Special Paper Section

Religious Rituals and Woman As Subject:
a study of women's agency in the practice of *sati*

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Abstract

Sati was the act of burning the widow on the funeral pyre with her deceased husband. It drew strong reactions from all sides of the ideological spectrum, but what were the Western readers expected to see in the image of the burning woman: horror at the barbarity of sati as a practice, or awe at the devotion of sati as a woman? This paper will examine the variables of agency and personhood of the women in question and how the materiality of their body was transformed into the imagery of the sati. The focus will be on the way the woman as a subject is born, formed, and repositioned in a traditional-colonial amalgamation, and how women struggle to find their own voice in it.

Keywords: *Sati, agency, colonial, body, pain*

Introduction

Sati, or widow immolation, is the practice of burning of the widow on the funeral pyre, or burying her alive, with her deceased husband. It is a custom that has seen a vehement, divided opinion in both India and the West for centuries now, evoking in equal measure 'reverence, horror, praise and condemnation.'(Major 2006, 1) The last known *sati* was that of Roop Kanwar on September 4, 1987, in Deorala village of Rajasthan's Sikar district in Western India. Eyewitness accounts vary: some people recount how she had run away and tried to hide, and was coerced and dragged through the village, quite possibly even drugged, and was pushed onto the

pyre again and again as she had tried to escape, while others describe a scene of Roop's supernatural powers, her red eyes, and the pyre having lit itself. (Cierpial 2006, 2)

It is interesting to begin with a look at the origin of the word *sati*: the Sanskrit root word, 'sat' means 'to be'. The one who fulfils his duty, therefore, becomes the *sat.* From this comes *satya*, or truth, and the feminine form of *sat*, is *sati*. (Campbell2003, 110) According to historians, *sati* is translated to mean 'virtuous woman'. In practice, it means to follow one's husband in death. Thus, as Mary Daly puts it, it basically means that 'to cease to exist, is to be'.(Daly 1978, 79) While the Western understanding identifies *sati* strictly with the event of the immolation, the Hindu tradition and scriptures associate it with the woman having attained the status of the ideal wife. Hence the words 'practice' and 'ritual' are often used interchangeable in this paperto refer to *sati*, depending on which vantage point is being referred to.

Traditionally, it is said to be a ritual confined to the Kshatriya caste –the warrior castes.It presented the death of the woman in a positive, heroic light, along with the man's death in the battle. It was much later that is came to be perceived as an escape from a miserable life that awaited the widow, one of extreme asceticism and forced renunciation. The practice has been located by many within the caste system as a form of social mobility andmoving up the caste ladder, for valorising the practice became a way of asserting the honour of the community through its womenand achieving high rank and status, orsometimes possiblyseen as a response to Muslim invasions and conquests. (Yang1989, 16)

When it comes to representing *Sati*, there are a few issues: firstly, there are the polarities that spring up - of its legality or illegality, its voluntary or coerced nature, its traditional or modern characteristic. Liberals and feminists view it as violent Hindu practice that is a violation of the rights of the Hindu widow. Then there are those who view it as the woman's right to self-immolate, and as Madhu Kishwar puts it, represents a defeat of the colonial, Western, modern principles by the traditional indigenous religious values. Another position is by those who

believe only in the 'voluntary'*sati*s and connect it to a 'glorious Hindu past', the traditions of which are often being actively reinvigorated in the rhetoric of an aggressive and exclusivist Hindu nationalism (Hindutva).' (Sarkar 2014, 285)The issue regarding *sati* has tended to homogenise both sides of the argument, for and against it.

For the purpose of this paper, I confine my analysis to the way the traditional and the modern, the colonial and the postcolonial, lay claim on the 'person' of the woman, while simultaneously ascribing to her absolute free will. What I am suggesting is, in order to understand this 'subjectification' of women based on a version of authentic faith or ideology, one needs to explore how the materiality of the body of the woman is transformed into the image of the *sati*, and how in return, the transcendental image of the woman and the feminine determines and shapes the social models for women to follow, all of which tends to get lost in the pro- and anti-*sati* dichotomy, the eternal victim vs. absolute agent debate. So, the focus here will be on the way the woman as a subject is produced, formed, and repositioned in a traditional-colonial amalgamation, and whether even having agency necessarily means having autonomy.

In order to do so, three positions are brought out: the first is the understanding of *sati* by the colonisers, with an emphasis on the view which British women took to make sense of the violent act, relying on 'feelings' to understand it. Second, the language of pain is examined to see how the subject formation of the woman-*sati* is premised on representing her as having transcended pain and thereby, humanness. Third will be the lens of 'gender performativity', a concept proposed by Judith Butler, which will become central to my argument when located within a larger framework of Ashis Nandy's 2 level analysis of *sati*- as an event in mythological times and murder in historical ones. This, stemming from my own ethnographic study in Jaipur comes the closest, in my view, of conceptualising the subjectivity of the woman in the violent, ritualistic practice of widow immolation.

The Imagery of *Sati* through the Colonial Lens

Women provided the perfect fodder for the colonial idea of the 'White Man's Burden'. The British representation of *sati* scene often depicted the helpless native woman reaching out to the colonial official to save her, which Gayatri Spivak has summarised as 'white men saving brown women from brown men.' (Spivak 1988, 296)The British used Indian women's condition as a vindication for their empire in India, and debate around *sati* was not about the rights of women at all, but rather a character trait of the British as a colonising nation'. (Herman 2005, 224)

Sati was a practice that had no parallel in the West. The question arises: what were the Western readers expected to see in the image of the burning woman? Horror at the barbarity of *sati* as a practice, or admiration and awe at the devotion of *sati* as a woman? Perhaps a bit of both. One must look at the representation of the *sati* figure from two different perspectives of the 19th century – one being by the male authors and missionaries, and the other being the English women's writings on the issue.The woman on the pyre was meant to evoke sympathy, outrage and appeal to the British sensibilities when it was represented by the officers. They talk solely about an interaction between white men and brown men. The Englishwomen's account on the other hand, for instance Mrs. Mainwaring's 1930 novel, *The Suttee or the Hindoo Converts*, keeps the public and the domestic spheres quite separate and focuses instead on the interaction between the two cultures within the said spheres. It relies on a cross-cultural interaction of the white woman and the Hindu woman, something that the political texts completely ignored. Despite considering the practice as horrible, the Englishwomen saw it as coming from the sole will of the woman and wrote with sentimentality about their shared feelings with the Indian women regarding wifely devotion and 'domestic virtue.' (Herman 2005, 226) Hence there were two discourses emerging from the British about *sati*, through two different modes of expressions and with the purpose of eliciting different reactions from the readership in the West.

