional level and the left parties are obsessed with the growth of the GDP for which industrialization at the cost of environment and agriculture obtains priority.

What happened on 24th February, 2014 at Guwahati was a reflection of the accumulated suffering and frustration of the suppressed people of the society.

The organizers of the agitation of landless people declared their program of protest against the government decision to distribute land ownership certificates among small sections of people without proper planning. They also attempted to bring the government into negotiation but the government was obstinate and employed the security forces as if it was waging a war against the people. With all their batons and arms police were not prepared to meet a situation of self sacrifice on the part of the agitators in spite of repeated declaration of it. At last when an agitator attempted to immolate himself police had no means to rescue him. With hundred per cent injury the agitator died after four hours in the hospital. The sole concern of the government and the ruling party was to make all success of the election campaign of its heir apparent to the dynastic rule of the party. Recent history of the country is replete with similar agitations of people despite the depoliticization process initiated by the regime.

In this small narrative on freedom we raised two questions. First was the plausibility of liberal theory to ensure freedom to each and every individual in the society and we suggested a recast of the traditional liberal theory to dispel the misgivings. Second question was the inevitability of the state and exercise of political power to act as an enabling agent of the monopoly capitalism on the one hand and as a bulldozer against the mass movements of suffering people. The traditional liberal theory could not resolve our first dilemma and the socialist theory could not resolve our second dilemma. However, there is no end to human ingenuity.

(This article is a part of a manuscript under preparation by Dhiren Bhagawati)

Notes and References:

1. See the editorial, " Answering to law, not to Caesar", *The Hindu,* June 18, 2014, Kolkata.
2. See the use of the word by Kenneth R. Weinstein in an article, " Far from sunny optimism" in *The Hindu,* November 11, 2014, Kolkata.
3. See Kushal Debnath, " Sram Ain Sangsodhan Prasange" *Aneek,* November 2014, pp16-18, Kolkata, a monthly little magazine in Bengali.
4. Ian Black, "Global outrage at Saudi Arabian blogger's public flogging", *The Hindu,* January 13, 2015, Kolkata.
5. Karl Marx in his *The Civil War in France.*
6. John Rawls, *Justice as Fairness: A Restatement,* Cambridge, Massachusetts Belknap Press, 2001, p 42.
7. For example, the Ferguson killing and the trial.
8. H.J. Laski, *Liberty in the Modern State,* London, George Allen and Unwin Ltd., 1961, p51.
9. H. J. Laski, *The State in Theory and Practice,* London, George Allen and UnwinLtd., 1934, p103.
10. For a thorough discussion on evolution of equalities and inequalities in Indian economy interested readers may refer to Amit Basole, Deepankar Basu, "Relations of Production and Modes of Surplus", http://scholarworks. umass.edu/econ_workingpaper/109, accessed on 24. 12. 2014.
11. The plight of Taslima Nasreen in the left front regime of West Bengal, 2007.
12. Decision to tag Assam to grouping pattern was an example of it.
13. See the letter of Jayanthi Natarajan to the party president published in *The Hindu,* January 30, 2015, Kolkata.

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ROLE OF FAITH BASED CIVIL SOCIETY INSTITUTIONS IN COMBATING RELIGIOUS EXTREMISM: A CASE STUDY OF *TABLIGHI JAMAAT*

Adil Ul Yasin

> Beware of excessiveness in religion, (people) before you perished as a result of (such) excessiveness.
>
> - *Prophet Muhammad*

The pluralist society of South Asia is divided into various religious and ethnic groups. People of South Asia are the inheritors of deep-rooted religious traditions one of the consequences of which is the splitting and fragmentation of the society on religious faultlines. Some of the religious traditions have also acquired a distinct local flavour shaped by the cultural traditions of the land where they thrive and flourish. This is particularly so in case of Islam, which was largely impacted by the development of modern education and the process of socialization in India, which had very little influence of a Middle Eastern language. Mushirul Hasan has aptly commented on the distinct continental character of Islam practised in the region, which is very different from the Islam practised in the Arab world and in South East Asia. In his words:

> The entry of Muslims in South Asia through so many and such separate doorways and the diffusion of Islam in different forms one to other ensured that the religion would present itself in those different forms. Neither to its own adherent not to non-Muslims did Islam seem monochromatic, monolithic or indeed monoanything.[1]

India, Bangladesh and Pakistan accommodate the next largest number of Muslims in the world. Muslims in India today form about one third of all Muslims in the world.[2] Of late, religious extremism has emerged as a major challenge to peace and security in South Asia. Unfortunately religious extremism threatens all liberal institutions above all the civil society institutions. The traits of religious extremism are evident in rigidity of purpose, the simplification of worldview and the loss of critical judgement. Two related factors are largely responsible for this sorry state of affairs. One is the *Islamphobic* climate, which indirectly helps religious extremism by projecting Islam as anti-democratic, anti western and anti modernity. Islam thus has been vilified as an intolerant religion. Secondly, there are instances when Muslims don't hesitate to indulge in arrogant and self-advertising displays of their purity of religion. No less a person like Badaruddin Tayebji has remarked that, when such a display is made in the name of religion it unfortunately not only harms the person who indulges in it personally but does damage to the religion under whose cover he indulges in such activities.[3]

The present paper makes an attempt to understand the evolution as well as the potential role of the *Tablighi Jamaat* – a faith based civil society institution of South Asia in impacting the lives of the South Asian Muslims in an increasingly polarized social set up of the region. There are two factors which gives *Tablighi Jamaat* a unique position on the strength of which it can creatively and imaginatively combat religious extremism. *Firstly* it is the only Muslim faith based civil society institution, which includes all classes of Muslims into its fold – rich and poor, literates and illiterates, city and village dwellers. Even, various sects of Muslim community like – Shia, Sunni, Qadiani, Kharijiyya, Qadariya and Mutazila are the adherents to *Tablighi Jamaat*. Its network has been spreading from remote villages to town and metropolitan cities like – Delhi, Karachi and Dhaka. It has a tremendous potentiality to change the Muslim psyche by giving proper message of Islam on the basis of Qur'an and Hadith. *Secondly,* the wide reach of the *Tablighi Jamaat* necessitates that it is not led by people who hold obscurantist ideas. *Tablighi Jamaat* is thus the only institution, which has the potential to act as a vehicle of social

change both for the best as well as for the worst. The present paper besides exploring the precise relationship between faith based civil society institutions and extremism will also suggest mechanisms to reduce the force of extremism through the skillful use of these very institutions and thus create an atmosphere of domestic and regional peace. An attempt has been made to understand the origin, organizational framework and basic principles of the *Tablighi Jamaat* in perspective. Some suggestions have also been offered to deal with certain issues of Muslims pragmatically within the boundary of principles of *Tablighi Jamaat*.

Historical Background:

Tablighi Jamaat was founded by Maulana Muhammad Ilyas (1886-1994) in 1927. It appears that the work of *Tablighi Jamaat* practically began on 28 April 1930 from Jamia Muzaahire-e-Uloom, Saharanpur.[4] At first the activities of the *Jamaat* was centred in and around Mewat. By 1950 it had expanded from the Indian subcontinent to the Arab world, Africa, South East Asia, Europe and North America. Initially it was very popular among the villagers and peasants but soon all classes of people became members. Maulana Muhammad Ilyas had selected following persons: Maulana Muhammad Yousuf, Maulana Mohammad Inamul Hussain and Maulana Zakaria to look after the *Jamaat's* work after him.

Tablighi Jamaat is a voluntary group preaching an Islamic way of life. It is principally directed towards fellow Muslims whose faith seems to have been corrupted. In the Indian subcontinent as well as in South Asia *Tablighi Jamaat* accord primacy to Nizammudin Mosque (Banglewari masjid), New Delhi. *Tablighis* are dependent on local, provincial city and village resources and funded by the individual themselves to carry out the day-to-day activities of the *Jamaat*. Anybody who says and believes in the meaning of '*Kalimah*' (Allah the God and Muhammad as the prophet of Allah) becomes a member of this community. The group, nation or country he/she belongs to has no effect on his status. It is interesting to note that movement activists located in the civil society space seek to remain outside at least partly from the institution of the state. Muhammad Talib gives elaborate description of such stand of *Tablighi Jamaat*. He writes:

> *Tablighi Jamaat* activists are constituted within a sphere of society that is intended to remain outside the fold of economy and state. It remains in the intimate sphere of family and neighbourhood and the sphere of associations. The network of associations of *Tablighi Jamaat* is periodically reproduced through enduring form of self-constitution and self-mobilizations.[5]

With good deeds their aim is to develop a clean and spiritual environment in the society. They engage in a morale struggle against the established order by bringing out a blue print of an ideal life through proposed programme of *Jamaat*.

Tablighi Jamaat's whole programme is based on *six principles.* The six principles becomes the core of the relationships between *Tablighi* and God. These six principles are orally narrated during the presentation *(bayan)* in the mosque and constitute the norm on which daily life is modeled. In each presentation of six principles there is a speaker and a group of people listening with great attention. The speaker is not necessarily a theologian. The listeners sit close to each other on the floor of the mosque. The speaker narrates the allegories, metaphors and stories. Listeners are very much influenced by these speeches and accept it unquestionably.

Six Principles of Tablighi Jamaat.

- The first principle is *Kalimah*- that is Allah is the only God and Muhammad is the prophet of Allah. Allah is the sole guardian and present everywhere, seeing and hearing everything in the world.
- The second principle is *Salaat* or *Namaaz.* Regular prayers, five times a day should be a full-bodied engagement of the believers. It is very essential to offer *Salaat* with devotion and strive for making it forceful. *Salaat* is the affirmative instead of the negative way for prevention from forbidden.
- The third principle emphasizes on *Ilms* (knowledge of Allah's commands) and *zikr* (remembering Allah and his prophet). During the course of the *Jamaat* maximum attention is given on the functional knowledge of *Salaat,* its basic conditions and memorizations of what is recited during the *Salaat. Zikr* is nothing but a continuous remembrance of God so as to intensify

ones devotion to Him.[6] Maulana Inamul Hasan an ardent *Tablighi* testifies "Rains do not allect stones but the Soil. The hardness of heart is more than that of stones. A heart is influenced only when it is soft. Hearts are softened by hymning the name of Allah.[7]

- The fourth principle is *Ikram-I-Muslimeen* (respect for every Muslim). The apparent aspect of Ikram is to have affection for the creation, show mercy upon them, protect them from worldly troubles and provide comfort to them. There should not be any authority, seniority, racial superiority, economic status and nationality among the *members* of *Tablighi Jamaat.* The head[8] *(Ameer) takes* special care not to invoke the principle of seniority or merit in relation to novices - in the *Jamaat.*

- The fifth principle of *Tablighi Jamaat* is sincerity of intention *(Ikhlas).* Sincerity is to perform deeds for the pleasure of God. It is not to be claimed rather to be achieved. Keeping an eye on ones' shortcomings and weaknesses is the only way to perfection The strength of the *Tablighi Jamaat* lies on *Ikhlas* that is intention. Some may join the *Jamaat* with the intention of visiting new places, recreation and shopping. But that is not the purity of intention.

- The sixth principle is *Tafrigh-i-Waqt,* means sparing time. The believer will have to spare time as much as possible for inviting others to the command of Allah and the ways of the Prophet. This may involve leaving home and family for the specified time.

The call or *dawah* (based on these six principles) is the main purpose and goal of *Tablighi Jamaat.* The person who gives the call is a *Dae'e. Dawah* focuses on the universal invitations within faith and usually reformist in orientation. It has a legitimation for claims to independent authority within the nation state: and a call to membership in the righteous Muslim community.

There is a well-knit schedule of *Tablighi* programme. First a *Tablighi* works in his residential locality, which involves weekly taking a round (Gahst) around the mosque. Secondly, one goes out once in a month for full three days

outside the locality, a town or a village other than ones own. Thirdly, a *Tablighi* once a year must spend forty days (Chillah) in a distant area. Then a *Tablighi* is supposed to spend four months once in a lifetime, in a given place or area. In *1985* Maulana Inamul Hasan, the chief *Ameer*, started a system that the person connected with the various regions selected by the respective responsible persons may come and stay in the Nizammuddin mosque for two months and receive direct guidance from the elders. To guide the *Tablighis,* centres have been established in various countries and regions which are known as *Morkaz* of *Tabligh.* In every *Morkaz* there is a small group of experienced *Shura.* Generally decisions are taken through Shura (consultation - it is bed on the Qur'anic injunction to Prophet Muhammad to consult with his followers). In this system every member may act as the decision maker turn by turn so that the capability and competence of eac h one of them might grow. The leader *(Ameer)* should seek the opinions and then honestly take a decision and all should accept it unanimously. When there is an extraordinary problem or when unanimity of opinion is not possible to obtain it is referred to the *Morkaz* Nizammuddin. Occasionally national, international convocations ***(Ijtema)*** are held in different parts of India and other foreign countries.

The entire system of *Tablighi Dawah* starts from a mosque. The ***Jamaat*** goes out from a mosque to the village, town and cities. The supreme *Markaj* is Nizamuddin Mosque, New Delhi, which is also known as Banglewari Masjid. Regularly ***Jamaat*** comes and goes out from ***Markaj*** Nizamuddin to different regions of India as well as outside India. When a *Jamaat* goes out to a foreign country, certain directions are given to them. Directions consist of the etiquettes, arrangements, concerns and actions needed for them. These are as follows:

- Neither buy nor bring anything from the foreign country.
- Do not negotiate any business matters in those countries.
- Return together with the *Jamaat* and visit the *Banglewari Masjid.*
- The duration of the *Jamaat* should be four months.

- *Jamaat* should be formed according to the expenses the member can afford.
- Nothing authentic or outside the six principles should be said.[9]

The Tablighi Jamaat and Social Reform

The wide reach and visibility of the *Tablighi Jamaat* gives it an unique opportunity to initiate progressive social reforms within the Muslim community. Unfortunately the *Jamaat* has doggedly resisted an innovation and change. Attempts at new experimentation or addition has been repeated rejected by the New Delhi *Markaj*. It is believed that once a devoted *Tablighi* suggested to Maulana Muhammad Yousuf the chief *Ameer* to add two more additional points along with already prescribed six guiding principles of the Jamaat the Maulana Muhammad Yousuf commented tersely: "We simply follow the foot steps. We shall work firmly sticking to these principles and admire others to do so."[10]

The attraction of *Tablighi Jamaat* particularly among young and unemployed youth has created some uncomfortable situations for the Muslim community. There have been instances where students have left their schools and colleges halfway and have remained indifferent to their worldly responsibilities after coming from *Chillah* (40 days). The chances of these frustrated floating Muslim educated youth being involved in explicit political activity and political extremism cannot be ruled out. With the *Tablighi Jamaat* systematically attacking liberal Islam, which according to them, is the creation of the West and thus does not reflect the true Islamic traditions, this *fear* is not without substance. It is noteworthy that Sufism which is a way of life in places like the Kashmir valley is increasingly sidelined. Naseem Rafiabadi who teaches comparative religions and Sufism in Kashmir University lamented, "Sufiana school of Islam is gradually getting eroded".[11]

It is feared that some of the activities of the *Tablighi Jamaat* may contribute to a sectarian mindset among the followers. In the name of creating pan Islamic *umma*, the *Jamaat* has been creating subtle divisions within the Muslim Community. The message given is clear: those who are not with the *Jamaat* or turned away

from Tablighi have no chance for salvation. They strike a parable stating that "this (dawah) is like Ark of Noah: whosoever boarded it, is saved and whosoever does not is destroyed- so our *dawah* is like the Ark of Noah".[12] This kind of fanaticism that excludes other forms and opinions may lead to a schism within the pluralistic society of South Asia. The moral alternative thus constructed can make the *Tablighi* entirely indifferent to what is happening in and around him and in no small measure contribute to his ghettoized existence.

However this does not diminish in any way the tremendous potentiality of *Tablighi Jamaat* to change the Muslim psyche in South Asia. Even within the prescribed six principles of the *Tablighi Jamaat,* there is immense scope to give the correct message or information of Islam to Muslim masses, much more effectively than any other Muslim organization. It has been observed that whatever *Jatmaat* does, people especially from the downtrodden sections accept it spontaneously. Given the wide reach and respectability of the *Tablighi,* the *Jamaat* can certainly raise issues like: the correct interpretation of *Jihad,* birth control hygiene. peaceful co-existence, liberal Islam as well as concern over the misuse of *Fatwa Tablighi Jamaat* can ensure that these issues are referred and explained in terms of Qur'anic injunction.

Particularly crucial is the correct understanding of the concept of the *Jihad.* The *Tablighi Jamaat* could put *Jihad* in perspective in the following manner:

- *Jihad* as a concept literally signifies the idea of using or exerting of ones' utmost power, efforts or ability with a view to establishing an active state of submission to God.
- *Jihad* has to be carried out by those who have passed the test of inner *Jihad* because the inner *Jihad* is the greatest form *of Jihad* and a basic prerequisite for combative *Jihad.*
- The objective of combative *Jihad* is not to convert others to Islam or to fight other people purely on account of their being from a different religion or faith but to repel this war of aggression against Muslims. The overriding

object of armed struggle is to fight the oppression and mischief of adversaries and not to eliminate them because of their beliefs. The spread of divine guidance has to be carried out by peaceful means like reasons, debate and persuasion. The Quran says "invite all to the way of thy Lord with wisdom and beautiful preaching, and argue with them in ways that are best and most gracious chastisement."16:125

- Not to commit extremities during combat. Islam says categorical 'No' to many brutalities such as ethnic cleansing, genocide and atrocities that are committed in the course of modern day warfare.
- *Jihad* is entirely different from terrorism, which is perpetuated by an enemy - about whose identity there is no universally agreed definition.
- At a communal level *Jihad* imposes an obligation on all Muslims to strive for the best and for excellence in every aspect of their lives by following a balanced approach in order to avoid excess.
- *Jihad* should be applied to reform the Muslim society. The community needs to undertake an enormous *Jihad* in order to bring peace and security to all and to correct and reform the thinking and philosophy of people who misuse *Jihad* as well as the ones who demonise it.[13]

The *Tablighi Jamaat* can thus, in this manner play a critical role in not only reforming the society but also in clearing mis-conceptions about Islam.

As liberal Muslim's opinion does not percolate down to every section of the Muslim population in India because of extensive use of English by the Muslim intellectuals, *Tablighi Jamaat* can become the vehicle through which the liberal philosophy of Islam as enshrined in the Qur'an and Hadith can be preached. Islam recommends moderation and balance in all aspects - in belief, worship and conduct. Balance is not only a general parameter but also a fundamental landmark of Islam. The Quran says "thus have we made of you and ***ummah,*** justly balanced that you might be witnesses over the nations and messenger over yourself". 2:143 Islam

categorically rejects extremism of all kinds including religious extremism. Islam takes cognigence of racial and ethnic diversities that characterise human societies across the world and holds that these diversities are divinely ordained. The Quran says, 'if thy Lord had so will he could have made all human kind one people but they will not cease to differ".(I 1:118)[14]

Tablighi Jamaat has also a role to play in checking the misuse of *Fatwa.* Significantly the *Tablighi Jamaat* has already taken certain steps in this regard. *Jamaat* has given direction that every *Moulvi* should not be allowed to issue a *Fatwa.* All the Ulma should unitedly appoint a *Mufti* for each region and only his *Fatwa* should be relied upon. A committee out of these jurists should be set up and in case of an important problem may get together for consultation and issue the *Fatwa.* There should be a *Shaikh* (chief) of this committee. After which whatever *Fatwa* is given either with majority opinion or the verdict of the chief, everyone should comply with it and refrain from expressing an opinion against it. In case of disability or death of the *Multi* of any region, this committee after mutual consultation, should appoint a successor.[15]

It is in the field of *education* that the *Tablighi Jamaat* can play a path breaking role. The Indian Muslims are not only educationally backward but are also an educationally deprived community. Therefore the entire community has to work hard to remove its educational backwardness and mobilize all its resources to improve its dismal state of affairs. At present in India there are renowned religious institutions like Nadwat-Ul-Ulema, Lucknow, Mazahirul Uloom, Saharanpur, Darul Uloom, Deoband Madrasha Shamsul Huda, Patna, Bihar, Darul Irshad in Bangalore, which are working in this direction. There are equally well established *Madrasass* in both Pakistan and Bangladesh. *Tablighi Jamaat* can make an effort or give suggestions to establish a South Asia Madrasa Education Board which would follow a uniform syllabus or methodology. Syed Sahabuddin, the editor of 'Muslim India' has already echoed these sentiments "They can decide among themselves on a model syllabus, which can produce competent religious scholars able to face the challenges of the 21st century and capable of answering questions that come to people's mind as well as producing good *Dawah* workers who can lead the Muslim community in all religious matters.[16]

Another important step that *Tablighi Jamaat* can take up is that *of widow remarriage.* Islam permits widow and divorce remarriage but in Indian social environment both are frowned upon and regarded as condemnable practice. The demand for dowry is unislamic but is almost universally demanded with impunity, even in a state like Assam which has been traditionally free from this practice. *Tablighi Jamaat* can definitely fight against these practices by quoting the injunctions issued in the Quran. The *Tablighi Jamaat* has already started the women branch of *Tablighi* which hopefully can take up issues which have a direct bearing on the well being of Muslim women.

Family planning or birth control is another sensitive issue among the poor Muslim masses. The community's resistance to population control measures can certainly be effectively handled by the *Tablighi Jamaat.* It is interesting to note that on 25 October 1966, the Ministry of Health, Government of India, sent a letter to chief *Ameer,* Mohammad Inamul Hasan, expressing concern and anxiety over the growing human population in India. The *Maulana* stated that the solution to the problem lies in the spiritual diet not the physical. Their viewpoint is that instead of artificial means, moral or self-control is the best way for birth control.[17]

The issue of *health and hygiene* is another such area where intervention is urgently required. Islam as a religion gives top priority to cleanliness. The Qur'an lays the greatest stress on cleanliness and literally gives it a place next to godliness when it says in one of the earliest revelations: "O thou who rap pest thyself up arise and warn, and thy Lord do magnify and thy garments do purify and uncleanness do *shun".*(74:l-5) A good toilet is recommended even when going to a mosque. The *Tablighi Jamaat* goes to every nook and corner of the country and they can definitely stress on this point by referring the Qur'anic revelations.

Tablighi Jamaat is a transnational civil society institution and hence is shaped by the local conditions and environment. Eikleman and Piskatori observed:

In fact the *Tablighi Jamaat* becomes localized over time much as the Muslim brotherhood has become 'Jordanian' or 'Syrian' despite its origin in Egypt, or in the Catholic world as churches have increasingly taken on national identities....

In Belgium, the *Jamaat* remains faithful to the objectives and the missionary principles established by the founder, and it makes use of the human resources provided by the secular society which also constitute the human material considered by the founder as targets for *Tablighi* action.[18]

At present, what *Tablighi Jamaat* has been doing should not be considered as retreat to the 7th century. Rather it is a cyclical renewal to the fundamentals of Islam. In the 21st century *Tablighi Jamaat* has the great potential to set framework for social change. With a strong middle and upper middle class educated Muslims - doctors, engineers, lawyers and academicians – joining the movement, there is much that the *Jamaat* can do. This class of people can play a role in moulding the psyche of common Muslim masses whose outlook need to be shifted from the abstract concepts of Islam to the realities of the Muslim world. Their failure to establish a framework to interpret Islam correctly will leave the door open for radicals. The apolitical nature of the *Tablighi Jamaat* is an advantage as it makes the institution more respectable and acceptable. The organization has neither a clash nor an affiliation to any political party. Although a *Tablighi* finds little value in struggling to acquire state power, he does not propose retreat from the world into hermit existence. The message has to go loud and clear - that Muslims will have to share the sorrow and happiness with the fellow citizens of the countries where they live. Solution lies in moving forward as an integral part of their respective polities. It is the onerous responsibility of the *Tablighis* to show the moral content of democracy.

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IDENTITY IN FLUX : AHOMS IN COLONIAL AND POST COLONIAL ASSAM

Rajib Handique

Identity whether of individuals or communities is not a rigid or static phenomenon. Rather identity is dynamic and under constant definition and redefinition. Issues of identity are fundamental in protecting a sense of self and group survival, and they become particularly important during conflicts. At the deepest level, identity is lodged in the narratives of how people see themselves, who they are, where they have come from and what they fear they will become or lose. The movement for identity of the Ahom community in Assam has undergone changes in terms of its demands and methods of articulation. This paper will try to make an analysis of the changing mores in identity assertion of the Ahom community in the colonial and post-colonial Assam.

The Ahoms, one of the foremost ethnic communities in the North East India are a branch of the Tai or Shan people that migrated from South East China to Maulung in Upper Myanmar (Burma) from where they passed through the Patkai range and the Naga Hills and entered Assam in 1228 A.D. They succeeded in setting up a kingdom in the Brahmaputra valley, which lasted till 1826, when it was overtaken by the British Empire. The Ahom kingdom laid the foundations of an Assamese nation. This kingdom lasted six centuries and could successfully withstand the onslaught of different forces including those of Mughal imperialism. It was the identity of interest regarding driving out the Mughal invaders that largely

contributed to the formation of a civil society, a state with a common overlord. It was under these circumstances that a state called Asam or Assam, with a common overlord in the person of the Ahom king and a civil society to be identified as 'Assamese' grew up.[1]

By their own admission, dwelling on the ruling principles of the Ahoms, in a memorandum submitted to the Home minister of India on behalf of the All Assam Ahom Association (AAAA), on 7 August, 1967, it was stated:[2]

> There were many principalities nominally tributary but self-governing within this vast extent of territory predominantly inhabited by mongoloid tribes and races. Under the hegemony of Ahom rulers, Assam was a sort of fraternal confederacy of friendly states both of the Hills and the Plains. The Ahom rulers scrupulously abstained from intervention in the internal political and social affairs of these states. Every time the Mughal invaded Assam, all the princes and rulers of these states united to fight and drive the enemies out. This experiment of fraternal confederacy of friendly states based on common allegiance to the strongest of them, namely, the Ahom State proved of unique success in defending this part of South East Asia for nearly the whole reigning period of the Ahom monarchs.

The battle of Saraighat might be considered as a culminating point of this social development that was bringing people of different ethnic groups under a common figurative 'imagined community.'[3]

From the very beginning of their reign, the Ahoms followed a policy of assimilation and peaceful co-existence with the Morans, Barahis, Kachari, Chutiya, Bhuyan and other indigenous communities of Assam. The people of the different communities were made part of a greater societal framework. It was the liberal outlook of the Ahoms and their policy of assimilation that formed the bedrock of their political hegemony. It was in this way that the Ahom kings from the time of Sukapha wanted to unify the various tribes and communities of Assam to form an Assamese nation.[4]

The Ahoms had their own language, religious beliefs and culture when they came to Assam.[5] They followed exclusively their own religious practices during the early part of their reign. It is worth mentioning that Sukapha had brought with him texts on Tai religion, language, astrology, etc. along with him.[6]

However, with the passage of time, the Ahoms came under the influence of various religions and ways of life. Matrimonial linkages between the Ahoms (exogamous as they were) and the indigenous communities were one significant way of building cultural bridges. The Ahom royalty came under direct influence of Hindu religion during the reign of Sudangpha also known as *Bamuni Konwar* (1397-1407). It was during his reign that the *Lakshmi Narayan Salagram* was installed in the royal household along with that of their titular diety *Somdeo*. This paved the way for entry of Brahmanic religion in the royalty.[7] It was during the reign of Bamuni Konwar that several religious ceremonies were conducted in the royal household.

During the reign of Suhungmung or *Dihingia Raja* (1497-1539) the great saints Sankardeva (1449-1568) and Madhavdeva (1489-1596) started the neo-Vaishnavite movement which spread all over the Brahmaputra valley and even beyond.

Later on, during the reign of Sutamla or Jayadhvaj Singha (1648-1663) Vaishnavism got formal patronage from the royalty. It was during his reign that the Satras were established in Majuli for the spread of Vaishnavism. These Satras became the vital institutions not only for spreading Vaishnavism but also for developing new forms of dance, drama and art forms that became popular as parts of the *Satriya* culture.

The Ahom royalty became interested in Saktism from the reign of Supatpha or Gadadhar Singha (1681-1696). It is said that his son Rudra Singha (1696-1714) was planning to take the *Sarana* of Krishnaram Bhattacharjee, the famous Sakta saint of Nadia in Bengal.

Thus we find that the Ahom royalty patronized different religious faiths. The syncretism made them followers of different religious practices at the same time. Similar was the case with the Ahom gentry and the commoners.

The Ahoms had their own religious beliefs and customs and the same continued to be followed by them in spite of their acceptance of different religious beliefs and customs from time to time. However, the common Ahom populace accepted the Assamese language and stopped speaking in their traditional Tai language. Some of the Ahom families also stopped the practice of *dam-phi* or the traditional ancestor worship.[6] There were Ahom families that became fully Vaishnavites, while there were also families that followed different religious practices at the same time though some of them were contradictory to each other. There are many Ahom families that perform among others both the *dam-phi* (where chicken, fish or other non-vegetarian cooked items are used along with the traditional drink *Haz)* and *Nam-Kirtan* (where gram, fruits, and other strictly vegetarian and uncooked items are offered) annually.

British imperialism somewhat stunted the process of cultural syncretism that had developed in Assam. Imperial policies brought about monumental changes in the over-all economy. The revenue maximizing colonial land-use pattern, the advent of the plantation economy and coal and oil industries along with the significant demographic changes in a way traumatized the indigenous populace as age old ties were broken and new challenges emerged.

Quest for identity of self and one's own ethnic group is a natural human behaviour. Identity of an ethnic group may be on the basis of religion, occupation, language, territory, etc. Though the origin of the term 'Ethnic' was associated with the biological formation of populations, in social plane many other criteria including cultural parameters came to be associated with this term.[7] The ethnic groups are not necessarily homogenous. Boundary of an ethnic group is not a static phenomenon. Depending upon the circumstance and specific goal at a certain point or period of time, division and amalgamation of ethnic groups or segment of an ethnic group may even take place.[8]

Unlike the hundreds of princes in other parts of India who could keep their identity intact and could maintain some semblance of autonomous power, both the Ahom monarchy and the aristocracy saw their authority vanish rapidly in the imperial world. Various socio-economic policies introduced by the colonial rulers contributed to the backwardness of the Ahoms. W.W. Hunter, a British officer remarked that the once dominant race of Ahoms had sunk to the level of common cultivators. The regret of the nobility is evident when Kandarpeswar Singha in a letter to the authority politely remarked, " I am only a common ryot, like most of the government ryots, insignificant and destitute."[9]

The assertion of the Ahom for a distinct identity within India and Assam is more than a century old today. The first major articulation of this identity was visible in the constitution of the *Ahom Sabha* on 13 May, 1893 under the leadership of the noted Assamese litterateur Padmanath Gohain Baruah (who also happened to be first President of the Assam Sahitya Sabha). This Ahom Sabha was subsequently renamed as All Assam Ahom Association (AAAA) in 1910. These organizations tried to overcome some amount of the social lag by pleading for conceding the demands of free studentship, appointment in government services, reservation of seats in local bodies and provincial legislature.[10]

Most of the sectional elite of the region seemed to believe that 'adequate share' in political power is necessary for the all round development of their respective communities. At the same time, it appears to them that the maintenance of distinct identity is essential to bargain with the ruling elite for 'adequate share' in the decision making process and to realize other benefits for their respective groups. Thus maintenance of distinct identity and development of the communities appear to be identical and complementary to each other.[11]

The Ahom leadership in the thirties and the forties of the 20th century was vigorously pursuing the cause of minority status and separate electorate for the Ahom. In 1912, under the 1909 Act, what is also known as the Morley-Minto reforms, a Legislative Council was set up in Assam, after the Province was separated

from the Eastern Bengal. One Ahom member was nominated to the Assam Legislative Council. Under the 1919 Act, again one Ahom was nominated to the first Legislative Council, the nominee being a member of the Ahom Royal family. In the subsequent Councils, the Ahom community had their members as nominees from minority community.[12]

However, after the passage of the Government of India Act, 1935, the situation changed and the subsequent beginning of the democratization process, the Ahom elite realized that the socio-economic development of the Ahom was largely dependent on the share in the administration they would enjoy. There was their apprehension of their interest remaining unaddressed or unprotected in an upper-caste dominated Assamese society. Surendra Nath Buragohain, a representative of the AAAA unsuccessfully moved a private Member's resolution in the Assam Legislative Assembly on November 20, 1943 thus :[13]

> This Assembly is of the opinion that the Ahom community of this Province be included among the recognized minorities for future Indian Constitution and that the Government of Assam do move the Government of India and His Majesty's Government for consideration and acceptance of the community as a minority.

In the event of independence, when the constitution was being framed, the Ahom leaders collaborating with other ethnic elite pleaded for adequate constitutional safeguards to preserve and protect their distinct ethnic identities. This collaboration might be viewed as a challenge to the hegemonic position of the 'caste Hindu dominated' Congress party of the province. The Ahom leaders particularly felt victimized within the Congress organisation itself. In the AAAA Memorandum on the Ahoms as a minority signed on 2nd July, 1941, it was stated,[14]

> The way in which this minority movement of the Ahoms has gone inside the Congress organisation itself will, however, be shown by the fact of increasing number of Ahom Congressmen having been subjected to disciplinary action during the past five years. The attempt to silence and to frighten the mass of the Ahoms into submission of the so-called discipline of the Congress by taking such actions against their leaders, must, however, necessarily fail.

The Ahom leaders collaborating with the other ethnic elite pleaded for adequate constitutional safeguards to preserve and protect their distinct identities. In the *Demands of the Tribal Communities of Assam : A Memorandum issues by the Conference of Leaders of the Ahoms and Tribal Communities of Assam*, Shillong (July, 1946, p.2), it was stated, [15]

> These communities must be assured separate political existence in the new constitution by providing for them in the case of Hill tribes, local autonomy, and in the case of others, separate electorate. They must be allowed to live their own life and their own customs and culture without any encroachment either by the Hindus or the Muslims.

There was also serious concern voiced by several Ahom leaders regarding the problems Assam might face as part of an independent India. At the inaugural session of the Assam Tribes and Races Federation on 21st March, 1945, Prof. P. Gogoi had stated, "... Economically she is rich enough in resources, both essentially and strategic to be not only self sufficient but also to be flourishing if the need for capital is met for working plans of development during a period of economic transition. But if Assam remains a part of India she will go dangerously into the economic grip of Hindustan big business under the smoke screen of a national government. Historically and politically, she has a tradition behind which is unique and glorious in the History of the Far East and bears eloquent testimony to the fact that Assam can never be a digestible part of India, now or in the future."[16] Thus in the backdrop of imminent transfer of power there were a section of Ahom leaders that vouched for a separate state.

While demanding special privileges for them in the new constitution, they asserted that the setting up of autonomous unit among the ethnic tribes was 'vital to the peace and tranquility' of the region. The efforts made by the leaders of the Mongoloid communities to send their representatives to the Constituent Assembly became futile and their hopes and aspiration appeared to be shattered. Thus after independence, in the changed political circumstances, the AAAA felt the need of a broad based and coherent political organisation to fight against the Congress in Assam.

In 1948, Surendra Nath Buragohain, an Ahom leader collaborated with Muhammad Saadullah, the Muslim League leader, P.M. Sarwan, the leader of the Assam Tea Labourers Association, Capt. Williamson Sangma, and Prof. G.S. Swell, leaders of the Hill tribes and a few others to form a new political party named All Peoples' Party (*Sarba-Dal*) in 1948 in order to challenge the Congress in the First General Election of 1952. However, the Congress was able to make Saadullah and Buragohain defect and join the Congress in 1949, and thereafter the party lost its effectiveness. Buragohain later on emphasised that the interests of the community could be best fulfilled by being with the ruling party. The AAAA came to have an electoral understanding with the Congress.[17]

Thereafter, the political articulation of the Ahoms took the form of a demand for a separate federal unit in Assam comprising the then Sibsagar and Lakhimpur districts. The *Ahom Tai Mongoliya Rajya Parishad* (ATMRP) which was established in 1967 through merger of several Ahom organisations, spearheaded this demand. The ATMRP was rechristened as *Ujani Asom Rajya Parishad* (UARP) in 1970 in order to give it an inclusive image. It contested the mid-term Parliamentary election to the Lok Sabha in 1970 to back up the demand for a separate state. This organisation virtually became extinct after its election alliance with the Janata Party in 1977. The demand for a separate state has also lost its strength in due course of time. However, the demand for recognition of the Tai Ahoms as Scheduled Tribe continues to be raised. Demanding tribal identity, the Tai Ahom Council of Assam in one of its memoranda submitted to the President of India stated:[18]

> We fully claim to our tribal identity and have the reasons to believe that a constitutional safeguard shall alone be the only means and the most imperative need of the hour for a total upliftment of the Tai-Ahom Tribe in social, educational and political spheres by including the Ahoms in the schedule of Scheduled Tribes of Assam and elsewhere.

Political articulation was buttressed by lingo-cultural revivalism. However, this lingo-cultural assertion was mostly a post independence phenomenon. It was since the early 1960s that the Ahoms became much concerned with their lingo-

cultural identity. The *All Assam Mohan Deodhai Bailung Sanmilan* (AAMDBS) established in 1962 strongly pleaded for the development of Tai language and culture. The All Assam Tai Students' Association formed in 1964, in one of its memoranda addressed to the then Chief Minister of Assam emphasized on the importance of learning Tai language and asserted that:[19]

> It is of utmost importance to promote the study of Tai Language and literature in this part of the country by reason of the fact that Tai is not only a mother tongue of a large section of the Tai population ... but that there are lots of important and valuable manuscripts in Tai language in possession of the Tai Pundits of Assam, of many Assamese families and also in the Buddhist monasteries in Upper Assam and NEFA dealing with history, religion jurisprudence natural science, astrology and many other subjects.

It has been already stated that the Ahom royalty patronized different religious faiths while the general Ahom populace also developed the syncretism and made them followers of different religious practices at the same time.

Sukapha had brought with him the Ahom priests known as *Mohan*, *Deodhai* and *Bailung* besides *Chiring* the official chronicler.[20] These Ahom priests continued to practice the different traditional Tai-Ahom religious ceremonies till the contemporary times, though some of them accepted neo-vaishnavism. Some of the important religious ceremonies performed by them are *Ompha*, *Me-dam-me-fi*, *Dam-Fi*, *Jasingpha*, *Furalung* and *Rikkhan Myunkhan*.[21] They in a way preserved the Tai-Ahom religion, language and culture. The Ahoms also had their own ceremonies relating to birth, death and marriage. The marriage ceremony *Chaklang* is still popular among many Ahom families.

Revivalism can be considered as natural fallout of identity movements. However, the post-independence revivalism in Assam was not for the pre-colonial culture of inter-cultural communication and social cohesion. The politicization process and the resurgence of ethnic identity in post-independent India has resulted more in cultural separatism.[22] This separateness came to be articulated in various ways like :

(i) Using new forms and ways of writing names e.g. using *Chaw* in place of Shri, or using Garg or Parashar in place of Borthakur or Rajkhowa, etc.

(ii) Using dresses fashioned as being particular to a community, which were not in popular use, e.g. *Chapkon* of the Ahoms, etc.

(iii) Celebrating different religious and other social festivals peculiar to each community. E.g. *me dam me fi* of the Ahoms, etc.

(iv) Laying claims of origin on aspects of common cultural practices and forms.

(v) Forming different literary and cultural organizations to promote and preserve their separateness.

Since the early 1980s we witness ethnic assertion of various communities including that of the Ahoms in Assam. The revival movement of the Ahom developed sometimes with the patronage of the state. Ceremonies like *me dam me fi*, *rik khan myun kham* and *ompha* came to be celebrated by the Ahoms. As already stated, the Ahom priestly class consisting of the Mohans, Deodhais and Bailungs had preserved the Ahom religion and language and had continued performing the various religious ceremonies. When the revival movement gained momentum, these preserved religious customs gained acceptance among the larger Ahom community. It is however interesting to note that the revived traditions have not replaced the existing customs and traditions; more so the phenomenon manifests more the acceptance of the old as new.

Religious revivalism amongst the Ahoms is taking interesting turns. The Ahom Royal Society, an organization led by members of the descendents of the Ahom Royal family has claimed to have recovered the statue of *Somdeo*, which is being interpreted as an image of Buddha. This claim is yet to be substantiated, but there is also a likelihood that belief may suppress reason in this case. This development may become a watershed in the religious revivalism that is taking place in the Ahom community. Already, there are sporadic appeals made by the Tai

Ahom organisations to mention Buddhist or Phralung as their religion and Tai as their mother tongue in the Census.

The Ahoms are today followers of different religious ways of life. This heterogeneity is likely to survive in the days to come. To understand the religious diversity amongst the Ahoms we need to adopt a flexible approach. As Talai observed, we need "a more flexible approach to ethnicity which does not make an *a priori* assumption that the presence of boundaries between ethnic groups implies heterogeneity between such groups but homogeneity within them". He had also opined that ethnic groups are interest groups which go underground when there is no competition.[23]

Thus we find that throughout the colonial and the post-colonial periods, the Ahoms have been asserting their identity for various reasons. The articulation of their demands has undergone changes in the different historical contexts. The Ahoms asserted for a Minority status under the British *Raj*, while in the post independent context, demands were raised for a separate state and later on for a Scheduled Tribe status. In the context of lingo-cultural identity, there has been revivalism to a large extent, and like many other ethic groups of the region, the Tai Ahoms are involved in rebuilding if not re-inventing their own identities in the contemporary situation. The constitution of the *Tai Ahom Development Council* by the Assam Government marks yet another milestone in the identity movement.