Since the early 19th century, the British policy of non-intervention and their simultaneous desire to save the Indian woman from the barbarism of Hindu practices, led to the distinction between

the 'good' and the 'bad' *sati*, based on whether it was voluntary or not. If it was 'seen' as voluntary, 'individual action' was established, and the law would permit it. (Sunder Rajan 1993, 19)At the same time, women were seen as eternal victims. Although it is difficult to come up with an idea of consent in a patriarchal context, the officials saw women as either victimised by the men and the crowds, or if they walked in willingly, as subjected to religion, thus foreclosing any possibility of women's agency. (Mani 1998, 91)

Body and the Language of Pain

Looking at the colonial era, it is apparent that the pain of the burning body was not the basis of the debate, but it served a purpose nonetheless; although the British could not control the body on fire, they could control the visual and figurative representations of it, converting it into the image of *sati* that was then presented for the British public to invoke certain feelings, as has been examined already. This control of the body and by extension the control of the population allowed them to define and articulate *sati*'s desire as well. Spoken consent is not the same as an actual desire to burn, which only finds subconscious outlets and bodily expressions. But in the British recording of *sati*, consent and desire often overlapped;(Herman 2005, 231)Mani shows how, when given assurance of sustenance and financial assistance, many women chose to back out of the ritual. Hence questions of consent and will were often quite complex given the economic and social setup in which the women had to survive. (Mani 1998, 106)The gap between the two was filled by the witnesses, often the officials. Hence the 'women were transformed into images and their imagined bodies into legible texts.' (Herman 2005, 233)

Linking female subjectivity to the idea of pain highlights the 'reality' of the event of *sati*, better than either the pro- or the anti-*sati* faction did. This link places *sati* at the intersection of gender, politics, and death. It is in the moment of death that the woman's being gains subjectivity. Furthermore, the language of pain has no place in the pictographic representation of *sati* either;

the burning of the body does not hold any aesthetic value. The body must therefore be presented as always remaining painless. In the indigenous representations of the burning woman, the body is shown with no scars or marks or signs of pain or discomfort, and thereby aims to incite particular kinds of emotions, certainly far from pity, sympathy, or anger. On the other hand, however, is the poster issued by the National Front of the Rajasthan Adult Education Committee, which is an anti-*sati* activist group, and which shows the women on the pyre resisting the burning and the spectacle of it.

Elain Scarry, in a similar vein, instead of highlighting the transcendental aspect of pain like the defenders of *sati*, makes it very existential and immediate. (The body of the woman feels pain; the imagery of the *sati* is made to transcend it). In other words, it's a certain 'radical subjectivity' of pain, as Scarry has termed it.(Scarry 1985, 50) But the theoretical framework of pain does not encompass the supporters of *sati*. Even the anti-*sati* stand has only ever evoked the 'will' of the *sati*, or the lack thereof, but not the language of pain. There is a strict mind/body dichotomy in place that downplays the element of pain in the act of immolation. Thus, whether it is the religious or the philosophical discourse, 'any invocation of the body as ground for human subjectivity inevitably appears reductive.' (Sunder Rajan 1993, 27)The body in pain of course causes an emotional response in others that might lead to intervention to stop that pain, but equally important is the reaction and resistance of the body itself and its transition towards freedom. Hence, the subject in pain should be regarded as the 'one who acts/reacts, rather than the one who invites assistance.' (Sunder Rajan 1993, 22)

Gender Performativity

Within the feminist school of thought, the issue of women's agency stands on a paradoxical ground, for 'despite being a central concern, it remains poorly theorised.' (Mani 1990, 36) The contradiction is that on the one side is 'the belief in the autonomy of women and their ability to act as willing agents, and on the other side is the belief in the hegemony of the dominant power-laden values that constrain the 'freedom to choose'.' (Menon 2012, 212)

Amitav Ghosh's work comes as a reanalysis here, and in his novel, *The Sea of Poppies*, situated in 17th century India at the mouth of colonial takeover, he attempts to recover the 'marginalised histories' of the people, and to show that religion was not always the sole driving factor in the practice of *sati* as many believe.[26] His novel does not fall into the dichotomy of the East vs. the West but rather brings forth the subjective experience of the women. Barnali Sarkar tries to understand the practice somewhere between a 'murderous ritual and a devotional custom', and Ghosh's novel comes to his aid, for through it one can see that the 'rhetoric and ritual of *sati* enabled marginalised women to acquire consciousness of their subjectivity in a colonised society.'(Sarkar 2014, 285)

In a similar vein, getting out of the two camps of victimhood and agency, one can see that Hindu women are neither passive victims nor active agents in the oppressive setup and practices that dictate their lives, but rather they move on a path of 'self-refinement', by using the resources available to them, and finding meaning therein. (Sarkar 2014, 286)There is a need for a new conceptual lens, which one can find in Butler's idea of 'gender performativity', which is essentially the repetitive performance and identification of symbolic norms, thereby resulting in gendered beings. The subject is not solely determined, but is moulded to an extent, by 'the regulatory cultural and symbolic practices' around her. (Bacchus 2013, 158)This 'performative constitution of subjectivity' therefore implies the possibility of change and subversion as well and leads to the acquiring of agency, which needs to be seen as an effect of performativity. In *sati*, therefore, the woman could possess agency, while at the same time the representations of that agency could be questioned.

Extrapolating Butler's ideas can help in understanding the practice and the identities it produces, as well as the complexity of the structures within which the woman constitutes herself as a *sati*, in thought, speech as well as action. The *sati*'s agency, to quote Ruth Bachhus, 'may be seen as contingent, conditional and often over-determined, but not absent or foreclosed; such an understanding might challenge the glorification of *sati* as an act of pure free will without reproducing imperialist constructions of the *sati* as a passive victim.' (Bacchus 2013, 159)

Bacchus believes that a *sati*'s utterance and assertion of a *sativrat* (which is an important step in the enactment of the ritual) does not speak of her will or her intentionality, but rather of a

discourse that is reiterated by her statement in the context of other such previous instances. While the possibility remains that the woman herself believes in her powers and possesses agency to the extent that she might act without coercion, it does problematise the idea of a subjective agency.

The argument that is made here is that by foregrounding the ways discursive processes shape both social structures and personal subjectivities, and the agency that emerges from the constitution of subjectivity, the idea of performativity becomes significant, for it suggests that agency need not be equated with autonomy, or victimisation with helplessness. That is, it makes it possible to theorise an active subject position for *sati*s even as it presents grounds for resisting both the violence of *sati* itself and of the discursive norms and social codes that underpin it. This means that even when a woman's volition is sought to be demonstrated by pro-*sati* groups, the rite and its glorification and the inadequacy of the State's responses to both may still be the subject of feminist critique and protest. A conceptualisation of the state of *sati*-hood as an effect of a performative reiteration of symbolic norms organised around pre-existing concepts such as *pativrata* (devotion to husband) and *sat*, *bhava* and *sanskaras* (religious etiquettes), *karma* and transmigration, which is also reinforced by the glorification and commoditisation of *sati* deaths, works to counter the idea that her death is the expression of a *sati*'s inherent identity or untrammelled agency.

This mode 'displaces the binaries of coercion and self-will, violence and volition, victimisation and agency', by providing a way of theorising the co-existence of violence and agency and of placing this co-existence within issues of gender hierarchies and other social identifiers. (Bacchus 2013, 171)

Kalyuga and Mythology

Now, these symbolic norms, I believe, can be said to be rooted in mythologies, a sense of which was strongly felt in my ethnographic study around *Rani Sati Mandir*, Brahmapuri, Jaipur. Pandit Gautam Shankar Lal Gupta, who oversees the prayers in the temple, stated that since it is Kalyuga now, the age of downfall,(the others being Satyuga, Treta Yuga, and Dwapar Yuga),

and as there is no *sat* in Kalyuga, there can be so *sati*; it would not have the same value and significance. The women I met with in that area had a very similar understanding of what *sati* entailed, and strongly expressed the idea of a bygone golden age where women would have been capable of becoming a *sati*, but not anymore since it is corrupted era now. Middle aged, clad in colourful saris, often with a *dupatta* over their heads, they started by dismissing the practice as dead, saying that it only happened in the olden days, and hasn't happened in a long time now.

What all the interactions showed is that woman's position is closely related to the idea of time and age in the popular imagination. Locating women in different eras, one comes up with different notions of the ideal of womanhood. And women today see themselves as unfit to do something for which history gave them the privilege. The idea of a woman being able to be so powerful, to be blessed, to be courageous enough to sacrifice herself, is what makes it a larger-than-life image. 'That was a time when women got a natural *sat*. Today it would be wrong, because who would raise the children? Men cannot do it. If women die, husbands will remarry immediately. Why don't they burn at the pyre with us? I say fight and live', said a feisty woman.

'There is no question of forced or willing *sati*s. *Sati* happens when the God has blessed the woman. The rays of the sun light the pyre; it does not happen by the hands of man. The people who were arrested after Roop Kanwar for lighting the pyre, they did not do it, it happens by the grace of God. It won't happen in today's day and age, and the government has banned it anyway', says the priest. Thus, while he seemed surrendered to the fact that *sati* is banned, the primary reason why it discontinued was because of Kalyuga. 'Yes, now the government won't allow it. But that is unnecessary, it does not matter; it's the not the time and world for *sati* anyway, look around at what age we are living in.'

Agency is still not her prerogative. 'It's not a matter of individual action or decision', says the priest. 'She didn't decide to do it, because the decision is not a part of it, it is not needed. It was God, His hand placed over her head, His blessing. The *sat* had entered her. That is why she felt no pain.'

The fact of *sati*'s historical authenticity is not a matter to be debated with most people. Mythology does not rely on historical facts, and it does not become 'false' because it cannot be

corroborated by evidence. She is our Goddess. She has the power to grant our wishes and give us blessings.' The priest's words bring home the knowledge that idols die hard.

This is reminiscent of the beginning of the 20th century. As David Dell puts it, 'one of the simplest reasons for the popularity of the *sati* and her suitability as a heroine was because she was so clearly Indian.' The *sati-mata*, mother *sati*, was a reminder of the larger-than-life female characters found in the Indian literary texts and legends, which provided an answer against the British contempt for the regressive practices found throughout the country. The women who became sati were not meek and docile housewives; they were valorous Rajput princesses who 'were as capable of destroying their enemies as their own mortal frames.' (Dell 1977, 56)

This finally brings us to Nandy's understanding of the practice, upon which my own larger argument rests. To see *sati* on two, interconnected levels - that of an event, an ideology in mythical times and of murder in historical ones, helps one better understand how the two feed into each other to create a narrative around the agency of the woman-*sati*. Nandy does not lay the practice at the door of tradition, which would be useful for the state and the revivalists. Rather he lays it at the door of modernity. To view *sati* strictly as a traditional phenomenon empties it of both history and politics. (Mani 1998, 90)The 'tradition' of *sati* was not challenged by the 'modern', but rather both were 'contemporaneously produced'(Mani 1998, 91) which then women performed and reiterated. In a society where large numbers of people, and not just Hindus, support the practice, and where the *chundri* ceremony of Roop Kanwar drew 300,000 people to the *sthal*, it does not bring one any closer to understanding such a mindset by branding the whole lot of them as 'superstitious and bloodthirsty' (Nandy 1988, 1976).

The reason the mythology of *sati* provided the template for ideal womanhood in modern times for women to emulate, can be found in Nandy's understanding of the rise in the number of *sati*s in the late 18[th]century Bengal, which he believes is rooted in the impact of the presence of the British. The 'rite had anxiety-binding functions in groups rendered psychologically marginal by their exposure to western impact. These groups had come under pressure to demonstrate their ritual purity and allegiance to traditional high culture. To many of them, *sati* became an important proof of their conformity to older norms at a time when these norms had become

shaky within.' (Nandy 1980, 9) Here, colonialism is seen as the catalyst of the *sati* system, and not tradition or religion, as the popular discourse holds.

So, while the languages of 'feelings' and 'pain' help understand the subject formation of the women through the colonial and post colonial lenses, respectively, the notion of performativity of norms located in myths sees the one side as portraying *sati* as the ideal heroic and sacred action, and the other situating it in a paradigm of powerlessness, while the women, perhaps, are somewhere in between these two incommensurate and irreconcilable views of reality.

Conclusion

The violence inflicted on the woman in the event of sati has a direct correlation to the way tradition is played out on the female body. Power of competing systems of authority gets manifested through the claims they make on the body of the woman, while she herself suffers the loss of 'personhood', and a lack of bodily integrity. Women have to obey the customs and norms which are culturally and socially sanctioned.