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FROM BODY AS A PROPERTY, AS AN INFERIOR BEING TO A COMMODITY AND IT'S TRANSFORMATION INTO AGENTS OF CHANGE

Alpana Borgohain

The article proposes to make an attempt to analyse the changing concept of the female body as a property to an inferior human being, a commodity and the creative political ways of transforming the female body into conscious Agents of change. It will try to analyse these concepts with the help of cases from the context of Assam, a state located in the north-eastern region of India, with the method of feminist epistemology. The understanding of these concepts will help us understand the phenomenon of violence and crime against women and girls that is increasing in the poverty and conflict ridden and natural disaster prone, hills and plains of Assam. The state is becoming unsafe for women and girls. It tops the list of crimes against women in the entire north eastern region of India. Assam jumped to 17,449 cases of crimes against women in 2013 as against 13,544 in 2012.[1] Assam leads the list for all recorded crimes against women, including heinous crime such as rape, kidnapping and abduction, dowry deaths and cruelty by husband and his relatives among the states of northeast India.[2] Social evils like witch-hunting are also increasing in the state. According to the National Crime Records Bureau Report 2013 the rate of crime against women in the state of Assam was the second highest in India.[3]

In every stage of human history the developments in the sphere of knowledge influences our social realities and determines the status and position that we as a society allocate to different categories of people. Traditional knowledge considered animals, slaves, children and women as property belonging to the patriarch

(senior-most man) who was the head of the household. Women were perceived as bodies without human essence, belonging to the Patriarch. Like the slaves, women too belonged to the patriarch who could possess, dispose and kill them as and when he wanted or desired. In due course of time not merely the patriarch (senior most man) but junior men (brothers) too claimed political right over women through a social contract. Feminist theorist like Carole Pateman in her story of the contract which created the liberal state refers to the original contract as a sexual social pact among brothers. This contract is about the genesis of the political right as patriarchal right or sex right, the power that men exercise over women and the new civil society created through this contract is a patriarchal social order. Thus the contract for Pateman creates men's freedom and women's subjection. The original contract is a sexual as well as a social contract: it is sexual in the sense of patriarchal, that is, the contract establishes men's political right over women and also sexual in the sense of establishing orderly access by men to women's bodies.[4] In the process younger men emancipate themselves from the position of slaves and property to that of citizens, and claims for themselves human essence, however the status and position of women remain the same throughout.

On the other hand, early Marxist Feminist like Friedrich Engels in his work, *The Origin of the Family, Private Property and the State*, traced the origin of patriarchy to some unexplained reasons due to which men suddenly wanted to ensure that their progeny inherits their possessions. This led to the conversion of the matrilineal society into a patrilineal and a patriarchal society. In the words of Engels, *Mother right had to be overthrown and it was overthrown.*[5] He regarded this conversion as pivotal in its impact on the position and status of women. The overthrow of the mother right constituted the world historic defeat of the female sex. Having produced and staked a claim to wealth men took control of the household reducing women to slaves of his sexual desire and a mere instrument for breeding children.[6] Thus men started to control women's sexuality and their bodies to ensure their progeny and reduced women to the status of slaves or property belonging to men. In this way material production empowered men and disempowered women.

With the evolution of human history, and the creation of society, tradition and culture considered women as inferior beings with little humanities. The basis

of these little humanities assigned to women were that -reason, culture and morality are beyond their capacity and hence they need to be guided into the world of culture by the reason of men. These fundamentally problematic and unruly bodies, whose sexual and reproductive capacities need constant surveillance and regulation because of the threat these supposedly 'natural' women would otherwise pose to the moral and social order sanctioned violence against women. Women perceived as bodies were different from the bodies of men biologically and were considered as inferior and lacking. In this way patriarchy continued its onward journey. In this context, we can refer to the views of Jean Jacques Rousseau who drew out a dichotomy between nature and morality in the *Social Contract.* For him, relations within the family were based on nature and they did not serve as the model of relations between citizens in the state. In other words, he permitted private inequality while raising a voice for public equality.[7]

As the economy got monetised and with the growth of capitalism, women's bodies came to be considered as commodities belonging to the market. The little humanities that they were assigned were taken out of them and dehumanised. The consumerist culture of Liberalism has used women's bodies to sell products through advertisements in different media. The media to increase its sale and popularity ratings cater to the sexuality of men and uses women's bodies. Repeated visual projections intensify the voyeuristic desires of men and internalises women and girls with these prescribed notions of beauty. This has commodified women, where women are regarded as commodities to be measured and standards set with regard to it's shape, size, height and weight which has internalised women the world over. In this way the market in Capitalism, especially through the industries of fashion and pornography, have been able to commodify humans and their relationship. Many of these above ideas have continued to exist into the present times in the context of Assam, a state located in the north eastern part of India.

An incident took place on Saturday, November 24, 2007, which occurred at Beltola in Guwahati, in the state of Assam, when the All Adivasi Students Association of Assam (AASAA) took out a procession of around a 1000 adivasi, both men and women. The protesters equipped with traditional bow and arrow marched to the state secretariat at Dispur to add voice to their demand for inclusion

of the community in the scheduled tribe list. This protest led to public clashes with the people of the area. Amidst the chaos a girl was stripped off her clothes by some unruly youth in full public glare in broad daylight and beaten brutally.[8] This incident is a vindication of the vulnerability of women's bodies in conflict situations. The public humiliation of the girl can also be interpreted as an act of voyeurism of the vandals who bears no respect for women. This crime speaks about the commodification of women in the era of materialistic culture as propagated by Global Capitalism. On the other hand, the incident can also be said to have taken place as the bodies of women have been frequently used as political targets to subjugate and humiliate an entire community. The victim, Laxmi Orang being a woman and belonging to a marginalised adivasi community was subjected to double-marginalisation and her vulnerability increased in the midst of the mob attack.

Another incident of molestation and stripping of a girl took place in the busy Guwahati- Shillong road on 10 July 2012, in front of a bar, by a group of men in full public view[9] also reminds us of the commodification of women. The girl was being gropped at by the men who acted like wolves with a lust to see, touch and feel her body.

Every year on an average women and girls go missing in Assam. Many of the girls of marriageable age are sold by men (Fathers, boyfriends, local boys) to men (husbands) in states where Patriarchy together with entrenched feudalism and with the help of reproductive technology has skewed the sex-ratio. The demand for marriageable age girls is so intense that organised bride-trafficking rackets have started operating in Haryana, Punjab and Uttar Pradesh.[10] In this business, girls are subjected to double or triple victimisation. They are bought, sold and resold and their value is determined by the market on the basis of the needs of patriarchy i.e. criteria's such as, reproductive capacity, sexual prowess, the number of times the woman has been sold or married and their ability to bear a male child. In this way women are reduced to commodities. This trade can be considered as modern day slavery. A field study carried out by the NGO Drishti Stree Adhyan Prabodhan Kendra reported that over 9,000 households in Haryana had married women from other states.[11] These women are trafficked to meet the needs of the institutions of family and marriage. Cut off from their native places they are considered as paro or molki, literally meaning one who has a price, and are assigned a status that is far more inferior to that of the native women.

Armed conflict due to ethnic mobilization and exclusionism, natural disasters like floods, poverty and unemployment are the major causes of areas becoming supply points for well organized human trafficking. The supply line and the route is well marked. Several people are involved in this racket. Though there is an increasing awareness about trafficking, weak prosecution and almost no convictions are the biggest challenges before anti-human trafficking agencies. The Bloodbath for decades since 1995 in the districts of Lower Assam, are taking place due to Bodo-Adivasi and Bodo-Bengali-speaking Muslim clashes. In a similar situation in 2008 the Dimasas in Assam's North Cachar Hills clashed with the Zeme Nagas in which armed outfits like Nationalist Socialist Council of Nagaland (NSCN(IM)), NSCN(K) and Dima Halim Daogah (DHD(J)) were involved. These ethnic conflicts lead to displacement of large numbers of people with many staying in the refugee camps for months, exposed to the insecurities of life, food, health and hygiene. As a result these places have become a catchment area for human trafficking. Most of the vulnerable girls are lured with promises of jobs by the trafficking agents. However they end up for sale for work as bonded labourers, as wives to men, and as prostitutes in the brothels of the country. "Assam has become the hotbed of human traffickers from all over the country," says Kailash Satyarthi, noble peace laureate and noted anti-human trafficking and anti-child labour activist.[12] Out of 65,461 cases registered under kidnapping and abduction, maximum cases were reported under marriage purpose (30,045 cases) followed by illicit intercourse the year during 2013.[13] "Children from the North-East, mostly minor girls, are trafficked for being used as domestic helps in metros and are physically abused and sexually exploited as well. Every year, 4,000 children go missing from the state."According to Bachpan Bachao Andolan, an NGO working to spread awareness on human trafficking, the low conviction rate encourages traffickers to spread their tentacles. "During 2007-11, 17,558 inspections were made by the Assam government; they led to only 58 prosecutions and just nine convictions. In the North East, a total of 26,553 inspections were made, of which 64 prosecutions were completed and just 15 of the accused were convicted," said an official of the NGO.[14]

It may be noted that women's vulnerability and victimization is on the rise in the state of Assam due to the collaboration of traditional patriarchy with Capitalist

Patriarchy and the apathy of the Indian state. It is pertinent to recall that in such similar situations of women's insecurity, women in Manipur innovated and transformed their bodies which have been targets of crime into political weapons and methods of protest. Here I would like to refer to the Naked women's protest of Manipur that took place in July 15, 2004. In an unusual protest, atleast 40 elderly women self stripped and staged an angry demonstration outside the Assam Rifles base in Imphal, to protest the alleged rape, torture and murder in custody of 32 year old Thangjam Manorama on 11 July 2004, and the repeal of the Armed Forces Special Powers Act (AFSPA) of 1958. The placards that the protesters carried read "Indian Army Rape Us" and "Indian Army takes our Flesh." This was one of the most aggressive methods of protest ever carried out against the Indian state and it reflects the ground realities that existed in Manipur at that point of time. The protest is a reflection of the deep sense of alienation that women undergo including alienation from their bodies. The women protesters used their own bodies the only resource they had in retaliation against the perpetrators of rape and violence to make an impact and to bring about change. It is not something that we see everyday because it is a form of protest reserved for extremely intolerable injustice. Similarly victims like Laxmi Orange too have emerged and have taken up the cudgels to work for change. We need to collaborate and increase the number of such agents of change who will organize and work with a future vision for equality, liberty and justice for all in the society.

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REPRODUCTIVE RIGHTS OF WOMEN: A HUMAN RIGHT PERSPECTIVE

Dolly Phukon

Reproductive rights means access to reproductive health i.e. a state of complete physical, mental and social well-being in all matters related to the reproductive system, its functions and processes. It is not mere absence of reproductive diseases. From a human rights perspective, reproductive rights of women meant complete control over women's own bodies, reproductive and sexual lives and orientation against any form of invasive violence to control women's sexuality and reproductive lives including gender-power relations. Reproductive rights are human rights and are inalienable and inseparable from basic rights i.e, food, health, security, shelter, livelihood, education, political empowerment etc. As a human being, women is entitled to live with dignity, enjoy her full citizenship rights and a healthy life necessitating the right to control her body, her reproductive life and health care as well as accurate information of her body. The Reproductive Rights are underpinned in the following human rights:

- The Right to Life, Liberty and Security
- The Right to Health including Sexual and Reproductive Health
- The Right to decide the number and spacing of children
- The Right to consent in Marriage and Equality in Marriage
- The Right to Privacy
- The right to be free from discrimination on specified grounds

- The right to be free from practices that harm women and Girls
- The right to not be subjected to torture or other cruel, inhuman or degrading treatment or punishment
- The right to be free from sexual Violence
- The Right to Access Sexual and Reproductive health education and family planning information
- The right to enjoy scientific progress and to consent to experimentation.

The debate for inclusion of reproductive rights of women into the human rights agenda dates back to the 1970s as a part of the radical feminist agenda which recognized personal relationships, women's bodies and sexuality as primary sites of oppression and political struggle[1] . Moreover the development trends followed by the world agencies focused on the population control agenda and structural adjustment programs during the 1970s and 80s which led to drastic cuts in government expenditures which had a bad impact on women's health. This consequence brought women's health and rights on the international agenda, forcing the national governments to play the role of a catalyst to provide healthcare services to women which on the other hand led to the intrusion of women's reproductive autonomy. In view of this, this research exercise seeks to understand the trend of the debate about Reproductive rights of women as a human rights issue of the global campaign of women's human rights with special reference to reproductive rights and the issue of reproductive rights in Indian context. Within the Indian context, emphasis will be on India's policy formulations on Women's reproductive rights and its various intersections.

II

Globally, women had to fight a long battle to recognize women's rights as human rights. Feminist debated on reproductive rights and family too traveled a long way. During the theorization of concepts like rights and justice in political

philosophy, the family was kept outside the realm of the State intrusion. There has always been a debate on the private / public dichotomy where family belonged to the private sphere. It was J.S. Mill who with his classic, The Subjection of Women, for the first time talked about inequality of women in the Family. It was during the second wave of feminist movement, which led to the slogan of "Personal (Family) is political", by debating that family, Sex, Reproduction need to be identified as an indispensable part of the political realm. The Radical feminist tried to push how family was not a natural growth as its regulations are often backed by societal institutions like marriage, divorce, family size, division of labor etc[2]. Further, it is believed that family upbringing affects the development of future citizens. It is the family, which even curtails women's freedom, though family is regarded as the safest place for women. With the growing debates on women's human rights violation in the name of culture, religion, family, etc. led to the networking of women to mainstream women's rights as human rights inclusively at the UN conferences. It became surprising to the women activists that human rights groups like Amnesty International and even the United Nations Human Rights Document tend to separate women's rights and human rights during the early days as women's rights violations often occur within the private sphere where the state cannot intervene. Thus, their concern for the protection of women's human rights restricted only to those women who happens to be the political prisoners. The most stringent violations of women's rights in the shape of domestic violence, sexual assaults, genital mutilation, depriving women of basic necessities etc were overlooked in the human rights framework. The woman's body has always been a site of politics sometimes in the government's population control policies and sometimes as controlling of sexuality under fundamental revivals. As an example, the stoning of women in Islamic countries for adultery, raping a woman as a trophy of war, Christian fundamentalists threatening doctors and lawmakers to deny women's access to legal abortion etc. prove how political a woman's body is. Radical feminist has demanded women's rights to bodily integrity by demanding their right to abortion, which over the time was distorted by the coercive fertility control policies by some states. Moreover, within the feminist

agenda for reproductive rights and health is fragmented between the western white women of the North, Third world women, Black women, etc. Bell Hooks, one of the renowned black feminist criticized the class bias of the feminist movement which demanded for abortion than reproductive rights. She termed that safe abortion and the right to choose was accessible to only women with a class privilege where poor woman loss access to it when there is no government funding available. Hooks was not happy with the abortion rights movement rather she tended to support for responsible birth control measures like safe birth control pills. At the same time it was patriarchy which obstructed women their right to choose for better incentive as women who were more conscious about birth control were regarded as sexually loose women, which made women to go for repeated choice for abortion ignoring the health risk-factors. But this abortion movement captured attention of mass media as it directly challenged the church which believed the prime role of women is to bear children[3]. The other reproductive health issues like access to health care, post-operative care, education rights, and economic rights were neglected during the debate. Moreover, western women demanded for inclusion of scientific modern knowledge for health, ignoring the dying traditional health knowledge which helped the mass poor women of the South which was gradually destroyed by imposed medical technologies. Another dichotomy was seen in the reproductive right approach of human rights agenda and the development policies, i.e. on one hand, they speak for basic needs and on the other Structural adjustment policies has inclined the dependent countries to resort to privatization of the health sector which hampered the basic needs and the rights of poor women to their health care[4].

For the first time the concept of Universal right was introduced to family planning in the International Human Rights Conference in Tehran, 1968 where the rights were inclusive to couples and in 1974, in the World Population Conference, Romania, the right was extended to individuals and also included the socio-economic means to exercise these rights. But in the post conference scenario, it was observed that these rights were amalgamated with the population control policies basically

oriented towards birth control rather than observing an integrated approach to reproductive health by reorganizing the gender relations. It was only in the UN World Conference on Human Rights in Vienna, 1993 which convened the global tribunal on violations of women's human rights where 33 women from 25 countries presented testimonies in five areas namely- human rights abuse in family, war crimes against women in situation of conflict, violations of bodily integrity, violations of women's socio-economic human rights and political persecution and discrimination which proved that violations of women's right to bodily integrity was made substantially in private sites like home, family and hospitals universally both in north and south countries of the globe. It was at the Vienna conference where integration of gender based perspectives into human rights theory and practice was initiated. Before the Vienna conference in 1985, in Nairobi Forward –Looking strategies for the advancement of Women in tune with the UN decade for Women discussed elaborately to make a human rights document more inclusive for women by recognizing the fear of genital mutilation, lesbian persecution as grounds of political asylum questioning the toleration of inhuman cultural practices which are harmful to women and girls. Further world-wide research on VAW in various regions of the world done by human rights watch, Amnesty International which highlighted major issues like the use of virginity tests in Turkey, trafficking of Burmese women and girls in Thailand, missing women in India owing to son preferences etc., also fueled the necessity of recognizing women's bodily integrity as a human rights issue.

In the post-Vienna conference, the International conference on Population and Development (ICPD), Cario, 1994 was the watershed development towards recognizing reproductive health of women as a human right and the gendered impacts of neo-liberal globalization, fundamentalism and conflict were widely recognized in the conference. The ICPD policy of action identified the VAW as one of the prime concerns in determining reproductive health with various intersections with family and society during antenatal, obstetric, post-natal care, sexual health, etc. It was discussed how women's fertility was the prime objective

of state's population policy than man's fertility and how despite that women were excluded from decision making in personal relationships as well as in public policy. Keeping in view the need for respect towards women and girl's sexual and bodily integrity the POA of ICPD set five goals for 25 years (1995-2015) to achieve: a. Universal access to family planning and reproductive health services, b. Reduced infant and child mortality, c. Reduced maternal mortality, d. Increased life expectancy at birth, e. Universal access to and completion of primary education with particular emphasis on girls. Thus the POA agenda extended reproductive health and rights from control over own fertility to empowerment of women to make decisions by reorganizing gender relationships[5]. It was also identified that women is said to be unable to avail her reproductive rights if she fails to decide freely and responsibly the number, spacing and timing of her children, if she lacks financial resources to avail health services, if she fails to read package inserts or clinic wall posters, if her workplace is contaminated with substances which might cause adverse affect on pregnancy and women's health, if she is rebuked for using birth-control tactics etc[6]. This process was accelerated by collaborative efforts of women networking on reproductive rights under the banner of *Global Women Network for Reproductive Rights* (WGNRR), by demanding the recognition of the health agendas of the States for women not from the object of population control but to treat women as the subjects of policy making towards women friendly health policy formulation. In 1995, the Beijing Conference agreed upon the right to control over matters of sexuality as a part of human rights and emphasized on gender equity in all spheres to secure reproductive rights. The Beijing conference laid down the platform for women beyond nationalism to formulate an international agenda which identified the serious violence against women like genital mutilation, dowry death, etc as violations of human rights rather than merely terming them as individual, cultural or religious problems[7]. The BPA reinforced the commitment to women's reproductive rights and freedom from violence, identified rape as a war crime and pledged to end genital mutilation, prenatal sex selection and VAW[8]. Further these developments led to the understanding of reproductive rights beyond mere right of

individual choice to link reproductive health as an agent of human development. Though it could be said that Cairo conference brought a new range of awareness and achievements to the area of reproductive rights of Women, but many differences in the area appeared in regard to approaches to understand the reproductive health of women. The Southern women criticized the ICPD as west oriented stressing more on individual autonomy. The individualism and possession of the body is criticized as culturally biased notion. They asserted that SELF cannot be isolated from larger social conditions i.e. family, culture, society, economic relationship etc. For Example, Ultrasound and amniocentesis leads to female infanticide and abortions. Moreover, the ICPD also faced criticism from the Vatican and other conservative religious states. Though in Cario it was promised by 179 countries to empower women through health and education, combating VAW to ensure women's ability to control their own fertility by providing universal education, reproductive health care, reducing infant child and material mortality, but in reality due to political limitations of the signatories, the promised goal was not realized. As reproductive rights and health are embedded in diverse intersections like culture, geo-political positions which made it complicated to address the issue it became problematic to put the reproductive health agenda and women's empowerment into the same framework owing to the world economic crisis. The Radical feminist debated that the Cairo conference didn't address the problem of neo-liberal policies on Women's health like the introduction of Genetic Engineering etc, which led to the formation of *Feminist International Network of Resistance to Reproductive and Genetic Engineering* (FINRAGE). Further the Cairo Conference failed to analyze how market oriented approach to reproductive health tend to create inequalities among women. Criticizing the neo-liberal agenda, DAWN (Development Alternatives for Women in a New Era) was formed by Sonia Correa and Gita Sen against the oppressive family planning methods used in the third world countries. The DAWN questioned as to how human rights be secured in the neo-liberal market amidst state and health reforms, cuts in social investment and privatization of services. DAWN questioned the ICPD framework under three gender specificities i.e. Place,

Politics and Globalization where, Women's Bodies are characterized by hybrid identities, The political atmosphere of home and Environment and finally the male dominated social space where the problem of essential Other refused to recognize other's history, race, experiences, age etc. Further the dualism in addressing body/ mind, body/spirit, able/disable, reproduction/production, public/Private etc. has created problems addressed towards the goal of achieving women's reproductive health and rights agenda as a human right issue[9].

There has been a difference between the mainstream UN, WB and State policies on Sexual and Reproductive rights and the feminist agenda of reproductive rights. Mainstream interpretations of sexual and reproductive rights are characterized by heterosexual bias where man is the norm[10]. They target women's bodies while explaining these rights and rarely gave the option for women, the right to choose. The feminist agenda for dealing with reproductive rights is to uncover the sexual politics i.e. to analyze how women's bodies are being used both in outside and inside intimate relationships like family, intimate partner, community, society, state are sites of patriarchal power . Under these circumstances women fails to decide over her rights and more often decisions were taken under patriarchal observations. Thus a clear understanding of the notion of power becomes central to the issue. Merely asserting rights are not enough until and unless asserting the right to choose with whom you want to have a relationship is achieved.

III

Reproductive Rights and Women's Human Rights in India:

In the context of India, India has started its policies on family planning since 1952 starting from target oriented population control policies to reproductive health oriented programmes in recent years. In India, reproductive health and human rights issues of women intersects with religion, caste, class, economic and social status etc. It is surprising to see two dichotomous trends i.e. on one hand, India is recognized as one of the most international destination for affordable in-vitro

fertilization and surrogacy services and also is identified to have the highest maternal mortality and pregnancy related morbidity rates in the world. As per the report of The Centre for Reproductive rights (CPR), titled, Maternal Mortality in India , estimates around 1,17,000 maternal deaths in India per year which signifies 1/4th of the maternal deaths worldwide[11] . The reasons behind as per CPR is poor quality of life i.e. poverty, lack of education i.e. social status, gendered medical, socio-economic, caste and age related factors, inadequate nutrition, lack of access to medical care, family reluctance to seek medical care for women, child marriage, domestic violence etc. In spite of these drawbacks, India happens to be following the liberal abortion and contraceptive laws along with her history of population control in a societal culture characterized by son-preferences which encouraged the abuse of ultrasound for sex-selective abortion. India again became the first country in the developing world to initiate state-sponsored family planning with a dark history of target based forced sterilization which was classist in nature. During 1969 and 1974, when India's population threatened her economy, more rigorous target based population control policies were practiced by appointing health care workers with monetary incentive from 50 to 160 rupees to the workers and the clients respectively per sterilization and the targets who opted for other options like oral contraceptives were not given any incentives. As the government ran sterilization camps were temporary and were rush with targeted poor women seeking financial benefit for allowing their bodies to be invaded, the complications and post-operative complications were neglected. It was only due to the media coverage of the outcomes and negligence of state sponsored population control policies came under serious criticism from the public and finally this approach failed. Moreover, the government sponsored contraceptive programmes revealed a shift from women controlled contraceptives i.e. pills to clinically controlled methods like IUD, Hormonal implants like Depo-Provera and Norplant having disturbing and fatal side effects. Further India also became the laboratory for human testing of medicines (free-trail of drugs on human) due to cheaply available live-human bodies and also a huge dumping ground for inexpensive and unregulated contraceptives[12] .

Further, feminist like Nivedita Menon has argued that the right to legal abortion in India happened to be anti-women in nature. In her article titled 'Abortion: When pro-choice are anti-women', she comprehensively dealt with how abortion rights are a measure to control population growth. The trajectory of newly independent India's economic policies travelled from promoting industrialization as a measure to poverty reduction, towards substantial land reforms. But land reforms were never carried out due to the nexus between bourgeoisies, landed interests, urban professional middle class and upper castes. As a result the government pursued the economic development by providing incentives to private agencies with another conflicting policy of distributive justice and job related training programmes which further led India towards further dependency over the WB. Finally WB influenced by tuning India's economic development policies towards population control policies as they casted overpopulation as the cause behind India's poverty. She too viewed the MTP Act of 1971 as the outcome of 1965 UN Mission which recommended India to legalize abortion for curbing growing population. But the Bill in order to gain popularity when introduced in the parliament laid down its objectives as humanitarian to help women victims of forcible sexual acts, health concern as sympathy to those women who became pregnant due to contraceptive failure and finally as eugenic to reduce the risk of crippled child. The Act is anti-women in the sense that it was gender neutral and overdoses of medical intervention which overrode the feminist defense for abortion as women's right to choose whether she wanted it or do not want to continue with her pregnancy. Many a times, the issue of aborting the child is analyzed from Hindu Law of marriage and sonship guided by the belief of spiritual benefit for having a son. There are evidences in India's legal history that even a 16 year old child was denied abortion against the petitioner's argument that if minor delivers a baby it may be medically dangerous. The judgment denied abortion saying that terminating the first pregnancy might make the minor sterile and even religious scriptures are against it. Further women's sole job is the productivity of her womb[13]. Though MTP Act recognized abortion related rights to women like consent, confidentiality, safety but the Act itself is

physician driven and don't provide the women to avail abortion rights at her request. Thus it is open to arbitrary exercise of power by physicians. Moreover the Act provides abortion rights only to married women in case of contraception failure but ignored the others which led to illegal and unsafe abortion practices[14]. Further the category spousal consent required for abortion, in MTP entitles spouse for divorce which again interferes to women's right to abortion.

Menon asserted for the link between the MTP Act with the use of PNDT which was used through ultrasound and amniocentesis test for detecting fetal abnormalities which is required to fulfill the requisite qualification for abortion. But it was seen that with the introduction of the test, the tests were exclusively used for pre-natal sex determination which finally led to female feticide. Due to the emerging disastrous consequences it was banned in government technologies leading to mushrooming of private diagnostic centers in both rural and urban areas. The dire consequences against female feticide was thought to be justified by many as a measure to population control, further the NRR i.e. Net reproductive rate policy of the 6th and 7th five year plan of Indian government which required to maintain the replacement of the mother by one women too was anti-women in nature which indirectly glorified the sex selective abortion. Finally it was only in 1994 that the pre-natal diagnostic techniques regulation and prevention of misuse act was passed which too was gender neutral as it did not speak about the fetus but only with the technology to determine the sex of the fetus. Menon, too directed attention to the most disturbing interest of the government towards selective population growth within specific communities i.e. Hindu community, referring to an example where a ceremony was organized by Hindu Munnani in 1986 to honour those women who gave birth to 10 children and condemned abortion rights[15].

Apart from the above discussed discourse on women's reproductive rights in international Human rights platform to India's population policies which has created the feminist demands for right to choice to anti-women legalities played by state and international actors, other socio-economic and cultural factors like child-marriage, conflict driven societal factors, caste-stigma in marriage institutions alongwith poverty of women are identified as the prime factors hampering the

enjoyment of reproductive right of women as human rights. The basic questions like who controls women's bodies? Husband through forced sex, society by monogamous heterosexual marriage, patrilineage, legitimate heir, condemning sexual expression outside marriage, religion which glorifies motherhood and views infertility as curse, casteism by ritualizing women's sexuality through exogamy and endogamy marriage system, honour killings etc has left the question of women's right to reproduction unanswered in the Indian context. The structure of marriage, sexuality and reproduction is the fundamental basis of caste system. In India kanyadan is not the daughter alone but her virginity and women's sexuality and thing i.e. her femaleness (matri shakti), her procreative power. The procreative power is given to the man so that he could start his vansa[16]. Moreover poverty has encouraged many families and forced its women to go for surrogacy one after another for rich desiring parents by lending her womb as a survival strategy compromising health. Poor women in India have no access to health care and are forced to deliver their babies under tree in unhygienic conditions[17]. Moreover thronging of cheap abortive drugs in unregulated pharmacy has led to many dire health consequences to young girls in India who without prescription can avail the drugs. Further, the taboos related with sex-workers, same sex orientations, unmarried women having problems with reproductive organs and bearing AIDS have led to more heinous reproductive rights issues in India.

Besides these despairing contexts, there have been certain positive developments in India's judicial framework where with the help of PIL filed by NGOs like Human Rights Legal Network (HRLN) has led to certain positive decision by courts. Two of the most interesting case is of Shanti Devi and Fatema's case under Delhi High Court, where both the women were denied to free treatment and care as they belonged to BPL family. As a consequence, Shanti Devi died and Fatema had to deliver her baby under a tree. The court finally ordered the Delhi municipal corporation and the government to pay compensation to the victim's family for failing to abide by the constitutional right i.e. right to life.

There is an urgent necessity to critically analyze the legal framework as well as framing of Acts where women's bodies are targeted and women themselves

have no say. The National Family Health Survey report of India clearly reveals the failure of imparting compulsory primary education, combating child marriage and adolescent pregnancy which has finally eroded the basic human rights of women that is her right to her own body. Further, it should be recognized that the best way to motivate people to have fewer children is by improving living standards and women's status. In a country where moral policing over women's sexuality is done, they are denied property rights, treated as Paraya Dhan, more emphasis is given on fertility, observed abusive menstruation rituals, only be providing legal MTP, contraceptives, laws like CEDAW, Domestic violence bill, etc will never yield fruit until and unless the whole patriarchal structure is challenged.

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LOOKING AT THE EAST: ECOLOGY, MIGRATION, CAPITAL AND INDIA'S LOOK EAST POLICY

Amrita Pritam Gogoi

The Ecology of Change

Having born and brought up in a river island, just half a kilometre away from one of the tributaries of the mighty Brahmaputra; embankments, flood, grants, displacement, migration etc. became a part of the daily life, vocabulary and experiences of me and others in the locality I grew up with. As I rethink/recall, I remember the river wasn't just half a kilometre away when I was a kid. The river that now flows just behind the market was hardly visible from it some 20-25 years back. Elders in the locality claims that the river is in the process of changing its course to the same path it had taken before the earthquake of 1950. And accordingly, after the change in 1950, people settled down and cultivated in this newly formed land. But now, in the last 20-25 years again as it is nearing the more populated areas it has taken over many cultivable fields. In the same fashion it has been creating newer ones. The paddy field backyard of my place was rendered useless by huge deposition of sand by flood that came in the year 1996 leading to the displacement of people and villages. However, floods in the following years gradually deposited silt in the field that made the land cultivable again after more than a decade. If the river manages to change its course, it will engulf the market, the only college, the only dispensary and all the schools in its way; institutions that forms the yardsticks for measuring the development of a region. Money flows in every year to remake all the embankments and roads damaged by erosion and

flood, to resolve the crisis faced by these yardsticks of developments. But one should rethink, if the embankments are helping check flood and erosion problem or do they accelerate the pace of erosion, displacement and destruction further.

The embankment economy of Assam has a history dating back to colonial times. To protect oil fields, tea plantations and revenue villages from flood the only option colonialism choose were embankments, ignoring the fact that it can unsettle the ecological balance of the currents of the river. After independence the embankment economy flourished like anything. Despite local resistance only option for every riverine problem remained embankments and embankments alone. As a result today there are 423 embankments along the Brahmaputra and its tributaries stretching out to 4,774 kilometres[1]. The embankment economy flourished so much so that it even locked my island as a result of which after sealing it, only 421 sq kilometres of it is left from 1,250 sq kms[2]. Furthermore, these embankments break every now and then taking life and property along. Perhaps some embankments on the bank of rivers are good, and can be used to maintain the ecological balance of rivers. But in a fixed, capitalist notion of development, as it was brought about by colonialism it would only lead to destruction.

The Migration

The ecological uncertainties accompanying with its "frontier" experiences as James Scott has recently argued, migration is a commonly lived experience to the area. Unlike the settled cultivators in other parts of India, here in the North East, peasants shift from one particular area to another. The abundance of land, constant shift in river currents all led colonialism struggle to tame its unruly peasants to be settled in one particular field for ten consecutive years. However, this condition of abundance of land soon came to an end when the capitalistic propiertorial relationship made its pace into the region. First in the name of tea gardens, oil, coals fields and lately with the advent of small tea garden movement in upper Assam, the opportunity of getting back a land if one loses has become very limited. A recent study on development induced displacement in Assam estimates a huge

number of displacement from 1947-2000. In their detailed work on development induced displacement, Walter Fernandes and Gita Bharali reveals that 14.1 lakh acres of land has been encroached by developmental projects displacing almost 19.1 lakh people from 1947-2000. Whereas according to government reports it is only 3.19 lakh acres and 4.2 lakh[3]. This huge number of displacement induced by development, in an area where people or policy makers often laments about its underdevelopment is intriguing. Without proper, systematic rehabilitation programmes, the outcome has become disastrous for the people. Considering the fact that most of this populations comes from the rural poor, depends on cultivation for their livelihood loosing land is the worst misery they would anticipate What seems interesting is that only a sizeable proportion of the encroached land is used for the developmental projects. The study on development-induced displacement in Assam shows that, the State used only 393,236.7 acres for all development projects from 1947-2000. In reality it used not less than 1,411,184.8 acres. The remaining 1,017,948.7 acres (71.94%) are common land or of an unknown category, most of it belonging to tribal or fishing families[4].

This is the reason why I see more and more people settling down by or on the embankments every time I go back to the island I belong, the very embankments that streams water flow in such a way that it swipes away their homes and makes their land uncultivable. They not only move to the embankments but away from the reaches of the river that once formed his/her lifeline to become rickshaw pullers, daily wage earners etc. Few who can afford a railway ticket down south has managed to move outside the state; detaching themselves from their homes, land, forcing them to take up new ways of life. Many, within, celebrate such migration to the town next or to a metropolis believing that the lazy *axomias* have now started to work or that the land is generating money through these 'now' self sufficient chaps. Yet such celebrations are but a very populist understanding ignoring socio-historical realities, overlooking serious political implications. Such an understanding also undermines the realities and complexities of power relationships in unequal hierarchical societies. Although, these workers may migrate for upward social

mobility, yet such faith and belief is rooted in simplistic assumptions of situations, conditions and anxieties they would undergo vis-à-vis their host community. The ethnic conflict that took place in BTAD in the year 2012 against the so called illegal migrants is a case in point. The increasing number of unfamiliar faces into the BTAD made the host community insecure about their identity leading to massive riots. For peasants fully dependent on land for their survival, when scourges of the river takes away huge tracts of their land inhabitants are left with no option but to move to another nearby cultivable tracts of land they can depend on for their survival. I remember, as a child I had to cross Brahmaputra twice to move outside the island; 1st almost half a kilometers through ferry or small boats, then take bus through one of its islets and then another ferry for almost an hour. But through my teenage we were relieved from the double burden of crossing it twice. Because by then, the islet like many other islets merged into the river. The question here is where people dependent on their livelihood would go when these islets no longer exist. In last 20-25 years the islets/ *chors* of Dhuburi district and its adjacent areas has been facing massive erosion. Due to this erosion thousands of people were force to leave to settle in the adjacent BTAD area. The people of these *chors* belong to Muslim community. As they have different relationship with market and economy the presence of these new comers sparked conflicts between host community and them, and finally this led to the BTAD violence of last year resulting the displacement of almost 40,000 people[5].

Developmental Experiences and Indigenous Rights

Development as we all know is never politically innocent. Developmental projects based on the capitalist assumption of profit, of economic actors and economic behaviour like production, consumption and investment has led to outcomes that hint otherwise. Its notorious unevenness in terms of distribution and outcomes has led to the rise of various socio political phenomenon making life, relations and politics of the region uncertain. The bloodsheds witnessed by the region in the last few decades in the name of identity, ethnicity, history, and language are indeed

intrinsically related with the development trajectory the region has been subjected to. The increasing resentment towards the centre, change in the relation between its various communities, migration to and from the Northeast and within the region indicates that the development trajectories followed in the region has not attended to the uniqueness in the history, sociology and cultural practices of the land.

One primary concern or interest zone of statecraft, particularly from the colonial time, includes land, land use and generation of revenue out of it. And evidently massive changes in the usage of land for various purposes has been creatively, and many a times, forcefully curved out or imposed against the interest and wishes of the indigenous groups. The NC Hill District of Assam is one such solid example. The instability it is witnessing today makes explicit that something important goes missing from the minds of the policy makers each time cartographic and developmental experiments were made. Before becoming an autonomous district under the provisions of the 6th schedule of the Indian constitution, in 1886 a portion of it was conceded by the British administration and made a part of the Naga Hills, between 1880-81 a part of it was added to Cachar district as a sub-division. Following the transfer of power to Indian hands, the district was made a subdivision of the United Mikir and North Cachar Hills and in 1971 the area became a full fledged district. What is important here is that such demarcations accompanies changes in the identities of the people - majorities become minorities, dominating tribe become sub-tribes and vice versa leading to uncertainties and insecurities and most importantly change in relations. Land notified under the 6th schedule is a property of the community. This is because social- economic organization and life in these areas centres on shifting cultivation. Therefore most of the powers regarding land are given to the chiefs and headmen viz. the power to make laws regarding allotment, occupation and use of land along with management of forest, rules and regulations regarding shifting cultivation, social customs etc. Moreover, outsiders of the region are not allowed to buy and sell land in a notified six schedule area. However, powers to block the acquisition of land (occupied or unoccupied) is given to the government of the state. Such contradictory policies, which on the one hand gives legal recognition to land as a Common Property Resource (CPR) and formulate policies accordingly but denying them the right to act against any

acquisition of land reveals deep flaws in our developmental experiments. At the same time, it should not be forgotten that village headmen and chiefs have their own political affiliations having an impact on their decisions regarding community land. So changes in government, power politics of the state or the centre affects land rights and thereby their life deeply. Once such case was the allocation of 700 acres of land traditionally/historically used for shifting cultivation to a claimant for tea cultivation who in turn convinced the gaonbura/ the village headmen that the garden would benefit the area economically in terms of production and generation of employment. However, years later only 25 acres of the land was cultivated and all the forty workers appointed were not locals[6]. In a place where land is a community property used in rotation by groups and families, where jhumming forms an important component of their social relations and existence such ignorant allocation of land to an individual owner might lead to serious implications in the socio, political life.

Similar misuse of large tracts of land in NC Hills took place in the context of Coffee plantation as well. The development project in NC Hills had other stakeholders as well like the Tea Board, The Rubber Board and the Coffee Board. A sizeable amount of fund for agricultural development have been introduced by the Coffee Board that successfully pulled in lots of land for coffee cultivation, supported the farmers and bought the beans, for a few years though, at fixed rates. However, not a single factory for processing the beans existed in NC hills. Later, in the 1990s when the price of coffee fell they deserted the farmers. The local Dimasa people who participated in the experiment hardly have any back up to be able to pick up the pieces from this economic tragedy[7].

Therefore it is clear such irrational and simplistic understanding of systems of land use and various actors involved in the process might lead to serious consequences. It might lead to development that furthers alienation and exclusion of ethnic minorities involved. Such complicated working of capital is also seen in the functioning of the weekly markets where the traders are mostly non-locals and buyers locals. But it has come to be accepted because of the reasonable rate of exchange. However, the fact is still problematic in the light of the fact that such domination negates the protective clause of the 6th schedule.

Conclusion

So far I have not talked of Look East Policy not because I have any objections against it. I think, looking for east is not a bad option, as a significant portion of north east's community politics mobilized around the question of underdevelopment. But one should be cautious to take India's look east policy as a hope for better northeast as the existing developmentalist paradigms rather than resolving, invokes problems. The North-eastern region of India, since colonial times particularly the cartographic exercises undertaken in its hills, rivers, valleys and forests, have witnessed a lot of changes in its social relations, economic conditions, geographical positional ties and cultural life. Through their so called civilizing agenda which included ethnographic anthropological excavations they always portrayed the colonized as the uncivilized 'other', to be taught the good and civilized ways of life. The inability to understand, recognize and accept the sociology and politics behind the plurality of political forms and multiple sovereignties that has been the basis of community organization in this part of the world has often led the 'civilized' colonizers to conclude that nothing but anarchy is what that characterizes the land. The point is whenever a 'developmentalist' west shows frontiers like this would always misconstrues its multiplicities, peculiar overlaps and dependencies with anarchy. Thus one would rethink the developmental models, the notion of modernity before engaging with certain developmental model for a particular area. However, this colonial, somewhat western notion that separates anarchy from order, modern from non modern has been practiced through administrative policies the decades later even the post-independence percolating into different aspects of our everyday life and politics. Look East policy or any developmental policy must listen to this uniqueness of north eastern India, else every policy will backfire accelerating more consequences to already volatile area. Can there be a non-western developmental mechanism for non-west, perhaps this is the question we should ask when we contemplate over India's look east policy?