Women's groups have chiefly tried to address the element of glorification of sati as the problem, through the construction of temples at the *sati-sthal* and celebrating with festivals. The clever way the binaries have been created between tradition and modernity posit the former in a good light, validating the emotions of the community, the *sati* defenders, and the latter, which is symbolic of the State, and bourgeoisie, elite, westernised destroyer of traditions. It is seen to be symptomatic of a colonial hangover that seeks to legislate on a ritual and brand it as a crime. Hence, it is locating within the problematic of 'tradition' versus 'modernity' that the chief opposition to the practice of *sati* is located, but has had to be negotiated, even as women seek to call the very terms into question.

The glorification of *sati* entails religious sanction and political tolerance, as well as huge economic returns, which has led to a creation of a cult of *sati*, and even the government under pressure from liberal groups and women rights activists and civil society organisations, passed the Bill banning the practice but never intended to enforce it strictly.

Strange rationale was applied to justify the Deorala incident, and irony raised its head. Roop Kanwar's was a voluntary *sati* for she was an educated woman, and yet this education was not to result in her being like other educated feminists. Hence it was just an expression of Hindu femininity. Viewing Roop Kanwar at the cusp of tradition and modern; post the incident, feminists insisted that it should not be seen as a reflection of a feudal past but rather a symptom of the contemporary oppression of women in modern economies. Huge sums of money were made by constructing funds and temples on her funeral site; moreover she was an educated girl. Hence a primitive barbaric tradition cannot explain the situation.

The support base and roots for the practice have also changed. Where in the 19th century, it was local and regional customs in Bengal that gave it a sanction, in the post independence India, this has shifted to urban sections and 'landed gentry'. (Sunder Rajan 1993, 18) Today, *sati* is not traditional but modern, cultivated through commoditisation and by the components of State that has deep vested interests in the regional political gains. Looking at the case of Roop Kanwar, analysing her 'self' that supposedly committed *sati*, required an understanding of her entire life and beliefs and the social context in which she had been brought up. But the construction of her subjectivity which did not seem to be in sync with her volition in the act challenged the standard understanding of *sati* being a reality of backward rural India and superstitious people.

Even if most of the variables change, the logic of a cultural practice and age-old tradition can continue to invoke the same arguments and twist the language and rationale to suit any agenda. Women's bodies have always been the sites of claims by different parties, ideologies, and eras.

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Labelled Unauthorised:

Interrogating Water Provisions in Urban Informal Settlements

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Abstract:

Water provisions in urban areas of Delhi are differentiated by their heterogeneous character of settlements and contrasting capacities. The informal settlements, being at the periphery of access to entitlements due to their unplanned nature of existence, have struggled with water informality and the lack of piped supply. The complicated urban landscape and its role in creating social segregation add various dimensions to the water disparity. This paper focuses on an unauthorised colony in Delhi to explore the context of insecure and unreliable water arrangements and discuss the social stress of its residents.

Key words: informal settlements, unauthorised colonies, water provisions.

Introduction

The construction and renewal of the planned city of Delhi, a process set in place before independence, has led to the mushrooming of the other type, which is unplanned Delhi or informal settlements. Delhi is a city and formally known as the National Capital Territory (NCT) with limited powers of the elected government. The informal settlements hold the working-class migrants and the urban poor who are compelled to reside in the most neglected and high-risk parts of the city. The attempt to rationalise a mixed land approach that can co-exist both the orderly Delhi and the unplanned types leave many provisions in an indeterminate state, including water. The informal settlements are largely managing water from sources other than piped supply like bottled water, borewell water, public tap, and tankers and are surviving on edge with limited means. The borewell arrangements are illegal but continue to fulfil the need of the water-starving population. Scholars have discussed the unequal water access in Delhi, which emanates mostly from the city's historical development process (Bavishkar 2013; Truelove 2011).

The issue discussed above is in conjunction with the rising water crisis and declining groundwater in urban India. The subnational water stress index states that 11 out of 20 India's largest cities face high water stress and out of which 7 cities are at the most extreme risks (Clisby 2019). In urban India, only 40.9 per cent of households have access to piped water supply directly into homes, and 16 per cent to the plot (Sharma 2019).

Those accessing piped water supply may suffer risk with aggravated pollution and may not be able to access more than a few hours in a day. These reports are hardly making any impact on the ground. The Jal Jeevan Mission's assurance of piped water supply to all households in India by 2024 seems to be a herculean task and will need to weed out many obstacles. Delhi is one of the reported extremely vulnerable cities, but the way the issues surrounding water access have evolved will need to be studied along with Delhi's settlement pattern.

This paper discusses the complexities of water provisions by looking at the spatial and social demarcation of informal settlements in Delhi. It draws upon the narratives on access to water from an unauthorised colony of South Delhi, 'Sangam Vihar'. The residents of this colony have been vulnerable for years now, coping with everyday struggles. The focus of the discussion is on the unauthorised colonies juxtaposed with other urban settlements. The paper relies on the available literature, reports, and media sources to debate these aspects. Further observations on Sangam Vihar are gathered from a field study.

Water Provisions: Binaries of Formal and Informal Settlement

The availability of basic amenities varies across the different types of urban settlements in Delhi, between formal settlement areas and informal settlement areas. There are many types of settlements in Delhi. The planned colonies are formal type and legal, while the majority of Delhi resides in other types of settlements that may fall short of its legality or its planned status. The regularised unauthorised colonies, the notified slum areas, and the resettlement colonies are legal but remain informal. The remaining two types, jhuggi jhopdi cluster, and unauthorised colonies, are illegal and unplanned because the former is on encroached public lands, and the latter is a violation of Delhi's Master Plan (Heller et al.2015).The informal and illegal settlements are primarily the sub-standard Jhuggi Jhopdi Clusters (JJC) and Unauthorised Colonies (UC).

The binaries of the liveable space of authorised and unauthorised residential areas come forth most distinctly in water services, along with sewerage and roads. The authorised areas may face water supply shortages at times but have secured water entitlements. In contrast, many UCs are deprived of a regular piped water supply. It is reported that piped water have not been materialised in around 650 JJCs. Around 130 unauthorised colonies have not received NOCs from the land-owning agencies for laying the pipeline. There are also technical difficulties in laying the pipelines as the spacing between houses is haphazard (Press Trust of India 2019a). While the Delhi Jal Board (DJB), the public agency responsible for supplying potable water, is recorded to have improved its reach, the distribution remains uneven. It had taken years to bring piped water supply for some UCs. Delhi Planning unit states that around 17 per cent households are not having access to the piped water supply (Government of NCT of Delhi 2019a). However, DJB claims to be covering 93 per cent of Delhi's population under the piped network, though it admits the challenges of delivering adequate and sustainable

water supply. The rest, it says, is being supplied through tankers (Government of NCT of Delhi 2019b). There seems to be an inconsistency in the assessment of water reach.The gaps are significant as there is no uniform pattern of supply, ranging from a supply of 500 litres per person per day to 32 litres per person per day. There could be cases where a pipeline was laid, but the water was not commissioned. The contrast is also indicated by the affordability of making the water fit for drinking as only the elite can incur the cost of using high-quality water purifiers.

The electoral battles for the Delhi state in the recent times have kept the focus on improving governance. Voters have been persuaded to vote based on the performance. Rai (2019) discusses that voters are influenced primarily by the charisma and wider transformational agenda of governance. The trend is studied in the context of national politics but could be explored in relation to the Delhi elections. Living conditions became the deciding factor for voters' choice in the informal settlements. One of the most potential aims of the Aam Admi Party (AAP), the political party that has been in steady power for two consecutive terms since 2015, is to extend piped water in all parts, irrespective of the legal status of the area. Its policy of supplying free water up to 20,000 litres every month is said to have benefitted families (Singh 2019). However, the 2017 deadline for providing the piped water supply to the entire Delhi has been stretching. It is a predicament that parts of Delhi constitute citizens who can vote but cannot legally claim services as they are deprived of ownership rights of residential plots. Under the DJB Act 1998, the DJB is not liable to provide water supply to any premises that have been constructed in violation of the law. 'The agencies in charge of service delivery are under no obligation to provide services to JJCs and UACs' (Heller et al. 2015, 11).

Explaining the differences in entitlements would be challenging to comprehend without understanding the source of the exclusion—the answer is the city itself and its development process. Delhi appears as a city without spatial continuity with co-habitation of formal and informal residential areas and an assortment of contrasting functional capacities within the urban agglomeration (Dupont 2004; Zimmer 2012). Dupont (2004) analyses the conjunctions of history, urban planning, and the various endogenous forces that have shaped the spatial differentiation and the resultant social segregations of Delhi's settlements. The pre-colonial and colonial Delhi have given the dimensions of compactness of Old Delhi and planned sprawls of the New Delhi, respectively. The shift in the economy from agricultural to tertiary sectors attracting heavy inflow of migrants, the conformity to real-estate markets, and increasing population growth has made other notable changes in the urban landscape. The urban pockets of both planned and unplanned nature developed in response to the demands (Jain, Dimri and Niyogi 2016).

The population density was recorded high in Old Delhi areas in decades earlier than 1991, and thereafter the city peripheries saw an increased concentration. The peripheries illustrated different settlement patterns. One type was where the middle-class migrants, tempted to move out from inner zones, acquired accommodation in the housing estates. These expansions ensured that the agricultural land was converted to public housing schemes and was absorbed as planned areas. The other periphery type was where lower-middle-class and poor migrants started settling and for whom public housing was not affordable. They found alternatives in the expansions over agricultural land that was not planned for urbanisation, hence acquired in an illegal manner and obtaining the tag of unauthorised colonies (Dupont 2004, 161). The UCs must not be confused with JJCs, as the JJCs are growths on public lands. The UCs may have slightly more secure land tenure but not part of the planned city (Sheikh et al. 2015). The agricultural lands were hectically absorbedinto city. With Delhi being one of the most sought-after destinations for inter-state migrants, informal settlements may have come into existence 'unannounced in cities' and making it difficult to keep pace with providing amenities (Roy 2013).

Studies have found that class heterogeneity is not the only identity. Religion and caste-based residential clustering is a striking feature of the city (Vithayathil and Singh 2012). There are large concentrations of Dalits in most JJCs, and there are designated Dalit-dominated localities that go by the generic name of Harijan Basti. The term 'Harijan' was marked as abusive by the Supreme Court of India in 2017, and Delhi has proposed renaming these areas (Dey 2019). The politics of communal polarisation and threat of living as a minority forced the clustering and birth of Muslim ghettos, which are congested areas and often stereotyped with prejudices (Rashid 2020). Very limited research has been conducted on the basic services of these areas. Few reports have stated that the residents of such crowded areas often rely on private vendors for water supply (Times News Network 2014). Roy (2013, 97) analyses how the communities marginalised due to various socio-economic and political factors try to find a private solution to a public problem of water scarcity by spending a disproportionate share of meagre income to purchase water from vendors.

The UCs remained unnoticed and ignored for years. Their living conditions have been least explored because the attention remains either on slum dwellers or on those who live in planned parts of the city. The city's debates and the participatory governance process are largely dominated by its 'powerful middle-class Resident Welfare Associations' (Zimmer 2012, 89). In contrast, the UCs is burdened with the threat of illegal property hold. They have spent years mobilising the issue of regularisation of their residential land. Lemanski and Lama-Rewal (2013) noted that the binaries might not be neat in terms of class categorisation as those living in the UCs are neither exclusively poor nor elite. However, they acquire marginalisation and segmentation by years of spatial neglect and living with the unauthorised label. The leadership at the Centre has been promising

registration and regularisation of land for UCs and clean drinking water for all by 2024. In such a state, ignoring the UCs water issues would be a loss of democratic fulfilment.

Negotiating Water: Analyses

This section aims to observe the struggles and negotiations with the limited water provisions in Sangam Vihar. The area's dilemma with the water supply is a recurrent issue reported in several sources. However, there is a lack of attention to the problem from the household's perspective. The visit to Sangam Vihar was held in 2018. Qualitative data was gathered from 124 households using convenient sampling. The purpose was to gather an understanding of the household experience of water informality in everyday life and highlight the coping strategies. It must be noted that the aim was not to present the issue in numerical representation. Rather, the focus was to unravel the respondent's perceptions. Limitations remain as many households could not provide adequate information or a steady response on the water supply. The first part of the discussion, the living space, attempts to understand the issue of spatial marginalisation, which are problematised in the initial debates in the paper. Informality and Social Stress section draws attention to the respondent's views on the arrangement of water. The study has incorporated narratives of water vendors to understand the dependency on the private provision.