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STRATEGIC ENGAGEMENT OF MYANMAR BY INDIA AND CHINA: ASSESSING THE GAMES NATIONS PLAY

Obja Bora Hazarika

In 2010, the military junta which had ruled Myanmar since 1962 with an iron grip most uncharacteristically stepped quietly and nearly-gallantly aside to allow democratic transition in the country. On the whole, the world community welcomed the transition. The West, on its part, lifted sanctions and India was hopeful of greater cooperation with the new government. China, however, given its closeness with the junta, was deeply concerned about the new rule in Myanmar. This article seeks to examine the dynamics of China and India's relations with Myanmar in the context of the changing political-economic conditions in these nations and assess the strategic competition between China and India over Myanmar.

China's Strategic Interests in Myanmar

Despite instances of difficulties in their relationship, for a large part, China-Myanmar ties have been cordial, close and cooperative. In the 1960's there were "waves of very serious anti-Chinese community riots" in Myanmar and fighting between the Burmese Communist Party, which was supported by China, and the Burmese Army which led to the suspension of diplomatic relations from 1967–1970.[1] Regardless of these setbacks, General Ne Win of Myanmar continued to cultivate strong ties with China and supported the latter in its stand on several international issues. In 1979 Myanmar left the Non-Aligned Movement and "Deng Xiaoping's landmark six-day visit to Myanmar in 1978" marked the beginning of

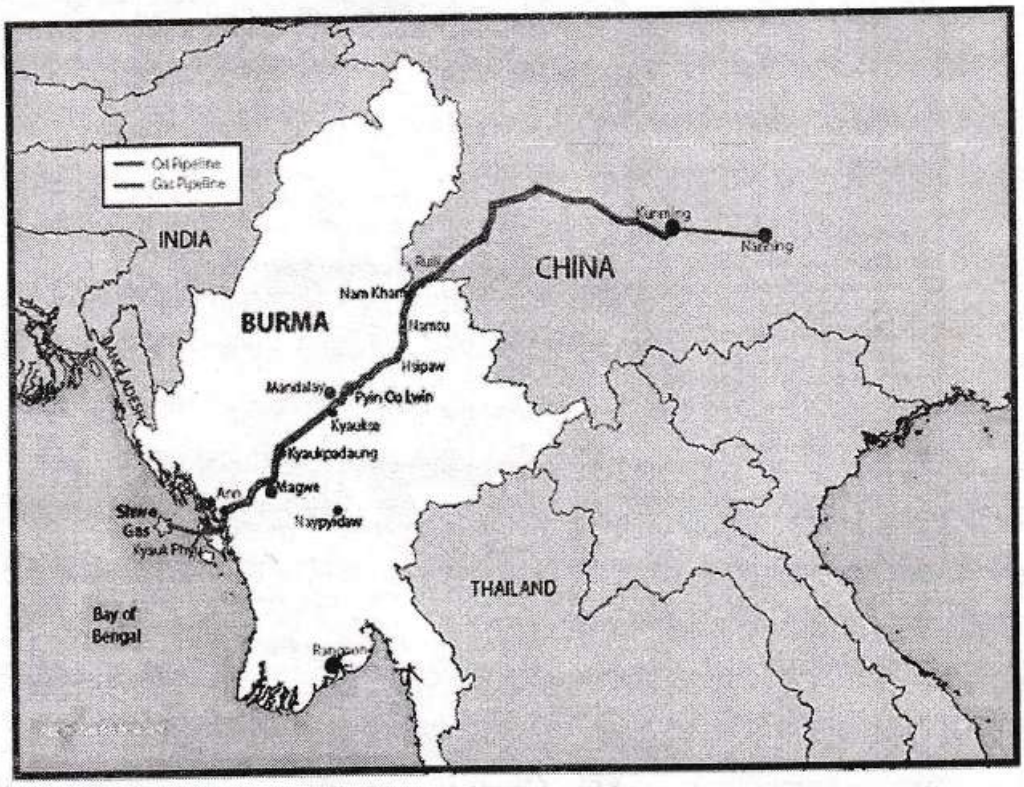
robust ties between them.[2] Myanmar's relations with China received a fillip when the junta attracted condemnation from most international actors save China, for its brutal crackdown of the pro-democracy movement of 1988.[3]

Myanmar, given its geographic position, can pose a grave security threat for China, if external powers use it as a base of aggression to threaten and/or attack southwest China. In order to prevent such a possibility, China seeks to ensure that it remains Myanmar's key partner in diplomatic and strategic relations. China is wary of growing closeness of Myanmar with the United States of America (US). The US which has bases and strongholds around China, in Japan, South Korea, Taiwan, Philippines, Australia, Central Asia, West Asia and Afghanistan, is viewed with suspicion by China as trying to stranglehold it on all its sides to prevent its freedom of movement and thereby ensure that the US has the strategic upper-hand in case of confrontation. Given this ring of influence which the US established all around China, the latter continued to maintain cooperative and accommodative relations with the junta. The US welcomed the new regime and engaged with it in a comprehensive manner, complete with the visit of no less than the President of the US, Barack Obama, to the country. In China's calculation, if the "Myanmar domino" falls to the US's encirclement and containment of it, then China would have lost much strategic ground in its immediate neighbourhood to its rival in the international level.

China's strategic ambitions in Myanmar are intertwined with its desire to ensure that its gas and oil delivery routes from the Persian Gulf are diversified. China intends to lessen its over-dependence on the Malacca strait, a route from which 80% of China's oil imports passes through, by ensuring that a shorter route cutting across Myanmar which joins China to the Indian Ocean is created. For China, the strait is a choke point where enemies could cut off foreign energy supplies to China, thereby critically weakening it. Access across Myanmar would be advantageous, lessening dependence on the strait and at the same time dramatically reducing the distance from factories to markets in Europe and around the Indian Ocean.

In June 2013, the Sino-Myanmar oil and gas pipeline was successfully completed with gas starting to flow to China in October 2013. The oil and gas

pipelines constructed by China, connect the Indian Ocean coast of Myanmar with the southwest region of China up to Nanning city of Yunnan province. This 2380 km pipeline is extremely crucial for China's energy needs as it will carry "22 million tonnes of crude oil per year to China from the Middle East and Africa, compared to 20 million tonnes of crude oil carried by the Sino-Kazakhstan oil pipeline that was put into service in 2006, and the transportation of 400,000 barrels of oil per day from Russia."[4] The Sino-Myanmar pipeline "is reckoned by the Chinese government as the fourth most important energy transportation route after the Central Asia pipelines, sea transportation and the Sino-Russia pipelines."[5] Since the project was announced, a wide range of human rights issues, including forced labour, environmental degradation, loss of livelihoods, confiscation of land and suppression on peaceful protests inflicted by intensified militarization along the pipelines has been reported.[6]



Sino-Burmese Oil And Gas Pipelines In Shwe Gas Project

[***Source:*** Briefer on Chinese Investments in Myanmar, IHLO, January 2014, URL: http://www.ihlo.org/CINTW/Burma.pdf]

The Kyaukphyu-Kunming Railway (under negotiation) which is a Sino-Burmese railway is also under construction running parallel to the oil and gas pipelines terminating in Nanning of Yunnan province, where it will be connected to the rail network to the Mekong region.[7] Apart from oil and gas exploration and pipeline construction there are other major Chinese Projects in Myanmar including Special Economic Zone development, hydropower projects, and extraction-mining industries

Project	Company	Amount
Oil and Gas		
Sino-Burma Oil & Gas Pipelines (2010-2013)	Oil pipeline: China National Petroleum Corp. (CNPC) and Myanmar Oil and Gas Enterprise (MOGE) Gas pipeline: CNPC, MOGE, Daewoo International, Korean Gas Corp., IndianOil and Gas Authority of India Ltd.	US$2.54 billion
Hydropower plant		
Yeywa Dam in Mandalay Division (2004-2010)	China International Trust & Investment Co (CITIC) and Sinohydro Corporation	US$700 million (China Exim Bank provided a US$200 million loan for the project)
Hatgyi Dam in Karen State (2006-)	Sinohydro and Electricity Generating Authority of Thailand (EGAT)	US$1 billion
Tasang Dam in Shan State (2007-)	China Three Gorges Corporation, EGAT (56.5%) and others	US$12 billion
Ywathit Dam in Karenni State (2010-)	Datang Corp.	unknown
Laiza Dam in Kachin State	China Power Investment (CPI)	
Chibwenge hydropower plant in Kachin State (-2013)	CPI	
Myitsone Dam in Kachin State (suspended)	CPI	US$3.6 billion
Khaunglanphu dam (suspended)	CPI	
Chibwe Dam in Kachin State (suspended)	CPI	
Lakin Dam (suspended)	CPI	
Mining		
Tagaungtaung Nickel and Ferro-Nickel Mine in Mandalay and Sagaing Divisions	China Non-ferrous Metal Mining Company (CNMC) and Myanmar's Ministry of Mines	US$800 million
Letpadaung Copper Mine	Wanbao Mining Ltd. (a subsidiary of Norinco) and Union of Myanmar Economic Holdings Ltd (a subsidiary of the military in Burma)	US$1.07 billion
Mwetaung Nickel Mine	Zijin and Norinco are in cooperation with the Burmese government	
Ferrotitanium Mine in Kokang	Zongshen Industrial Group	US$100 million
Railway		
Kyaukphyu-Kunming Railway (negotiating)	China Railway Engineering	US$20 billion

Chinese Major Projects in Myanmar

[***Source:*** Briefer on Chinese Investments in Myanmar, IHLO, January 2014, URL: http://www.ihlo.org/CINTW/Burma.pdf]

In addition, Myanmar is strategically important as a 'landridge' for the People's Liberation Army Navy (PLAN) of China.[8] China's distance to the Indian Ocean would be reduced by 3000 kilometres if its passage via Myanmar can be achieved, saving it time and emboldening it with greater and more immediate presence in the Indian Ocean region, which is fast-evolving into a nodal region of world politics.[9] China's maritime ambitions are thereby hinged on its relations with Myanmar as the latter could behave like a springboard for China to expand its reach well into the Indian Ocean. China's endeavours to carve out a space for itself in the Indian Ocean by actively pursuing infrastructure developments in Myanmar, has India reconsidering its policies in the region. India has chalked out a strategy in order to offset growing Chinese presence in the region and to ensure its continuing pre-eminence in the area India. India's strategy includes- "increasing its naval spending", "strengthening its infrastructure presence", "increasing its naval capabilities", "active maritime diplomacy", " increased deployments of these naval assets around the Indian Ocean", "conducting naval exercises in the Indian Ocean" and "keeping open the choke points in and out of the Indian Ocean".[10]

Myanmar is crucial for China's economy as its natural resources including oil, gas, timber, and rubber; are crucial for fulfilling China's energy demands and its market serves as an important destination for China's exports.[11] Thus, China wishes to maintain a pre-dominance in exploiting Myanmar's energy reserves, a pre-dominance, it sees threatened by India's forays into the country. In addition, Myanmar is also crucial for China's vision of reviving its 'southwest silk road' from "Yunnan province to Myanmar and westward to Bangladesh, India and the West".[12] Moreover, China seeks to undo its lopsided development in which its northern and eastern regions' have outpaced its south and west, by implementing its Western Development Strategy, in which Myanmar can play the role of a lynchpin.[13] By using Myanmar as a conduit, China seeks to link its south-western provinces with the mainland Southeast Asian states, which can provide a market for its goods and can "mitigate the gap of economic disparities between China's affluent coastal and its poverty stricken southwestern inland provinces".[14]

Another pertinent strategic issue with regard to its relations with Myanmar includes the less than peaceful China-Myanmar border which have in the past witnessed clashes between ethnic minorities residing in the region. Such incidents, like the "Kokang Incident" of 2009, have led to refugee inflows into China, which endangers China's security and stability in its south-western frontier region. Myanmar is also a region prone to cross-border crime and drug trafficking, which could "impact on both social stability and economic development of China's southwest region".[15] Close coordination coupled with joint border patrol are key to solving these problems which lie along the border areas of Myanmar and China. China's Myanmar policy has always sought to ensure a stable external environment with the neighbouring states so that Beijing's "domestic modernization and development policy" can continue uninterrupted.[16]

Myanmar also greatly values its relations with China. China is Myanmar's largest trading partner, and its largest investor in infrastructure and hydropower projects. China has become the biggest investor in Burma, followed by Hong Kong, South Korea, Thailand, Britain and Singapore. By 2013, "China made a total of US$14.1 billion Investments across 52 projects in Burma, accounting for 41.7% of Burma?s cumulative FDI."[17] at least 69 Chinese multinational corporations were "involved in 90 hydropower, oil and natural gas, mining, jade and other natural resource projects in Burma in 2008". The key players include China National Petroleum Corporation (CNPC), China Power Investment (CPI), Sinohydro Corporation and China North Industries Corporation (NORINCO).[18]

Moreover, China has been Myanmar's foremost international patron, often providing it with diplomatic protection from international punitive actions, by vetoing resolutions in the United Nations Security Council during the junta rule. In addition, it is also by far the main weapons supplier to Myanmar. Moreover, a large number of ethnic Chinese, numbering around 2 million reside in Myanmar.[19]

Despite robust bilateral ties, however, there persist certain misgivings in Myanmar about China. These revolve around perceived fear of Myanmar's

economy and culture being overrun by China. The locals have protested against the detrimental impacts on the environment caused by the Chinese projects in the energy and mining sectors. They have also staged strikes in the Chinese factories over poor salaries. China was highly apprehensive of the new government in power in Myanmar, lest it heeded public protest against Chinese economic endeavours in the country. This fear was realized when on 30 September 2011, when China's Myitsone Dam project was suspended, due to local protests over its impact on the Irrawaddy River.[20] To placate China after the Myitsone reversal, in April 2011, President Thein Sein paid a State Visit to China where the relationship was elevated to that of a strategic partnership.[21] There have not been any significant investment by China after the suspension of the Myitsone dam. China has, howver, continued to build its strategic partnership with Myanmar, for instance by offering a US$100 million loan to Myanmar in 2013.[22]

India and Myanmar: Strategic Interests and Competition

Prior to the junta rule of 1962, Myanmar and India had very close ties. Myanmar followed India's lead in international issues- for instance it supported the Indian resolution in 1950 proposing the PRC's admission to the United Nations. India adopted an exceedingly benign and forgiving attitude on issues, like Indians being expelled in several waves from Myanmar after its independence and their properties being nationalised without compensation by Myanmar. India also settled Myanmar's large debt to India by virtually waiving payment.

However, after the military junta assumed power in 1962, relations with India were downgraded and India reciprocated with a policy of benign neglect. India harshly criticised the crackdown of the anti-junta demonstrators in 1998 and openly supported dissidents in Myanmar, whether "ethnic rebels or urban political activists" and "opted for the political isolation of the new regime".[23] The isolation of Myanmar by India and the West pushed Myanmar further into China's ambit, a country which was known for pursuing, with impunity, cordial relations with nations lacking in human rights guarantees and democratic credentials.

China's policy of practical engagement with Myanmar paid great dividend as was evident by 1992, when news about Chinese monitoring facilities on the Coco Island of Myanmar, just a few nautical miles away from the Indian Andaman Islands, emerged. Fearing the loss of strategic space to China, and with a goal to pursue coordinated efforts at flushing out the safe-houses in Myanmar of secessionists in India's north-east, New Delhi gradually defined a more conciliatory policy toward the junta in Myanmar.[24] The last bastion of moral high-ground was abandoned by India with the launch of its Look East Policy in 1992-1993 by Prime Minister P.V. Narasimha Rao which categorically spoke of pursuing full-spectrum economic cooperation with Myanmar regardless of the nature of political rule present in the country. Following India's announcement of its Look East Policy, high-level visits between India and Myanmar ensued with great vigour, opening up the way for close cooperation in the economic and security spheres. India welcomed the peaceful nature of regime-change in Myanmar in 2010 and has continued to pursue its economic and security coordination with Myanmar which have since 1992-1993 been on an upswing.

India has manifold interests in Myanmar. First, China's influence in Myanmar is of deep consternation for India. India is concerned about "competition for energy resources" with China, the "construction of deep-water ports by China" which are "capable of docking Chinese naval vessels along Myanmar's coastline", "operation of military listening posts on the Coco Islands" in close proximity to the Andaman Islands of India, among others.[25] The construction of a naval base in Sittwe by China was another cause for consternation for India.[26] India is concerned about China forming close cooperation in security and economic issues with India's neighbours- Pakistan, Nepal Sri Lanka and Myanmar. China's endeavours to cultivate close economic and security ties and indulge in infrastructure investment of building ports, rails and roadways, in these countries which encircle India on all its sides, has led some sections in India to view this strategy as an attempt to encircle India, also known as a "string of pearls", which in case of tension can give China a strategic upper hand.

Due to immense Chinese involvement in Myanmar along with other concerns of India such as arresting secessionism in its north-east, increasing trade and exploiting Myanmar's natural resources and using Myanmar as a bridge to the markets of South-East Asia, India reneged on its policy of condemnation of the junta and in the early 1990's began to cultivate cordial ties with Myanmar. India's Look East Policy was thus implemented whereby India attempted to engage the junta and cooperation began in joint counter-terrorism, greater economic transactions, and border patrols between the two nations. High level visits ensued between the two nations since the 1990's which were boosted after the junta stepped down in 2010.

Boosting military cooperation with Myanmar has been another prominent strategic goal pursued by India. Military cooperation between the two nations has been on the upswing since the launch of the Look East Policy. Military cooperation between the two nations includes "exchanges of visits of the highest-level officers considerably enhanced naval cooperation, supply of equipment, provision of increasing training slots, etc. The private sector seems to have overcome its hesitations and many companies have started activities and operations in Myanmar."[27] Deepening of military cooperation was evident when March 2013, the Myanmar Navy flotilla paid a port call to Vishakhapatnam. In 2012, the Myanmar Navy participated in the biennial MILAN exercises hosted by the Indian Navy.[28] Such cooperation is aimed at tackling security issues like piracy, terrorism, gun running, drug smuggling, illegal fishing, and human smuggling."[29]

Apart from offsetting China's influence in Myanmar and consolidating cooperation in the military arena, India is also keen to strategically leverage Myanmar's contiguity with the rest of the South East Asia nations which present a vast market for Indian goods as well as a location for India to obtain valuable capital and technology, as well as a possibility for forming greater security partnerships with the dynamic ASEAN region. Myanmar is a gateway for Indian "commerce to Southeast Asia, rendered more important by political tensions that

limit Indian trade and transit through Bangladesh."[30] Myanmar being India's gateway to the ASEAN nations is thus strategically pivotal for India's ambitions to form close ties with the ASEAN. Close relations with the ASEAN will enable India to explore economic and strategic possibilities offered by the Indo-Pacific region as well. Apart from being a bridge to the ASEAN, Myanmar has abundant energy resources which an energy hungry nation like India is keen to explore. Indian companies like GAIL, ONGC, ESSAR etc are investing aggressively in exploring Myanmar's oil and gas reserves.

Another important strategic concern for India with regard to Myanmar is the 1670 kms long land border which they share. There reside certain restive groups and groups of same ethnic lineage on both sides of the Indo-Myanmar border.[31] Myanmar serves as a sanctuary for several secessionist movements based in India's northeast states. Apart from secessionists taking refuge and setting up training camps in Myanmar there is also a concern that Myanmar serves as a hotbed for drug and human traffickers as a destination of small arms proliferation. India thus urgently needs to cooperate with Myanmar to counter both cross-border criminality and insurgents.[32]

The insurgents and traffickers are also taking advantage of the unique arrangement of the India-Myanmar border called the Free Movement Regime (FMR) which permits the tribes residing along the border to travel 16-km across the boundary without visa restrictions. India and Myanmar need to cooperation to find a way to ensure that age-old ties between the people living on either side of the border are maintained while preventing the anti-social elements from misusing such an arrangement.

Myanmar and India have also pursued greater economic cooperation and trade between these two nations has "increased from $62.15 million in 1988 to $1.5 billion in 2010–2011 and a target of $3 billion has been set for 2015".[33] Competition with China is not limited only to trade and hydrocarbon exploration contracts but infrastructure development as well. Some of the ongoing Indian

infrastructure development projects in Myanmar include- the Tamu-Kalewa-Kalemyo highway, popularly called the Indo-Myanmar Friendship Road, slated to be completed by 2016; the India-Myanmar-Thailand Friendship Highway: A 4-lane, 3200 km triangular highway connecting Guwahati, Mandalay, Yangon, Mae Sot and Bangkok and will be extended to Cambodia and Vietnam. The focus of the BCIM Corridor: Bangladesh, India, China and Myanmar-Economic Corridor (BCIM-EC) is to facilitate trade and connectivity between the landlocked and economically isolated south-western parts of China and the North Eastern region of India. The Kaladan Multi-modal Transit Route constituted the following:-

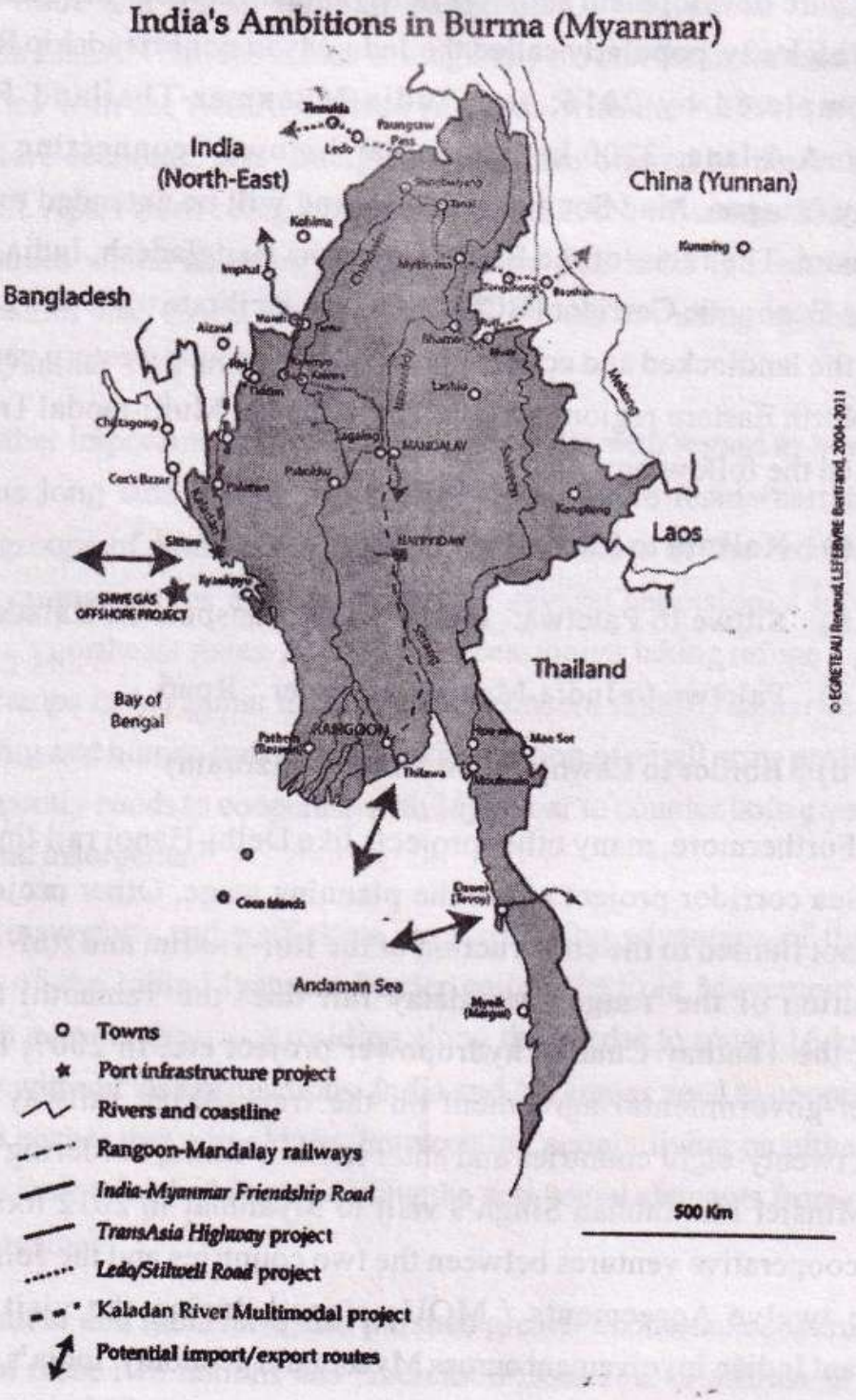
a) Kolkata to Sittwe Port in Myanmar

b) Sittwe to Paletwa: Inland Water transport on Kaladan river

c) Paletwa to India-Myanmar Border : Road

d) Border to Lawngtlai on NH-54(Mizoram)

Furthermore, many other projects like Delhi-Hanoi rail link, Chennai-Dawei Sea corridor project are in the planning stage. Other projects include and are not limited to the construction of the Rhi-Tiddim and Rhi- Falam road; construction of the Yangon-Mandalay rail line; the Tamanthi hydropower project; the Thathay Chaung hydropower project etc. In 2007, India signed the inter-governmental agreement on the trans-Asian railway which will connect twenty-eight countries and enter India at Tamu, bordering Myanmar.[34] Prime Minster Manmohan Singh's visit to Myanmar in 2012 took stock of a host of cooperative ventures between the two countries and the Joint Statement and the twelve Agreements / MOUs signed during the visit articulated significant Indian involvement across Myanmar's economy. India's involvement in the energy sector, infrastructure and power sectors of Myanmar are slated to grow. Cooperation in agriculture, capacity building and education are other areas of focus between India and Myanmar.[35]



MAP

[*Source:* Egreteau, R. (2008) India and China Vying for Influence in Myanmar - A New Assessment, India Review, 7:1].

Conclusions

India and China view each other's presence and influence in zero-sum terms in Myanmar which provides an opportunity for Myanmar to hedge both these nations and ensure maximum benefits from them. China and India seek to harness the potentials of Myanmar in the geo-economic and geo-strategic fields. India is aware of the fact that the presence of greater number of Chinese immigrants than Indian immigrants engaging in Myanmar is a detriment to India's interests in the country.[36] Moreover, China also produces cheaper goods than India; and China is less likely to be faced with domestic political opposition and pressure groups in pursuing its economic ventures in Myanmar than in the case of India due to their different political formations at home. In addition, India remains dependent of Myanmar for arresting the secessionism in Myanmar which acts as yet another handicap in comparison to China, which is relatively free of such dependence on Myanmar.[37]

India is thus; keen to invest greater political and economic capital in Myanmar to offset these drawbacks in relation to China. In a nutshell, the strategic issues which have led to the competition between India and China consist of the attempt by China to gain access to the Indian Ocean through Myanmar and India's attempt to access South East Asia through Myanmar; secondly, India is concerned about maintaining stability on its Northeast border and China in its southwest border; India and China are interested in shoring trade, infrastructure and exploration in Myanmar; and finally China and India both seek to ensure that they individually benefit the maximum from the energy sector and natural resources in Myanmar.[38] Myanmar, being aware of its importance in the strategic calculations of India and China, has adopted, since the late 1990s, 'counter hedging' strategy by diversifying its diplomacy and engaging India, China as well as the ASEAN, Japan the US etc.[39]

A political transition, bloodless and thus, very "21st century" in nature, is ensuing in Myanmar as the military junta voluntarily renounced power in 2010, opening up the political arena for a more current-era appropriate governance. However, the seemingly bloodlessness nature of the transition, has the possibility of being undone by external actor involvement, not with blood per se but with, and

once again, the "21st century" replacement of blood, i.e. a loss of sovereignty while appearing to still retain it or "neo-neo colonialism"- a term being used here to denote previous colonies and semi-colonies (China, India) now pursuing neo-colonialism, hence neo-neo colonialism.

Although, the coup-less and revolution-less change has begun in the helm of political affairs in Myanmar, external players like India and China seem to be jostling for strategic space in Myanmar with iron determination and the political and business elite of Myanmar with their unabashed hedging policy, are welcoming all kinds of foreign investment, foreign participation in their internal affairs across a range of activities, which reek of the dangers of possible colonial style involvement by India, China and even other actors like the US, only sans the onus of bothering with providing social welfare support, which is yet another indistinguishable feature of neo-colonialism occurring in India and past-colonies across the world and since in Myanmar's case ex-colonies are practising these methods-it is neo-neo colonialism which is unarguably materializing in the country. This situation, where China and India have the freedom to single-mindedly pursue their economic and strategic goals in a country, which is welcoming them with open arms due to historical and economic and misplaced strategic ambitions of its own, is indeed a 21st century rising power's dream and a nightmare for the local populace's of the country in question. Seen in this manner, the competition which China and India are giving each other may be the only saving grace for the locals of Myanmar, as competition may make them come up with local-friendly policies as an attempt to outbid each other and endear itself over the other as a more attractive trade and investment partner. So, in the 21st century, rather than worrying about Myanmar playing India and China against each other, one ought to think along the lines of the citizens of Myanmar who are the actual pawns in this neo-neo colonialism, as their country's elite vie for greater investment and involvement of India and China inside Myanmar, with little or no regard for the impact that such involvement would have on the sovereignty of Myanmar let alone the possibility of the development of dependence of irrevocable proportions of Myanmar on these countries, which would imply the literal relinquishing of power of Myanmar, economic and thereby political to neighbours, who are unarguably hungry to cash in on Myanmar's resources and have absolutely zero-responsibility towards the populace of the country.

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EVOLUTION OF PANCHAYAT DURING THE COLONIAL PERIOD

Manashi Sarma

With the coming of the British the Indian villages gradually lost its strong hold and even failed to discharge the traditional functions which it used to perform earlier. But even when the British took up the reign of administration in their hands they confined their activities mostly to the collection of revenues and maintaining law and order in the initial stage. The first concrete step towards the establishment of local self government is reflected in the Resolution of Lord Mayo which tried to put in tract the derailed local institutions.[1] Hence local self government in its present form is definitely a British product.[2] Credit must be given to them for giving it a structural framework and embedding it more firmly in the Indian soil. While at the helm of affairs the British enacted a number of legislative and Constitutional Acts to facilitate smooth administration. It was because of their endeavor that the wheels of panchayati raj were set in motion in India and in Assam.

Assam has a chequered history of local self government. Assam's tryst with the British Empire began with the Burmese invasion of Assam. Prior to 1874 Assam was a part of the Bengal presidency and hence no separate laws were enacted for Assam.[3] The Yandaboo treaty signed between the English and the Burmese, in 1826 sounded the death knell for the six hundred year old Ahom dynasty, and paved the way for the British to become the colonial masters

of Assam. David Scott who was the first Commissioner of Assam established a court on the banks of the Joysagar tank. This court was referred to by the name of Panchayat or Cutcherry. European judges tried the cases here but they could take the help of the Assamese bureaucrats. In fact the Cutcherry which met from 1825-1828[4] included the following Assamese intelligentsia – Kashi Nath Tamuli Phukan, Ubi Dhar Sibsagaria Barua, Lakhawdhar Khargharia Phukan, Krishna Nanda Barua, Loknath Sensua Barua, Radha Nath Bar Barua from Chiring, Madhab Ram Bar Gohain, Jadab Bura Gohain, Abhiman Singh, Jamdar, Bakat Singh, Nirmai Deka, Phukan, Indu Govinda Saru Melia Barua, Mohibir Bura Gohain and Kanchanb Rajkhowa.[5] After Maniram Barua became the Shrestadar, at his advice three panchayats were established. They are as follows (a) Bar Panchayat, (b) Saru Panchayat, (c) Surrasuree Panchayat.[6] According to the intensity of the cases the different courts tried them. Civil cases upto rupees three hundred were tried in the Saru Panchayat. The Bar Panchayats could try cases upto rupees one thousand. Others like revenue cases, collection of tax or incorporation of territory was entrusted to the Surrasuree Panchayats.[7] In 1828 in the month of November Commissioner Nuveville shifted the Panchayats from Joysagar to Jorhat's Na-Bahar. The building which housed the Panchyat was known as Cutcherry and it remained so till the reigns of administration passed into the hands of Purandar Singh.

Against the judgment of the Panchayats appeals could be made in Guwahati. Issues like breach of peace could be solved by officers known as Chaudhuris.[8] Scott further established Moffuosil Panchayats in Nowgong, Kaliabar, and Charduar in Central Assam to meet the ever rising cases. These courts had the right to try petty civil suits and also reserved the right to appeal to the Court in Guwahati. The members to the Panchayats were elected by the local people of the area and they also received remuneration in the form of Paiks and other immunities. As there was a rise in the number of heinous crimes, the Commissioner sought the permission of the Government of Bengal

and tried to extend the jurisdiction of the Nizamut Adalat to Lower Assam also. In case time was taken to carry out this step Scott gave permission to institute a Bar Panchayat or a court to try heinous crimes. The Bar Panchayat would comprise of three native judges who would be aided by two pundits and six assessors. When the authorities in Calcutta learnt that the Bar Panchayats or the native courts worked quietly satisfactorily they gave their consent that under the supervision of a Commissioner and subject to the supervision of the Political Agent in Upper Assam and the Assistant Commissioner in Lower Assam the Courts should continue to perform.[9]

In 1856 the Chowkidari system of panchayat was introduced and it heralded the beginning of the statutory panchayat institutions through out Assam.[10] In Assam the Village Chowkidari Act was extended to only three districts i.e. Sylhet, Goalpara and Cachar. But this Act failed to satisfy the aspiration of the people because its members were not popularly elected. They were appointed by the Magistrate. Hence it can hardly be said to be a democratically appointed local body. In 1880 the Royal Finance Commission was constituted by the Government of India. It was an important step taken by the Government of India towards the growth of local self government. The main observations of the committee were as follows :

"In most parts of India some village organization exist which offers a ready and natural, though still imperfect, machinery for coping with famine, and it is of special importance that whatever is possible should be done towards improving and strengthening this machinery where it is present, so that it may become more thoroughly efficient for purposes of village relief. For the progress of the country the encouragement of the principle of the Local Self Government, by which business of all kinds should be left more and more to local direction, is of much moment, and nowhere so than in dealing with local distress; and however great be the difficulties in the way of its practical realization, it will be well never to loss the opportunity of taking any step that

may lead towards it." The main recommendations of the Committee were that the village organisation should be utilized for famine relief work. In line with this the village agencies were called to control famine. But in reality it was an attempt to make the village headman, the accountant and the watchman a part and parcel of this government machinery.[11] Chowkidari system was extended only to those places or towns, suburb, or bazaar in which there was a police station manned by an officer of the Rank of a Jamadar. It was not extended to any other places in Assam. Moreover the election method was also undemocratic since the voting right could be exercised only by a few respectable inhabitants of the locality.[12]

The year 1870 is an important landmark in the evolution of rural local self government. Through the Bengal Village Chowkidari Act the District Magistrate was allowed to constitute a panchayat if the adult male resident of any village gave in writing for the constitution of a village panchayat. The Act provided that the Panchayat so constituted would comprise of not more than five and not less then three residents as its members. The members would be partly elected or partly nominated or fully nominated for a term of five years. The magistrate had the right to nominate one member under special circumstances. The requisite condition to be fulfilled to be a member of the Panchayat was that the person must be the resident of the said village, and he must be a proprietor or a land holder of the said village. However there was no change in the powers and functions of the local self government.[13]

The Bengal Road Cess Act, 1871 was extended up to Assam. Through this Act road committees were formed in five districts of the Assam valley. Out of five districts only in Kamrup and Darrang it functioned properly. In 1874 there were a number of local authorities in the rural areas of Assam. They were the District Rural Fund and the Government Estates Improvement Fund. But the Government Estate Improvement Fund was abolished on 1st April, 1874 and in its place four separate funds were created. They were the

District Reserve Fund, District Road Fund, The District Primary School Fund and the Miscellaneous Improvement Fund. But soon administrative and fiscal inconveniences became obvious and the Chief Commissioner accepted the suggestion for the creation of a District Improvement Committee, the District Road Committee, the District School Committee and District Dispensaries Committee. But these committees were not working satisfactorily as they were divided into water tight compartments. Funds collected under each head could be spent only for that purpose and related to that area only. The biggest drawback was that there was no local tax for local purpose. Hence the Chief Commissioner issued the Local Rates Regulations Act, 1875. Thus for the first time the concept local tax for local purpose came up. But the proposal was not accepted.[14] Thus keeping in line, the Assam Local Rates Regulation, 1879 was passed for the purpose of levying local taxes for local purposes. Accordingly District Committees were created in every district. Apart from the District Committee many other committees like the Dispensary Committees and School Committees were also created. The other committees were subsequently abolished for administrative purposes. The District Committees so constituted proved to be a failure, as people's participation was very less and it was mostly dominated by the tea-planters. Hence the district committee was replaced by the local boards. The local boards were the creation of executive order and they continued to exist till they were replaced by the Assam Local Self Government Act, 1915.[15]

In 1881 the Government of India brought certain changes in the structure of the local boards. The strength of the non official members was increased to two thirds from one half. It further suggested that certain services, like revenues, grants-in-aids meant for schools were to be transferred to the local boards. The Government of India suggested that the transfer of the entire local rate including the expenditure incurred by provincial legislature should be transferred to the local boards. This proposal was met with stiff resistance by the Government of Assam on the ground that Assam lacked the resources;

there was dearth of influential and intellectual gentry, capable of shouldering the responsibility of local boards. However, Government of India empowered the Government of Assam to increase the powers of the District Committee without any change in the structure of the committee.[16] The local boards so constituted proved to be a failure as they were constituted by executive order in the first place, secondly they could not give loans hence most of the works had to be postponed indefinitely. Thirdly there was no control or supervision of public works as the Chairman neither had the time nor the training. In order to remove the defects of the earlier board Sir Henry Cotton brought about certain reforms. He favoured the formation of a district committee where the Deputy Commissioner was to be the Ex-Officio Chairman, Senior Assistant Commissioner, Civil Surgeon, Inspector of Works, and the District Superintendent of Police was to be in charge. The ex-officio members were to be elected from the tea planters' community and one member was to be elected from the sub-division. As regards its function the committee could engage a District Engineer. The committee could give provincial grants within its jurisdiction to the local authority, and also bring under its fold all roads, bridges, channels, buildings and other movable and immovable property which were earlier under the control of the government. Cotton suggested the employment of Inspectors to supervise the works of the District Engineers. The District Committee was also authorized to give loans. But the local boards themselves were against the District Committees. In fact there was misreaction against the establishment of the District Committes. The various suggestions put forwarded by Henry Cotton became a futile attempt, In 1812 Ripon's resolution was passed. In fact he can be credited with giving a more concrete step to the structure of local government in India. Ripon was of the view that local government should be the base ground of political and educational learning; in fact he tried to make it the instrument of grass root participation.[17]

In tandem with the Ripon's resolution the Government of Assam issued a resolution on 17th November, 1882. The resolution was accepted and

accordingly certain steps were taken in this regard. The resolution suggested that the areas of the local boards should be the sub-division. More over it was accepted that number of European planters would not be less than one-half of the board's non official members.[18] Moreover the Chief Commissioner stated that as regards the ex-officio members the Deputy Commissioner should not be a member of the local board. If any official assistance was necessary for the management of local affairs, an Indian extra-Assistant Commissioner might be appointed. However this was not acceptable to the officers as they felt that the Deputy Commissioner's participation in the local boards was a must. The Chief Commissioner agreed that the presence of a Deputy Commissioner in an otherwise European dominated board would help to ease discussions. Besides, there might be other officers such as the Civil Surgeon, the Superintendent of Police, and an extra-Assistant Commissioner as ex-officio members of the board. Moreover a non official might also be made the Chairman. If the official was a Chairman the Vice-Chairman should be non-official. The official Chairman had no voting power except a casting vote in case of a tie. Provisions were also there for election of the representatives of planters and the other members could be elected or nominated. The term of the office should be of two years duration. The local fund would comprise of the entire proceeds from local rates, ferry rents, and grants from the provincial governments. The activities of the local boards would be to execute public works and to manage district posts, primary education, medical charity, fairs, circuit houses and distribution of grant-in-aid to lower middle schools.[19] District committees were abolished and only sub-divisional boards were retained as per the resolution taken in 1882.[20]

The main features of the sub divisional boards were that since the periphery of the board was rather small therefore the members of the boards were able to keep themselves well acquainted with the local needs of the area which were under their control. Moreover the members showed keen interest in their work as financial power was transferred to them. However these

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local boards were not free from defects. Since they were constituted by an executive order they were not considered as local bodies and hence did not have the capacity to give loans for the construction of any local works. Secondly there was no control over the execution of public works. The chairman being a busy person had neither the time nor the training to supervise the execution of the works, so the overseer who was appointed for the work prepared the estimates, carried out the works and paid the bills. Since the overseer was not highly paid, and the supervision over him was poor, he was inclined to be dishonest.[21] Every attempt was made to implement Lord Ripon's reform in letter and spirit in Assam. Accordingly the sub-divisional boards were allowed to exist till 1915. The Publics Works Department was vested with extensive powers, its area extending upto the local level. Thus, there was a clear cut tendency since 1887 that it was heading towards excessive centralization of functions. This was a unique characteristic of rural self-government in Assam, because the local boards so created did not have any legal basis as it was a product of an executive order. It was the Assam Local Self-Government Act of 1915 that placed the rural self government on a firm footing.[22]

The Assam Local Self Government Act, 1915

In parlance with the recommendation of the Royal Commission on Decentralization the Assam Local Self Government Act of 1915 came into being.[23] This Act tried to establish local self government on a legal basis in Assam. Under this Act local boards were created by an executive order and these boards were authorized to appoint district engineers, health officers and sanitary officers who had the right to levy tolls on new bridges and look after primary and secondary education.[24] The members to these local boards could be fully elected or partly elected or appointed for a period of three years. The Chief Commissioner was authorized to fix the number of elected or appointed members. Further the Act made provision for election or nomination, of the President and entrusted numerous functions to these boards to be discharged.[25]

This Act gave birth to statutory panchayats. The Deputy Commissioner was in charge of these panchayats when they were not dealing with problems connected with the local boards. The statutory panchayats were under the charge of the local boards when they performed functions delegated to them by the local boards.[26] But the Act of 1915 was besieged with numerous problems regarding administrative areas. The villages which were considered as units for the purpose of local self government was unsuitable for the same. The villages were not homogenous units but a collection of hamlets. Even though they resided in the same village for local government purposes, the villagers of one part was not interested in the other part. Secondly, the non co-operation movement started by Gandhiji also hampered in the progress of the Panchayats. Thirdly, the village authority was capable of doing only minor works. Fourthly, the village authority did not educate the people in the art of self help. Finally the district officers did not adopt a sympathetic attitude towards the village panchayats. All these factors led to the failure of the Act. The failure cannot be attributed to any inherent defect in the Act but mainly due to the fact that most of the Panchayats comprised of nominated members. Caste consciousness also stood in the way. In the meantime significant changes were brought about by the British. Higher caste members were not willing to sit with their ryots, or discuss issues of common interests. In some villages the Chairman would not allow any one to sit in a chair except him. In other places low caste members were made to stand. Added to this were the problems of village factions. Elections were a farce. Though the local boards were suppose to encourage the growth of village government it could not be done as in every local board area there were hundreds of panchayats and it was impossible to look after all of them. Hence the Act failed in its purpose.[27]

Rural Self Government Act, 1926

The need for another Act was felt and in 1926 the Rural Self Government Act was passed in Assam. The Act provided that every village

should have a village board comprising of not more than nine members elected on the basis of universal franchises. The Act provided for the provision of electing a President from among the members themselves. Under the Act the terms of the local boards were to be for three years. The boards were entrusted with numerous powers.[28] The main provision of the Act was that members of the boards should be elected. The government could nominate officials who could give expert advice. The board could also ask the government to appoint a Chairman. Normally the Chairman is elected.[29] The main function of the Panchayat under this Act was to supply pure drinking water to the villages; provide medical relief and sanitation to the people. However, the Act could not achieve the required success. One major cause of its failure was the introduction of the concept of one man panchayat though the Act made provision for a nine member team, but under extraordinary circumstances the village panchayat could perform its duties only with one person also. It was soon realized that these village authorities existed only on papers. Most of the village authorities proved to be inoperative as it was lacking in resources and a strong governmental machinery to push it forward.[30] The board was also vested with tax levying power. It could impose tax on carts, carriages and other vehicles plying on the roads. Toll bars were set up on metalled roads so that the cost of metalling them could be recovered. The select committee suggested that the government should nominate members from the minority community. There was no provision however for the nomination of members. The Act was amended several times and it was revised in 1953. The out come of the revision was the Act of 1959.[31]

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STRATEGIC ENGAGEMENT OF MYANMAR BY INDIA AND CHINA: ASSESSING THE GAMES NATIONS PLAY

Obja Bora Hazarika

In 2010, the military junta which had ruled Myanmar since 1962 with an iron grip most uncharacteristically stepped quietly and nearly-gallantly aside to allow democratic transition in the country. On the whole, the world community welcomed the transition. The West, on its part, lifted sanctions and India was hopeful of greater cooperation with the new government. China, however, given its closeness with the junta, was deeply concerned about the new rule in Myanmar. This article seeks to examine the dynamics of China and India's relations with Myanmar in the context of the changing political-economic conditions in these nations and assess the strategic competition between China and India over Myanmar.

China's Strategic Interests in Myanmar

Despite instances of difficulties in their relationship, for a large part, China-Myanmar ties have been cordial, close and cooperative. In the 1960's there were "waves of very serious anti-Chinese community riots" in Myanmar and fighting between the Burmese Communist Party, which was supported by China, and the Burmese Army which led to the suspension of diplomatic relations from 1967–1970.[1] Regardless of these setbacks, General Ne Win of Myanmar continued to cultivate strong ties with China and supported the latter in its stand on several international issues. In 1979 Myanmar left the Non-Aligned Movement and "Deng Xiaoping's landmark six-day visit to Myanmar in 1978" marked the beginning of

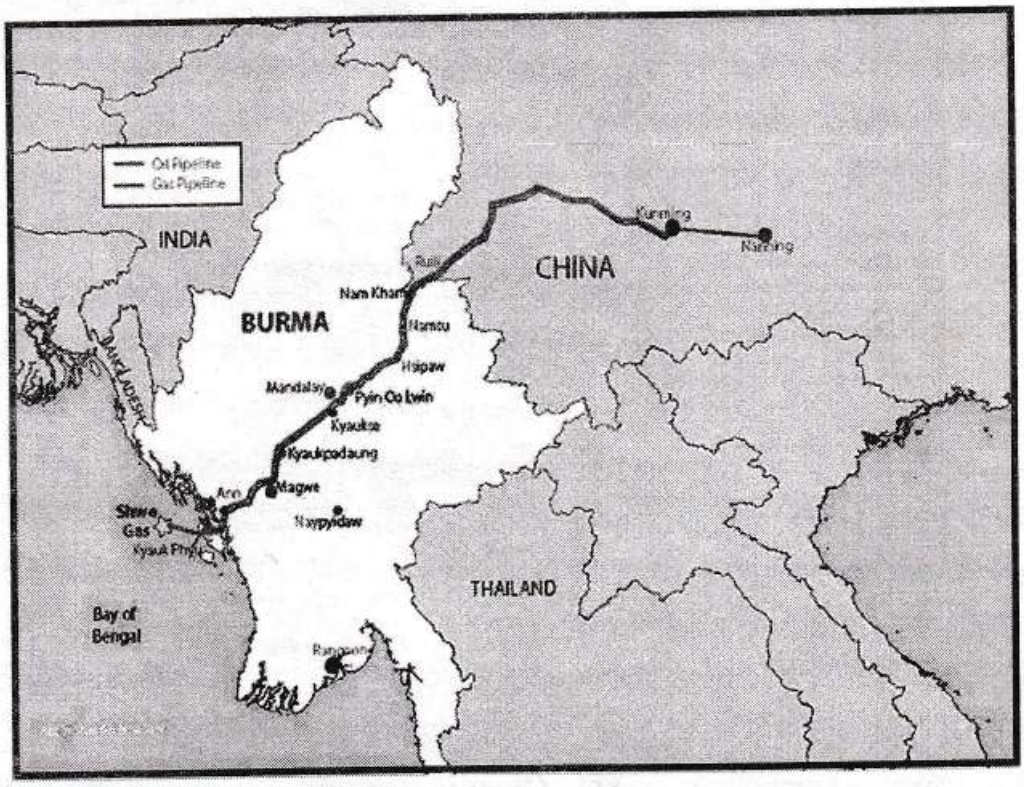
robust ties between them.[2] Myanmar's relations with China received a fillip when the junta attracted condemnation from most international actors save China, for its brutal crackdown of the pro-democracy movement of 1988.[3]

Myanmar, given its geographic position, can pose a grave security threat for China, if external powers use it as a base of aggression to threaten and/or attack southwest China. In order to prevent such a possibility, China seeks to ensure that it remains Myanmar's key partner in diplomatic and strategic relations. China is wary of growing closeness of Myanmar with the United States of America (US). The US which has bases and strongholds around China, in Japan, South Korea, Taiwan, Philippines, Australia, Central Asia, West Asia and Afghanistan, is viewed with suspicion by China as trying to stranglehold it on all its sides to prevent its freedom of movement and thereby ensure that the US has the strategic upper-hand in case of confrontation. Given this ring of influence which the US established all around China, the latter continued to maintain cooperative and accommodative relations with the junta. The US welcomed the new regime and engaged with it in a comprehensive manner, complete with the visit of no less than the President of the US, Barack Obama, to the country. In China's calculation, if the "Myanmar domino" falls to the US's encirclement and containment of it, then China would have lost much strategic ground in its immediate neighbourhood to its rival in the international level.

China's strategic ambitions in Myanmar are intertwined with its desire to ensure that its gas and oil delivery routes from the Persian Gulf are diversified. China intends to lessen its over-dependence on the Malacca strait, a route from which 80% of China's oil imports passes through, by ensuring that a shorter route cutting across Myanmar which joins China to the Indian Ocean is created. For China, the strait is a choke point where enemies could cut off foreign energy supplies to China, thereby critically weakening it. Access across Myanmar would be advantageous, lessening dependence on the strait and at the same time dramatically reducing the distance from factories to markets in Europe and around the Indian Ocean.

In June 2013, the Sino-Myanmar oil and gas pipeline was successfully completed with gas starting to flow to China in October 2013. The oil and gas

pipelines constructed by China, connect the Indian Ocean coast of Myanmar with the southwest region of China up to Nanning city of Yunnan province. This 2380 km pipeline is extremely crucial for China's energy needs as it will carry "22 million tonnes of crude oil per year to China from the Middle East and Africa, compared to 20 million tonnes of crude oil carried by the Sino-Kazakhstan oil pipeline that was put into service in 2006, and the transportation of 400,000 barrels of oil per day from Russia."[4] The Sino-Myanmar pipeline "is reckoned by the Chinese government as the fourth most important energy transportation route after the Central Asia pipelines, sea transportation and the Sino-Russia pipelines."[5] Since the project was announced, a wide range of human rights issues, including forced labour, environmental degradation, loss of livelihoods, confiscation of land and suppression on peaceful protests inflicted by intensified militarization along the pipelines has been reported.[6]



Sino-Burmese Oil And Gas Pipelines In Shwe Gas Project

[***Source:*** Briefer on Chinese Investments in Myanmar, IHLO, January 2014, URL: http://www.ihlo.org/CINTW/Burma.pdf]

The Kyaukphyu-Kunming Railway (under negotiation) which is a Sino-Burmese railway is also under construction running parallel to the oil and gas pipelines terminating in Nanning of Yunnan province, where it will be connected to the rail network to the Mekong region.[7] Apart from oil and gas exploration and pipeline construction there are other major Chinese Projects in Myanmar including Special Economic Zone development, hydropower projects, and extraction-mining industries

Project	Company	Amount
Oil and Gas		
Sino-Burma Oil & Gas Pipelines (2010-2013)	Oil pipeline: China National Petroleum Corp. (CNPC) and Myanmar Oil and Gas Enterprise (MOGE) Gas pipeline: CNPC, MOGE, Daewoo International, Korean Gas Corp., IndianOil and Gas Authority of India Ltd.	US$2.54 billion
Hydropower plant		
Yeywa Dam in Mandalay Division (2004-2010)	China International Trust & Investment Co (CITIC) and Sinohydro Corporation	US$700 million (China Exim Bank provided a US$200 million loan for the project)
Hatgyi Dam in Karen State (2006-)	Sinohydro and Electricity Generating Authority of Thailand (EGAT)	US$1 billion
Tasang Dam in Shan State (2007-)	China Three Gorges Corporation, EGAT (56.5%) and others	US$12 billion
Ywathit Dam in Karenni State (2010-)	Datang Corp.	unknown
Laiza Dam in Kachin State	China Power Investment (CPI)	
Chibwenge hydropower plant in Kachin State (-2013)	CPI	
Myitsone Dam in Kachin State (suspended)	CPI	US$3.6 billion
Khaunglanphu dam (suspended)	CPI	
Chibwe Dam in Kachin State (suspended)	CPI	
Lakin Dam (suspended)	CPI	
Mining		
Tagaungtaung Nickel and Ferro-Nickel Mine in Mandalay and Sagaing Divisions	China Non-ferrous Metal Mining Company (CNMC) and Myanmar's Ministry of Mines	US$800 million
Letpadaung Copper Mine	Wanbao Mining Ltd. (a subsidiary of Norinco) and Union of Myanmar Economic Holdings Ltd (a subsidiary of the military in Burma)	US$1.07 billion
Mwetaung Nickel Mine	Zijin and Norinco are in cooperation with the Burmese government	
Ferrotitanium Mine in Kokang	Zongshen Industrial Group	US$100 million
Railway		
Kyaukphyu-Kunming Railway (negotiating)	China Railway Engineering	US$20 billion

Chinese Major Projects in Myanmar

[***Source:*** Briefer on Chinese Investments in Myanmar, IHLO, January 2014, URL: http://www.ihlo.org/CINTW/Burma.pdf]

In addition, Myanmar is strategically important as a 'landridge' for the People's Liberation Army Navy (PLAN) of China.[8] China's distance to the Indian Ocean would be reduced by 3000 kilometres if its passage via Myanmar can be achieved, saving it time and emboldening it with greater and more immediate presence in the Indian Ocean region, which is fast-evolving into a nodal region of world politics.[9] China's maritime ambitions are thereby hinged on its relations with Myanmar as the latter could behave like a springboard for China to expand its reach well into the Indian Ocean. China's endeavours to carve out a space for itself in the Indian Ocean by actively pursuing infrastructure developments in Myanmar, has India reconsidering its policies in the region. India has chalked out a strategy in order to offset growing Chinese presence in the region and to ensure its continuing pre-eminence in the area India. India's strategy includes- "increasing its naval spending", "strengthening its infrastructure presence", "increasing its naval capabilities", "active maritime diplomacy", " increased deployments of these naval assets around the Indian Ocean", "conducting naval exercises in the Indian Ocean" and "keeping open the choke points in and out of the Indian Ocean".[10]

Myanmar is crucial for China's economy as its natural resources including oil, gas, timber, and rubber; are crucial for fulfilling China's energy demands and its market serves as an important destination for China's exports.[11] Thus, China wishes to maintain a pre-dominance in exploiting Myanmar's energy reserves, a pre-dominance, it sees threatened by India's forays into the country. In addition, Myanmar is also crucial for China's vision of reviving its 'southwest silk road' from "Yunnan province to Myanmar and westward to Bangladesh, India and the West".[12] Moreover, China seeks to undo its lopsided development in which its northern and eastern regions' have outpaced its south and west, by implementing its Western Development Strategy, in which Myanmar can play the role of a lynchpin.[13] By using Myanmar as a conduit, China seeks to link its south-western provinces with the mainland Southeast Asian states, which can provide a market for its goods and can "mitigate the gap of economic disparities between China's affluent coastal and its poverty stricken southwestern inland provinces".[14]

Another pertinent strategic issue with regard to its relations with Myanmar includes the less than peaceful China-Myanmar border which have in the past witnessed clashes between ethnic minorities residing in the region. Such incidents, like the "Kokang Incident" of 2009, have led to refugee inflows into China, which endangers China's security and stability in its south-western frontier region. Myanmar is also a region prone to cross-border crime and drug trafficking, which could "impact on both social stability and economic development of China's southwest region".[15] Close coordination coupled with joint border patrol are key to solving these problems which lie along the border areas of Myanmar and China. China's Myanmar policy has always sought to ensure a stable external environment with the neighbouring states so that Beijing's "domestic modernization and development policy" can continue uninterrupted.[16]

Myanmar also greatly values its relations with China. China is Myanmar's largest trading partner, and its largest investor in infrastructure and hydropower projects. China has become the biggest investor in Burma, followed by Hong Kong, South Korea, Thailand, Britain and Singapore. By 2013, "China made a total of US$14.1 billion Investments across 52 projects in Burma, accounting for 41.7% of Burma?s cumulative FDI."[17] at least 69 Chinese multinational corporations were "involved in 90 hydropower, oil and natural gas, mining, jade and other natural resource projects in Burma in 2008". The key players include China National Petroleum Corporation (CNPC), China Power Investment (CPI), Sinohydro Corporation and China North Industries Corporation (NORINCO).[18]

Moreover, China has been Myanmar's foremost international patron, often providing it with diplomatic protection from international punitive actions, by vetoing resolutions in the United Nations Security Council during the junta rule. In addition, it is also by far the main weapons supplier to Myanmar. Moreover, a large number of ethnic Chinese, numbering around 2 million reside in Myanmar.[19]

Despite robust bilateral ties, however, there persist certain misgivings in Myanmar about China. These revolve around perceived fear of Myanmar's

economy and culture being overrun by China. The locals have protested against the detrimental impacts on the environment caused by the Chinese projects in the energy and mining sectors. They have also staged strikes in the Chinese factories over poor salaries. China was highly apprehensive of the new government in power in Myanmar, lest it heeded public protest against Chinese economic endeavours in the country. This fear was realized when on 30 September 2011, when China's Myitsone Dam project was suspended, due to local protests over its impact on the Irrawaddy River.[20] To placate China after the Myitsone reversal, in April 2011, President Thein Sein paid a State Visit to China where the relationship was elevated to that of a strategic partnership.[21] There have not been any significant investment by China after the suspension of the Myitsone dam. China has, howver, continued to build its strategic partnership with Myanmar, for instance by offering a US$100 million loan to Myanmar in 2013.[22]

India and Myanmar: Strategic Interests and Competition

Prior to the junta rule of 1962, Myanmar and India had very close ties. Myanmar followed India's lead in international issues- for instance it supported the Indian resolution in 1950 proposing the PRC's admission to the United Nations. India adopted an exceedingly benign and forgiving attitude on issues, like Indians being expelled in several waves from Myanmar after its independence and their properties being nationalised without compensation by Myanmar. India also settled Myanmar's large debt to India by virtually waiving payment.

However, after the military junta assumed power in 1962, relations with India were downgraded and India reciprocated with a policy of benign neglect. India harshly criticised the crackdown of the anti-junta demonstrators in 1998 and openly supported dissidents in Myanmar, whether "ethnic rebels or urban political activists" and "opted for the political isolation of the new regime".[23] The isolation of Myanmar by India and the West pushed Myanmar further into China's ambit, a country which was known for pursuing, with impunity, cordial relations with nations lacking in human rights guarantees and democratic credentials.

China's policy of practical engagement with Myanmar paid great dividend as was evident by 1992, when news about Chinese monitoring facilities on the Coco Island of Myanmar, just a few nautical miles away from the Indian Andaman Islands, emerged. Fearing the loss of strategic space to China, and with a goal to pursue coordinated efforts at flushing out the safe-houses in Myanmar of secessionists in India's north-east, New Delhi gradually defined a more conciliatory policy toward the junta in Myanmar.[24] The last bastion of moral high-ground was abandoned by India with the launch of its Look East Policy in 1992-1993 by Prime Minister P.V. Narasimha Rao which categorically spoke of pursuing full-spectrum economic cooperation with Myanmar regardless of the nature of political rule present in the country. Following India's announcement of its Look East Policy, high-level visits between India and Myanmar ensued with great vigour, opening up the way for close cooperation in the economic and security spheres. India welcomed the peaceful nature of regime-change in Myanmar in 2010 and has continued to pursue its economic and security coordination with Myanmar which have since 1992-1993 been on an upswing.

India has manifold interests in Myanmar. First, China's influence in Myanmar is of deep consternation for India. India is concerned about "competition for energy resources" with China, the "construction of deep-water ports by China" which are "capable of docking Chinese naval vessels along Myanmar's coastline", "operation of military listening posts on the Coco Islands" in close proximity to the Andaman Islands of India, among others.[25] The construction of a naval base in Sittwe by China was another cause for consternation for India.[26] India is concerned about China forming close cooperation in security and economic issues with India's neighbours- Pakistan, Nepal Sri Lanka and Myanmar. China's endeavours to cultivate close economic and security ties and indulge in infrastructure investment of building ports, rails and roadways, in these countries which encircle India on all its sides, has led some sections in India to view this strategy as an attempt to encircle India, also known as a "string of pearls", which in case of tension can give China a strategic upper hand.

Due to immense Chinese involvement in Myanmar along with other concerns of India such as arresting secessionism in its north-east, increasing trade and exploiting Myanmar's natural resources and using Myanmar as a bridge to the markets of South-East Asia, India reneged on its policy of condemnation of the junta and in the early 1990's began to cultivate cordial ties with Myanmar. India's Look East Policy was thus implemented whereby India attempted to engage the junta and cooperation began in joint counter-terrorism, greater economic transactions, and border patrols between the two nations. High level visits ensued between the two nations since the 1990's which were boosted after the junta stepped down in 2010.

Boosting military cooperation with Myanmar has been another prominent strategic goal pursued by India. Military cooperation between the two nations has been on the upswing since the launch of the Look East Policy. Military cooperation between the two nations includes "exchanges of visits of the highest-level officers considerably enhanced naval cooperation, supply of equipment, provision of increasing training slots, etc. The private sector seems to have overcome its hesitations and many companies have started activities and operations in Myanmar."[27] Deepening of military cooperation was evident when March 2013, the Myanmar Navy flotilla paid a port call to Vishakhapatnam. In 2012, the Myanmar Navy participated in the biennial MILAN exercises hosted by the Indian Navy.[28] Such cooperation is aimed at tackling security issues like piracy, terrorism, gun running, drug smuggling, illegal fishing, and human smuggling."[29]

Apart from offsetting China's influence in Myanmar and consolidating cooperation in the military arena, India is also keen to strategically leverage Myanmar's contiguity with the rest of the South East Asia nations which present a vast market for Indian goods as well as a location for India to obtain valuable capital and technology, as well as a possibility for forming greater security partnerships with the dynamic ASEAN region. Myanmar is a gateway for Indian "commerce to Southeast Asia, rendered more important by political tensions that

limit Indian trade and transit through Bangladesh."[30] Myanmar being India's gateway to the ASEAN nations is thus strategically pivotal for India's ambitions to form close ties with the ASEAN. Close relations with the ASEAN will enable India to explore economic and strategic possibilities offered by the Indo-Pacific region as well. Apart from being a bridge to the ASEAN, Myanmar has abundant energy resources which an energy hungry nation like India is keen to explore. Indian companies like GAIL, ONGC, ESSAR etc are investing aggressively in exploring Myanmar's oil and gas reserves.

Another important strategic concern for India with regard to Myanmar is the 1670 kms long land border which they share. There reside certain restive groups and groups of same ethnic lineage on both sides of the Indo-Myanmar border.[31] Myanmar serves as a sanctuary for several secessionist movements based in India's northeast states. Apart from secessionists taking refuge and setting up training camps in Myanmar there is also a concern that Myanmar serves as a hotbed for drug and human traffickers as a destination of small arms proliferation. India thus urgently needs to cooperate with Myanmar to counter both cross-border criminality and insurgents.[32]

The insurgents and traffickers are also taking advantage of the unique arrangement of the India-Myanmar border called the Free Movement Regime (FMR) which permits the tribes residing along the border to travel 16-km across the boundary without visa restrictions. India and Myanmar need to cooperation to find a way to ensure that age-old ties between the people living on either side of the border are maintained while preventing the anti-social elements from misusing such an arrangement.

Myanmar and India have also pursued greater economic cooperation and trade between these two nations has "increased from $62.15 million in 1988 to $1.5 billion in 2010–2011 and a target of $3 billion has been set for 2015".[33] Competition with China is not limited only to trade and hydrocarbon exploration contracts but infrastructure development as well. Some of the ongoing Indian

infrastructure development projects in Myanmar include- the Tamu-Kalewa-Kalemyo highway, popularly called the Indo-Myanmar Friendship Road, slated to be completed by 2016; the India-Myanmar-Thailand Friendship Highway: A 4-lane, 3200 km triangular highway connecting Guwahati, Mandalay, Yangon, Mae Sot and Bangkok and will be extended to Cambodia and Vietnam. The focus of the BCIM Corridor: Bangladesh, India, China and Myanmar-Economic Corridor (BCIM-EC) is to facilitate trade and connectivity between the landlocked and economically isolated south-western parts of China and the North Eastern region of India. The Kaladan Multi-modal Transit Route constituted the following:-

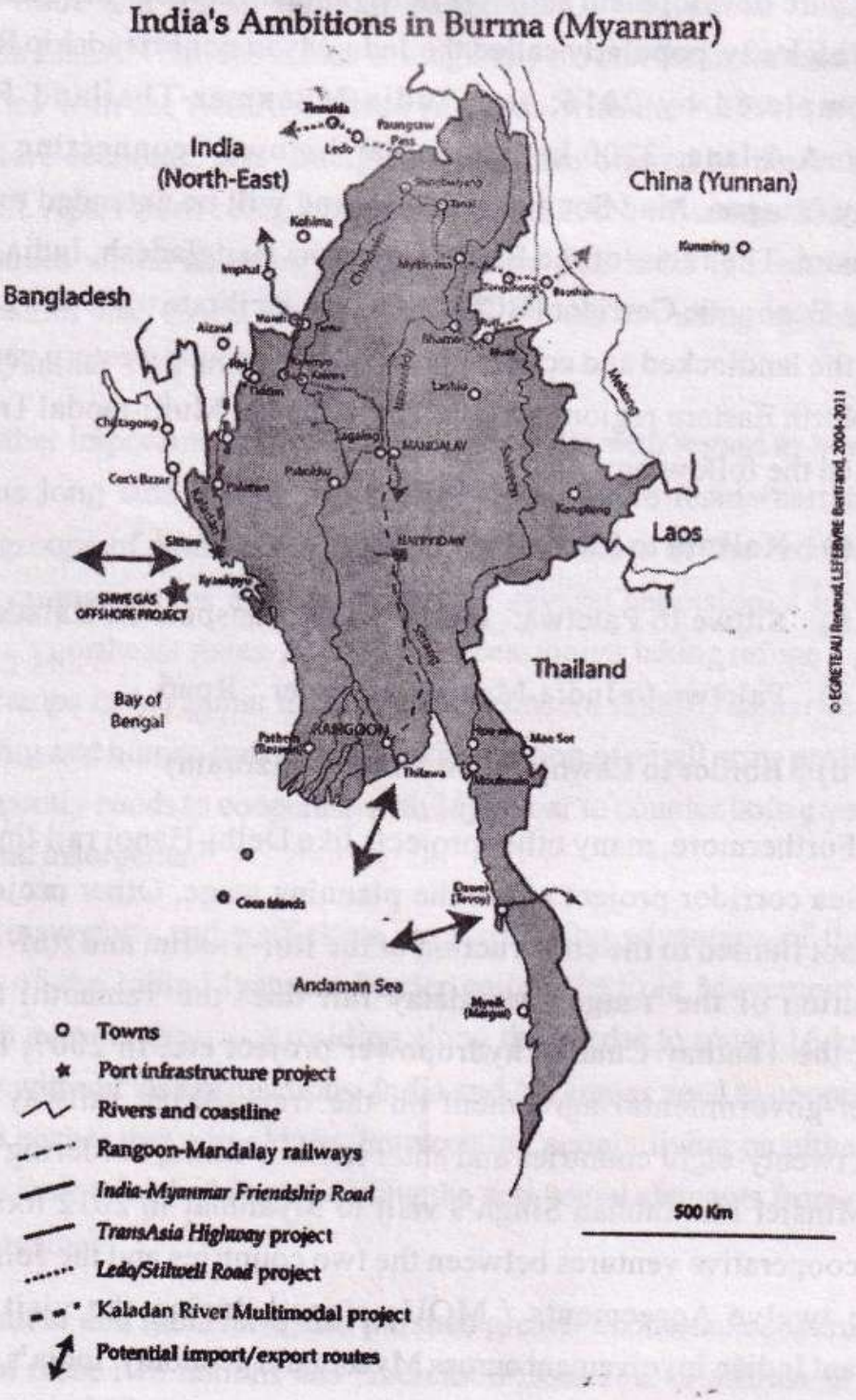
a) Kolkata to Sittwe Port in Myanmar

b) Sittwe to Paletwa: Inland Water transport on Kaladan river

c) Paletwa to India-Myanmar Border : Road

d) Border to Lawngtlai on NH-54(Mizoram)

Furthermore, many other projects like Delhi-Hanoi rail link, Chennai-Dawei Sea corridor project are in the planning stage. Other projects include and are not limited to the construction of the Rhi-Tiddim and Rhi- Falam road; construction of the Yangon-Mandalay rail line; the Tamanthi hydropower project; the Thathay Chaung hydropower project etc. In 2007, India signed the inter-governmental agreement on the trans-Asian railway which will connect twenty-eight countries and enter India at Tamu, bordering Myanmar.[34] Prime Minster Manmohan Singh's visit to Myanmar in 2012 took stock of a host of cooperative ventures between the two countries and the Joint Statement and the twelve Agreements / MOUs signed during the visit articulated significant Indian involvement across Myanmar's economy. India's involvement in the energy sector, infrastructure and power sectors of Myanmar are slated to grow. Cooperation in agriculture, capacity building and education are other areas of focus between India and Myanmar.[35]



MAP

[*Source:* Egreteau, R. (2008) India and China Vying for Influence in Myanmar - A New Assessment, India Review, 7:1].

Conclusions

India and China view each other's presence and influence in zero-sum terms in Myanmar which provides an opportunity for Myanmar to hedge both these nations and ensure maximum benefits from them. China and India seek to harness the potentials of Myanmar in the geo-economic and geo-strategic fields. India is aware of the fact that the presence of greater number of Chinese immigrants than Indian immigrants engaging in Myanmar is a detriment to India's interests in the country.[36] Moreover, China also produces cheaper goods than India; and China is less likely to be faced with domestic political opposition and pressure groups in pursuing its economic ventures in Myanmar than in the case of India due to their different political formations at home. In addition, India remains dependent of Myanmar for arresting the secessionism in Myanmar which acts as yet another handicap in comparison to China, which is relatively free of such dependence on Myanmar.[37]

India is thus; keen to invest greater political and economic capital in Myanmar to offset these drawbacks in relation to China. In a nutshell, the strategic issues which have led to the competition between India and China consist of the attempt by China to gain access to the Indian Ocean through Myanmar and India's attempt to access South East Asia through Myanmar; secondly, India is concerned about maintaining stability on its Northeast border and China in its southwest border; India and China are interested in shoring trade, infrastructure and exploration in Myanmar; and finally China and India both seek to ensure that they individually benefit the maximum from the energy sector and natural resources in Myanmar.[38] Myanmar, being aware of its importance in the strategic calculations of India and China, has adopted, since the late 1990s, 'counter hedging' strategy by diversifying its diplomacy and engaging India, China as well as the ASEAN, Japan the US etc.[39]

A political transition, bloodless and thus, very "21st century" in nature, is ensuing in Myanmar as the military junta voluntarily renounced power in 2010, opening up the political arena for a more current-era appropriate governance. However, the seemingly bloodlessness nature of the transition, has the possibility of being undone by external actor involvement, not with blood per se but with, and

once again, the "21st century" replacement of blood, i.e. a loss of sovereignty while appearing to still retain it or "neo-neo colonialism"- a term being used here to denote previous colonies and semi-colonies (China, India) now pursuing neo-colonialism, hence neo-neo colonialism.

Although, the coup-less and revolution-less change has begun in the helm of political affairs in Myanmar, external players like India and China seem to be jostling for strategic space in Myanmar with iron determination and the political and business elite of Myanmar with their unabashed hedging policy, are welcoming all kinds of foreign investment, foreign participation in their internal affairs across a range of activities, which reek of the dangers of possible colonial style involvement by India, China and even other actors like the US, only sans the onus of bothering with providing social welfare support, which is yet another indistinguishable feature of neo-colonialism occurring in India and past-colonies across the world and since in Myanmar's case ex-colonies are practising these methods-it is neo-neo colonialism which is unarguably materializing in the country. This situation, where China and India have the freedom to single-mindedly pursue their economic and strategic goals in a country, which is welcoming them with open arms due to historical and economic and misplaced strategic ambitions of its own, is indeed a 21st century rising power's dream and a nightmare for the local populace's of the country in question. Seen in this manner, the competition which China and India are giving each other may be the only saving grace for the locals of Myanmar, as competition may make them come up with local-friendly policies as an attempt to outbid each other and endear itself over the other as a more attractive trade and investment partner. So, in the 21st century, rather than worrying about Myanmar playing India and China against each other, one ought to think along the lines of the citizens of Myanmar who are the actual pawns in this neo-neo colonialism, as their country's elite vie for greater investment and involvement of India and China inside Myanmar, with little or no regard for the impact that such involvement would have on the sovereignty of Myanmar let alone the possibility of the development of dependence of irrevocable proportions of Myanmar on these countries, which would imply the literal relinquishing of power of Myanmar, economic and thereby political to neighbours, who are unarguably hungry to cash in on Myanmar's resources and have absolutely zero-responsibility towards the populace of the country.

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TEA PLANTATION ACT VIS-A-VIS CONDITION OF EMIGRANT LABOURERS IN ASSAM

Chandana Goswami

Assam lies in between latitudes 24.3°N and 28°N and longitudes 89.5°E and 96.1°E. It is surrounded on three sides by hills and the river Brahmaputra lies to the north. She is surrounded by seven states and two foreign countries Bangladesh and Myanmar. The state has an area of 78,438 lakhs[1].Assam forms a part of the great land of India, which could not be always in the limelight because of its geographical position in an extreme corner of a vast country the north-east. It had retained its independence right down to 1826, when it came under British protection. The Eastern Frontier Tracts were consolidated into the province of Assam in 1898[2].The British who had stepped into the during the course of the Burmese war next took advantage of the dissensions among the princes and nobles of Assam and kept it under their own occupation by right of conquest from the Burmese (and not from the Assamese)[3].

Shortly after tea was discovered at Sadiya in 1835 by Robert Bruce who was shown the tea plant by a Singpho chief, several England based companies stated large scale tea plantation in Assam. Due to the dirth of local labour, Chinese labours were imported. But this proved very expensive. Hence the planters started importing labour from Chotanagpur region belonging to tribes like the Munda, Santhal, Gond etc. In 1901 the total number of labourers was six lakhs. With the expansion of tea gardens the requirement of labours went up. Consequently their immigration

rose during 1901-31. The state of Assam is one of the world's biggest tea growing regions. The tea industry is about 170 years old. It plays a vital role in contributing to the state as well as the national economy, In Assam tea is grown both in the Brahmaputra and Barak valley, Tinsukia, Dibrugarh, Sibsagar, Jorhat, Golaghat, Nagaon and Sonitpur are the districts which have the maximum number of tea gardens. Assam produces 5% of the tea produced in India and about 1/6th of the tea produced in the world. The tea industry provides employment to more than six lakhs persons in the state. Assam tea has international reputation and commands a significant share of the world tea market[4].Assam tea is a household name for most people who love the brew. but behind the story of planting, plucking, pruning and processing of tea leaves lie the story of untold hardships of the toiling workers who form the pillars of the tea industry in Assam[5].

In the 1888 congress held at Allahabad a resolution was moved stating, "that having regard to the poverty of the people, the importance of encouraging indigenous manufactures and the difficulty of practically introducing any general system of technical education with the present imperfect information, government be moved, to delay no longer the appointment of a mixed commission to enquire into the present industrial condition of the country"[6]. Bipin Chandra Pal suggested that an amendment be made by adding that a solution should be made of the problem of Immigration also. Because according to him the poverty of the nation was mainly due to "agricultural depression "caused by "congestion of agricultural population". He opined that "the most effective means for removing agricultural distress" was to remodel the emigration laws. He reminded the congress that it should be not be an organization" to run after grand ideas, and high sentiments but neglect things nearer home"[7], At that time there were four kinds of emigration, he said: i) to the colonies ii) to Burma iii) inland emigration to Assam iv) inland emigration which has sent out large number of *coolies* to Assam and this system reduced their lives "to a condition of quasi slavery". He appealed to the Congress to consider the matter in the interest of justice and humanity. However, the Congress was of the opinion that the problem of emigration itself was a serious problem and should be

discussed independently and should not be made a part of the resolution that centred round encouragement to the indigenous manufacture and technical education. On this ground the amendment was withdrawn[8].

In the 1889 Congress held at Bombay, Bipin Chandra Pal conveyed his thanks to Charles Bradlaugh, the leader of the British labour party, who attended the session "on the behalf of wretched and down-trodden salve population" of Assam and for his efforts to champion "the cause of Assam coolies in the parliament". He also thanked "the working people of England ..... who have in the past expended their money and their blood in removing the shackles of the slavery in every part of the world". He criticised the defects of representation in England, where more than one third of the general population were unrepresented, "and opined that a judicious system of representation should be introduced in India"[9].

In the 1896 Congress held at Calcutta a resolution in connection with emigration of the coolies to Assam was moved. It was resolved that "have regard to the facility of intercourse between all parts of India and Assam, this Congress is of the opinion that the time has arrived when the Inland Immigration Act 1 of 1882, as amended by Act VII of 1893 should be repealed". In moving the resolution Jogendra Chandra Ghose, a delegate from Calcutta gave a clear picture of the horrible conditions prevailing in the tea plantations of Assam. According to the existing system, a labourer after being registered before a medical officer, might be sent to jail for desertion or for refusing to work. Anyone harbouring or abetting a deserter would face the same consequence. The laws were enacted to help the tea planters to get cheap supply to labour to the distant tea gardens situated in unhealthy tract. The Act resulted in the creation of a class of recruiters called Arkatis whose "power of mischief" was "regretted alike by the officials, planters and the people of the country". The Arkatis took the nefarious systems of "forcible kidnapping" and "fraudulent misrepresentation as means for recruiting labourers". This made the lives of the poor victims so miserable that occasionally they had to take recourse to suicide. So in Ghose's opinion, the "government had no right to

turn a deaf ear to the cries of these poor people and should remove this frightful monster which is the creation of the law ..... and nothing short of total repeal will meet the requirements of the case". He was of the opinion that this system was not beneficial to the province to which they were taken. It was descriptions of the oppression and inhuman physical tortures meted out to the labourers in the tea gardens. They had no holiday and non-Act *coolies*[10] got more remuneration than the Act *coolies*[11]. The rate of mortality among the Act coolies was higher than that of the non-Act *coolies*. Thus it appears that the Act was in force mainly to give the planters supply of labour at a cheaper rate. The act was originally enacted in consideration to the difficulties of transportation. Without the help of an Act emigration of labour to the distant tracts in Assam was not possible. But in view of the improved transportation system this became quite unnecessary and hence is should be repealed, Ghose argued. In the opinion of the speaker this Act supported a system of "quasi slavery" and was the greatest "blot" on the English people whose greatest glory was that they were "the liberators of slaves".

In seconding this resolution Bipin Chandra Pal opined that the subject committee should be thanked for placing this matter in the platform of the Congress, because the public feelings throughout India on this subject was "very strong". He also gave illustrations of the horrible aspects of this "quasi slavery" system and said that the Act should be repealed "if for no other considerations out of regard for the freedom that is the birth right of every British subject and out of regard for the fair name of England". Rajanikanto Sarkar, another delegate from Bengal also supported the proposal which was then put to vote and carried "by acclamation"[12].

In the 1897 congress at Amaravati, Bipin Chandra Pal while conveying the vote of thanks gave a clear picture of the gradual transformation of the Congress. He described how the Congress was at a loss by the constant rebuffs of the government to its proposals and it was verging towards sedition. But the counsel of the wise prevailed and saved the Congress "clear of the rock of sedition on the one hand and the shoals and quick sands of cowardice on the other"[13]. Although the

initiative in the agitation in favour of tea garden labourers was taken by the Indian Association at the Madras session in 1887 it was treated as a provincial rather than a national issue[14].

In the Delhi session of the Congress in 1901, Jogendra Chandra Ghose again moved a resolution on the problem of the tea garden labourers of Assam. The Congress while thanking the benevolent intentions of the Government of India, however regretted that immediate effect had not been given to the proposal of the government to enhance the wages of the tea garden worker of Assam, Ghose also applauded the sincere efforts of Henry Cotton, the then Chief Commissioner of Assam to raise the wages of the labourer, but he had also failed in his attempt due to the opposition of the planters, Ghose also condemned the existing laws which were enacted to supply cheap labour to the European planters in the unhealthy tea-tracts of Assam[15].

These workers or Advasis were imported into Assam by the British as indentured slave labour from central India even today the condition of labours does not appear to be satisfactory despite a number of regulation to protect their rights. Discussion with several labour activities, tea garden workers and even the labour department revealed several factors contributing to this situation. The industry has been also passing through a crisis with the free impact of low priced tea. This has in turn affected labour in a harsh manner with employers depending mostly on contractual labour, thereby reducing benefit. A senior labour department officer who had witnessed several violations of the labour plantation Act in the tea gardens he had inspected said that one of the main reasons that owners feel emboldened to neglect labour welfare is the fact that when dragged to the court it would take years and the punishment meted outs for such violations were simply normal. He further reteirated that the maximum corruption came in respect of the workers compersation Act which guarantees compensation to workers in case of injury or death during working hours. Another factor contributing to the exploitation of tea garden workers is the corruption and complete pro-management view of the Assam

Chah Mazdoor Sangh (ACMS) affiliated to the Congress backed INTUC federation. In direct contrast to the ACMS is the Assam *Sangrami Chah Sramik Sangh* (ASCSS) which has led several struggles and has also won victories in the few tea-garden where it has a base[16].

In 1951, the Parliament passed the Plantations Labour Act (PLA) which sought to provide for the welfare of labour and to regulate the conditions of workers in plantations. Under this law, the state Governments have been empowered to take all feasible steps to improve the lot of the plantations workers. The passing of PLA brought some improvements in the plantations sector. It also helped in crating conditions for organising the workers and the rise of trade unions. However, the potential benefits promised under the PLA remain unachieved mainly due to ignorance of workers about their rights under the law.