The Living Space

Sangam Vihar is one of Asia's largest unauthorised colonies with a population of around 1.5 million and is situated in the South district of Delhi. It does not portray a welcoming look, with roads not built properly and garbage dumped in every corner. Divided into several blocks, Sangam Vihar residences are juggled together with a mix of paved and unpaved roads and haphazard road-cuts that make treading the ways difficult. The households are equipped with their own toilets but have no proper outlet for sewage and rely on mobile tankers to clear the septic tank (Singh 2019).The situation worsens during monsoon when huge puddles of mixed waste and water make the roads barely visible and accessible. The residents revealed that coping with filth and congested space is not easy. It is home to mainly the migrant working-class population. A single member of households may have migrated to Delhi, but later they have settled, and their family had expanded.

The place has an intriguing history of originating in 1979 out of the agricultural lands of the four villages, namely, Tigri, Deoli, Tuglakabad, and Khanpur. The lands were sold out by private dealers after acquiring them from the farmers. The initial settlers were migrants from Bihar, Haryana, and Uttar Pradesh, but later migrants from other states of India started settling. Hence, it is assumed to have acquired the name of *Sangam*, meaning confluence (Sheikh et al. 2015, 3). Given the chaos and hardship situation, residents mock its name by calling

it *Sankat Vihar*, referring to it as a place of crisis. The people here manage their properties without registered legal deeds. The ownership is transferred through a power of attorney. The Supreme Court of India has stated that this kind of arrangement does not signify the right of the property holder. The entire area is not on flat ground. Some have elevated portions located in the Aravalli foothills. The housings are a mix of large multi-storeyed buildings and semi-pucca typewith the cramped area.

The housing pattern indicates the residents have been aiming at the permanency of the location. In 2019, the news of the approval by the Union government for regularisation of Sangam Vihar, among the other unauthorised colonies, was taken with enthusiasm. The Union government has recently shown further keenness and the Parliament passed a bill in 2021 for identifying the unauthorised colonies for regularisation. While recognising the ground realities of socially and economically less endowed, certain relaxations are promised to those living in the unauthorised colonies. Any document determining possession of the property was to be taken into consideration. However, the people of Sangam Vihar will benefit only when the process of land registration is actually achieved. The lockdown and the Covid-19 pandemic threat have further slowed the process (Press Trust of India 2020b).

In terms of definition, Sangam Vihar falls into neither of the categories of low-cost or affordable housing. U. Sengupta (2014) has analysed the post-liberalisation difference between low-cost and affordable housing where the former catered to the poor people, having bare to basic amenities. The Government provides low-cost ones through various housing schemes and is primarily located in the periphery while some in the inner city. On the other hand, affordable housing catered to both the lower and the middle-income group. They had at least basic amenities with options of acquiring housing loans from the commercial banks. Coming into the bracket of affordable housing is a common aspiration shared by the Sangam Vihar residents.

It was observed that around two-third of households in our data-set were reasonably large, which had five members or more, given that the average household size in Delhi is 4.09 persons(Office of the Registrar General and Census Commissioner 2020). A substantial majority of the respondents was having income between 1 to 3 lakhs per annum and had been living in the area for 10 years or more. Compared to the city standards, income was low, and barely a few households had an income comparable to Delhi's per capita income. Delhi's per capita income in 2018-19 was estimated to be ₹3, 65,529, which was about three times the national average of ₹ 1, 25,397.(Press Trust of India 2019c). Those who were owning houses and even living on rent for years have not searched for any alternative locality as they had been assured many times of getting declared as a regularised area. The optimism of upgrading the living space, aligned with the pressures to fulfil

their family's needs under the conditions of low-income standards, may have come in the way of getting relocated to some regular colony in Delhi.

Informality and the Social Stress

The use of the term water in Sangam Vihar gets people talking about the distress and the lack of support that one faces while living in that area. It is one of the most water-scarce areas of the NCT, having mostly informal means of supply. The respondents largely relied on their most immediate recalling of the time when the field-visit was undertaken. Since the visit was conducted during the summer season and near the monsoon time, they had fresh episodes of stress in their mind. Most of the respondents held that the pattern of supply is slightly better in the winter, which could be because the demand is lesser during that time.

The pipeline giving supply from the Sonia Vihar water treatment plant is yet to reach the large parts of the area. The *peepal chawk* was the referring point if one was trying to explain to which area the DJB pipeline has made its reach. Therefore the most common answer for the households living in Sangam Vihar was that they do not get the public water supply and face many irregularities due to the alternative water supplies. The supply in the area is highly erratic and does not adhere to a regular pattern. There was a very unreliable response to the frequency of water supply made available to the area. The households' responses were varying. Some had provision of getting water once in a week, some said they could get water a few times in a month, and a relatively large group of households declared that the supply was irregular. The distinction of these responses is not neat. Some end up borrowing water from neighbours or getting bottled water. The most common source was either from a borewell supply or tankers.

The tanker supply, mostly private ones, could be possible after paying the price. The people complained of the expenses in procuring water that had to be shelled out of their meagre income. Compared to household income and living pattern, the household cost for water supply was high. The expense for buying tanker water was around ₹ 1000 for a 2000 litre tanker. Large families have to bear high expenses for they will need more water. Sometimes the trade-off of expenses was between water and other needs. A respondent stated that 'I go to government hospitals instead of private ones, as I am spending too much on water and have to save on other means.' She mentions, the high demand for water during summers attracts sellers, and they even hike the price of water because they know when people need more water[1].

Sangam Vihar has been undergoing years of unfulfilled promises, and the impact could be observed in the growing hardship and time-to-time clashes among the people. Many respondents, especially women, stated that even though Jal Board water tankers do make rounds in the area, they do not prefer it since the public gets

violent to acquire a few buckets of water. Media reporting and stories from the locals reveal that the area has seen violence due to lack of water. A respondent shared his anxieties about how water stress could lead to social conflicts. He revealed an incident that happened five years back when his father was standing in the queue to fetch water from a tanker that a man stabbed his father in the stomach[2].There are recent reports when a man was murdered over a dispute broke out over the laying of a piped water connection (Srivastava 2018). Such stories of pain are not rare to find in places that may experience turbulence in the water supply.

A woman who has been living in Sangam Vihar with a large family for more than a decade, shares her everyday struggle of spending many hours fetching water. The task is not without many negotiations with fellow residents who want to share the tankers. She states, 'There are arguments most of the time because some people with smaller containers try to break the queue and want to surpass those who had been waiting before them on the pretext that they have small containers.'[3]Another woman resident showed her injuries which were incurred while she was trying to carry water to her home. Few women respondents shared that they have to keep all things aside and fetch water. As a result, some compromises on the mealtime of the family are the usual one. These are a few stories from the household members that the study could capture. We are emphasising the distress faced by women because most of the households the researchers spoke to had disclosed that women were the primary water collectors. In some households, all the family members took turns collecting water. It was very rare to find men as the primary water collectors. Few households remained evasive about their response on gender-work distribution.

Coming to the water vendor system, it exists because it is in demand. The water vendors or the private borewell operators in Sangam Vihar shared that they work under many risks of getting the supply sealed. One informal vendor stated that 'I can cater to around 30-35 households from the borewell, which was dug many years earlier. Nevertheless, I give them this supply only when there are no alternatives.' [4]Families have to pay user fees, but there are no fixed rates. The vendors charge 100-200 rupees on per hour water supply. At times, the vendors act benevolently and may give water free to widows and a few needy people. A vendor informed that he, too, tries to display his act of kindness by stating that 'compared to other water regulators, I allow people to draw water at any given time, even early morning or late in the night. I cannot enjoy the water alone when people are suffering.'[5] The people of the area who have now become customers to the water supplier state that water becomes a business more than anything. Any crisis created by seasonal demands does increase the price.

The borewell supply is seen as the priority of acquiring water because few vendors have been able to strike friendly relations. It is limited and cannot fulfill the locality's entire water needs; therefore, the other alternative is tankers. It was gathered that these arrangements are deceiving people to believe that they can just resort to

such operations instead of trying to solve the problem. These services provide instant gratification, giving people a sense of water availability when it isn't. It is a situation where informality is accepted as normal. The DJB tanker, which gives free water supply, is not regular, and people may have to keep waiting to get that supply. Some people in the area state that it comes once every week. Few have said that it can come when requested, but it could take a day or more to get the request attended to, and sometimes it is refused due to heavy shortage.

Sangam Vihar has not benefitted from the Delhi government free water scheme assuch measures are effective only in areas with a water pipeline. Though private borewells were extensively used in the area, some of the political party workers of AAP from the area informed that they were not aware of such operations and only knew that people relied on DJB tankers for supply. Such denials were not unexpected because illegal borewell supply in Delhi is a peril that the central groundwater board has been trying to address. Given that Delhi's groundwater is fast depleting and the borewell supplies further drain the aquifers, many such illegal ones have been sealed. However, the borewell supply continues to operate on-demand deviously.

Conclusion

The discussion in this paper reflects that water entitlements are highly dependent on the status of urban settlements. The pairing of informal residential status and informal supply of water in Sangam Vihar has led to many compromises and social stress. Low income accompanied by the big family sizes adds further vulnerabilities. Gender plays a significant role in the process of the social impacts of water. Women have a fair share of distress in the overall water-induced stress faced by the residents. The water demands in the unauthorised colonies are fulfilled by illegal water vendors and they exist because of limited options. The private solutions have silently taken advantage of the lack of presence of public water agencies. The gaps for the less-endowed urban clusters can only close when access to water supply and the status of residential colonies can be regularised. In the field visit to Sangam Vihar[6], it was gathered that its residences lived in a hope of getting both water and living space formalised.

Notes and References

Notes:

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2. Respondent Sajjid. Interviewed by Rajiandai Bariam. 24 June 2018.

3. Respondent Seema. Interviewed by Rajiandai Bariam. 20 June 2018.

4. Anonymous. Interview by Dimple George and Monica. 5 July 2018.

5. Anonymous. Interview by Dimple George and Monica. 6 July 2018

6. The author acknowledges the contribution of Dimple George, Jahnavi Nannapaneni, Monica and Rajiandai Bariam for conducting interviews and field noting.

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Menstrual Constraints, Shame and Silence in India

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Abstract : An authenticated attempt to study the rationale behind the forbidding set of norms prescribed for the women who undergo periods in their lives in the light of the social fabric of our community, the study primarily focuses on decoding the overlapping threads of religion and science with regard to menstruation process in India. Encroachment of reproductive rights of women in India remains one such essential issue which draws our attention towards the fact that woman of free India still cannot talk openly about their menstrual problems and they most of the time are forced to bear the burden of unnecessary dogmas attached to menarche. Efforts are made to understand the relevance of breaking the stereotypes associated with the bleeding women in order to pave way for creation of such environment where the women can command, demand and exercise their reproductive choices freely without any fear of being looked down upon by the society at large.

Keywords: Menarche, sex education, religion, menstrual interdictions, female group, reproductive rights

Introduction

Reproductive coercions in India are no longer a new phenomenon. Since times immemorial, the social fabric of Indian society has been so concocted, that whether the literates dominated the society or the illiterates, women most of the time were portrayed as sexual commodities who when married were expected to serve food in day to in-laws' families and sex in night to their respective husbands as a matter of duty. Along with the victim of sexual, emotional, mental, spiritual, and psychological abuse, women in India are looked down upon when the word "bleeding" gets associated with them. Endless taboos and extended objections analogous to menstruation unfoundedly cause mental havoc on the lives of the women. The process of menstruation when gauged through the mirrors of scientific logic appears to be a natural, healthy, and palpable experience essentially existing for giving birth to the children and enjoying the womanhood as a

matter of right.   But close observations of religious practices in India help us to understand that catamenia process stands as menstruation – anathema thereby contributing to denouncing the women in those many

days when she bleeds. Religion works within the framework of the society and it is the spirit of the population which defines the degree of respect which the women hold within the humankind. The society of India is a witness to the fact that religion and culture are so closely intertwined that segregating outworn and baleful practices is a hard task. Although Indian heritage represents amalgamation and infusion of enriched customs and traditions under various communities, yet the existence of the interdictions connected with the catamenia process cannot be denied in our society.