Applicability of PLA, 1951 :

The Plantations Labour Act, 1951 (PLA) applies to any land used or intended to be used for growing tea, coffee, rubber, cinchona or cardamom or any other plant which measures 5 hectares or more and in which 15 or more workers are employed on any day of the preceding 12 months.

Some definitions under PLA, 1951 [Section 2] :

Adolescent: a person between the age of fourteen and eighteen

Child: a person who has not completed his 14th year

Employer: the person who has the ultimate control over the affairs of the plantation and where the affairs of the plantains are entrusted to any other person, such other person shall be the employer in relation to that plantation.

Family: means his or her spouse and the legitimate and adopted children of the worker dependent upon him or, who have not completed their eighteenth year, and includes, where the member is a male, his parents dependent upon him.

Plantation: any plantations to which this Act applies and includes offices, hospitals, dispensaries, schools and any other premises used for any purposes connected with such plantation.

Qualified medical practitioner: means a person holding a qualification granted by an authority specified under section 3 of the Indian Medical Degrees Act 1916 of under any provincial or Sate Medical Council Act.

Wages: as defined under clause (h) of section 2 of the Minimum Wages Act 1948 (11 of 1948).

Worker: means a person employed in a plantation for hire or reward, whether directly or through any agency, to do any work, skilled, unskilled, manual or clerical, having wages less than Rs. 750/- p.m., but does no include—medical officer, managerial staff and temporary worker employed in any work relating to construction, repair, maintenance of roads, bridge, etc.

Registration of Plantations :

Section 3-B of the PLA, 1951 makes it compulsory of every employer of a plantation to register it within sixty days of its coming into existence.

Inspecting staff : under Section 4' the state government has the power to appoint for the state a duly qualified person to be-the chief inspector of plantations and other persons to, be inspectors subordinate to the chief inspector.

Power and functions of Inspectors [Sections 5&6] :

- To examine and make inquiries to ascertain whether the provisions of this Act are being observed in any plantations.
- Can enter, inspect and examine with assistants any part of plantation at any reasonable time and take statements on any person, provided that no person shall be compelled to answer any question or make any statement tending to incriminate himself.

Certifying surgeons : [Section7]: The state government is responsible for appointing qualified medical practitioners to be certifying surgeons for within local limits of a plantation or class of plantations.

Duty of the certifying surgeon :

a. The examination and certification of workers.

b. The exercise of such medical supervision where adolescents and children

Are or are to be employed in any work in any plantation which is likely to cause injury to their heat.

Health-Responsibilities of the Employers :

(facilities to be provided in the plantations)

Drinking Water : In every plantation effective arrangements shall be made by the employer to provide and maintain at convenient place a sufficient-supply of wholesome drinking water for all worker [Section 8].

Conservancy : There shall be a sufficient number of conveniently situated & accessible separate latrines and urinals for males females in every plantation. All of these are to be maintained in a clean and sanitary condition [section h].

Medical facilities : Medical facilities for workers and their families (as prescribed by the state government) have to be maintained and made available by the Employer [Section 10].

WELFARE :

Canteens : Under Section 11, the State Government has been empowered to ask Employers to open Canteen (s) in Plantations employing one hundred and fifty workers or more and to make rules for the working and maintenance of canteens.

There is also provision for the constitution of a managing committee in which the worker are represented.

Crèches : the employer must provide and maintain rooms for children where the number of workers is more than fifty or the number of children of women workers is twenty or more [Section 12].

Creches are to be maintained in a clean, safe and sanitary conditions and are to be run by a woman trained to take care of children and infants as per the law.

Recreational facilities : every employer to make provision in the Plantation for recreational facilities for the workers and their children [Section 13.]

Educational facilities : In every Plantation where the children-of the workers between the ages of six and twelve exceed the number twenty five, the employer is under obligation to provide educational facilities as may be specified by the State Government [Section 14].

Housing facilities : It is the duty of the employer to provide and maintain necessary housing accommodation for every worker and his family [Section 15.]

Liability of employer in case of accidents resulting from collapse of houses provided by him : If the house collapse is not solely or directly attributable to a fault on the part of the occupant or to a natural calamity, the employer shall be liable to pay compensation to the worker or his kin suffering injury or death. In order to claim this compensation, the worker or his next of kin or his authorised agent must write to Labour Commissioner within 6 months of the accident. The compensation would be paid under the workmen's compensation Act, 1923.

Other facilities : The State government has the power to make rules requiring the plantation employer to provide the workers and umbrellas, blankets, rain coats or other like amenities for the protection of worker from rain or cold [Section 17].

HOURS AND LIMITATION OF EMPLOYMENT:

Weekly hours : forty-eight hours a week for Adult worker and twenty seven hours a week for adolescent or child workers [Section 18].

Maximum hours of work are 9 hours a day and 54 hours a week; The worker is entitled to overtime wages at twice the rates of ordinary wages. He /she also has a right to one weekly holiday. Working on a holiday or the day or rest of the worker will entitle worker for double the wages as in overtime work.

Daily intervals for rest : No worker shall work for more than five hours before he/she had an interval for rest for at least half an hour. In addition, a woman resuming her work after delivery is entitled to two breaks daily for nursing her child till the child is fifteen months old. This is in addition to the regular rest interval.

The notice of period of work : has to be displayed and correctly maintained in every plantation. An employer can refuse to employ a worker for any day on which he is more than half hour late from the time displayed on notice of period of work [Section 23.]

No Night for women and children : Women and children can be employed only between the hours of 6am and 7pm unless permitted by the state Government [Section 23.]

Non-adult worker to carry tokens : No child or adolescent will be allowed to work in the plantation unless the employer has a certificate of fitness from the certifying Surgeon. The token that non adult worker is required to carry bears a reference to this fitness certificate valid for twelve months. The fee for the fitness certificate, if any, is to be paid by the employer and cannot be recovered from the young worker or his/ her guardian [Section 26 & 27].

Annual leave with wages : An adult worker is entitled to one day paid, leave for every twenty days of work. A child or adolescent is entitled to one day paid leave for every fifteen days. Half or more then half day's work is counted as full days' work. This earned leave excludes. Holidays. The worker is entitled to average daily wages (including D.A., cash value of food and other concessions, if any allowed to him by the employer). Maximum earned leave that can be enchased is 30 days. If the Employer terminates the services of the worker who has to his

credit earned leave, then he shall pay the worker the average daily wages in respect of the leave no taken [Section 30-31].

Sickness and maternity benefits : Every worker is entitled to sickness allowance, provided this is certified by a qualified medical practitioner. Women workers are entitled to maternity allowance and benefits under the Maternity Benefit Act, 1961 [Section 32].

Notice Accidents : The Employers are under obligation to maintain a register of accidents and notify the authorities of any accident where a plantation Worker suffers death or body injury and he is unable to report for work for forty eight hours or more [Section 32].

PENALTIES AND PROCEDURE :

Under the Plantation Labour Act, the penalty imposed for violation of the provisions is a fine or Rs. 500 and/or 3 months imprisonment. Subsequent / Continued violation of PLA is punishable by a Fine of Rs. 1000P and /or imprisonment of Six months.

WHO CAN FILE THE COMPLAINT ?

Cognizance of offence: Neither the worker not the Union has a right to file a complain and launch legal proceedings against the Plantation owners. This right is given to the Chief Inspector only on whose complaint the Magistrate of the second class shall try the offence punishable under this Act.

Amendments demanded by HMS in the Plantations Labour Act :

1 To provide for appointment of duly qualified person to supervise the use, handling, storage and transportation of insecticides, chemicals, etc.

2 Total prohibition of child labour employment in the Plantations for which the existing plantation Labour Act heeds to be amended as it presently allows the employment of children and adolescents.

3 To provide for the right of prosecution of the employers by the trade unions directly in the Magistrated' Court in case ' of violation of the provisions of Plantation Labour Act. At present this can be done only by the Chief Inspector of the Plantations.

4 Raising the wage ceiling for definition of the worker from Rs. 750 to Rs. 160W p.m. as under the Industrial Disputes Act.

5 Setting up of Joint or combined Hospitals for specialised treatment and appointment of qualified personnel in the Garden Hospitals and Dispensaries. [nearly 50% of the garden dispensaries in N.E. region are without qualified Doctors and life saving drugs]

6 Prohibition on use of Banned Pesticides.

7 The penalties for violation of the provisions of Plantation. Labour Act should be raised substantially and this should include minimum of one year's imprisonment besides a fine that may extend up to Rs. 1000000/-[17].

* * *

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EVOLUTION OF PANCHAYAT DURING THE COLONIAL PERIOD

Manashi Sarma

With the coming of the British the Indian villages gradually lost its strong hold and even failed to discharge the traditional functions which it used to perform earlier. But even when the British took up the reign of administration in their hands they confined their activities mostly to the collection of revenues and maintaining law and order in the initial stage. The first concrete step towards the establishment of local self government is reflected in the Resolution of Lord Mayo which tried to put in tract the derailed local institutions.[1] Hence local self government in its present form is definitely a British product.[2] Credit must be given to them for giving it a structural framework and embedding it more firmly in the Indian soil. While at the helm of affairs the British enacted a number of legislative and Constitutional Acts to facilitate smooth administration. It was because of their endeavor that the wheels of panchayati raj were set in motion in India and in Assam.

Assam has a chequered history of local self government. Assam's tryst with the British Empire began with the Burmese invasion of Assam. Prior to 1874 Assam was a part of the Bengal presidency and hence no separate laws were enacted for Assam.[3] The Yandaboo treaty signed between the English and the Burmese, in 1826 sounded the death knell for the six hundred year old Ahom dynasty, and paved the way for the British to become the colonial masters

of Assam. David Scott who was the first Commissioner of Assam established a court on the banks of the Joysagar tank. This court was referred to by the name of Panchayat or Cutcherry. European judges tried the cases here but they could take the help of the Assamese bureaucrats. In fact the Cutcherry which met from 1825-1828[4] included the following Assamese intelligentsia – Kashi Nath Tamuli Phukan, Ubi Dhar Sibsagaria Barua, Lakhawdhar Khargharia Phukan, Krishna Nanda Barua, Loknath Sensua Barua, Radha Nath Bar Barua from Chiring, Madhab Ram Bar Gohain, Jadab Bura Gohain, Abhiman Singh, Jamdar, Bakat Singh, Nirmai Deka, Phukan, Indu Govinda Saru Melia Barua, Mohibir Bura Gohain and Kanchanb Rajkhowa.[5] After Maniram Barua became the Shrestadar, at his advice three panchayats were established. They are as follows (a) Bar Panchayat, (b) Saru Panchayat, (c) Surrasuree Panchayat.[6] According to the intensity of the cases the different courts tried them. Civil cases upto rupees three hundred were tried in the Saru Panchayat. The Bar Panchayats could try cases upto rupees one thousand. Others like revenue cases, collection of tax or incorporation of territory was entrusted to the Surrasuree Panchayats.[7] In 1828 in the month of November Commissioner Nuveville shifted the Panchayats from Joysagar to Jorhat's Na-Bahar. The building which housed the Panchyat was known as Cutcherry and it remained so till the reigns of administration passed into the hands of Purandar Singh.

Against the judgment of the Panchayats appeals could be made in Guwahati. Issues like breach of peace could be solved by officers known as Chaudhuris.[8] Scott further established Moffuosil Panchayats in Nowgong, Kaliabar, and Charduar in Central Assam to meet the ever rising cases. These courts had the right to try petty civil suits and also reserved the right to appeal to the Court in Guwahati. The members to the Panchayats were elected by the local people of the area and they also received remuneration in the form of Paiks and other immunities. As there was a rise in the number of heinous crimes, the Commissioner sought the permission of the Government of Bengal

and tried to extend the jurisdiction of the Nizamut Adalat to Lower Assam also. In case time was taken to carry out this step Scott gave permission to institute a Bar Panchayat or a court to try heinous crimes. The Bar Panchayat would comprise of three native judges who would be aided by two pundits and six assessors. When the authorities in Calcutta learnt that the Bar Panchayats or the native courts worked quietly satisfactorily they gave their consent that under the supervision of a Commissioner and subject to the supervision of the Political Agent in Upper Assam and the Assistant Commissioner in Lower Assam the Courts should continue to perform.[9]

In 1856 the Chowkidari system of panchayat was introduced and it heralded the beginning of the statutory panchayat institutions through out Assam.[10] In Assam the Village Chowkidari Act was extended to only three districts i.e. Sylhet, Goalpara and Cachar. But this Act failed to satisfy the aspiration of the people because its members were not popularly elected. They were appointed by the Magistrate. Hence it can hardly be said to be a democratically appointed local body. In 1880 the Royal Finance Commission was constituted by the Government of India. It was an important step taken by the Government of India towards the growth of local self government. The main observations of the committee were as follows :

"In most parts of India some village organization exist which offers a ready and natural, though still imperfect, machinery for coping with famine, and it is of special importance that whatever is possible should be done towards improving and strengthening this machinery where it is present, so that it may become more thoroughly efficient for purposes of village relief. For the progress of the country the encouragement of the principle of the Local Self Government, by which business of all kinds should be left more and more to local direction, is of much moment, and nowhere so than in dealing with local distress; and however great be the difficulties in the way of its practical realization, it will be well never to loss the opportunity of taking any step that

may lead towards it." The main recommendations of the Committee were that the village organisation should be utilized for famine relief work. In line with this the village agencies were called to control famine. But in reality it was an attempt to make the village headman, the accountant and the watchman a part and parcel of this government machinery.[11] Chowkidari system was extended only to those places or towns, suburb, or bazaar in which there was a police station manned by an officer of the Rank of a Jamadar. It was not extended to any other places in Assam. Moreover the election method was also undemocratic since the voting right could be exercised only by a few respectable inhabitants of the locality.[12]

The year 1870 is an important landmark in the evolution of rural local self government. Through the Bengal Village Chowkidari Act the District Magistrate was allowed to constitute a panchayat if the adult male resident of any village gave in writing for the constitution of a village panchayat. The Act provided that the Panchayat so constituted would comprise of not more than five and not less then three residents as its members. The members would be partly elected or partly nominated or fully nominated for a term of five years. The magistrate had the right to nominate one member under special circumstances. The requisite condition to be fulfilled to be a member of the Panchayat was that the person must be the resident of the said village, and he must be a proprietor or a land holder of the said village. However there was no change in the powers and functions of the local self government.[13]

The Bengal Road Cess Act, 1871 was extended up to Assam. Through this Act road committees were formed in five districts of the Assam valley. Out of five districts only in Kamrup and Darrang it functioned properly. In 1874 there were a number of local authorities in the rural areas of Assam. They were the District Rural Fund and the Government Estates Improvement Fund. But the Government Estate Improvement Fund was abolished on 1st April, 1874 and in its place four separate funds were created. They were the

District Reserve Fund, District Road Fund, The District Primary School Fund and the Miscellaneous Improvement Fund. But soon administrative and fiscal inconveniences became obvious and the Chief Commissioner accepted the suggestion for the creation of a District Improvement Committee, the District Road Committee, the District School Committee and District Dispensaries Committee. But these committees were not working satisfactorily as they were divided into water tight compartments. Funds collected under each head could be spent only for that purpose and related to that area only. The biggest drawback was that there was no local tax for local purpose. Hence the Chief Commissioner issued the Local Rates Regulations Act, 1875. Thus for the first time the concept local tax for local purpose came up. But the proposal was not accepted.[14] Thus keeping in line, the Assam Local Rates Regulation, 1879 was passed for the purpose of levying local taxes for local purposes. Accordingly District Committees were created in every district. Apart from the District Committee many other committees like the Dispensary Committees and School Committees were also created. The other committees were subsequently abolished for administrative purposes. The District Committees so constituted proved to be a failure, as people's participation was very less and it was mostly dominated by the tea-planters. Hence the district committee was replaced by the local boards. The local boards were the creation of executive order and they continued to exist till they were replaced by the Assam Local Self Government Act, 1915.[15]

In 1881 the Government of India brought certain changes in the structure of the local boards. The strength of the non official members was increased to two thirds from one half. It further suggested that certain services, like revenues, grants-in-aids meant for schools were to be transferred to the local boards. The Government of India suggested that the transfer of the entire local rate including the expenditure incurred by provincial legislature should be transferred to the local boards. This proposal was met with stiff resistance by the Government of Assam on the ground that Assam lacked the resources;

there was dearth of influential and intellectual gentry, capable of shouldering the responsibility of local boards. However, Government of India empowered the Government of Assam to increase the powers of the District Committee without any change in the structure of the committee.[16] The local boards so constituted proved to be a failure as they were constituted by executive order in the first place, secondly they could not give loans hence most of the works had to be postponed indefinitely. Thirdly there was no control or supervision of public works as the Chairman neither had the time nor the training. In order to remove the defects of the earlier board Sir Henry Cotton brought about certain reforms. He favoured the formation of a district committee where the Deputy Commissioner was to be the Ex-Officio Chairman, Senior Assistant Commissioner, Civil Surgeon, Inspector of Works, and the District Superintendent of Police was to be in charge. The ex-officio members were to be elected from the tea planters' community and one member was to be elected from the sub-division. As regards its function the committee could engage a District Engineer. The committee could give provincial grants within its jurisdiction to the local authority, and also bring under its fold all roads, bridges, channels, buildings and other movable and immovable property which were earlier under the control of the government. Cotton suggested the employment of Inspectors to supervise the works of the District Engineers. The District Committee was also authorized to give loans. But the local boards themselves were against the District Committees. In fact there was misreaction against the establishment of the District Committes. The various suggestions put forwarded by Henry Cotton became a futile attempt, In 1812 Ripon's resolution was passed. In fact he can be credited with giving a more concrete step to the structure of local government in India. Ripon was of the view that local government should be the base ground of political and educational learning; in fact he tried to make it the instrument of grass root participation.[17]

In tandem with the Ripon's resolution the Government of Assam issued a resolution on 17th November, 1882. The resolution was accepted and

accordingly certain steps were taken in this regard. The resolution suggested that the areas of the local boards should be the sub-division. More over it was accepted that number of European planters would not be less than one-half of the board's non official members.[18] Moreover the Chief Commissioner stated that as regards the ex-officio members the Deputy Commissioner should not be a member of the local board. If any official assistance was necessary for the management of local affairs, an Indian extra-Assistant Commissioner might be appointed. However this was not acceptable to the officers as they felt that the Deputy Commissioner's participation in the local boards was a must. The Chief Commissioner agreed that the presence of a Deputy Commissioner in an otherwise European dominated board would help to ease discussions. Besides, there might be other officers such as the Civil Surgeon, the Superintendent of Police, and an extra-Assistant Commissioner as ex-officio members of the board. Moreover a non official might also be made the Chairman. If the official was a Chairman the Vice-Chairman should be non-official. The official Chairman had no voting power except a casting vote in case of a tie. Provisions were also there for election of the representatives of planters and the other members could be elected or nominated. The term of the office should be of two years duration. The local fund would comprise of the entire proceeds from local rates, ferry rents, and grants from the provincial governments. The activities of the local boards would be to execute public works and to manage district posts, primary education, medical charity, fairs, circuit houses and distribution of grant-in-aid to lower middle schools.[19] District committees were abolished and only sub-divisional boards were retained as per the resolution taken in 1882.[20]

The main features of the sub divisional boards were that since the periphery of the board was rather small therefore the members of the boards were able to keep themselves well acquainted with the local needs of the area which were under their control. Moreover the members showed keen interest in their work as financial power was transferred to them. However these

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local boards were not free from defects. Since they were constituted by an executive order they were not considered as local bodies and hence did not have the capacity to give loans for the construction of any local works. Secondly there was no control over the execution of public works. The chairman being a busy person had neither the time nor the training to supervise the execution of the works, so the overseer who was appointed for the work prepared the estimates, carried out the works and paid the bills. Since the overseer was not highly paid, and the supervision over him was poor, he was inclined to be dishonest.[21] Every attempt was made to implement Lord Ripon's reform in letter and spirit in Assam. Accordingly the sub-divisional boards were allowed to exist till 1915. The Publics Works Department was vested with extensive powers, its area extending upto the local level. Thus, there was a clear cut tendency since 1887 that it was heading towards excessive centralization of functions. This was a unique characteristic of rural self-government in Assam, because the local boards so created did not have any legal basis as it was a product of an executive order. It was the Assam Local Self-Government Act of 1915 that placed the rural self government on a firm footing.[22]

The Assam Local Self Government Act, 1915

In parlance with the recommendation of the Royal Commission on Decentralization the Assam Local Self Government Act of 1915 came into being.[23] This Act tried to establish local self government on a legal basis in Assam. Under this Act local boards were created by an executive order and these boards were authorized to appoint district engineers, health officers and sanitary officers who had the right to levy tolls on new bridges and look after primary and secondary education.[24] The members to these local boards could be fully elected or partly elected or appointed for a period of three years. The Chief Commissioner was authorized to fix the number of elected or appointed members. Further the Act made provision for election or nomination, of the President and entrusted numerous functions to these boards to be discharged.[25]

This Act gave birth to statutory panchayats. The Deputy Commissioner was in charge of these panchayats when they were not dealing with problems connected with the local boards. The statutory panchayats were under the charge of the local boards when they performed functions delegated to them by the local boards.[26] But the Act of 1915 was besieged with numerous problems regarding administrative areas. The villages which were considered as units for the purpose of local self government was unsuitable for the same. The villages were not homogenous units but a collection of hamlets. Even though they resided in the same village for local government purposes, the villagers of one part was not interested in the other part. Secondly, the non co-operation movement started by Gandhiji also hampered in the progress of the Panchayats. Thirdly, the village authority was capable of doing only minor works. Fourthly, the village authority did not educate the people in the art of self help. Finally the district officers did not adopt a sympathetic attitude towards the village panchayats. All these factors led to the failure of the Act. The failure cannot be attributed to any inherent defect in the Act but mainly due to the fact that most of the Panchayats comprised of nominated members. Caste consciousness also stood in the way. In the meantime significant changes were brought about by the British. Higher caste members were not willing to sit with their ryots, or discuss issues of common interests. In some villages the Chairman would not allow any one to sit in a chair except him. In other places low caste members were made to stand. Added to this were the problems of village factions. Elections were a farce. Though the local boards were suppose to encourage the growth of village government it could not be done as in every local board area there were hundreds of panchayats and it was impossible to look after all of them. Hence the Act failed in its purpose.[27]

Rural Self Government Act, 1926

The need for another Act was felt and in 1926 the Rural Self Government Act was passed in Assam. The Act provided that every village

should have a village board comprising of not more than nine members elected on the basis of universal franchises. The Act provided for the provision of electing a President from among the members themselves. Under the Act the terms of the local boards were to be for three years. The boards were entrusted with numerous powers.[28] The main provision of the Act was that members of the boards should be elected. The government could nominate officials who could give expert advice. The board could also ask the government to appoint a Chairman. Normally the Chairman is elected.[29] The main function of the Panchayat under this Act was to supply pure drinking water to the villages; provide medical relief and sanitation to the people. However, the Act could not achieve the required success. One major cause of its failure was the introduction of the concept of one man panchayat though the Act made provision for a nine member team, but under extraordinary circumstances the village panchayat could perform its duties only with one person also. It was soon realized that these village authorities existed only on papers. Most of the village authorities proved to be inoperative as it was lacking in resources and a strong governmental machinery to push it forward.[30] The board was also vested with tax levying power. It could impose tax on carts, carriages and other vehicles plying on the roads. Toll bars were set up on metalled roads so that the cost of metalling them could be recovered. The select committee suggested that the government should nominate members from the minority community. There was no provision however for the nomination of members. The Act was amended several times and it was revised in 1953. The out come of the revision was the Act of 1959.[31]

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TEA PLANTATION ACT VIS-A-VIS CONDITION OF EMIGRANT LABOURERS IN ASSAM

Chandana Goswami

Assam lies in between latitudes 24.3°N and 28°N and longitudes 89.5°E and 96.1°E. It is surrounded on three sides by hills and the river Brahmaputra lies to the north. She is surrounded by seven states and two foreign countries Bangladesh and Myanmar. The state has an area of 78,438 lakhs[1].Assam forms a part of the great land of India, which could not be always in the limelight because of its geographical position in an extreme corner of a vast country the north-east. It had retained its independence right down to 1826, when it came under British protection. The Eastern Frontier Tracts were consolidated into the province of Assam in 1898[2].The British who had stepped into the during the course of the Burmese war next took advantage of the dissensions among the princes and nobles of Assam and kept it under their own occupation by right of conquest from the Burmese (and not from the Assamese)[3].

Shortly after tea was discovered at Sadiya in 1835 by Robert Bruce who was shown the tea plant by a Singpho chief, several England based companies stated large scale tea plantation in Assam. Due to the dirth of local labour, Chinese labours were imported. But this proved very expensive. Hence the planters started importing labour from Chotanagpur region belonging to tribes like the Munda, Santhal, Gond etc. In 1901 the total number of labourers was six lakhs. With the expansion of tea gardens the requirement of labours went up. Consequently their immigration

rose during 1901-31. The state of Assam is one of the world's biggest tea growing regions. The tea industry is about 170 years old. It plays a vital role in contributing to the state as well as the national economy, In Assam tea is grown both in the Brahmaputra and Barak valley, Tinsukia, Dibrugarh, Sibsagar, Jorhat, Golaghat, Nagaon and Sonitpur are the districts which have the maximum number of tea gardens. Assam produces 5% of the tea produced in India and about 1/6th of the tea produced in the world. The tea industry provides employment to more than six lakhs persons in the state. Assam tea has international reputation and commands a significant share of the world tea market[4].Assam tea is a household name for most people who love the brew. but behind the story of planting, plucking, pruning and processing of tea leaves lie the story of untold hardships of the toiling workers who form the pillars of the tea industry in Assam[5].

In the 1888 congress held at Allahabad a resolution was moved stating, "that having regard to the poverty of the people, the importance of encouraging indigenous manufactures and the difficulty of practically introducing any general system of technical education with the present imperfect information, government be moved, to delay no longer the appointment of a mixed commission to enquire into the present industrial condition of the country"[6]. Bipin Chandra Pal suggested that an amendment be made by adding that a solution should be made of the problem of Immigration also. Because according to him the poverty of the nation was mainly due to "agricultural depression "caused by "congestion of agricultural population". He opined that "the most effective means for removing agricultural distress" was to remodel the emigration laws. He reminded the congress that it should be not be an organization" to run after grand ideas, and high sentiments but neglect things nearer home"[7], At that time there were four kinds of emigration, he said: i) to the colonies ii) to Burma iii) inland emigration to Assam iv) inland emigration which has sent out large number of *coolies* to Assam and this system reduced their lives "to a condition of quasi slavery". He appealed to the Congress to consider the matter in the interest of justice and humanity. However, the Congress was of the opinion that the problem of emigration itself was a serious problem and should be

discussed independently and should not be made a part of the resolution that centred round encouragement to the indigenous manufacture and technical education. On this ground the amendment was withdrawn[8].

In the 1889 Congress held at Bombay, Bipin Chandra Pal conveyed his thanks to Charles Bradlaugh, the leader of the British labour party, who attended the session "on the behalf of wretched and down-trodden salve population" of Assam and for his efforts to champion "the cause of Assam coolies in the parliament". He also thanked "the working people of England ..... who have in the past expended their money and their blood in removing the shackles of the slavery in every part of the world". He criticised the defects of representation in England, where more than one third of the general population were unrepresented, "and opined that a judicious system of representation should be introduced in India"[9].

In the 1896 Congress held at Calcutta a resolution in connection with emigration of the coolies to Assam was moved. It was resolved that "have regard to the facility of intercourse between all parts of India and Assam, this Congress is of the opinion that the time has arrived when the Inland Immigration Act 1 of 1882, as amended by Act VII of 1893 should be repealed". In moving the resolution Jogendra Chandra Ghose, a delegate from Calcutta gave a clear picture of the horrible conditions prevailing in the tea plantations of Assam. According to the existing system, a labourer after being registered before a medical officer, might be sent to jail for desertion or for refusing to work. Anyone harbouring or abetting a deserter would face the same consequence. The laws were enacted to help the tea planters to get cheap supply to labour to the distant tea gardens situated in unhealthy tract. The Act resulted in the creation of a class of recruiters called Arkatis whose "power of mischief" was "regretted alike by the officials, planters and the people of the country". The Arkatis took the nefarious systems of "forcible kidnapping" and "fraudulent misrepresentation as means for recruiting labourers". This made the lives of the poor victims so miserable that occasionally they had to take recourse to suicide. So in Ghose's opinion, the "government had no right to

turn a deaf ear to the cries of these poor people and should remove this frightful monster which is the creation of the law ..... and nothing short of total repeal will meet the requirements of the case". He was of the opinion that this system was not beneficial to the province to which they were taken. It was descriptions of the oppression and inhuman physical tortures meted out to the labourers in the tea gardens. They had no holiday and non-Act *coolies*[10] got more remuneration than the Act *coolies*[11]. The rate of mortality among the Act coolies was higher than that of the non-Act *coolies*. Thus it appears that the Act was in force mainly to give the planters supply of labour at a cheaper rate. The act was originally enacted in consideration to the difficulties of transportation. Without the help of an Act emigration of labour to the distant tracts in Assam was not possible. But in view of the improved transportation system this became quite unnecessary and hence is should be repealed, Ghose argued. In the opinion of the speaker this Act supported a system of "quasi slavery" and was the greatest "blot" on the English people whose greatest glory was that they were "the liberators of slaves".

In seconding this resolution Bipin Chandra Pal opined that the subject committee should be thanked for placing this matter in the platform of the Congress, because the public feelings throughout India on this subject was "very strong". He also gave illustrations of the horrible aspects of this "quasi slavery" system and said that the Act should be repealed "if for no other considerations out of regard for the freedom that is the birth right of every British subject and out of regard for the fair name of England". Rajanikanto Sarkar, another delegate from Bengal also supported the proposal which was then put to vote and carried "by acclamation"[12].

In the 1897 congress at Amaravati, Bipin Chandra Pal while conveying the vote of thanks gave a clear picture of the gradual transformation of the Congress. He described how the Congress was at a loss by the constant rebuffs of the government to its proposals and it was verging towards sedition. But the counsel of the wise prevailed and saved the Congress "clear of the rock of sedition on the one hand and the shoals and quick sands of cowardice on the other"[13]. Although the

initiative in the agitation in favour of tea garden labourers was taken by the Indian Association at the Madras session in 1887 it was treated as a provincial rather than a national issue[14].

In the Delhi session of the Congress in 1901, Jogendra Chandra Ghose again moved a resolution on the problem of the tea garden labourers of Assam. The Congress while thanking the benevolent intentions of the Government of India, however regretted that immediate effect had not been given to the proposal of the government to enhance the wages of the tea garden worker of Assam, Ghose also applauded the sincere efforts of Henry Cotton, the then Chief Commissioner of Assam to raise the wages of the labourer, but he had also failed in his attempt due to the opposition of the planters, Ghose also condemned the existing laws which were enacted to supply cheap labour to the European planters in the unhealthy tea-tracts of Assam[15].

These workers or Advasis were imported into Assam by the British as indentured slave labour from central India even today the condition of labours does not appear to be satisfactory despite a number of regulation to protect their rights. Discussion with several labour activities, tea garden workers and even the labour department revealed several factors contributing to this situation. The industry has been also passing through a crisis with the free impact of low priced tea. This has in turn affected labour in a harsh manner with employers depending mostly on contractual labour, thereby reducing benefit. A senior labour department officer who had witnessed several violations of the labour plantation Act in the tea gardens he had inspected said that one of the main reasons that owners feel emboldened to neglect labour welfare is the fact that when dragged to the court it would take years and the punishment meted outs for such violations were simply normal. He further reteirated that the maximum corruption came in respect of the workers compersation Act which guarantees compensation to workers in case of injury or death during working hours. Another factor contributing to the exploitation of tea garden workers is the corruption and complete pro-management view of the Assam

Chah Mazdoor Sangh (ACMS) affiliated to the Congress backed INTUC federation. In direct contrast to the ACMS is the Assam *Sangrami Chah Sramik Sangh* (ASCSS) which has led several struggles and has also won victories in the few tea-garden where it has a base[16].

In 1951, the Parliament passed the Plantations Labour Act (PLA) which sought to provide for the welfare of labour and to regulate the conditions of workers in plantations. Under this law, the state Governments have been empowered to take all feasible steps to improve the lot of the plantations workers. The passing of PLA brought some improvements in the plantations sector. It also helped in crating conditions for organising the workers and the rise of trade unions. However, the potential benefits promised under the PLA remain unachieved mainly due to ignorance of workers about their rights under the law.

Applicability of PLA, 1951 :

The Plantations Labour Act, 1951 (PLA) applies to any land used or intended to be used for growing tea, coffee, rubber, cinchona or cardamom or any other plant which measures 5 hectares or more and in which 15 or more workers are employed on any day of the preceding 12 months.

Some definitions under PLA, 1951 [Section 2] :

Adolescent: a person between the age of fourteen and eighteen

Child: a person who has not completed his 14th year

Employer: the person who has the ultimate control over the affairs of the plantation and where the affairs of the plantains are entrusted to any other person, such other person shall be the employer in relation to that plantation.

Family: means his or her spouse and the legitimate and adopted children of the worker dependent upon him or, who have not completed their eighteenth year, and includes, where the member is a male, his parents dependent upon him.

Plantation: any plantations to which this Act applies and includes offices, hospitals, dispensaries, schools and any other premises used for any purposes connected with such plantation.

Qualified medical practitioner: means a person holding a qualification granted by an authority specified under section 3 of the Indian Medical Degrees Act 1916 of under any provincial or Sate Medical Council Act.

Wages: as defined under clause (h) of section 2 of the Minimum Wages Act 1948 (11 of 1948).

Worker: means a person employed in a plantation for hire or reward, whether directly or through any agency, to do any work, skilled, unskilled, manual or clerical, having wages less than Rs. 750/- p.m., but does no include—medical officer, managerial staff and temporary worker employed in any work relating to construction, repair, maintenance of roads, bridge, etc.

Registration of Plantations :

Section 3-B of the PLA, 1951 makes it compulsory of every employer of a plantation to register it within sixty days of its coming into existence.

Inspecting staff : under Section 4' the state government has the power to appoint for the state a duly qualified person to be-the chief inspector of plantations and other persons to, be inspectors subordinate to the chief inspector.

Power and functions of Inspectors [Sections 5&6] :

- To examine and make inquiries to ascertain whether the provisions of this Act are being observed in any plantations.
- Can enter, inspect and examine with assistants any part of plantation at any reasonable time and take statements on any person, provided that no person shall be compelled to answer any question or make any statement tending to incriminate himself.

Certifying surgeons : [Section7]: The state government is responsible for appointing qualified medical practitioners to be certifying surgeons for within local limits of a plantation or class of plantations.

Duty of the certifying surgeon :

a. The examination and certification of workers.

b. The exercise of such medical supervision where adolescents and children

Are or are to be employed in any work in any plantation which is likely to cause injury to their heat.

Health-Responsibilities of the Employers :

(facilities to be provided in the plantations)

Drinking Water : In every plantation effective arrangements shall be made by the employer to provide and maintain at convenient place a sufficient-supply of wholesome drinking water for all worker [Section 8].

Conservancy : There shall be a sufficient number of conveniently situated & accessible separate latrines and urinals for males females in every plantation. All of these are to be maintained in a clean and sanitary condition [section h].

Medical facilities : Medical facilities for workers and their families (as prescribed by the state government) have to be maintained and made available by the Employer [Section 10].

WELFARE :

Canteens : Under Section 11, the State Government has been empowered to ask Employers to open Canteen (s) in Plantations employing one hundred and fifty workers or more and to make rules for the working and maintenance of canteens.

There is also provision for the constitution of a managing committee in which the worker are represented.

Crèches : the employer must provide and maintain rooms for children where the number of workers is more than fifty or the number of children of women workers is twenty or more [Section 12].

Creches are to be maintained in a clean, safe and sanitary conditions and are to be run by a woman trained to take care of children and infants as per the law.

Recreational facilities : every employer to make provision in the Plantation for recreational facilities for the workers and their children [Section 13.]

Educational facilities : In every Plantation where the children-of the workers between the ages of six and twelve exceed the number twenty five, the employer is under obligation to provide educational facilities as may be specified by the State Government [Section 14].

Housing facilities : It is the duty of the employer to provide and maintain necessary housing accommodation for every worker and his family [Section 15.]

Liability of employer in case of accidents resulting from collapse of houses provided by him : If the house collapse is not solely or directly attributable to a fault on the part of the occupant or to a natural calamity, the employer shall be liable to pay compensation to the worker or his kin suffering injury or death. In order to claim this compensation, the worker or his next of kin or his authorised agent must write to Labour Commissioner within 6 months of the accident. The compensation would be paid under the workmen's compensation Act, 1923.

Other facilities : The State government has the power to make rules requiring the plantation employer to provide the workers and umbrellas, blankets, rain coats or other like amenities for the protection of worker from rain or cold [Section 17].

HOURS AND LIMITATION OF EMPLOYMENT:

Weekly hours : forty-eight hours a week for Adult worker and twenty seven hours a week for adolescent or child workers [Section 18].

Maximum hours of work are 9 hours a day and 54 hours a week; The worker is entitled to overtime wages at twice the rates of ordinary wages. He /she also has a right to one weekly holiday. Working on a holiday or the day or rest of the worker will entitle worker for double the wages as in overtime work.

Daily intervals for rest : No worker shall work for more than five hours before he/she had an interval for rest for at least half an hour. In addition, a woman resuming her work after delivery is entitled to two breaks daily for nursing her child till the child is fifteen months old. This is in addition to the regular rest interval.

The notice of period of work : has to be displayed and correctly maintained in every plantation. An employer can refuse to employ a worker for any day on which he is more than half hour late from the time displayed on notice of period of work [Section 23.]

No Night for women and children : Women and children can be employed only between the hours of 6am and 7pm unless permitted by the state Government [Section 23.]

Non-adult worker to carry tokens : No child or adolescent will be allowed to work in the plantation unless the employer has a certificate of fitness from the certifying Surgeon. The token that non adult worker is required to carry bears a reference to this fitness certificate valid for twelve months. The fee for the fitness certificate, if any, is to be paid by the employer and cannot be recovered from the young worker or his/ her guardian [Section 26 & 27].

Annual leave with wages : An adult worker is entitled to one day paid, leave for every twenty days of work. A child or adolescent is entitled to one day paid leave for every fifteen days. Half or more then half day's work is counted as full days' work. This earned leave excludes. Holidays. The worker is entitled to average daily wages (including D.A., cash value of food and other concessions, if any allowed to him by the employer). Maximum earned leave that can be enchased is 30 days. If the Employer terminates the services of the worker who has to his

credit earned leave, then he shall pay the worker the average daily wages in respect of the leave no taken [Section 30-31].

Sickness and maternity benefits : Every worker is entitled to sickness allowance, provided this is certified by a qualified medical practitioner. Women workers are entitled to maternity allowance and benefits under the Maternity Benefit Act, 1961 [Section 32].

Notice Accidents : The Employers are under obligation to maintain a register of accidents and notify the authorities of any accident where a plantation Worker suffers death or body injury and he is unable to report for work for forty eight hours or more [Section 32].

PENALTIES AND PROCEDURE :

Under the Plantation Labour Act, the penalty imposed for violation of the provisions is a fine or Rs. 500 and/or 3 months imprisonment. Subsequent / Continued violation of PLA is punishable by a Fine of Rs. 1000P and /or imprisonment of Six months.

WHO CAN FILE THE COMPLAINT ?

Cognizance of offence: Neither the worker not the Union has a right to file a complain and launch legal proceedings against the Plantation owners. This right is given to the Chief Inspector only on whose complaint the Magistrate of the second class shall try the offence punishable under this Act.

Amendments demanded by HMS in the Plantations Labour Act :

1 To provide for appointment of duly qualified person to supervise the use, handling, storage and transportation of insecticides, chemicals, etc.

2 Total prohibition of child labour employment in the Plantations for which the existing plantation Labour Act heeds to be amended as it presently allows the employment of children and adolescents.

3 To provide for the right of prosecution of the employers by the trade unions directly in the Magistrated' Court in case ' of violation of the provisions of Plantation Labour Act. At present this can be done only by the Chief Inspector of the Plantations.

4 Raising the wage ceiling for definition of the worker from Rs. 750 to Rs. 160W p.m. as under the Industrial Disputes Act.

5 Setting up of Joint or combined Hospitals for specialised treatment and appointment of qualified personnel in the Garden Hospitals and Dispensaries. [nearly 50% of the garden dispensaries in N.E. region are without qualified Doctors and life saving drugs]

6 Prohibition on use of Banned Pesticides.

7 The penalties for violation of the provisions of Plantation. Labour Act should be raised substantially and this should include minimum of one year's imprisonment besides a fine that may extend up to Rs. 1000000/-[17].

* * *

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5. HPA, 1928, File No. 324, All India Congress Committee Proceedings, 1886-1928.
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7. *Ibid.*
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9. Non-Act *coolies* did not come under any law and hence while an Act *coolie* earned Rs. 4 to Rs. 5 a month, non-Act *coolie* earned more than him.
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RIGHTS OF MINORITIES & THE INTERNATIONAL HUMAN RIGHTS DOCUMENTS

Homen Thangjam
Shukhdeba Sharma Hanjabam

Introduction

International human rights instruments are treaties and other international documents relevant to international human rights law and the protection of human rights in general. They can be classified into two categories: declarations, adopted by bodies such as the United Nations General Assembly, which are not legally binding although they may be politically so as soft law; and conventions, which are legally binding instruments concluded under international law. International treaties and even declarations can, over time, obtain the status of customary international law. International human rights instruments can be divided further into global instruments, to which any state in the world can be a party, and regional instruments, which are restricted to states in a particular region of the world. In this article, key international human rights documents that carry specific provisions for the protection and promotion of rights of the minorities are discussed broadly under the headings of International declarations and global conventions.

International Declarations

International declarations determine the standards for the protection of human rights including that of the minorities such as linguistic, religious, ethnic and

racial minorities. These are non-binding instruments. Governments who care about their international image may consequently adopt their policies.

1. *Universal Declaration of Human Rights*[1] *(UN, 1948)*

The Universal Declaration of Human Rights (UDHR) is a declaration adopted by the United Nations General Assembly on 10 December 1948 at Paris. The Declaration represents the first global expression of rights to which all human beings are inherently entitled. UDHR along with International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights forms the International Bill of Human Rights. The Declaration consists of thirty articles which have been elaborated in subsequent international treaties, regional human rights instruments, national constitutions, and other laws.

Article 2 of the UDHR stipulates 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. Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty.

Article 7 further affirms that all are equal before the law and are entitled to the protection of the law without discrimination. It states, "All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination".

Article 16 (clause 1) states, "Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution".

Article 18 is on freedom of thought, conscience and religion and states that this right includes freedom to change his religion or belief, and freedom, either

alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance. Article 27 stipulates that everyone has the right to freely participate in the cultural life of the community. And finally, Article 29 states that everyone has duties to the community in which alone the free and full development of his personality is possible.

2. *Declaration on the Right to Development*[2] *(UN, 1986)*

The right to development was first recognized in 1981 in the African Charter on Human and Peoples' Rights. The right to development was subsequently proclaimed by the United Nations in 1986 in the "Declaration on the Right to Development," which was adopted by the United Nations General Assembly resolution 41/128. The Right to development was reaffirmed by the Vienna Declaration and Programme of Action, the Rio Declaration on Environment and Development, and Declaration on the Rights of Indigenous Peoples.

The Preamble of the Declaration states that development is a comprehensive economic, social, cultural and political process, which aims at the constant improvement of the well-being of the entire population and of all individuals. Further, it assures to promote and encourage respect for human rights and fundamental freedoms for all without distinction as to race, colour, sex, language, religion, etc.

Article 6 urges all States to co-operate in order to promote, encourage and strengthen universal respect for and observance of all human rights and fundamental freedoms for all without any distinction as to race, sex, language or religion.

Margot E. Salomon and Arjun Sengupta in the book "The right to development: obligations of states and the rights of minorities and indigenous peoples"[3] observed, "The creation of conditions that enable a state to develop will not necessarily lead to the realization of the right to development by the individuals within that state. Traditionally marginalized groups – notably, minorities and indigenous peoples – may not benefit from this development or may be harmed by it. Even where the right to development is being realized by the majority, the rights

of minorities and indigenous peoples could be violated if the process undertaken does not take account of their rights". Therefore the authors cautions about the need to have in place the standards to ensure that the protection and promotion of minority and indigenous rights are fully integrated into policies designed to fulfill the right to development.

3. *Vienna Declaration and Programme of Action*[4] *(World Conference on Human Rights, 1993)*

The Vienna Declaration and Programme of Action (VDPA) is a human rights declaration adopted at the World Conference on Human Rights on 25 June 1993 in Vienna, Austria. The United Nations High Commissioner for Human Rights was created by this Declaration endorsed by General Assembly Resolution 48/121 of 20 December 1993.

Its Preamble endorses to develop and encourage respect for human rights and fundamental freedoms for all, without distinction as to race, sex, language or religion. Article I, para 19 reaffirms the obligation of States to ensure that persons belonging to minorities may exercise fully and effectively all human rights and fundamental freedoms without any discrimination.

The provisions which are of special significance for minorities are discussed below.

Article I, para 5 states that all human rights are universal, indivisible and interdependent and interrelated. While the significance of national and regional particularities and various historical, cultural and religious backgrounds must be borne in mind, it is the duty of States, regardless of their political, economic and cultural systems, to promote and protect all human rights and fundamental freedoms.

Article I, para 19 reaffirms the obligation of States to ensure that persons belonging to minorities may exercise fully and effectively all human rights and fundamental freedoms without any discrimination and in full equality before the law in accordance with the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities.

Article I, para 30 condemns the gross and systematic violations, which include torture and cruel, inhuman and degrading treatment or punishment, summary and arbitrary executions, disappearances, arbitrary detentions, all forms of racism, racial discrimination and apartheid, foreign occupation and alien domination, xenophobia, poverty, hunger and other denials of economic, social and cultural rights, religious intolerance, terrorism, discrimination against women and lack of the rule of law.

Article I, para 33 emphasizes that education should promote understanding, tolerance, peace and friendly relations between the nations and all racial or religious groups and encourages the development of United Nations activities in pursuance of these objectives. It recognizes the important role played by education on human rights in the promotion and respect of human rights with regard to all individuals without distinction of any kind such as race, sex, language or religion, and this should be integrated in the education policies at the national as well as international levels.

Article II, para 20 urges all Governments to take immediate measures and to develop strong policies to prevent and combat all forms and manifestations of racism, xenophobia or related intolerance. And also appeals to all State parties to the International Convention on the Elimination of All Forms of Racial Discrimination to consider making the declaration under article 14 of the Convention.

Article II B1, para 22 calls upon all Governments to take all appropriate measures in compliance with their international obligations and with due regard to their respective legal systems to counter intolerance and related violence based on religion or belief, including practices of discrimination against women and including the desecration of religious sites. The Conference also invites all States to put into practice the provisions of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief.

Article II B2 exclusively deals with "Persons belonging to national or ethnic, religious and linguistic minorities". Para 25 of the Article calls on the Commission

on Human Rights to examine ways and means to promote and protect effectively the rights of persons belonging to minorities as set out in the Declaration on the Rights of Persons belonging to National or Ethnic, Religious and Linguistic Minorities.

Para 26 of Article II urges States and the international community to promote and protect the rights of persons belonging to national or ethnic, religious and linguistic minorities in accordance with the Declaration on the Rights of Persons belonging to National or Ethnic, Religious and Linguistic Minorities.

4. *Declaration of Human Duties and Responsibilities*[5] *(UNESCO, 1998)*

The Declaration of Human Duties and Responsibilities (DHDR) was written for reinforcing the implementation of human rights under the auspices of the United Nations Educational, Scientific and Cultural Organization (UNESCO). It was proclaimed in 1998 "to commemorate the 50th anniversary of the Universal Declaration of Human Rights" in the city of Valencia. Therefore, it is also known as the Valencia Declaration.

Chapter 8 of DHDR is solely devoted to "Protection of minorities and indigenous peoples". Reinforcing the fulfillment of equality, the aim of the Chapter 8 is to emphasise the need for protection of minorities and indigenous peoples. The Declaration regards both the global community and the States for ensuring the rights of these vulnerable groups.

Article 31 formulates the duty and responsibility to respect and protect the existence, identity and rights of national, ethnic, religious and linguistic minorities, having the States a primary duty and responsibility to take adequate measures.

Article 31 is on the "Duty and Responsibility to Respect and Protect the Rights of Minorities". Article 31 (clause 1) states, "Members of the global community have collective, as well as individual duties and responsibilities, to take appropriate action to respect and protect the existence, identity and rights of national, ethnic, religious and linguistic minorities".

Clause 2 of the same article reaffirms, "States have the primary duty and responsibility to take measures to respect and protect the rights of national, ethnic, religious and linguistic minorities within their territory or under their jurisdiction". Such measures are enumerated in its five sub-clauses.

Finally, clause 3 of Article 31 states, "Competent intergovernmental and relevant non-governmental organisations have a duty to promote and contribute to the full realisation of the rights and interests of national, ethnic, religious and linguistic minorities".

5. *Universal Declaration on Cultural Diversity[6] (UNESCO, 2001)*

The Universal Declaration on Cultural Diversity is a declaration adopted by the General Conference of UNESCO at its thirty-first session on 2nd November, 2001.

This Declaration consists of 12 articles. Article 1 titled "Cultural diversity, the common heritage of humanity" states that "As a source of exchange, innovation and creativity, cultural diversity is as necessary for humankind as biodiversity is for the nature. In this sense, it is the common heritage of humanity and should be recognized and affirmed for the benefit of present and future generations." Article 6 affirms the freedom of expression, media pluralism and multilingualism.

Article 4 titled "Human rights as guarantees of cultural diversity" states, "The defence of cultural diversity is an ethical imperative, inseparable from respect for human dignity. It implies a commitment to human rights and fundamental freedoms, in particular the rights of persons belonging to minorities and those of indigenous peoples".

Global Conventions

International legal instruments take the form of a treaty (also called agreement, convention, or protocol) that binds the contracting states to the negotiated terms. When negotiations are completed, the text of a treaty is established as

authentic and definitive and is "signed" by the representatives of states. A State can agree to be bound to a treaty in various ways. The most common are ratification or accession. The treaty enters into force, or becomes valid, when a pre-determined number of states have ratified or acceded to the treaty. The binding treaties can be used to force governments to respect the treaty provisions.

1. *International Covenant on Civil and Political Rights*[7] *(1966)*

The International Covenant on Civil and Political Rights (ICCPR) is a multilateral treaty adopted by the United Nations General Assembly on 16 December 1966, and came in force from 23 March 1976. It commits its parties to respect the civil and political rights of individuals, including the right to life, freedom of religion, freedom of speech, freedom of assembly, electoral rights and rights to due process and a fair trial. As of April 2014, the Covenant has 74 signatories and 168 parties.

The ICCPR is part of the Declaration on the Granting of Independence to Colonial Countries and Peoples along with International Covenant on Economic, Social and Cultural Rights. It has two optional protocols. The First Optional Protocol is an international treaty establishing an individual complaint mechanism for the ICCPR. It was adopted by the UN General Assembly on 16 December 1966, and entered into force on 23 March 1976. The Second Optional Protocol aiming at the abolition of the death penalty is a side agreement to the ICCPR. It was created on 15 December 1989 and entered into force on 11 July 1991. The ICCPR is monitored by the United Nations Human Rights Committee, which reviews regular reports of States parties on how the rights are being implemented.

ICCPR obliges states to guarantee the rights set forth in the Covenant "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). The treaty also requires Governments to prohibit any "national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence" (Article

20). ICCPR also stipulates that all persons are equal before the law and are entitled without any discrimination to the equal protection of the law (Article 26).

The most widely-accepted legally-binding provision on minorities is Article 27 of the ICCPR, which states, "In those States in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right in community with the other members of their group, to enjoy their own culture, to profess and practice their own religion, or to use their own language".

In its "General Comment on Article 27", released in 1994, the UN's Human Rights Committee argued that the Article not only imposes a duty of non-discrimination in the protection of civil liberties, but also may require adopting "positive measures" to enable and accommodate the minority's exercise of this right to enjoy their culture. Will Kymlika[8] states, "This idea was re-affirmed by the UN General Assembly in 1992 when it adopted a Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities."

2. *International Covenant on Economic, Social and Cultural Rights[9] (1966)*

The International Covenant on Economic, Social and Cultural Rights (ICESCR) is a multilateral treaty adopted by the United Nations General Assembly on 16 December 1966, and in force from 3 January 1976. It commits its parties to work toward the granting of economic, social, and cultural rights to the Non-Self-Governing and Trust Territories and individuals, including labour rights and the right to health, the right to education, and the right to an adequate standard of living. As of 2014, the Covenant had 162 parties.

Article 2 emphasises that the rights protected in this treaty shall be exercised without distinction of social status or race. This is a non-discrimination provision.

Article 13 is a special right. Special rights are not privileges but they are granted to make it possible for minorities to preserve their identity, characteristics and traditions. Only when minorities are able to use their own languages, benefit from services they have themselves organized, as well as take part in the political

and economic life of States can they begin to achieve the status which majorities take for granted.

3. *Convention Relating to the Status of Refugees*[10] *(1951) and Protocol Relating to the Status of Refugees*[11] *(1967)*

The Convention relating to the Status of Refugees is a United Nations multilateral treaty that defines who is a refugee, and sets out the rights of individuals who are granted asylum and the responsibilities of nations that grant asylum.

Apart from expanding the definition of a refugee, the Protocol obliges States to comply with the substantive provisions of the 1951 Convention to all persons covered by the refugee definition in Article 1, without any limitation of date. The Refugee Convention gives individuals the right to seek asylum on the grounds of well-founded fear of persecution based on race, religion, nationality, membership of a particular social group. Under Article 3, states are required to implement these provisions "without discrimination as to race, religion or country of origin".

4. *International Convention on the Elimination of All Forms of Racial Discrimination*[12] *(1965)*

The International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) is a United Nations convention. A third-generation human rights instrument, the Convention commits its members to the elimination of racial discrimination and the promotion of understanding among all races. Controversially, the Convention also requires its parties to outlaw hate speech and criminalize membership in racist organizations. The Convention also includes an individual complaints mechanism, effectively making it enforceable against its parties. This has led to the development of a limited jurisprudence on the interpretation and implementation of the Convention.

The convention was adopted and opened for signature by the United Nations General Assembly on 21 December 1965, and entered into force on 4 January

1969. As of April 2013, it has 87 signatories and 177 parties. The Convention is monitored by the Committee on the Elimination of Racial Discrimination (CERD).

This is the most comprehensive treaty concerning the rights of racial and ethnic minorities. The Convention follows the structure of the Universal Declaration of Human Rights, International Covenant on Civil and Political Rights, and International Covenant on Economic, Social and Cultural Rights, with a preamble and twenty-five articles, divided into three parts.

5. Rome Statute of the International Criminal Court[13] (1998)

The Rome Statute of the International Criminal Court (often referred to as the International Criminal Court Statute or the Rome Statute) is the treaty that established the International Criminal Court (ICC). It was adopted at a diplomatic conference in Rome on 17 July 1998 and it entered into force on 1 July 2002. As of 1 May 2013, 122 states were party to the statute and 31 state signatories.

The Rome Statute established four core international crimes: genocide, crimes against humanity, war crimes, and the crime of aggression. The statute of the International Criminal Court (ICC) gives the court jurisdiction over acts of genocide of specific national, ethnic, racial or religious groups under Article 6. It states, "For the purpose of this Statute, "genocide" means any of the following acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such:

(a) Killing members of the group;

(b) Causing serious bodily or mental harm to members of the group;

(c) Deliberately inflicting on the group conditions of life calculated to bring about its physical destruction in whole or in part;

(d) Imposing measures intended to prevent births within the group;

(e) Forcibly transferring children of the group to another group."

Conclusion

There are numerous other UN treaties and declarations aimed at combating the problem of discrimination against various racial, religious, social, ethnic groups, etc. For example, discrimination against women from racial, religious and ethnic minorities may also constitute breaches of Convention on the Elimination of All Forms of Discrimination Against Women (1979). Convention on the Rights of the Child (1989) protects the rights of children from ethnic, religious or linguistic minorities to enjoy their culture and to practice their religion and language. Other examples include, the International Convention on the Suppression and Punishment of the Crime of Apartheid (1973), International Convention against Apartheid in Sports (1985). UNESCO has adopted the Convention against Discrimination in Education (1960), which protects the rights of minority groups to education, the Declaration on Race and Racial Prejudice (1978) and the Declaration on Fundamental Principles concerning the Contribution to the Mass Media to Strengthening Peace and International Understanding, to the Promotion of Human Rights and to Countering Racialism, Apartheid and Incitement to War (1978). Finally, the only United Nations instrument which addresses the special rights of minorities in a separate United Nations document is the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities.

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RIGHTS OF MINORITIES & THE INTERNATIONAL HUMAN RIGHTS DOCUMENTS

Homen Thangjam
Shukhdeba Sharma Hanjabam

Introduction

International human rights instruments are treaties and other international documents relevant to international human rights law and the protection of human rights in general. They can be classified into two categories: declarations, adopted by bodies such as the United Nations General Assembly, which are not legally binding although they may be politically so as soft law; and conventions, which are legally binding instruments concluded under international law. International treaties and even declarations can, over time, obtain the status of customary international law. International human rights instruments can be divided further into global instruments, to which any state in the world can be a party, and regional instruments, which are restricted to states in a particular region of the world. In this article, key international human rights documents that carry specific provisions for the protection and promotion of rights of the minorities are discussed broadly under the headings of International declarations and global conventions.

International Declarations

International declarations determine the standards for the protection of human rights including that of the minorities such as linguistic, religious, ethnic and

racial minorities. These are non-binding instruments. Governments who care about their international image may consequently adopt their policies.

1. *Universal Declaration of Human Rights*[1] *(UN, 1948)*

The Universal Declaration of Human Rights (UDHR) is a declaration adopted by the United Nations General Assembly on 10 December 1948 at Paris. The Declaration represents the first global expression of rights to which all human beings are inherently entitled. UDHR along with International Covenant on Civil and Political Rights and the International Covenant on Economic, Social and Cultural Rights forms the International Bill of Human Rights. The Declaration consists of thirty articles which have been elaborated in subsequent international treaties, regional human rights instruments, national constitutions, and other laws.

Article 2 of the UDHR stipulates 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. Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty.

Article 7 further affirms that all are equal before the law and are entitled to the protection of the law without discrimination. It states, "All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination".

Article 16 (clause 1) states, "Men and women of full age, without any limitation due to race, nationality or religion, have the right to marry and to found a family. They are entitled to equal rights as to marriage, during marriage and at its dissolution".

Article 18 is on freedom of thought, conscience and religion and states that this right includes freedom to change his religion or belief, and freedom, either

alone or in community with others and in public or private, to manifest his religion or belief in teaching, practice, worship and observance. Article 27 stipulates that everyone has the right to freely participate in the cultural life of the community. And finally, Article 29 states that everyone has duties to the community in which alone the free and full development of his personality is possible.

2. *Declaration on the Right to Development*[2] *(UN, 1986)*

The right to development was first recognized in 1981 in the African Charter on Human and Peoples' Rights. The right to development was subsequently proclaimed by the United Nations in 1986 in the "Declaration on the Right to Development," which was adopted by the United Nations General Assembly resolution 41/128. The Right to development was reaffirmed by the Vienna Declaration and Programme of Action, the Rio Declaration on Environment and Development, and Declaration on the Rights of Indigenous Peoples.

The Preamble of the Declaration states that development is a comprehensive economic, social, cultural and political process, which aims at the constant improvement of the well-being of the entire population and of all individuals. Further, it assures to promote and encourage respect for human rights and fundamental freedoms for all without distinction as to race, colour, sex, language, religion, etc.

Article 6 urges all States to co-operate in order to promote, encourage and strengthen universal respect for and observance of all human rights and fundamental freedoms for all without any distinction as to race, sex, language or religion.

Margot E. Salomon and Arjun Sengupta in the book "The right to development: obligations of states and the rights of minorities and indigenous peoples"[3] observed, "The creation of conditions that enable a state to develop will not necessarily lead to the realization of the right to development by the individuals within that state. Traditionally marginalized groups – notably, minorities and indigenous peoples – may not benefit from this development or may be harmed by it. Even where the right to development is being realized by the majority, the rights

of minorities and indigenous peoples could be violated if the process undertaken does not take account of their rights". Therefore the authors cautions about the need to have in place the standards to ensure that the protection and promotion of minority and indigenous rights are fully integrated into policies designed to fulfill the right to development.

3. *Vienna Declaration and Programme of Action*[4] *(World Conference on Human Rights, 1993)*

The Vienna Declaration and Programme of Action (VDPA) is a human rights declaration adopted at the World Conference on Human Rights on 25 June 1993 in Vienna, Austria. The United Nations High Commissioner for Human Rights was created by this Declaration endorsed by General Assembly Resolution 48/121 of 20 December 1993.

Its Preamble endorses to develop and encourage respect for human rights and fundamental freedoms for all, without distinction as to race, sex, language or religion. Article I, para 19 reaffirms the obligation of States to ensure that persons belonging to minorities may exercise fully and effectively all human rights and fundamental freedoms without any discrimination.

The provisions which are of special significance for minorities are discussed below.

Article I, para 5 states that all human rights are universal, indivisible and interdependent and interrelated. While the significance of national and regional particularities and various historical, cultural and religious backgrounds must be borne in mind, it is the duty of States, regardless of their political, economic and cultural systems, to promote and protect all human rights and fundamental freedoms.

Article I, para 19 reaffirms the obligation of States to ensure that persons belonging to minorities may exercise fully and effectively all human rights and fundamental freedoms without any discrimination and in full equality before the law in accordance with the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities.

Article I, para 30 condemns the gross and systematic violations, which include torture and cruel, inhuman and degrading treatment or punishment, summary and arbitrary executions, disappearances, arbitrary detentions, all forms of racism, racial discrimination and apartheid, foreign occupation and alien domination, xenophobia, poverty, hunger and other denials of economic, social and cultural rights, religious intolerance, terrorism, discrimination against women and lack of the rule of law.

Article I, para 33 emphasizes that education should promote understanding, tolerance, peace and friendly relations between the nations and all racial or religious groups and encourages the development of United Nations activities in pursuance of these objectives. It recognizes the important role played by education on human rights in the promotion and respect of human rights with regard to all individuals without distinction of any kind such as race, sex, language or religion, and this should be integrated in the education policies at the national as well as international levels.

Article II, para 20 urges all Governments to take immediate measures and to develop strong policies to prevent and combat all forms and manifestations of racism, xenophobia or related intolerance. And also appeals to all State parties to the International Convention on the Elimination of All Forms of Racial Discrimination to consider making the declaration under article 14 of the Convention.

Article II B1, para 22 calls upon all Governments to take all appropriate measures in compliance with their international obligations and with due regard to their respective legal systems to counter intolerance and related violence based on religion or belief, including practices of discrimination against women and including the desecration of religious sites. The Conference also invites all States to put into practice the provisions of the Declaration on the Elimination of All Forms of Intolerance and of Discrimination Based on Religion or Belief.

Article II B2 exclusively deals with "Persons belonging to national or ethnic, religious and linguistic minorities". Para 25 of the Article calls on the Commission

on Human Rights to examine ways and means to promote and protect effectively the rights of persons belonging to minorities as set out in the Declaration on the Rights of Persons belonging to National or Ethnic, Religious and Linguistic Minorities.

Para 26 of Article II urges States and the international community to promote and protect the rights of persons belonging to national or ethnic, religious and linguistic minorities in accordance with the Declaration on the Rights of Persons belonging to National or Ethnic, Religious and Linguistic Minorities.

4. *Declaration of Human Duties and Responsibilities*[5] *(UNESCO, 1998)*

The Declaration of Human Duties and Responsibilities (DHDR) was written for reinforcing the implementation of human rights under the auspices of the United Nations Educational, Scientific and Cultural Organization (UNESCO). It was proclaimed in 1998 "to commemorate the 50th anniversary of the Universal Declaration of Human Rights" in the city of Valencia. Therefore, it is also known as the Valencia Declaration.

Chapter 8 of DHDR is solely devoted to "Protection of minorities and indigenous peoples". Reinforcing the fulfillment of equality, the aim of the Chapter 8 is to emphasise the need for protection of minorities and indigenous peoples. The Declaration regards both the global community and the States for ensuring the rights of these vulnerable groups.

Article 31 formulates the duty and responsibility to respect and protect the existence, identity and rights of national, ethnic, religious and linguistic minorities, having the States a primary duty and responsibility to take adequate measures.

Article 31 is on the "Duty and Responsibility to Respect and Protect the Rights of Minorities". Article 31 (clause 1) states, "Members of the global community have collective, as well as individual duties and responsibilities, to take appropriate action to respect and protect the existence, identity and rights of national, ethnic, religious and linguistic minorities".

Clause 2 of the same article reaffirms, "States have the primary duty and responsibility to take measures to respect and protect the rights of national, ethnic, religious and linguistic minorities within their territory or under their jurisdiction". Such measures are enumerated in its five sub-clauses.

Finally, clause 3 of Article 31 states, "Competent intergovernmental and relevant non-governmental organisations have a duty to promote and contribute to the full realisation of the rights and interests of national, ethnic, religious and linguistic minorities".

5. *Universal Declaration on Cultural Diversity[6] (UNESCO, 2001)*

The Universal Declaration on Cultural Diversity is a declaration adopted by the General Conference of UNESCO at its thirty-first session on 2nd November, 2001.

This Declaration consists of 12 articles. Article 1 titled "Cultural diversity, the common heritage of humanity" states that "As a source of exchange, innovation and creativity, cultural diversity is as necessary for humankind as biodiversity is for the nature. In this sense, it is the common heritage of humanity and should be recognized and affirmed for the benefit of present and future generations." Article 6 affirms the freedom of expression, media pluralism and multilingualism.

Article 4 titled "Human rights as guarantees of cultural diversity" states, "The defence of cultural diversity is an ethical imperative, inseparable from respect for human dignity. It implies a commitment to human rights and fundamental freedoms, in particular the rights of persons belonging to minorities and those of indigenous peoples".

Global Conventions

International legal instruments take the form of a treaty (also called agreement, convention, or protocol) that binds the contracting states to the negotiated terms. When negotiations are completed, the text of a treaty is established as

authentic and definitive and is "signed" by the representatives of states. A State can agree to be bound to a treaty in various ways. The most common are ratification or accession. The treaty enters into force, or becomes valid, when a pre-determined number of states have ratified or acceded to the treaty. The binding treaties can be used to force governments to respect the treaty provisions.

1. *International Covenant on Civil and Political Rights*[7] *(1966)*

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CONSOCIATIONALISM AND FEDERALISM: A CRITICAL NOTE ON INTEREST INTERMEDIATION AND REGIME GOVERNABILITY AS POLICY OPTIONS

Tabesum Begam

I

Before engaging ourselves in the study of consociationalism and federalism, a brief reference seems to be relevant about the importance and significance of such an exploration. Very often these two terms, consociationalism and federalism are taken to mean a kind of governing arrangement based on power-sharing among a number of stake-holders. Arend Lijphart has identified the overlapping features of both these systems: 'Consociationalism plus some additional attributes spells federalism and vice-versa'. It is accepted that both federalism and consociationalism are basically the concepts of "non-majoritarian democracy" also they differ mainly with regard to their political form." Daniel J. Elazar has coined the term "compound majoritarianism" and concludes that federalism focuses on compound majoritarianism as a constitutional form, whereas consociationalism refers to the – mostly informal – modes of interest intermediation of a polity's regime."[1]

Elazar has in his studies on federalism and consociationalism, identified 'six' ambiguities associated with the concept of federalism. These are:

(1) Federalism involves both structures and processes of government.

(2) Federalism is directed to the achievement and maintenance of both unity and diversity.

(3) Federalism is both a political and social phenomenon.

(4) Federalism concerns both means and ends.

(5) Federalism is pursued for both limited and comprehensive purposes.

(6) There are several varieties of political arrangements to which the term federal has properly been applied.[2]

A clear method of distinguishing between federalism and consociationalism has been sought to be made by stating that while federalism involves both structures and processes of government, consociationalism involves processes only. Both federalism and consociationalism are directed to the achievement and maintenance of both unity and diversity.[3]

Consociationalism as a method of administrative mechanism has been clearly by Lijphart in the following words:

"Consociational democracy can be defined in terms of two primary attributes – grand coalition and segmental autonomy – and two secondary characteristics – proportionality and minority veto. Grand coalition, also called power-sharing, means that the political leaders of all the significant segments of a plural, deeply divided society, jointly govern the country. Segmental autonomy means that the decision-making is delegated to the separate segments as much as possible. Proportionality is the basic consociational standard of political representation, civil service appointments, and the allocation public funds etc. The veto is a guarantee for minorities that they will not be outvoted by majorities when their vital interests is at stake."[4]

A brief reference to the existing consociational regimes of the Netherlands, Israel, Lebanon, Cyprus and Belgium will establish the fact that most of these countries have been successful in retaining consociational arrangements primarily because of their movements in the direction of formal federation along territorial lines.[5]

Thus viewed, consociationalism can be considered to be "a relatively transient arrangement." It has been very correctly observed:

"Indeed, the classic consociations seem to last for about two generations before giving was to some other form of regime, which, coincidentally or not, is about the length of time that a majority party maintains its majority coalition in fact in two party systems. This has been true for the United States over the entire course of its history as an independent nation. It seems to be true for other democratic politics as well, hence it may teach us something about the lifetime of coalitions for their survival capacities."[6]

This brings to the fore another aspect of the problem under discussion. This is relating to the issue of models of polity. Basically there are three models of power-sharing in a polity which may be outlined as (a) hierarchical, (b) pyramidal and (c) cybernetic models. In a hierarchical model organized in a pyramidal fashion, power is concentrated at the top. In a cybernetic model power is distributed through a matrix of centres, federal systems, on the other hand, are based upon the third model with multi-centric form and non-centralized organization of powers.

It has been rightly observed:

"It is true that the overwhelming majority of consociational regimes are democratic in character and that consociationalism was developed as a form of democratic regime, but even it can be used for other purpose. It is true that there are two kinds of federal systems – those in which the purpose of federalism is to share power broadly, pure and simple, and those in which the purpose of federalism is to give individual national communities a share in the power of the state. The former is more simply devoted to advancing the cause of popular government, while the latter may rely upon other mechanisms for securing popular government and merely add federalism as on extra device."

II

According to Arend Lijphart, the nine elements of majoritarian democracy are the following:

(1) Concentration of executive power in one-party and bare-majority cabinets.

(2) Executive dominance in executive-legislative relations.

(3) Unicaneralism or bicameralism with a weak second chamber.

(4) Two-party systems.

(5) One dimensional party system (i.e. a party system in which the programmes of the parties differ from each other mainly along the one issue dimension of socio-economic policy).

(6) Plurality systems of elections.

(7) Unitary and centralized government in which there are no clearly designated geographical and functional areas from which the parliamentary majority and cabinet are barred.

(8) Unwritten or constitution and parliamentary majority: the majority's power to legislate is not restricted by any requirement of qualified majorities or judicial review.

(9) Exclusively representative democracy: the power of the parliamentary majority is not restricted either by any element of direct democracy such as referendum.[8]

Again, he has outlined eight elements of non-majoritarian democracy. These are:

(1) Executive power-sharing: Instead of one party, bare majority cabinets, non-majoritarian democracy tends to have coalition of governments of two or more parties that together have the support of a broad majority in parliament. Such an arrangement often leads to which called grand-coalition.

(2) Balanced executive-legislative relations: Instead of an executive that dominates the legislature, non-majoritarian democracy is characterized by an executive and legislature that maintain a somewhat balance of power with each other.

(3) Strong bicameralism: In place of concentration of all legislative power in the hands of the majority in a unicameral legislature, legislative power is shared by with the second chamber in which certain minorities may enjoy

special representation.

(4) Multi-party system: It may offer the existence of a number of parties in which all parties are minorities.

(5) Multi-dimentional party system: in addition to the socio-economic issue dimensioin, the parties in non-majoritarian democracy tend to differ from each other along one or more other issue dimensions.

(6) Proportional representation: In place of plurality of rates, the system of proportional representation appears to be more effective in a non-majoritarian democracy.

(7) Federalism and decentralization : A federal arrangement with wide ranging decentralization of power provides more space for all the regional and local interests to play effective role in the governing process.

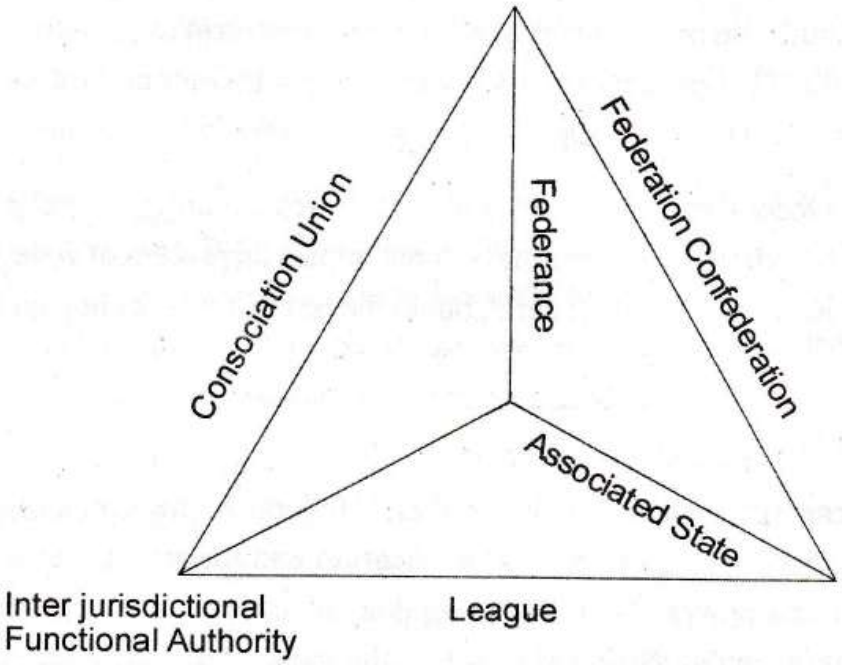
(8) Written Constitution and majority veto: Non-majoritarian democracy is generally characterized by a more or less rigid constitution which can be amended only after complying with a special procedure provided for it.[9]

From this construction of Lijphart, one can notice that while dealing with non-majoritarian democracy, his main reference point was the Westminister System. On this issue, the observation by Daniel J. Elazar appears to be more specific and pointed. To quote him:

"While I accept the basic distinction, I would like to redefine it a distinction between single majoritarianism and politics based upon compound majorities – in short, compound majoritarianism."[10]

Federal systems are dependent on "dispersed majorities" based on territorial arrangement, whereas consciational systems are dependent upon concurrent majorities, generally a territorial in nature. "Both involve the systemic building of a more substantial consensus that is the case in simple majoritarian systems."[11] Elazar has presented this idea in a diagram which shows the nature and interconnectedness among different segments of a federal arrangement.

Forms of Federal Arrangements



[Adopted from Daniel J. Elazar, Federalism and Consociational Regimes, Publish, Vol.15, No.2, p.20]

As an extension of this idea, Elazar has identified six basic ambiguities associated with federalism as 'a theoretical and operational concept'. These are:

(1) Federalism involves both structures and processes of government.

(2) Federalism is directed to the achievement and maintenance of both unity and diversity.

(3) Federalism is both a political and social phenomenon.

(4) Federalism concerns both means and ends.

(5) Federalism is pursued for both limited and comprehensive purposes.

(6) There are wide variations in the federal arrangements all over the world.[12]

Thus viewed, federalism is considered to be a process of structure which includes within itself a sense of partnership manifested through negotiated cooperation on issues and programmes based on a commitment to open bargaining for power and share. It is agreed by all that federalism should combine both structure and process. This aspect has been beautifully presented in the following observation:

"Where a federal structure exists without a correspondingly federal process, there is evidence to indicate that it may have some impact on process of governance, even if the latter are not ultimately federal, but in the last analysis, its impact will be secondary."[13]

Again, he observes:

"The terms 'federalism', 'federalist' and 'federalize' are commonly used to describe both the process of political unification and the maintenance of the diffusion of political power . . . federalizing does involve both the creation and maintenance of unity and diffusion of power in the name of diversity. Indeed, that is why federalism and presumably consociationalism as well, is not to be located on the centralization – decentralization continuum, but on a different continuum altogether, one that is predicated on non-centralization, or the effective combination of unity and diversity."[14] In this connection, Morton Grodzins has opined that federalism, like all forms of government, must be judged as a means of fostering democratic ends.[15]

In the process of forming a federation, the role of sub-cultural groups needs special attention. Alan Chairns, while analyzing the nature of Canadian federation has stated that the basis for federalism in Canada is 'a constitution which has provided political entrepreneurs with the tools for seeking and obtaining power."[16] It has been suggested that while explains Canadian federalism, Cairns might have ignored the role of language and culture in this respect.

This position may lead one to another dimension in the formation of a federal arrangement – that is, elite accommodation. It has been very correctly observed that elite accommodation lies at the heart of any kind of consociational

arrangement and very often described as "the will to cooperate", compromise or even "fear of system collapse". On the other hand, it is argued that a general definition of federalism does not, in many cases, refer to the motion of process or informal behavior. Elite accommodation is considered to be one of the informal mechanisms that play its important role in this process.

These informal mechanisms in this process of the formation of federal arrangements have been described under different names, such as, intra-state federalism, cooperative federalism, interdependence and the like.[17] One may not disagree with the following observation in which the scholar has tried to contextualize the issue on a broader theoretical and operational plane:

"In most federations, the objective is to work out differences between central and local governments and to a considerable extent, between units themselves, usually concerning the development and implementation of policies and programmes affecting both levels of government. However, more serious conflicts can also be handled in these more broadly based arenas; whether these practices are superior to, or more democratic than, the technique of elite accommodation is not really at issue here."[18]

That elite accommodation goes a long way in the process of integration of a federal arrangement has been highlighted in the following observation:

"One must further be able to show that elite accommodation does indeed play an important role in diffusing conflict at the mass level or in bringing about a degree of integration of diverse units. Ultimately, this informal behavior is dependent upon the perceptions, beliefs and attitudes of the participants; formal rules cannot guarantee cooperation among elites."[19]

Structure plays important role in other ways restricting the number of policy options and bringing the elites much closer to one another. In defining the role of 'sub-cultural' blocs in this process, social or political institutions do play a major part. Their role may create conditions for bringing the elites to minimize their gaps and differences and in the ultimate analysis, it may be seen that these elite groups

may form a compact force. One may find examples of such outcomes with reference to the federalizing process of Canada, Austria and even, Germany.

III

There is a common agreement on what constitutes the yardsticks of federalism which may be outlined as follows:

(1) Indestructible identity and autonomy of the territorial components;

(2) Their residual and significant power;

(3) Equal or favourably weighted representation of equal units;

(4) Their decisive participation in amending the constitution;

(5) Independent sphere of central authority;

(6) Immunity against secession, i.e. a permanent commitment to build and maintain "federal nation";

(7) Two sets of courts;

(8) Scope for the operation of the power of judicial review;

(9) A clear division of power between the centre and the constituent units;

(10) Exclusive national control over subjects affecting the nation as a whole.

This refers to another area where one can make a distinction between a federal and a consciational arrangements. The basic points in respect can be noted as:

(1) The segments of the plural society must be geographically concentrated;

(2) The boundaries between the component units of the federation must follow the segmental boundaries as much as possible;

(3) If segmental autonomy assumes a federal form, this necessarily entails that the primary requirement of a central-regional division of power as well as the secondary requirements of internal constitutional autonomy and decentralization are fulfilled.

Moreover, in addition to these, the following features are worth-noting in this connection:

(1) A federation must be a democracy;

(2) Only federation in plural societies can be consociations;

(3) Only federations which are highly decentralized and in which the component units are highly autonomous can be consociations;

(4) The federal boundaries must be drawn in such a way that they approximate the segmental boundaries; as a result, the heterogeneity of the federal state as a whole is transformed into a high degree of homogeneity at the level of component units;

(5) Such a high degree of segmental homogeneity in the component units can be achieved optimally if the federation consists of relatively many and relatively small units.[20]

Thus, the foregoing discussion conclusively proves that there are certain areas where federalism and consociational arrangements come very close to one another. But there are also areas where they differ substantially both in terms of structure and process. Again, a distinction should be made between institutional structure and decision – processes. The decision process refers to the dynamics of day to day interactions among the decision-makers-the nature of coalition-making of interests, policies and also actions. This also brings within it the forms of bargaining activities and modes through which these bargaining activities operate. The process is complex and at many points, it is difficult to identify them and place them in a clear distinct position. But at the same time no one can ignore the idea that these forces and factors need to be identified, explained and placed in their respective position. Again, in a highly plural society, the decision-making process becomes so competitive that new types of interest aggregations take place, there by making the system more complex.

Thus it is seen that elite accommodation takes place in different ways in different types of federal arrangements. Such accommodation becomes necessary for preventing the symptoms of, what is called, 'system-collapse'. In order to place the problem in broader perspective, a new term has been employed by the scholar which comes almost closer to the concept of system maintenance. The term which is now used is known as "the system-saving behavior". Then it may be observed that such type of arrangements which may help in the process of greater degree of "integration of diverse units" seems to be important for the survival of the system.

The essential components of both the structure and process discussed so far can be outlined as follows:

(1) The structure of Political Authority;

(2) Differences in Territorial Dimension;

(3) The nature of the Economic Foundation;

(4) The Influencing character of language/languages, in a multi-lingual situation; and

(5) The Nature of Balance between national and local/regional interests.

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A COMPARATIVE STUDY OF THE MOVIES OF SATYAJIT RAY AND MRINAL SEN, HOW THEY DEPICTED THE SOCIETY: AN OVERVIEW

Debodatta Bhattacharjee

The way, political science is related to society and influence social development, in the same way films also influences the society and helps people to know about the actual happenings of the society. Society realises the great potential of movies as an instrument of entertainment, instruction, motivation, and construction. Developing countries in their effort to accelerate the processes of economic and social change have taken this popular medium as their best means of supplementing or replacing the traditional communication forms. Even with the arrival of radio and television, satellite and Internet communication, the crucial role of cinema and its myriad possibilities in social change and development are yet to be explored. Now the whole world identifies itself with movies and thus it becomes a universal medium. The truth is that the global community is aware of and accepts the influence and impact of cinema on the society .What makes this art form so captivating is that it caters not only to the needs of people but also provides a visual space for them to live their dreams as it tells the story more effectively and creatively.

In this article, a comparative study is made between the movies of Satyajit Ray and Mrinal Sen. These two great directors had contributed a lot towards the development of Indian society. Their movies had depicted India and its real picture

to the world. They had been able to bring changes in the modern society. Mrinal Sen along with Satyajit Ray brought international fame to Indian cinema which is yet to be equalled. Their principal concern was to study human beings in different conditions of life. So this comparative study had been taken to study in details about the political perspectives of these two great directors.And this study will look into details how the films of these two great directors had influenced the society and social development. And for this study, Mrinal Sen's movie Calcutta 71 and Satyajit Ray's Mahanagar has been selected.

Calcutta 71, directed by Mrinal Sen, made in Bengali, is based on four short stories by popular writers like Manik Bandopadhyay, Probodh Sanyal, Samaresh Basu and others, each different from the other but all connected or interlinked to bring out a powerful statement. It is a movie against violence and corruption throughout the ages. The events are linked by an imaginary figure who, by 1971, has gained an insight into the dynamics of history and urges action for change.

A collection of Calcutta stories spanning nearly forty years. Calcutta 71 is grounded in a different decade, sequentially, from 1930s onwards. The movie begins with a depiction of the dehumanizing compulsions of urban poverty in colonial Calcutta of 1930s through an angry young man on trial in 1971.

The first story, against the background of atrocities and turmoil of the fifties and sixties, depicts a lower middle class family trapped in their small house with hardly any roof, trying to cling to their last remains of dignity on a terrible monsoon night. When it rains, the family has to struggle a lot to stay afloat and protect them from rain. Also when the man i.e. the head of the family agrees to take his family members to a safer place to neighbour's house, after much criticism from his family members, and upon reaching there when he finds he has to occupy the same room with the same dog who used to disturb him at nights by barking and quarrelling with other canines and also hundreds of people from low families, it was a shattering experience for him, but he has no other choice before him. He

had to reconcile himself to this situation. The reaction of the family to their misery is passive, resigned – there is no sense of anger and that is why this segment of Calcutta '71 is also the most realistic in its idiom. But as the film progresses the characters' response to their condition changes and a sense of protest becomes evident.

In the second story, set during the Bengal famine of 1943, a young woman who along with her teenaged sister is forced into prostitution with the active complicity of their own mother - protests against the terrible injustice by committing suicide unable to bear the hypocrisy of the attempt to maintain the pretence of middle-class dignity. The segment also subverts the persona of the self-sacrificing mother which is so common in mainstream Indian cinema – it is the mother despite her squeaky clean appearance, who forces her progeny into a life of misery for her own material and social comforts. The structure is deliberately fragmented by insertions of newsreel footage of the Bengal Famine thus providing the backdrop of young womens mode of protest. How necessity can compel even a mother to overlook her children's' wrongdoings is depicted here.

The third story, set in 1953, portraying the revenge taken by a teenaged rice-smuggler on a middle-class bully stands as a portrayal of the psychology and anger of children deprived of the joys of childhood. This episode deals with an incident taken from everyday life. In those days, young boys were compelled to smuggle rice out of necessity. They used to commute by train while doing so. The law machinery, trying to grab them, was always harsh on their trail. One of these boys who use the local train for this activities become the victim of such trial. Of course, in the last memorable sequence, the boy manages to avenge and pay back in his own way.

In the fourth story, corrupt politicians are the object of depiction. This concluding segment reflects on current political hypocrisy and corruption and the betrayal of the promise of India's war of independence. This story shows a completely intoxicated political leader delivering a lecture on the effects of poverty

to his followers while attending a high society party, is also the most jarring and disruptive segment of the film. The fierce rock music accompanied by strobe lights provides a perfect expression to the anger and rebellious spirit of the times. The scene of a wailing newborn street-child from the politician's speech depicts about a new India emerging out of the chaos stands as the key to the ideological basis of the film's discourse. The sequence is extremely fragmented and disruptive – the speech of the politician, which is almost a monologue, is justified with the depiction of still photographs of the victim's of hunger, newsreel shots of aggressive street demonstrations and consequent police repression, documentary footage of Vietnam War and other revolutionary movements, political graffiti proclaiming the politics of exploitation.

Calcutta '71 is a compilation of 4 different stories on theme of poverty and its consequences as observed by a young man, who remains eternally twenty and walks through history, through poverty, squalor and death and he has bridged despair and frustration. He was killed so many times, because he has been protesting and has remained an agent-provocateur. He comes and goes, between stories, each story having an independent set-up and new characters, but all stories stressing on the eternal reality of Poverty and Degradation. The young man – talking directly to the audience - strives to analyse the major themes of the preceding stories and thus explain how at the end hungry people become violent and the process creates newer and more potent forms of rebellion. Just at the crucial moment when the young man actively exhorts the audience to participate in direct action against the injustices of poverty that perpetuates degradation of human existence, he is killed off again. For him the history of India is a continuous history not of synthesis but of poverty and exploitation. The final shot of the film where the camera tilts up from the young man's corpse to a panorama of the dawn breaking on the Calcutta Maidan accompanied by the rousing signature tune of the All India Radio signifies the director's belief in the positives that emerge out of the people's resistance to the forces of oppression. And then, follows the closing movement of Calcutta '71. Set against the backdrop of far-left political tumult, brutal state-repression, and

abject living conditions in the city at the close of the Sixties—something that would surely find its democratic resolution is reflected in this last story.

Mrinal Sen's movies initiated the "New Cinema" film movement in India. The Bengali Marxist film-maker Mrinal Sen is celebrated in the genealogy of Indian New Wave cinema as an exemplar of dialectical storytelling. Directing films full of direct political statement, social analysis and psychological drama. Many of his films were political, and earned him the reputation as a Marxist artist.

This movie was influenced by the large-scale political unrest throughout India, particularly in and around Calcutta. Instead of looking for enemies outside, he looked for the enemy within his own middle-class society. This movie was set in the turbulent Calcutta of the early 1970's. People were getting killed every day. The major political influence in his movies is the Naxalite Movement of the 1960s. This was a Marxist – Leninists grouping that split from the official Communist Party of India and had rejected all forms of parliamentary politics. Invariably all of the factions ignored the main issue of mobilizing forces against the vested interests—the establishment. He felt that this was the time when he felt the need to spell out the basic ills of the country. This was the time to talk of poverty—the most vital reality of our country, the basic factor in the indignity of our people. He wanted to interpret the restlessness, the turbulence of the period that is 1971 and what it is due to. The anger has not suddenly fallen out of anywhere, it must have a beginning and an end. So he wanted to try to find this genesis and in the process redefine our history. And in his mind this is extremely political. This was his most creative movie and won him a large number of international awards. Released in 1972, 'Calcutta 71', is generally regarded by critics as one of the greatest achievements of the New Indian cinema movement. A searing study of the political turmoil of the seventies, Calcutta 71 is very harsh in documenting the agony of calcuttans. It had moments of high intensity rarely reached in Indian cinema.

Calcutta-71 is a film in a completely different vein. It is a set of different stories on poverty and exploitation, set apart by time. Calcutta-71 is a jarring story,

jarring because, it removes the veil of romanticism from India's poverty. Poverty and its consequences being the major theme of Calcutta '71, the film uses the plots of the 4 stories not to delve into the socio-economic reasons of poverty but rather on the human reactions to debasement and misery. Calcutta '71 in Mrinal Sen's own words is a study of "the dialectics of hunger, the dialectics of poverty"– the movement from resignation and apathy to anger and protest and the possibility of a more equitable social condition emerging out of such rebellion.

Through this movie Mrinal Sen tried to focus on social justice which is very essential for the development of an egalitarian society. The modern ideas of social justice focuses on evolving a social order which could secure suitable rights and advantages for different sections of the society particularly the vulnerable and the underprivileged sections. It addresses the injustice done by the established or prevalent social order, and proceeds to evolve schemes of transformation or reconstruction of the social order.

He also depicted the condition of youth in this movie. Youths are the property and strength of a nation. They are keeper of our morals, culture and traditions. Though they have energy, skills and potentials but in reality what is seen is the lack of proper direction and coordination. The present social situation is such that youths are becoming lazy, idle and frustrated. There are adjustment problems among our youths today.

Youth unrest is not a phenomenon peculiar to this country. And causes are said to be primarily sociological and psychological. The common ground consists alienation of youth, protests against the policies of establishment, hatred for the existing social bindings, disrespect to elders for their conservations and apathy towards reforms, psychological maladjustment of political ideologies, impact of corrupt leadership and so on. Poverty and unemployment and underemployment and the world technological impact have made the youth resentful of the world around and aroused a preference for revolt. Economic reasons are not the only factors for youth unrest. They feel that a traditional society has nothing new to

offer and must be challenged for new one of their choice. So the present phase of youth unrest should be seen as a symptom of restlessness and uncertainty among contemporary youth.

Often with their freedom, they undertake risks , because at their stage of life they are virtually without any serious responsibility . They also have the reputation of possessing greater ideological purity than others in the society. Their approach to society is impartial specially with regard to vested interests and social constraints. Because of their openness and desire to create a better society they are involved in social movements. But it is also agreed that because of their immaturity, they often damage the goals because of responsibility for consequences is lacking in them. The aggressive youth demonstrates their frustration or aggressiveness by indulging in anti social behaviour and activities. And they feel that these aggressiveness against the approved norms of the society is only the way of solving personal problems to protest against various injustice meted out to them. They also understand that this injustice that befall them lead them to dire poverty and consequent social inequality.But again they are inclined to be the idealistic . For centuries, youths have major roles to play in society and they have been agents of social change. They undertake the responsibility of changing a stereo type society in a very many ways to show the present need of the society. They may emerge as the torch bearer of the society. Youth is the most significant segment of society.

Again he included another social issue in his movie i.e. Corruption which implies perversion of morality, integrity, character or duty out of different motives, i.e. bribery, without any regard to honour, rights and justice. Dishonesty, exploitation, malpractices, scams and scandals are various manifestations of corruption. It involves the improper and unlawful behaviour of public service officials , both politicians and civil servants, whose positions create opportunities for the diversion of money and assets from government to themselves and their accomplices. The causes of its development are many and vary from one country to the other. Among the contributing factors are policies, programmes and activities that are poorly

conceived and managed, failing institutions, poverty, income disparities, inadequate civil servants remuneration, and lack of accountability and transparency.

Corruption is the largest hurdle to India's pursuits of economic achievements. Corruption is anti- national, anti- economic and anti- poor. It is road block for national prosperity. In adequate compensation to the government servants in the form of low salaries and benefits are the most important causes of corruption in the society. The increasing prices have brought down the real income of the government employees, specially those in the higher position whose salaries have not at all been protected against inflation. When the salaries are not enough to meet even the basic needs of the employees, they naturally succumb to the temptations of illegal money. The corrupt officials even when they are known to be corrupt are often not looked down upon in the society. In fact they are even more respected than their honest counterparts because of their ability to help and entertain their friends and relatives.

And corruption in itself is probably the most difficult crime to investigate , due to the fact that it is by nature a secretive crime, often involves only two satisfied parties. There is normally no eye witness or scene of crime evidence available.

Poverty has been one of the most puzzling and perplexing problems. So he included this problem into his movie. Poverty is attributed to ecological, population, political, economic, cultural and ideological factors. Mostly, the causes for poverty and the results of poverty are the same: population, exploitation of natural resources and pollution of environment, low efficiency of labour force and high rate of illiteracy.

After 67 years of independence , large scale poverty remains a reality in India. Poverty is the cruelty of life. While poverty promotes illiteracy , literacy fosters economic development. It is the ultimate mission of the nation to achieve economic development for growth and survival. Poverty is what the poor encounters. It may be characterized as the phenomenal dearth of attaining even the basic necessities of life. It is poverty that makes the people unhappy and destitute. In the

developing country the elimination of poverty, malnutrition, ill health and unemployment should engage the serious attention of educators.

And Satyajit Ray's glorious film Mahanagar, from a story Abataranika by Narenda Nath Mitra is a comedy-drama of modern Indian life, it narrates the story of a housewife who throws into disorder her traditionalist family by getting a job as a saleswoman. Shot in the first half of 1963 in Calcutta, this was also first film directed by Ray, which was set entirely in his native Calcutta, reflecting contemporary realities of the urban middle-class, where women going to work is no longer merely driven by ideas of emancipation but has become an economic reality. The film examines the effects of the confidence of working woman on patriarchal attitudes and social dynamics.

Calcutta, during mid 1950s is depicted. Film opens with a sketch of a lower middle-class family. We meet the joint-family: Subrata Mazumdar, his wife Arati, their young son, Subrata's unmarried sister Bani ,his father, a retired schoolmaster, and his mother. Subrata Mazumdar, a bank employee, with his meagre income finds it difficult to provide for his large joint family.

Subrata talks about a couple where the woman too is going to work. Soon, Arati makes up her mind to take up a job to supplement the household income. Arati is like an anchor holding the family together. With some help from Subrata, and much against established custom and opposition of the elders, she finds a job of selling sewing machines door-to-door. Despite familial adversity and societal obstacles the initially hesitant and nervous Arati soon begins to prosper in her field and gradually starts to enjoy her new-found financial and psychological independence. Going out to work, Arati discovers a new life. She proves successful in her work and gains self-confidence and is electrified by her new self-esteem and cash. She represents the vibrant spirit which suggests the new woman in India. Mahanagar explores the evolving independence of middle-class women of the city.She's successful and enjoys it, but this untraditional step throws the household into chaos: her in-laws initiate a "cold war" of silence and disapproval.

And his ailing elderly father Priyagopal, the old man, a stubborn conservative, is punished with anger aroused by this distressing violation of custom. He is a retired teacher, who is openly disapproving and begins a disastrous and humiliating financial campaign of his own, intended to render his daughter-in-law's income unnecessary by visiting prosperous ex-pupils to touch them for money.

Ray shows how this new freedom enrages the men: her husband is unmanned by his wife's sensational new career. Her initially supportive husband, now starts to feel insecure and jealous when the wife does well and decides to ask her to quit but is finally forced to let her continue to work once he loses his job. He suffers as he watches his wife go out while he sits in bed and scans newspapers for jobs' columns. He loses self respect, and the gulf between them widens. Arati now becomes the sole breadwinner of the family and also befriends an English-speaking, Anglo-Indian (representative of the legacy of the British Raj) colleague Edith, a move which raises suspicion and increases conflict within her family. Subrata now feels insecure and resentful. His father too puts pressure on his son to force Arati to quit the job. Subrata asks Arati to quit as he plans to earn more by moonlighting. The next morning, before Arati can give in her resignation, Subrata telephones her and asks her not to resign as he has lost his job. But most interesting, touching and amusing is the delicate change and all too human change that comes over the wife as she discovers her individuality and strength.

Her new friend and colleague - Edith, an Anglo-Indian woman, whom her boss does not like because of her being an offspring of 'our ex-rulers.' Blinded by his prejudice, he accuses Edith of loose character and fires her. Arati asks her boss to apologise to Edith but when he refuses and warns her about her own job, Arati hands over her old resignation letter and walks away. Now neither Arati nor her husband has a job. On her way out, she meets him. After the initial shock, they reconcile and are close to each other once again. Subrata understands her. Arati ponders that in such a big city at least one of them is sure to find a job. As they walk into the city crowd, the camera tilts up to a street lamp.

At last ,its the housewife Aarati who passes every test, as she copes with every challenge thrown at her, at home, at work and in her relationships with every individual. That's what women are groomed to be, from birth, brave to take on the world whenever necessary. Its the husband who falters and learns to accept her after a big fight within himself.

Satyajit Ray's film about a Calcutta woman blossoming in the world of work is utterly absorbing and moving drama about the changing worlds of work and home in 1950s India. But his film, on the whole, is so touching, so good-humoured, sad and serene; the pace is so meaningfully depicted slowly, the atmosphere so true, that it leaves one, again, with the feeling of having spent a time in heart warming emotional contact with a family in India. There is nothing vague or over-stylized about this characteristic work by the director. It is another of his beautifully fashioned and emotionally balanced intention of change in the thinking, the customs and the manners of the Indian middle-class.

Through this movie he tried to make the people aware about women empowerment. It is a global problem now as in all parts of the world, women are facing threats to their lives, health and well being as a result of being overburdened with work and of their lack of power and influence. A nation that does not respect its women cannot be described as a civilized nation at all. The role of women is a key to socioeconomic development and therefore women participation in society should be promoted. Although a women had been very strong, patient, large hearted, intelligent, good motivator, backbone of a healthy family from traditional days and now in the present days with education, she can realize her potential and have her own standing and prove her capabilities along with these qualities.

Sex jurisprudence can't proceed on the basis of assumed equality of male and female section of Indian society. For centuries, the Indian women suffered economic deprivation and social subjugation. The Indian culture has been built on the concept of male superiority and the subordinate status of the women. This has resulted in her complete extermination from the field of economic independence.

Socio- religious culture also influences the girl child, so negatively that she is not at liberty to make any important decision even about herself. She is denied the opportunity to grow up in the society with more self esteem and honour. The causes of gender inequality are related to social, economic and political structure , which is based on informal and formal norms , and practices. A patriarchal society is created by manufacturing ideology ,inventing traditions, nourishing suitable mental constructs and prescribing ritual to subordinate women. Religion, tradition, social relations, language and myths or all are used to achieve this end. The social system in India is primarily patriarchal which advocates a dominant male position.

Culture imposes various rule, restrictions on women and for which women have been compelled to behave in a subordinate way. Across cultures, perception on gender differs and right from their childhood people are trained to accept a defined gender role concept. Gender division of labour ,control over means of production and reproduction by any gender are some of the root causes of gender subordination and gender stratification. Division of labour is a universal phenomenon. In every type of society, men and women performs more or less different jobs in daily life. Generally men is engaged in bread earning activities and women in household activities. Women also participate in economic activities but that is not considered as their prime duty. And because of their different roles they enjoy different status in the social structure.

Women have been oppressed through the ages, by the very social institutions that are guardians of their security like the family, community and the state. The struggle of women to establish their rightful place in the society and the state and to attain equal status has been comparatively recent spanning over three centuries.

Social structures, cultural norms, value systems influence social expectations regarding the behaviour of both men and women and determine women's role and their society to a great extent in family, marriage and religious tradition. They provided the moral basis for men's and women's notions about their rights and duties. Gender socialisation is a process of learning the social expectations and attitudes associated with one's sex.

The existing inequality between the sexes is the result of male domination, and lack of education for women for centuries together. The general attitude of the people even in the recent past is that girls need to be literate enough with ability to read and write. In this manner the negative perception against girls at different levels is responsible for their low esteem and inferior status.

They have been designated as 'grihini' which psychologically prepares them to think that the world outside the house is not their concern. This resulted in exclusion of women from main economic activities also and reduced them to status of complete dependency upon males socially, politically, and economically. The concept of equality and justice became meaningless in their relation to males. Thus their talent was suppressed and the nation was deprived of their contribution in various fields of social , cultural , economic and political activities. With no values given to these activities, the contribution of women is seriously under estimated, and there is no adequate reward or recognition for the burden of work that women carry. Since status in contemporary society is so often equated with income earning power , women suffer major undervaluation of their economic status. But they carry a higher share of the total work burden. In fact, the failure to value most of their work reduces women to virtual non entities in most economic transactions.

Yet it is considered widely that all this tasks are her responsibilities. Who proclaimed this doctrine ? It is not just the men the women too says the same , she does not revolt against the state of affairs. On the other hand she patiently and contentedly carries on the load of work, satisfying her conscience that after all as women she is inferior to men. And this process is called internationalisation of the man made values, opinions, customs, and traditions. Society is always undergoing the process of change , and so ideas are bound to change.

The situation of women alternating between home and work leads to a role conflict. Some of them develop a guilt feeling that they are unable to look after the children and home properly. Working women tend to pamper their children because they want to make up for what they consider to be lack of proper attention

on their part. This is because of their role perception rooted in their socialisation and the expectations of other members of the family. There has been considerable role expansion for this working women since they are called upon to assume many new roles in addition to their traditional ones.

The problem of role conflict manifests itself in various ways , particularly where there is a difference between the job status of husbands and wives, husbands who have a lower status job than their wives find adjustment difficulties because they consider the situation a reversal from the normal where the husband is the principal bread winner and enjoys superior authority in the household. These problems of adjustment will remain unless the distinction between family, men's and women's work within and outside the families is removed through the socialisation process in home and the school. Women's economic subjugation and dependence leads to exploitation and is a denial of social justice and human rights. Development of society requires the participation of both men and women.

Women all over the world irrespective of their marital and employment status constitute the vulnerable section of the society, owing to traditional role assigned to them and certain social practices. Their traditional duties and responsibilities are not valued for incorporation in national income accounts , women are the key factors in the process of change and development is not properly understood and recognised.

The urbanisation , the increasing economic pressure , the job haunt , the opening of avenues of employment in the towns and cities, the growing individual tendency and the desire to move into the open world coupled with the quick means of transport and communication have built pressure on the institution of joint family. The members of joint family , subject to qualifications , family conditions, time and opportunity prefer to move out of the family for better job opportunities. And this process of urbanisation and modernization had brought changes in the society. The raising costs of living, education, and social change in urban areas have led to the withdrawal of taboos that earlier affected women of the higher classes and have

enabled some of them to enter new professions or occupations which were close to them earlier.

So a major factor contributing to the status of women is the change in the structure of the economy which offers greater role for women in the productive function through modernisation. The traditional house wife type women started to take employment outside their homes. Her traditional role in the family as a daughter, sister, wife, has also started to change. She started to accept more roles due to outside influences. Slowly her mental framework began to change from traditional to modern role patterns in urban areas specially. So the urban women have been facing serious challenge to make a balance between traditional and non-traditional roles. Women who work outside home are still responsible for domestic works and thus bear double burden which is an obstacle both to better employment opportunities and to social and political participation.

In India though constitutionally men and women are equal, in reality women are the most neglected and deprived section of the society. Indian constitution has provided the privilege of equality, liberty and justice to women. But constitutional equality is not practically followed in India.

While a large number of women both married and single, across the world, cutting across religious, geographical and caste lines suffer from socio cultural discrimination and economic deprivations. The condition of women in any society is a major yardstick of its social values and social structure. Lack of income or lower income also reduces women's decision making power in the household and political activities.

A women normally commands three generations in her one life. She is the creator and protector of a family. She starts a generation , develops it and thus forms the society. The status of women in a society is the index of a society as the development of a society is associated with the rise and fall in the status of women. Traditional India had seen women only as a member of the family or group as

daughters, wives and mothers not as individual with an identity and right of her own.

The entire success of the family and nation depends on the women of the house and at the working place. The empowered new Indian women should discover ways of blending religious commitment , cultural traditions and family obligations with new work styles and leadership in various areas. That envisages flowering of an individual, strengthening of community, building institutions and strengthening our country.

Women contribute to the development of a good family, a compassionate society, a progressive nation and a more tolerant world. This role is very important in society which a women should never forget. They can be the advocates for improved working conditions for women, gender equality and welfare of women. Educated women can help other women to become self reliant and self confident. They can counsel other women as well as share experiences about career choices, employment opportunities, and business enterprises. The capacity to contribute increases immensely when the family environment is stable. This requires all members of the family to understand each other and create bonds of love and trust. Like every member of the family, women contribute to creating a stable family structure and they benefit from the support that they receive. Women have been more successful when they receive support of their families.

Empowerment of women refers to the process by which women acquire due recognition with men to participate in the development process of the society as a partner with human dignity.The economic empowerment of women on the other hand is a fundamental element of strong economic growth in any country. Empowering women enhances their ability to influence the direction of social change to create a better social and economic order. Economic participation or empowerment of women is also vital for achieving a significant social objective: Combating poverty. The presence of women in the work force in quantitative terms will not lower the disproportionate levels of poverty among women, but would also constitute an

important step towards raising household income and encouraging economic development in countries as a whole.

The Big City is sublime, a movie to fall in love with. A correct portrayal of life in the sixties: The movie was very exciting. This a movie where a Bengali housewife's actual stand in the eyes of those near to her comes to life.

Satyajit Ray, in Mahanagar, made a movie where not a single frame is wasted in anyway. Every movement of the actors, every hint relates to something or the other, while the story-telling is still simple enough for the ordinary people to follow the story. However the film's experiments of Mrinal sen (both in terms of story-telling and cinematic techniques) which sometimes borders on playfulness and arrogance makes it extremely esoteric and limits its audience to hard-core cineastes familiar with the challenging forms of cinematic compositions.

Satyajit Ray, when asked about the impact of films, opines that no film or for that matter no work of art has ever brought about changes connected with uplift of the downtrodden, diminishing of poverty etc. much. He felt that "films can provide food for thought. But even the best reasoned and most perceptive of documentaries and educational films cannot by themselves bring about the change. They can only spread the message and provide guidelines, which may or may not lead to effective action". Over the question whether his films have brought about some socio-economic change in the country, Satyajit Ray said that" I don't think a film is capable of doing that. I can't think any film made anywhere in the world which has brought about a social change....that is not the intension also. I want to present certain problems in my own way and help people to understand them, so that they can do their own thinking. And if that brings about a social change, well...."(Rangoonwalla, 1980:105)

One of Mr. Ray's most potent skills is his capacity to convey the delicate traits and—their particular mood and sensitivities of his characters fixations, complicated by the customs of their caste, and their powerful emotional responses

that are usually repressed with smooth restraints. He works this skill most skilfully and absorbingly in this film. Satyajit Ray's version of poverty is that it is a tragic human condition. Mrinal Sen's is a little more stark and realistic—poverty is a product of exploitation and people's inhumanity to people.

And the movies of both the two directors are of different nature but both of them had depicted the problems of their time very nicely and also had contributed a lot. Indian movies had played major role in providing and influencing the notion of Indianans and cultivating cultural unity. Movies deal with the problems to be addressed and the social issues of national concern, cultural goals to be proud of, and ideological possibilities to be defended and explored. There is no denying the fact that the cinema has acquired great popularity with the masses. The cinema is a powerful and effective means of communication because of its audio-visual character. This most popular source of entertainment for millions of people can be used as an instrument for creating public awakening. It can help to a great extent in enlisting public co-operation in the task of nation-building. In our society there are many practices and traditions which are based on ignorance and which hinders the progress of our society which had done enormous harm to our society. Cinema can do a lot to eradicate these evils. They can be used for promoting national integration. Such themes can help the transformation of our society. The cinema can be used as an instrument to help people get rid of obscurantism and also to guide them along the right path. It can help in removing ignorance from our society. Not only this, several much needed social reforms can be introduced and brought about with the help of cinema. Cinema exercises great influence on the mind of the people and it has great educative value. It can achieve splendid results in the field of expansion of education.

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CONSOCIATIONALISM AND FEDERALISM: A CRITICAL NOTE ON INTEREST INTERMEDIATION AND REGIME GOVERNABILITY AS POLICY OPTIONS

Tabesum Begam

I

Before engaging ourselves in the study of consociationalism and federalism, a brief reference seems to be relevant about the importance and significance of such an exploration. Very often these two terms, consociationalism and federalism are taken to mean a kind of governing arrangement based on power-sharing among a number of stake-holders. Arend Lijphart has identified the overlapping features of both these systems: 'Consociationalism plus some additional attributes spells federalism and vice-versa'. It is accepted that both federalism and consociationalism are basically the concepts of "non-majoritarian democracy" also they differ mainly with regard to their political form." Daniel J. Elazar has coined the term "compound majoritarianism" and concludes that federalism focuses on compound majoritarianism as a constitutional form, whereas consociationalism refers to the – mostly informal – modes of interest intermediation of a polity's regime."[1]

Elazar has in his studies on federalism and consociationalism, identified 'six' ambiguities associated with the concept of federalism. These are:

(1) Federalism involves both structures and processes of government.

(2) Federalism is directed to the achievement and maintenance of both unity and diversity.

(3) Federalism is both a political and social phenomenon.

(4) Federalism concerns both means and ends.

(5) Federalism is pursued for both limited and comprehensive purposes.

(6) There are several varieties of political arrangements to which the term federal has properly been applied.[2]

A clear method of distinguishing between federalism and consociationalism has been sought to be made by stating that while federalism involves both structures and processes of government, consociationalism involves processes only. Both federalism and consociationalism are directed to the achievement and maintenance of both unity and diversity.[3]

Consociationalism as a method of administrative mechanism has been clearly by Lijphart in the following words:

"Consociational democracy can be defined in terms of two primary attributes – grand coalition and segmental autonomy – and two secondary characteristics – proportionality and minority veto. Grand coalition, also called power-sharing, means that the political leaders of all the significant segments of a plural, deeply divided society, jointly govern the country. Segmental autonomy means that the decision-making is delegated to the separate segments as much as possible. Proportionality is the basic consociational standard of political representation, civil service appointments, and the allocation public funds etc. The veto is a guarantee for minorities that they will not be outvoted by majorities when their vital interests is at stake."[4]

A brief reference to the existing consociational regimes of the Netherlands, Israel, Lebanon, Cyprus and Belgium will establish the fact that most of these countries have been successful in retaining consociational arrangements primarily because of their movements in the direction of formal federation along territorial lines.[5]

Thus viewed, consociationalism can be considered to be "a relatively transient arrangement." It has been very correctly observed:

"Indeed, the classic consociations seem to last for about two generations before giving was to some other form of regime, which, coincidentally or not, is about the length of time that a majority party maintains its majority coalition in fact in two party systems. This has been true for the United States over the entire course of its history as an independent nation. It seems to be true for other democratic politics as well, hence it may teach us something about the lifetime of coalitions for their survival capacities."[6]

This brings to the fore another aspect of the problem under discussion. This is relating to the issue of models of polity. Basically there are three models of power-sharing in a polity which may be outlined as (a) hierarchical, (b) pyramidal and (c) cybernetic models. In a hierarchical model organized in a pyramidal fashion, power is concentrated at the top. In a cybernetic model power is distributed through a matrix of centres, federal systems, on the other hand, are based upon the third model with multi-centric form and non-centralized organization of powers.

It has been rightly observed:

"It is true that the overwhelming majority of consociational regimes are democratic in character and that consociationalism was developed as a form of democratic regime, but even it can be used for other purpose. It is true that there are two kinds of federal systems – those in which the purpose of federalism is to share power broadly, pure and simple, and those in which the purpose of federalism is to give individual national communities a share in the power of the state. The former is more simply devoted to advancing the cause of popular government, while the latter may rely upon other mechanisms for securing popular government and merely add federalism as on extra device."

II

According to Arend Lijphart, the nine elements of majoritarian democracy are the following:

(1) Concentration of executive power in one-party and bare-majority cabinets.

(2) Executive dominance in executive-legislative relations.

(3) Unicaneralism or bicameralism with a weak second chamber.

(4) Two-party systems.

(5) One dimensional party system (i.e. a party system in which the programmes of the parties differ from each other mainly along the one issue dimension of socio-economic policy).

(6) Plurality systems of elections.

(7) Unitary and centralized government in which there are no clearly designated geographical and functional areas from which the parliamentary majority and cabinet are barred.

(8) Unwritten or constitution and parliamentary majority: the majority's power to legislate is not restricted by any requirement of qualified majorities or judicial review.

(9) Exclusively representative democracy: the power of the parliamentary majority is not restricted either by any element of direct democracy such as referendum.[8]

Again, he has outlined eight elements of non-majoritarian democracy. These are:

(1) Executive power-sharing: Instead of one party, bare majority cabinets, non-majoritarian democracy tends to have coalition of governments of two or more parties that together have the support of a broad majority in parliament. Such an arrangement often leads to which called grand-coalition.

(2) Balanced executive-legislative relations: Instead of an executive that dominates the legislature, non-majoritarian democracy is characterized by an executive and legislature that maintain a somewhat balance of power with each other.

(3) Strong bicameralism: In place of concentration of all legislative power in the hands of the majority in a unicameral legislature, legislative power is shared by with the second chamber in which certain minorities may enjoy

special representation.

(4) Multi-party system: It may offer the existence of a number of parties in which all parties are minorities.

(5) Multi-dimentional party system: in addition to the socio-economic issue dimensioin, the parties in non-majoritarian democracy tend to differ from each other along one or more other issue dimensions.

(6) Proportional representation: In place of plurality of rates, the system of proportional representation appears to be more effective in a non-majoritarian democracy.

(7) Federalism and decentralization : A federal arrangement with wide ranging decentralization of power provides more space for all the regional and local interests to play effective role in the governing process.

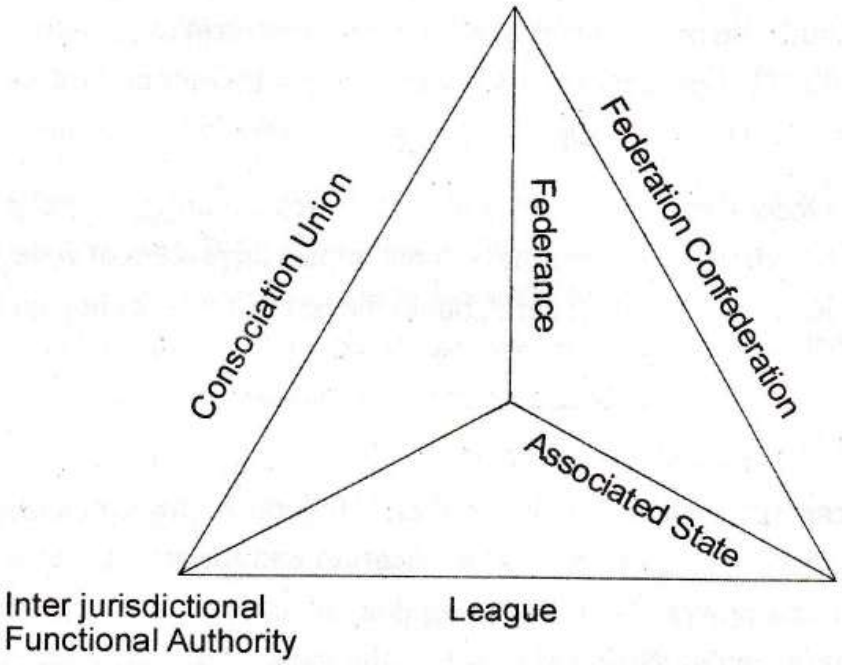
(8) Written Constitution and majority veto: Non-majoritarian democracy is generally characterized by a more or less rigid constitution which can be amended only after complying with a special procedure provided for it.[9]

From this construction of Lijphart, one can notice that while dealing with non-majoritarian democracy, his main reference point was the Westminister System. On this issue, the observation by Daniel J. Elazar appears to be more specific and pointed. To quote him:

"While I accept the basic distinction, I would like to redefine it a distinction between single majoritarianism and politics based upon compound majorities – in short, compound majoritarianism."[10]

Federal systems are dependent on "dispersed majorities" based on territorial arrangement, whereas consciational systems are dependent upon concurrent majorities, generally a territorial in nature. "Both involve the systemic building of a more substantial consensus that is the case in simple majoritarian systems."[11] Elazar has presented this idea in a diagram which shows the nature and interconnectedness among different segments of a federal arrangement.

Forms of Federal Arrangements



[Adopted from Daniel J. Elazar, Federalism and Consociational Regimes, Publish, Vol.15, No.2, p.20]

As an extension of this idea, Elazar has identified six basic ambiguities associated with federalism as 'a theoretical and operational concept'. These are:

(1) Federalism involves both structures and processes of government.

(2) Federalism is directed to the achievement and maintenance of both unity and diversity.

(3) Federalism is both a political and social phenomenon.

(4) Federalism concerns both means and ends.

(5) Federalism is pursued for both limited and comprehensive purposes.

(6) There are wide variations in the federal arrangements all over the world.[12]

Thus viewed, federalism is considered to be a process of structure which includes within itself a sense of partnership manifested through negotiated cooperation on issues and programmes based on a commitment to open bargaining for power and share. It is agreed by all that federalism should combine both structure and process. This aspect has been beautifully presented in the following observation:

"Where a federal structure exists without a correspondingly federal process, there is evidence to indicate that it may have some impact on process of governance, even if the latter are not ultimately federal, but in the last analysis, its impact will be secondary."[13]

Again, he observes:

"The terms 'federalism', 'federalist' and 'federalize' are commonly used to describe both the process of political unification and the maintenance of the diffusion of political power . . . federalizing does involve both the creation and maintenance of unity and diffusion of power in the name of diversity. Indeed, that is why federalism and presumably consociationalism as well, is not to be located on the centralization – decentralization continuum, but on a different continuum altogether, one that is predicated on non-centralization, or the effective combination of unity and diversity."[14] In this connection, Morton Grodzins has opined that federalism, like all forms of government, must be judged as a means of fostering democratic ends.[15]

In the process of forming a federation, the role of sub-cultural groups needs special attention. Alan Chairns, while analyzing the nature of Canadian federation has stated that the basis for federalism in Canada is 'a constitution which has provided political entrepreneurs with the tools for seeking and obtaining power."[16] It has been suggested that while explains Canadian federalism, Cairns might have ignored the role of language and culture in this respect.

This position may lead one to another dimension in the formation of a federal arrangement – that is, elite accommodation. It has been very correctly observed that elite accommodation lies at the heart of any kind of consociational

arrangement and very often described as "the will to cooperate", compromise or even "fear of system collapse". On the other hand, it is argued that a general definition of federalism does not, in many cases, refer to the motion of process or informal behavior. Elite accommodation is considered to be one of the informal mechanisms that play its important role in this process.

These informal mechanisms in this process of the formation of federal arrangements have been described under different names, such as, intra-state federalism, cooperative federalism, interdependence and the like.[17] One may not disagree with the following observation in which the scholar has tried to contextualize the issue on a broader theoretical and operational plane:

"In most federations, the objective is to work out differences between central and local governments and to a considerable extent, between units themselves, usually concerning the development and implementation of policies and programmes affecting both levels of government. However, more serious conflicts can also be handled in these more broadly based arenas; whether these practices are superior to, or more democratic than, the technique of elite accommodation is not really at issue here."[18]

That elite accommodation goes a long way in the process of integration of a federal arrangement has been highlighted in the following observation:

"One must further be able to show that elite accommodation does indeed play an important role in diffusing conflict at the mass level or in bringing about a degree of integration of diverse units. Ultimately, this informal behavior is dependent upon the perceptions, beliefs and attitudes of the participants; formal rules cannot guarantee cooperation among elites."[19]

Structure plays important role in other ways restricting the number of policy options and bringing the elites much closer to one another. In defining the role of 'sub-cultural' blocs in this process, social or political institutions do play a major part. Their role may create conditions for bringing the elites to minimize their gaps and differences and in the ultimate analysis, it may be seen that these elite groups

may form a compact force. One may find examples of such outcomes with reference to the federalizing process of Canada, Austria and even, Germany.

III

There is a common agreement on what constitutes the yardsticks of federalism which may be outlined as follows:

(1) Indestructible identity and autonomy of the territorial components;

(2) Their residual and significant power;

(3) Equal or favourably weighted representation of equal units;

(4) Their decisive participation in amending the constitution;

(5) Independent sphere of central authority;

(6) Immunity against secession, i.e. a permanent commitment to build and maintain "federal nation";

(7) Two sets of courts;

(8) Scope for the operation of the power of judicial review;

(9) A clear division of power between the centre and the constituent units;

(10) Exclusive national control over subjects affecting the nation as a whole.

This refers to another area where one can make a distinction between a federal and a consciational arrangements. The basic points in respect can be noted as:

(1) The segments of the plural society must be geographically concentrated;

(2) The boundaries between the component units of the federation must follow the segmental boundaries as much as possible;

(3) If segmental autonomy assumes a federal form, this necessarily entails that the primary requirement of a central-regional division of power as well as the secondary requirements of internal constitutional autonomy and decentralization are fulfilled.

Moreover, in addition to these, the following features are worth-noting in this connection:

(1) A federation must be a democracy;

(2) Only federation in plural societies can be consociations;

(3) Only federations which are highly decentralized and in which the component units are highly autonomous can be consociations;

(4) The federal boundaries must be drawn in such a way that they approximate the segmental boundaries; as a result, the heterogeneity of the federal state as a whole is transformed into a high degree of homogeneity at the level of component units;

(5) Such a high degree of segmental homogeneity in the component units can be achieved optimally if the federation consists of relatively many and relatively small units.[20]

Thus, the foregoing discussion conclusively proves that there are certain areas where federalism and consociational arrangements come very close to one another. But there are also areas where they differ substantially both in terms of structure and process. Again, a distinction should be made between institutional structure and decision – processes. The decision process refers to the dynamics of day to day interactions among the decision-makers-the nature of coalition-making of interests, policies and also actions. This also brings within it the forms of bargaining activities and modes through which these bargaining activities operate. The process is complex and at many points, it is difficult to identify them and place them in a clear distinct position. But at the same time no one can ignore the idea that these forces and factors need to be identified, explained and placed in their respective position. Again, in a highly plural society, the decision-making process becomes so competitive that new types of interest aggregations take place, there by making the system more complex.

Thus it is seen that elite accommodation takes place in different ways in different types of federal arrangements. Such accommodation becomes necessary for preventing the symptoms of, what is called, 'system-collapse'. In order to place the problem in broader perspective, a new term has been employed by the scholar which comes almost closer to the concept of system maintenance. The term which is now used is known as "the system-saving behavior". Then it may be observed that such type of arrangements which may help in the process of greater degree of "integration of diverse units" seems to be important for the survival of the system.

The essential components of both the structure and process discussed so far can be outlined as follows:

(1) The structure of Political Authority;

(2) Differences in Territorial Dimension;

(3) The nature of the Economic Foundation;

(4) The Influencing character of language/languages, in a multi-lingual situation; and

(5) The Nature of Balance between national and local/regional interests.

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A COMPARATIVE STUDY OF THE MOVIES OF SATYAJIT RAY AND MRINAL SEN, HOW THEY DEPICTED THE SOCIETY: AN OVERVIEW

Debodatta Bhattacharjee

The way, political science is related to society and influence social development, in the same way films also influences the society and helps people to know about the actual happenings of the society. Society realises the great potential of movies as an instrument of entertainment, instruction, motivation, and construction. Developing countries in their effort to accelerate the processes of economic and social change have taken this popular medium as their best means of supplementing or replacing the traditional communication forms. Even with the arrival of radio and television, satellite and Internet communication, the crucial role of cinema and its myriad possibilities in social change and development are yet to be explored. Now the whole world identifies itself with movies and thus it becomes a universal medium. The truth is that the global community is aware of and accepts the influence and impact of cinema on the society .What makes this art form so captivating is that it caters not only to the needs of people but also provides a visual space for them to live their dreams as it tells the story more effectively and creatively.

In this article, a comparative study is made between the movies of Satyajit Ray and Mrinal Sen. These two great directors had contributed a lot towards the development of Indian society. Their movies had depicted India and its real picture

to the world. They had been able to bring changes in the modern society. Mrinal Sen along with Satyajit Ray brought international fame to Indian cinema which is yet to be equalled. Their principal concern was to study human beings in different conditions of life. So this comparative study had been taken to study in details about the political perspectives of these two great directors.And this study will look into details how the films of these two great directors had influenced the society and social development. And for this study, Mrinal Sen's movie Calcutta 71 and Satyajit Ray's Mahanagar has been selected.

Calcutta 71, directed by Mrinal Sen, made in Bengali, is based on four short stories by popular writers like Manik Bandopadhyay, Probodh Sanyal, Samaresh Basu and others, each different from the other but all connected or interlinked to bring out a powerful statement. It is a movie against violence and corruption throughout the ages. The events are linked by an imaginary figure who, by 1971, has gained an insight into the dynamics of history and urges action for change.

A collection of Calcutta stories spanning nearly forty years. Calcutta 71 is grounded in a different decade, sequentially, from 1930s onwards. The movie begins with a depiction of the dehumanizing compulsions of urban poverty in colonial Calcutta of 1930s through an angry young man on trial in 1971.

The first story, against the background of atrocities and turmoil of the fifties and sixties, depicts a lower middle class family trapped in their small house with hardly any roof, trying to cling to their last remains of dignity on a terrible monsoon night. When it rains, the family has to struggle a lot to stay afloat and protect them from rain. Also when the man i.e. the head of the family agrees to take his family members to a safer place to neighbour's house, after much criticism from his family members, and upon reaching there when he finds he has to occupy the same room with the same dog who used to disturb him at nights by barking and quarrelling with other canines and also hundreds of people from low families, it was a shattering experience for him, but he has no other choice before him. He

had to reconcile himself to this situation. The reaction of the family to their misery is passive, resigned – there is no sense of anger and that is why this segment of Calcutta '71 is also the most realistic in its idiom. But as the film progresses the characters' response to their condition changes and a sense of protest becomes evident.

In the second story, set during the Bengal famine of 1943, a young woman who along with her teenaged sister is forced into prostitution with the active complicity of their own mother - protests against the terrible injustice by committing suicide unable to bear the hypocrisy of the attempt to maintain the pretence of middle-class dignity. The segment also subverts the persona of the self-sacrificing mother which is so common in mainstream Indian cinema – it is the mother despite her squeaky clean appearance, who forces her progeny into a life of misery for her own material and social comforts. The structure is deliberately fragmented by insertions of newsreel footage of the Bengal Famine thus providing the backdrop of young womens mode of protest. How necessity can compel even a mother to overlook her children's' wrongdoings is depicted here.

The third story, set in 1953, portraying the revenge taken by a teenaged rice-smuggler on a middle-class bully stands as a portrayal of the psychology and anger of children deprived of the joys of childhood. This episode deals with an incident taken from everyday life. In those days, young boys were compelled to smuggle rice out of necessity. They used to commute by train while doing so. The law machinery, trying to grab them, was always harsh on their trail. One of these boys who use the local train for this activities become the victim of such trial. Of course, in the last memorable sequence, the boy manages to avenge and pay back in his own way.

In the fourth story, corrupt politicians are the object of depiction. This concluding segment reflects on current political hypocrisy and corruption and the betrayal of the promise of India's war of independence. This story shows a completely intoxicated political leader delivering a lecture on the effects of poverty

to his followers while attending a high society party, is also the most jarring and disruptive segment of the film. The fierce rock music accompanied by strobe lights provides a perfect expression to the anger and rebellious spirit of the times. The scene of a wailing newborn street-child from the politician's speech depicts about a new India emerging out of the chaos stands as the key to the ideological basis of the film's discourse. The sequence is extremely fragmented and disruptive – the speech of the politician, which is almost a monologue, is justified with the depiction of still photographs of the victim's of hunger, newsreel shots of aggressive street demonstrations and consequent police repression, documentary footage of Vietnam War and other revolutionary movements, political graffiti proclaiming the politics of exploitation.

Calcutta '71 is a compilation of 4 different stories on theme of poverty and its consequences as observed by a young man, who remains eternally twenty and walks through history, through poverty, squalor and death and he has bridged despair and frustration. He was killed so many times, because he has been protesting and has remained an agent-provocateur. He comes and goes, between stories, each story having an independent set-up and new characters, but all stories stressing on the eternal reality of Poverty and Degradation. The young man – talking directly to the audience - strives to analyse the major themes of the preceding stories and thus explain how at the end hungry people become violent and the process creates newer and more potent forms of rebellion. Just at the crucial moment when the young man actively exhorts the audience to participate in direct action against the injustices of poverty that perpetuates degradation of human existence, he is killed off again. For him the history of India is a continuous history not of synthesis but of poverty and exploitation. The final shot of the film where the camera tilts up from the young man's corpse to a panorama of the dawn breaking on the Calcutta Maidan accompanied by the rousing signature tune of the All India Radio signifies the director's belief in the positives that emerge out of the people's resistance to the forces of oppression. And then, follows the closing movement of Calcutta '71. Set against the backdrop of far-left political tumult, brutal state-repression, and

abject living conditions in the city at the close of the Sixties—something that would surely find its democratic resolution is reflected in this last story.

Mrinal Sen's movies initiated the "New Cinema" film movement in India. The Bengali Marxist film-maker Mrinal Sen is celebrated in the genealogy of Indian New Wave cinema as an exemplar of dialectical storytelling. Directing films full of direct political statement, social analysis and psychological drama. Many of his films were political, and earned him the reputation as a Marxist artist.

This movie was influenced by the large-scale political unrest throughout India, particularly in and around Calcutta. Instead of looking for enemies outside, he looked for the enemy within his own middle-class society. This movie was set in the turbulent Calcutta of the early 1970's. People were getting killed every day. The major political influence in his movies is the Naxalite Movement of the 1960s. This was a Marxist – Leninists grouping that split from the official Communist Party of India and had rejected all forms of parliamentary politics. Invariably all of the factions ignored the main issue of mobilizing forces against the vested interests—the establishment. He felt that this was the time when he felt the need to spell out the basic ills of the country. This was the time to talk of poverty—the most vital reality of our country, the basic factor in the indignity of our people. He wanted to interpret the restlessness, the turbulence of the period that is 1971 and what it is due to. The anger has not suddenly fallen out of anywhere, it must have a beginning and an end. So he wanted to try to find this genesis and in the process redefine our history. And in his mind this is extremely political. This was his most creative movie and won him a large number of international awards. Released in 1972, 'Calcutta 71', is generally regarded by critics as one of the greatest achievements of the New Indian cinema movement. A searing study of the political turmoil of the seventies, Calcutta 71 is very harsh in documenting the agony of calcuttans. It had moments of high intensity rarely reached in Indian cinema.

Calcutta-71 is a film in a completely different vein. It is a set of different stories on poverty and exploitation, set apart by time. Calcutta-71 is a jarring story,

jarring because, it removes the veil of romanticism from India's poverty. Poverty and its consequences being the major theme of Calcutta '71, the film uses the plots of the 4 stories not to delve into the socio-economic reasons of poverty but rather on the human reactions to debasement and misery. Calcutta '71 in Mrinal Sen's own words is a study of "the dialectics of hunger, the dialectics of poverty"– the movement from resignation and apathy to anger and protest and the possibility of a more equitable social condition emerging out of such rebellion.

Through this movie Mrinal Sen tried to focus on social justice which is very essential for the development of an egalitarian society. The modern ideas of social justice focuses on evolving a social order which could secure suitable rights and advantages for different sections of the society particularly the vulnerable and the underprivileged sections. It addresses the injustice done by the established or prevalent social order, and proceeds to evolve schemes of transformation or reconstruction of the social order.

He also depicted the condition of youth in this movie. Youths are the property and strength of a nation. They are keeper of our morals, culture and traditions. Though they have energy, skills and potentials but in reality what is seen is the lack of proper direction and coordination. The present social situation is such that youths are becoming lazy, idle and frustrated. There are adjustment problems among our youths today.

Youth unrest is not a phenomenon peculiar to this country. And causes are said to be primarily sociological and psychological. The common ground consists alienation of youth, protests against the policies of establishment, hatred for the existing social bindings, disrespect to elders for their conservations and apathy towards reforms, psychological maladjustment of political ideologies, impact of corrupt leadership and so on. Poverty and unemployment and underemployment and the world technological impact have made the youth resentful of the world around and aroused a preference for revolt. Economic reasons are not the only factors for youth unrest. They feel that a traditional society has nothing new to

offer and must be challenged for new one of their choice. So the present phase of youth unrest should be seen as a symptom of restlessness and uncertainty among contemporary youth.

Often with their freedom, they undertake risks , because at their stage of life they are virtually without any serious responsibility . They also have the reputation of possessing greater ideological purity than others in the society. Their approach to society is impartial specially with regard to vested interests and social constraints. Because of their openness and desire to create a better society they are involved in social movements. But it is also agreed that because of their immaturity, they often damage the goals because of responsibility for consequences is lacking in them. The aggressive youth demonstrates their frustration or aggressiveness by indulging in anti social behaviour and activities. And they feel that these aggressiveness against the approved norms of the society is only the way of solving personal problems to protest against various injustice meted out to them. They also understand that this injustice that befall them lead them to dire poverty and consequent social inequality.But again they are inclined to be the idealistic . For centuries, youths have major roles to play in society and they have been agents of social change. They undertake the responsibility of changing a stereo type society in a very many ways to show the present need of the society. They may emerge as the torch bearer of the society. Youth is the most significant segment of society.

Again he included another social issue in his movie i.e. Corruption which implies perversion of morality, integrity, character or duty out of different motives, i.e. bribery, without any regard to honour, rights and justice. Dishonesty, exploitation, malpractices, scams and scandals are various manifestations of corruption. It involves the improper and unlawful behaviour of public service officials , both politicians and civil servants, whose positions create opportunities for the diversion of money and assets from government to themselves and their accomplices. The causes of its development are many and vary from one country to the other. Among the contributing factors are policies, programmes and activities that are poorly

conceived and managed, failing institutions, poverty, income disparities, inadequate civil servants remuneration, and lack of accountability and transparency.

Corruption is the largest hurdle to India's pursuits of economic achievements. Corruption is anti- national, anti- economic and anti- poor. It is road block for national prosperity. In adequate compensation to the government servants in the form of low salaries and benefits are the most important causes of corruption in the society. The increasing prices have brought down the real income of the government employees, specially those in the higher position whose salaries have not at all been protected against inflation. When the salaries are not enough to meet even the basic needs of the employees, they naturally succumb to the temptations of illegal money. The corrupt officials even when they are known to be corrupt are often not looked down upon in the society. In fact they are even more respected than their honest counterparts because of their ability to help and entertain their friends and relatives.

And corruption in itself is probably the most difficult crime to investigate , due to the fact that it is by nature a secretive crime, often involves only two satisfied parties. There is normally no eye witness or scene of crime evidence available.

Poverty has been one of the most puzzling and perplexing problems. So he included this problem into his movie. Poverty is attributed to ecological, population, political, economic, cultural and ideological factors. Mostly, the causes for poverty and the results of poverty are the same: population, exploitation of natural resources and pollution of environment, low efficiency of labour force and high rate of illiteracy.

After 67 years of independence , large scale poverty remains a reality in India. Poverty is the cruelty of life. While poverty promotes illiteracy , literacy fosters economic development. It is the ultimate mission of the nation to achieve economic development for growth and survival. Poverty is what the poor encounters. It may be characterized as the phenomenal dearth of attaining even the basic necessities of life. It is poverty that makes the people unhappy and destitute. In the

developing country the elimination of poverty, malnutrition, ill health and unemployment should engage the serious attention of educators.

And Satyajit Ray's glorious film Mahanagar, from a story Abataranika by Narenda Nath Mitra is a comedy-drama of modern Indian life, it narrates the story of a housewife who throws into disorder her traditionalist family by getting a job as a saleswoman. Shot in the first half of 1963 in Calcutta, this was also first film directed by Ray, which was set entirely in his native Calcutta, reflecting contemporary realities of the urban middle-class, where women going to work is no longer merely driven by ideas of emancipation but has become an economic reality. The film examines the effects of the confidence of working woman on patriarchal attitudes and social dynamics.

Calcutta, during mid 1950s is depicted. Film opens with a sketch of a lower middle-class family. We meet the joint-family: Subrata Mazumdar, his wife Arati, their young son, Subrata's unmarried sister Bani ,his father, a retired schoolmaster, and his mother. Subrata Mazumdar, a bank employee, with his meagre income finds it difficult to provide for his large joint family.

Subrata talks about a couple where the woman too is going to work. Soon, Arati makes up her mind to take up a job to supplement the household income. Arati is like an anchor holding the family together. With some help from Subrata, and much against established custom and opposition of the elders, she finds a job of selling sewing machines door-to-door. Despite familial adversity and societal obstacles the initially hesitant and nervous Arati soon begins to prosper in her field and gradually starts to enjoy her new-found financial and psychological independence. Going out to work, Arati discovers a new life. She proves successful in her work and gains self-confidence and is electrified by her new self-esteem and cash. She represents the vibrant spirit which suggests the new woman in India. Mahanagar explores the evolving independence of middle-class women of the city.She's successful and enjoys it, but this untraditional step throws the household into chaos: her in-laws initiate a "cold war" of silence and disapproval.

And his ailing elderly father Priyagopal, the old man, a stubborn conservative, is punished with anger aroused by this distressing violation of custom. He is a retired teacher, who is openly disapproving and begins a disastrous and humiliating financial campaign of his own, intended to render his daughter-in-law's income unnecessary by visiting prosperous ex-pupils to touch them for money.

Ray shows how this new freedom enrages the men: her husband is unmanned by his wife's sensational new career. Her initially supportive husband, now starts to feel insecure and jealous when the wife does well and decides to ask her to quit but is finally forced to let her continue to work once he loses his job. He suffers as he watches his wife go out while he sits in bed and scans newspapers for jobs' columns. He loses self respect, and the gulf between them widens. Arati now becomes the sole breadwinner of the family and also befriends an English-speaking, Anglo-Indian (representative of the legacy of the British Raj) colleague Edith, a move which raises suspicion and increases conflict within her family. Subrata now feels insecure and resentful. His father too puts pressure on his son to force Arati to quit the job. Subrata asks Arati to quit as he plans to earn more by moonlighting. The next morning, before Arati can give in her resignation, Subrata telephones her and asks her not to resign as he has lost his job. But most interesting, touching and amusing is the delicate change and all too human change that comes over the wife as she discovers her individuality and strength.

Her new friend and colleague - Edith, an Anglo-Indian woman, whom her boss does not like because of her being an offspring of 'our ex-rulers.' Blinded by his prejudice, he accuses Edith of loose character and fires her. Arati asks her boss to apologise to Edith but when he refuses and warns her about her own job, Arati hands over her old resignation letter and walks away. Now neither Arati nor her husband has a job. On her way out, she meets him. After the initial shock, they reconcile and are close to each other once again. Subrata understands her. Arati ponders that in such a big city at least one of them is sure to find a job. As they walk into the city crowd, the camera tilts up to a street lamp.

At last ,its the housewife Aarati who passes every test, as she copes with every challenge thrown at her, at home, at work and in her relationships with every individual. That's what women are groomed to be, from birth, brave to take on the world whenever necessary. Its the husband who falters and learns to accept her after a big fight within himself.

Satyajit Ray's film about a Calcutta woman blossoming in the world of work is utterly absorbing and moving drama about the changing worlds of work and home in 1950s India. But his film, on the whole, is so touching, so good-humoured, sad and serene; the pace is so meaningfully depicted slowly, the atmosphere so true, that it leaves one, again, with the feeling of having spent a time in heart warming emotional contact with a family in India. There is nothing vague or over-stylized about this characteristic work by the director. It is another of his beautifully fashioned and emotionally balanced intention of change in the thinking, the customs and the manners of the Indian middle-class.

Through this movie he tried to make the people aware about women empowerment. It is a global problem now as in all parts of the world, women are facing threats to their lives, health and well being as a result of being overburdened with work and of their lack of power and influence. A nation that does not respect its women cannot be described as a civilized nation at all. The role of women is a key to socioeconomic development and therefore women participation in society should be promoted. Although a women had been very strong, patient, large hearted, intelligent, good motivator, backbone of a healthy family from traditional days and now in the present days with education, she can realize her potential and have her own standing and prove her capabilities along with these qualities.

Sex jurisprudence can't proceed on the basis of assumed equality of male and female section of Indian society. For centuries, the Indian women suffered economic deprivation and social subjugation. The Indian culture has been built on the concept of male superiority and the subordinate status of the women. This has resulted in her complete extermination from the field of economic independence.

Socio- religious culture also influences the girl child, so negatively that she is not at liberty to make any important decision even about herself. She is denied the opportunity to grow up in the society with more self esteem and honour. The causes of gender inequality are related to social, economic and political structure , which is based on informal and formal norms , and practices. A patriarchal society is created by manufacturing ideology ,inventing traditions, nourishing suitable mental constructs and prescribing ritual to subordinate women. Religion, tradition, social relations, language and myths or all are used to achieve this end. The social system in India is primarily patriarchal which advocates a dominant male position.

Culture imposes various rule, restrictions on women and for which women have been compelled to behave in a subordinate way. Across cultures, perception on gender differs and right from their childhood people are trained to accept a defined gender role concept. Gender division of labour ,control over means of production and reproduction by any gender are some of the root causes of gender subordination and gender stratification. Division of labour is a universal phenomenon. In every type of society, men and women performs more or less different jobs in daily life. Generally men is engaged in bread earning activities and women in household activities. Women also participate in economic activities but that is not considered as their prime duty. And because of their different roles they enjoy different status in the social structure.

Women have been oppressed through the ages, by the very social institutions that are guardians of their security like the family, community and the state. The struggle of women to establish their rightful place in the society and the state and to attain equal status has been comparatively recent spanning over three centuries.

Social structures, cultural norms, value systems influence social expectations regarding the behaviour of both men and women and determine women's role and their society to a great extent in family, marriage and religious tradition. They provided the moral basis for men's and women's notions about their rights and duties. Gender socialisation is a process of learning the social expectations and attitudes associated with one's sex.

The existing inequality between the sexes is the result of male domination, and lack of education for women for centuries together. The general attitude of the people even in the recent past is that girls need to be literate enough with ability to read and write. In this manner the negative perception against girls at different levels is responsible for their low esteem and inferior status.

They have been designated as 'grihini' which psychologically prepares them to think that the world outside the house is not their concern. This resulted in exclusion of women from main economic activities also and reduced them to status of complete dependency upon males socially, politically, and economically. The concept of equality and justice became meaningless in their relation to males. Thus their talent was suppressed and the nation was deprived of their contribution in various fields of social , cultural , economic and political activities. With no values given to these activities, the contribution of women is seriously under estimated, and there is no adequate reward or recognition for the burden of work that women carry. Since status in contemporary society is so often equated with income earning power , women suffer major undervaluation of their economic status. But they carry a higher share of the total work burden. In fact, the failure to value most of their work reduces women to virtual non entities in most economic transactions.

Yet it is considered widely that all this tasks are her responsibilities. Who proclaimed this doctrine ? It is not just the men the women too says the same , she does not revolt against the state of affairs. On the other hand she patiently and contentedly carries on the load of work, satisfying her conscience that after all as women she is inferior to men. And this process is called internationalisation of the man made values, opinions, customs, and traditions. Society is always undergoing the process of change , and so ideas are bound to change.

The situation of women alternating between home and work leads to a role conflict. Some of them develop a guilt feeling that they are unable to look after the children and home properly. Working women tend to pamper their children because they want to make up for what they consider to be lack of proper attention

on their part. This is because of their role perception rooted in their socialisation and the expectations of other members of the family. There has been considerable role expansion for this working women since they are called upon to assume many new roles in addition to their traditional ones.

The problem of role conflict manifests itself in various ways , particularly where there is a difference between the job status of husbands and wives, husbands who have a lower status job than their wives find adjustment difficulties because they consider the situation a reversal from the normal where the husband is the principal bread winner and enjoys superior authority in the household. These problems of adjustment will remain unless the distinction between family, men's and women's work within and outside the families is removed through the socialisation process in home and the school. Women's economic subjugation and dependence leads to exploitation and is a denial of social justice and human rights. Development of society requires the participation of both men and women.

Women all over the world irrespective of their marital and employment status constitute the vulnerable section of the society, owing to traditional role assigned to them and certain social practices. Their traditional duties and responsibilities are not valued for incorporation in national income accounts , women are the key factors in the process of change and development is not properly understood and recognised.

The urbanisation , the increasing economic pressure , the job haunt , the opening of avenues of employment in the towns and cities, the growing individual tendency and the desire to move into the open world coupled with the quick means of transport and communication have built pressure on the institution of joint family. The members of joint family , subject to qualifications , family conditions, time and opportunity prefer to move out of the family for better job opportunities. And this process of urbanisation and modernization had brought changes in the society. The raising costs of living, education, and social change in urban areas have led to the withdrawal of taboos that earlier affected women of the higher classes and have

enabled some of them to enter new professions or occupations which were close to them earlier.

So a major factor contributing to the status of women is the change in the structure of the economy which offers greater role for women in the productive function through modernisation. The traditional house wife type women started to take employment outside their homes. Her traditional role in the family as a daughter, sister, wife, has also started to change. She started to accept more roles due to outside influences. Slowly her mental framework began to change from traditional to modern role patterns in urban areas specially. So the urban women have been facing serious challenge to make a balance between traditional and non-traditional roles. Women who work outside home are still responsible for domestic works and thus bear double burden which is an obstacle both to better employment opportunities and to social and political participation.

In India though constitutionally men and women are equal, in reality women are the most neglected and deprived section of the society. Indian constitution has provided the privilege of equality, liberty and justice to women. But constitutional equality is not practically followed in India.

While a large number of women both married and single, across the world, cutting across religious, geographical and caste lines suffer from socio cultural discrimination and economic deprivations. The condition of women in any society is a major yardstick of its social values and social structure. Lack of income or lower income also reduces women's decision making power in the household and political activities.

A women normally commands three generations in her one life. She is the creator and protector of a family. She starts a generation , develops it and thus forms the society. The status of women in a society is the index of a society as the development of a society is associated with the rise and fall in the status of women. Traditional India had seen women only as a member of the family or group as

daughters, wives and mothers not as individual with an identity and right of her own.

The entire success of the family and nation depends on the women of the house and at the working place. The empowered new Indian women should discover ways of blending religious commitment , cultural traditions and family obligations with new work styles and leadership in various areas. That envisages flowering of an individual, strengthening of community, building institutions and strengthening our country.

Women contribute to the development of a good family, a compassionate society, a progressive nation and a more tolerant world. This role is very important in society which a women should never forget. They can be the advocates for improved working conditions for women, gender equality and welfare of women. Educated women can help other women to become self reliant and self confident. They can counsel other women as well as share experiences about career choices, employment opportunities, and business enterprises. The capacity to contribute increases immensely when the family environment is stable. This requires all members of the family to understand each other and create bonds of love and trust. Like every member of the family, women contribute to creating a stable family structure and they benefit from the support that they receive. Women have been more successful when they receive support of their families.

Empowerment of women refers to the process by which women acquire due recognition with men to participate in the development process of the society as a partner with human dignity.The economic empowerment of women on the other hand is a fundamental element of strong economic growth in any country. Empowering women enhances their ability to influence the direction of social change to create a better social and economic order. Economic participation or empowerment of women is also vital for achieving a significant social objective: Combating poverty. The presence of women in the work force in quantitative terms will not lower the disproportionate levels of poverty among women, but would also constitute an

important step towards raising household income and encouraging economic development in countries as a whole.

The Big City is sublime, a movie to fall in love with. A correct portrayal of life in the sixties: The movie was very exciting. This a movie where a Bengali housewife's actual stand in the eyes of those near to her comes to life.

Satyajit Ray, in Mahanagar, made a movie where not a single frame is wasted in anyway. Every movement of the actors, every hint relates to something or the other, while the story-telling is still simple enough for the ordinary people to follow the story. However the film's experiments of Mrinal sen (both in terms of story-telling and cinematic techniques) which sometimes borders on playfulness and arrogance makes it extremely esoteric and limits its audience to hard-core cineastes familiar with the challenging forms of cinematic compositions.

Satyajit Ray, when asked about the impact of films, opines that no film or for that matter no work of art has ever brought about changes connected with uplift of the downtrodden, diminishing of poverty etc. much. He felt that "films can provide food for thought. But even the best reasoned and most perceptive of documentaries and educational films cannot by themselves bring about the change. They can only spread the message and provide guidelines, which may or may not lead to effective action". Over the question whether his films have brought about some socio-economic change in the country, Satyajit Ray said that" I don't think a film is capable of doing that. I can't think any film made anywhere in the world which has brought about a social change....that is not the intension also. I want to present certain problems in my own way and help people to understand them, so that they can do their own thinking. And if that brings about a social change, well...."(Rangoonwalla, 1980:105)

One of Mr. Ray's most potent skills is his capacity to convey the delicate traits and—their particular mood and sensitivities of his characters fixations, complicated by the customs of their caste, and their powerful emotional responses

that are usually repressed with smooth restraints. He works this skill most skilfully and absorbingly in this film. Satyajit Ray's version of poverty is that it is a tragic human condition. Mrinal Sen's is a little more stark and realistic—poverty is a product of exploitation and people's inhumanity to people.

And the movies of both the two directors are of different nature but both of them had depicted the problems of their time very nicely and also had contributed a lot. Indian movies had played major role in providing and influencing the notion of Indianans and cultivating cultural unity. Movies deal with the problems to be addressed and the social issues of national concern, cultural goals to be proud of, and ideological possibilities to be defended and explored. There is no denying the fact that the cinema has acquired great popularity with the masses. The cinema is a powerful and effective means of communication because of its audio-visual character. This most popular source of entertainment for millions of people can be used as an instrument for creating public awakening. It can help to a great extent in enlisting public co-operation in the task of nation-building. In our society there are many practices and traditions which are based on ignorance and which hinders the progress of our society which had done enormous harm to our society. Cinema can do a lot to eradicate these evils. They can be used for promoting national integration. Such themes can help the transformation of our society. The cinema can be used as an instrument to help people get rid of obscurantism and also to guide them along the right path. It can help in removing ignorance from our society. Not only this, several much needed social reforms can be introduced and brought about with the help of cinema. Cinema exercises great influence on the mind of the people and it has great educative value. It can achieve splendid results in the field of expansion of education.

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A SEARCH INTO THE MEASURE OF FREEDOM IN THE LIFE OF WOMEN WORKERS OF TEA ESTATES OF ASSAM

Mousumi Gogoi

Tea industry is one of the oldest industries in India and today it enjoys the status of one of the best organised industries in the country. India's place in the world tea market is still now unquestionably very high. She occupies the largest area under tea and also produces the largest amount in the world.

The leading states in respect of tea industry in India are Assam, West Bengal, Kerela, Tamil Nadu, Tripura, Uttar Pradesh, Bihar etc. The percentile distribution of tea areas in different states in India are approximately as follows : Assam 51.40 ; West Bengal 24.70 ; Kerela 10.40 ; Tamil Nadu 9.65; Tripura 1.55; Himachal Pradesh 1.20; Uttar Pradesh 0.50 and Bihar 0.10.[1] of late Arunachal Pradesh has also entered into the tea map of India. But Assam occupies the peak position in tea production.

The history of tea industry in Assam was developed with the discovery of indigenous tea bushes in the Mishimi Hills of Upper Assam of the Brahmaputra Valley by Robert Bruce in 1823 for which Assam became first in India in tea cultivation. In 1826 the treaty of Yandaboo resulted in the annexation of the Brahmaputra Valley to the British Empire and after 1832, Captain Jenkins decided to take steps to introduce tea in wastelands of Assam. Meanwhile, Gordon one of the British Officials was sent to China to procure plants, seeds and skilled persons

in tea manufacture. The first experimental tea estate in Assam was established in 1837 at Chabua (Cha-tea, Bua-to plant) in Dibrugarh district in Upper Assam[2]. In 1835 the first tea garden was established and in 1840 the Assam Company started production of tea on a commercial basis. Assam is the largest tea producing state in India with about 55% of the production in the country.

At present tea is grown all over Assam. In the districts of Upper Assam Valley, namely Dibrugarh, Dhemaji, Golaghat, Jorhat, Lakhimpur, Sivasagar and Tinsukia, one comes across miles and miles of planted tea without any break.

Since the latter part of the nineteenth century to the early part of the twentieth century there was rapid and continuous growth of plantations which showed plantation industry's prosperity and its role in the economic development in the process of earning money by the planters and in the capital formation. But on the other hand expansion of tea plantation deprived the local peasants from enjoying the use of land.

At the beginning of the industry local labourers were recruited, but after a few years indentured labourers began to be recruited from outside. At the initial stage, however, the local people like the Kacharis, the Mataks, the kukis, the Nagas, the Singphos and the Apatanis could be employed with active assistance of the chiefs of the respective groups. But these arrangement did not prove to be very successful. In course of time the number of tea plantations was steadily increasing and this created a constant demand for a larger number of labourers. But the need could not be filled from the local labourers as they had gradually been showing reluctance to work in tea plantations.

Since 1841, labourers were employed through contractors. The government passed the Transport of Native Labourers Act of 1863 for licensing recruiters and to regularise the recruitment system. These contractors were known as *Arkattis*. The *Arkattis* were the recruiting agents of the planters, who moved to the places from where labourers could be easily procured. The poverty ridden tribal people

from different parts of India were the main target as they did not find any other means for their livelihood. The labourers were transported at the expense of the planters. The Act was amended in 1870 when it recognised the *Sardari* system of recruitment. However, the earlier system of recruitment through the *Arkattis* was not stopped. The two systems of recruitment were practised by the planters till 1915. In another amendment in 1873 free recruitment was permitted. Under the Assam Labour and Emigration Act of 1915, recruitment through *Arkattis* was made unlawful and the *Sardari* system remained as the only recruiting system in tea plantations. In 1917 the Tea District Labour Supply Association was formed to control and coordinate recruitment under the *Sardari* system. Since that year, this was the only organisation concerned with supervision of recruitment. The problem of unemployment of the immigrant labourers became the important factor for not favouring further migration of labourers into Assam. However, in 1955 about 11,000 labourers were recruited from various parts like Chotanagpur, Bengal, Bihar, Orissa, Madhya Pradesh, Andhra Pradesh and Tamil Nadu. But since 1959 recruitment from outside Assam had been reduced drastically. From 1960 onward, recruitment from outside was stopped and the Tea District Labourer Association was abolished. Now labourers were employed only from the existing unemployed labourers available within the state.

About the incompatibility and non-availability of local labour force various views have been expressed by various scholars. Besides the self sufficient nature of their economy it has been maintained by some scholars that the Assam peasants considered it derogatory in social estimation to work for wages under an outsider. Further, the north eastern part of the country did not experience the existence of a landless class of people and thereby a separate labour class did not emerge in this part of the country.

Since the beginning of plantation in Assam, condition of labourers was not at all satisfactory. The way the labourers were recruited and brought to the plantation was inhumane. In 1861 roughly 11% of the recruits died on the way.

Labourers including men, women and children were enticed and treated like slaves. Due to the unhygienic condition and inadequate food many such labourers died like cattle. The labourers who reached plantations stayed forever and did not get any chance to return to their native villages. In plantations they were in a very miserable condition. They were not provided with proper houses, sanitation facilities, drinking water, medical facilities etc. They could not strike work as they could be imprisoned. They were no longer free labourers. They did not have any freedom of movement, as they could not go out of their particular plantations to another to meet their relatives and friends without the permission of the plantation manager. The manager enjoyed extra -authoritarian power over the labourers. He was not only the master of the labourers but also the magistrate who could try their disputes, arrest and punish them for breach of contract. Sometimes he kept labour women as his concubines. The manager was the nearest authority to the labourers because his most decisive function concerned with the day to day handling of the plantation labourers. He employed workers, assigned work to them, paid workers and punished when necessary.[4]

The strength of the women labourers in a tea garden is almost equal to and even more than that of men. The pluckers constitute about nine-tenth of the total work force and the job of plucking is mostly done by women workers. All the major activities in a plantation except for the final manufacture of tea are performed through manual labour. The labourers working in the factory are mostly males. Sometimes female labourers are engaged for carrying the leaves from one place to another and also in helping the male labourers in packing the leaf in the chest. So women workers are closely associated with this system of production.

The women workers in the tea plantation has a vital and significant role in the development and progress of the tea industry. The vast labour population settled in and around the tea plantation not only contributes largely to building up of economy of their respective states but also plays a very important role in social and political activities in the country. Their contribution in building up of economy of the country

is great but they are living in a very poor condition. The women workers have to shoulder the entire economic responsibilities of the family. The husband's contribution is only a part of their income to the family purse as they usually spend most of their income in drinking. But in our society it is believed that men are only bread earners. Women of upper strata, if they work, contribute a little to their family income. Their husband's are less dependent on the services of their wives as a result husband's position in role bargaining is much stronger.

Engels in his book *The Origin of the Family, Private Property and the State (1845)* argued that women's oppression has not always existed, but that it began with the private property and class society, for it was only then that men's desire to pass property to known heirs motivated them to control women. This motive would, Engels argued, disappear with the overthrow of capitalism, when women would no longer be economically dependent upon men, and the socialization of house work and child care would liberate them from domestic chores.

The oppression or exploitation faced by women is not identical. Women workers experience less oppression than middle class women. The middle class family consists of a relation between a husband and a wife in which the husband agrees to support his wife provided that she promises to remain sexually faithfully to him and to reproduce only his legitimate heirs.

Working women in plantation enjoy a higher social status then the other women of the society. As we know that women's status in the society, as well as their power is low when they have low status both in economic and social spheres, and high, when they enjoy relative authority in both the spheres. In case of the plantation society from the point of view of authority, there is a greater equality among women and men then in the rest of the Indian Society.

Decision making in the family is a major step from where we can determine the status of women in the family. The women workers take the major decisions regarding to the day to day family expenditure, domestic activities, education of the children, their marriage etc. In the plantation society both husband and wife worked

together and most husbands equally participate in domestic activities. Thus they share each other's economic and domestic responsibilities. The sharing of household responsibilities is principally find in the spheres of three domestic activities : handling of family purse to meet regular expenses , performance of daily domestic chores and looking after the children.

Among the tea garden women workers, the husband-wife relation is of love and affection. Co-operation and consultation between spouses characterize their relation. The norm of male superiority in Indian culture does not find its full manifestation among tea garden people. The women of this community are exposed to very few restrictions. The women have relatively more freedom of choice in selecting her spouse and leaving him if need be. If a women finds that she does not like her husband soon after marriage she decides to leave him, saying that she has no mamta (affection) for him. There is a fair degree of openness in the interaction between husband and wife. Ideas of seniority, generation of age do not interfere in the way they talk with each other before their elders or juniors. Participation of women in the garden work does not adversely affect inter personal relationship in the family. Husband and her parents-in-law do not show any kind of negative attitude towards her job.

In our society it is seen that the status of a women in the family is determined by the ranking of her husband among brother's, the length of the period she has lived in the family and the birth of sons. Only the birth of son emancipates them from the situation of absolute subordination and helplessness in which she entered the family as a young daughter-in-law. Such "son-complex" attitude is absent in a plantation society. It is because in this society both sons and daughters work and earn and both of them are economically independent. In our society it is believed that the daughters are above all an economic and social liability for the father. But in the plantation society daughters are not the economic liability but as assets to their parents as they earn from their childhood. On the other hand, there is no system of dowery for girls in marriage.

The women workers manage their family budget themselves. Most of the husbands spend a little amount of wages to the family. But they spend maximum wages on taking haria (rice beer). The wives generally do not object to their drinking as the drinking of rice-beer (haria) is one of their traditional cultural habits. Compared to middle class women, women workers are much more independent. The working class women break her oppression by being a workers and hence attaining some economic independence. Husband and in-laws show positive attitude towards women's employment on economic consideration. Husbands extend helping hands to their wives in house keeping tasks. They think that their wives should have a say in the important family matters. So they also participate in the decision making process.

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4. *Ibid.*, pp.205-206.

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A SEARCH INTO THE MEASURE OF FREEDOM IN THE LIFE OF WOMEN WORKERS OF TEA ESTATES OF ASSAM

Mousumi Gogoi

Tea industry is one of the oldest industries in India and today it enjoys the status of one of the best organised industries in the country. India's place in the world tea market is still now unquestionably very high. She occupies the largest area under tea and also produces the largest amount in the world.

The leading states in respect of tea industry in India are Assam, West Bengal, Kerela, Tamil Nadu, Tripura, Uttar Pradesh, Bihar etc. The percentile distribution of tea areas in different states in India are approximately as follows : Assam 51.40 ; West Bengal 24.70 ; Kerela 10.40 ; Tamil Nadu 9.65; Tripura 1.55; Himachal Pradesh 1.20; Uttar Pradesh 0.50 and Bihar 0.10.[1] of late Arunachal Pradesh has also entered into the tea map of India. But Assam occupies the peak position in tea production.

The history of tea industry in Assam was developed with the discovery of indigenous tea bushes in the Mishimi Hills of Upper Assam of the Brahmaputra Valley by Robert Bruce in 1823 for which Assam became first in India in tea cultivation. In 1826 the treaty of Yandaboo resulted in the annexation of the Brahmaputra Valley to the British Empire and after 1832, Captain Jenkins decided to take steps to introduce tea in wastelands of Assam. Meanwhile, Gordon one of the British Officials was sent to China to procure plants, seeds and skilled persons

in tea manufacture. The first experimental tea estate in Assam was established in 1837 at Chabua (Cha-tea, Bua-to plant) in Dibrugarh district in Upper Assam[2]. In 1835 the first tea garden was established and in 1840 the Assam Company started production of tea on a commercial basis. Assam is the largest tea producing state in India with about 55% of the production in the country.

At present tea is grown all over Assam. In the districts of Upper Assam Valley, namely Dibrugarh, Dhemaji, Golaghat, Jorhat, Lakhimpur, Sivasagar and Tinsukia, one comes across miles and miles of planted tea without any break.

Since the latter part of the nineteenth century to the early part of the twentieth century there was rapid and continuous growth of plantations which showed plantation industry's prosperity and its role in the economic development in the process of earning money by the planters and in the capital formation. But on the other hand expansion of tea plantation deprived the local peasants from enjoying the use of land.

At the beginning of the industry local labourers were recruited, but after a few years indentured labourers began to be recruited from outside. At the initial stage, however, the local people like the Kacharis, the Mataks, the kukis, the Nagas, the Singphos and the Apatanis could be employed with active assistance of the chiefs of the respective groups. But these arrangement did not prove to be very successful. In course of time the number of tea plantations was steadily increasing and this created a constant demand for a larger number of labourers. But the need could not be filled from the local labourers as they had gradually been showing reluctance to work in tea plantations.

Since 1841, labourers were employed through contractors. The government passed the Transport of Native Labourers Act of 1863 for licensing recruiters and to regularise the recruitment system. These contractors were known as *Arkattis*. The *Arkattis* were the recruiting agents of the planters, who moved to the places from where labourers could be easily procured. The poverty ridden tribal people

from different parts of India were the main target as they did not find any other means for their livelihood. The labourers were transported at the expense of the planters. The Act was amended in 1870 when it recognised the *Sardari* system of recruitment. However, the earlier system of recruitment through the *Arkattis* was not stopped. The two systems of recruitment were practised by the planters till 1915. In another amendment in 1873 free recruitment was permitted. Under the Assam Labour and Emigration Act of 1915, recruitment through *Arkattis* was made unlawful and the *Sardari* system remained as the only recruiting system in tea plantations. In 1917 the Tea District Labour Supply Association was formed to control and coordinate recruitment under the *Sardari* system. Since that year, this was the only organisation concerned with supervision of recruitment. The problem of unemployment of the immigrant labourers became the important factor for not favouring further migration of labourers into Assam. However, in 1955 about 11,000 labourers were recruited from various parts like Chotanagpur, Bengal, Bihar, Orissa, Madhya Pradesh, Andhra Pradesh and Tamil Nadu. But since 1959 recruitment from outside Assam had been reduced drastically. From 1960 onward, recruitment from outside was stopped and the Tea District Labourer Association was abolished. Now labourers were employed only from the existing unemployed labourers available within the state.

About the incompatibility and non-availability of local labour force various views have been expressed by various scholars. Besides the self sufficient nature of their economy it has been maintained by some scholars that the Assam peasants considered it derogatory in social estimation to work for wages under an outsider. Further, the north eastern part of the country did not experience the existence of a landless class of people and thereby a separate labour class did not emerge in this part of the country.

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