Menstruation: From Annals of History

The etymological study reveals that the expression "menstruation" denoted by the words "period of menstruation" dates to 1680 and has emerged from the Latin word "menstruus". While understanding the term in its historical perspective it is discovered that the words "menstrue" or "month –bloods" were also inter-linked with the menarche process. The Kahun Gynaecological Papyrus and Papyrus Ebers dating back to 1800 BCE and 1500 BCE respectively clearly portray the operation of the term hsmn for menstruation which impliedly focused on the existence of purification process for the women who bled. Scanning Hindustan down the lanes of history and understandingthe sociological framework of India it is clearly revealed that whenever the efforts are made to delimit the boundaries of Indian culture and segregate the threads of existing social norms from the cultural and political norms, the prodigy of criminalisation of menstruation appears to the screen and the notions of feculence, degradation and adulteration automatically start revolving around the women who bleed. The fact that the society of India had been divided into five classes i.e., Brahmins, Kshatriyas, Vaishyas, Shudras and Harijans and hearsay of practices like untouchability have always aggravated the regression of women and escalated the dotages of superstitions equated with the menarche. Ethnic values existing amongst Indian population still don't permit and accept menstrual blood as pure or clean blood. Efforts have always been made to justify the proscriptions of menarche on grounds of "Dharma" i.e. following the path of righteous conduct. The philosophy of Hinduism has always incorporated immense thrust on pollution vs purity concept and the elements which are eliminated

from the body either in the form of tears, mucus, saliva, or blood are always contemplated as sinful. Keeping aside the fact as to which religion, which sect, and which community the Indian women belonged to, the existing common prevalence of keeping women always in "parda" to the extent of glorifying the womanhood

in "Kothas" or "Harems" clearly discloses the invariable proportions of degree of respect attached to the women of India in different circumstances and situations.

Research Objectives:

1. To understand whether the problem of menstrual coercion has been recognised as an infringement of natural and fundamental right of women pertaining to womanhood in India.
2. To understand whether blending present sex education system in the light of philosophy of Dharma can improve reproductive health and can bring a positive change in the lives of women or not.

Research Questions:

1. Whether stereotypes associated with menarche portray women as weak gender?
2. Whether the ratio-decidendi given in Sabrimala case acts as a silver lining in protecting the reproductive rights of women?
3. Whether the initiatives like "Greening periods" have contributedto improving the menstrual health of women?

Research Methodology

The author has applied doctrinal research methodology where use of qualitative data is made to understand the true colour and essence of the problem of menstrual coercions in India. Efforts are made to understand the depth of the circumstances and their repercussions in the light of the deductions and observations extracted from the existing set of facts. The research andragogy focuses on providing answers to the research-based questions and a sincere endeavour is made to attain fulfilment of research objectives through the analysis of the naked truth associated with the reproductive health of women in India.

Menstrual Expectations vs Reality in India

There is witnessed a contrasting gap between what law is and what law ought to be in case of menarche in India. The water –tight compartments with prescribed set of dos and don'ts have always seem to have existed for the women who bleed irrespective of the fact as to which religion she belongs to. While throwing light on the Vedic literature one encounters the story of killing of Vicvarupa a demon –like Brahmin by the God named Indra. The blood-stained garments of women after taking one-third guilt of God Indra to absolve him of his culpability forces the layman to think without any choice whether the science of reproducing the children considering menstruation process holds good or the women should be viewed as equally responsible

for killing a Brahmin and be left medically untreated whenever she encounters the menstrual compulsions along with such infections in her life. The operational customary practices of not allowing woman to cook, to not touch pickle, to restraint herself from having sex, to not take part in pujas and forbidding herself from going to temple during those days when she is bleeding not only uncovers her physical weakness, but the poundage of social and moral blameworthiness embedded within her mental set-up which represents her as weak gender of the society is also accentuated here. The sardonic overview bulges out when it is found that womanhood is held high in regard in form of pujans and festivities associated with Goddess Kali, Maa Durga, Maa Lakshmi who always have been perceived as an epitome of immense strength, valour, and protector from an evil eye in Indian society.

The interactions relating to untaintedness of women are also found in the religion of Islam. Muslim protagonists who have laid reference about the haid i.e the menarche process with stings of purification attached to it, forbade Muslim women who bleed from fasting during Ramzaan. Regulation of the institution of marriage through the period of Idda can also be viewed as an attempt to maintain the sanctity of nuptial bonds under Islamic moral and legal philosophy. Even the restrictions are placed while taking divorce from the women who is undergoing her menses. The set norms of full ablution or Ghusl i.e the act of washing away all the signs of impurity after ejaculation or on completion of menarche- cycle and provision of ghusl-facilities in respective religious shrines and mosques help us to understand the momentousness of ritual-baths in religion of Islam. Redundant burden and pressure put on the minds of the females directly contribute to increasing a sense of ineptitude among the women and existing social treatment unnecessarily and forcibly

pushes them to desert themselves away from their families during the days they are bleeding so that the onus of their crime of being dirty does not get shifted upon any other member of her family. Lack of resources, lack of education, absence of courage to break the outdated social rules and regulations and fear of being outcaste or getting shunned away from one's own family or from the mass population acts as stumbling blocks and hurdles thereby preventing the women from raising their voice against the period pains and menstrual oppressions. The dialectics of science has failed to positively influence the psyche of most of the people of India and enigma of blood- months continue as instead of being gauzed as simple biological process of reproducing children menarche is dipped under the colour of religion and existing traditional norms dominate, determine, and still try to control the menstrual lives of women in India.

Menstruation- Anathema in Secular India

The question of redressal of natural or fundamental rights of Indian population remains repudiated during the time when it was a British colony. The existing instances of child –marriage, female –infanticide, non-allowance of widow –remarriage, domestic violence, marital rapes etc deteriorated the position of the women and in spite of the fact that Lord Macauley headed as Chairman of the drafting committee which codified the penal law for India in the form of IPC 1860, the complete dissipation of the reproductive violations during the Britishers reign could not be witnessed as entrenched customary fabric of India always continued to dominate the reproductive lives of women in one form or the other under various surviving communities and cultures of Hindustan. The shift from police state to welfare state after India acquired Independence apparently paved way for the adoption and adaption of the Constitution i.e., the Constitution of India which thereby laying the govt. for the people, by the people and of the people facilitated for the continuity of fundamental rights and directive principles with special focus on elevation of position of women under the cherished principles of equality, equity, justice, and good conscience.

The constitution- makers have always focused their attention on pragmatic approach and believed in the notion that law always needs to be in flux if it aims to cater to the larger interests of the people. Following these steps, the judiciary of India has always tried to lay down such precedents which seek to exterminate daunting and outmoded customary practices that cannot be enjoyed as matter of right by the respective

women of the society. But the attention needs to be diverted here to the present sex education system of India which drools in between the thin line of its survival vs non- survival tussle as illiteracy, poverty, and lack of education in Indian scenario still impels the people to get attached to their age-old customs and traditions without raising question or asking for the justification for the same in the changing circumstances and structure of the community. A direct attack upon the ethnical and traditional values cannot provide solution to the problem but the efforts to decode the rationale behind the inclusion of straight-jacket formula with prescribed set of norms and regulations for those women who bleed can help the present generation with a better understanding about the end number of dotages of superstitions which have been logically or illogically attached with the menarche. No institution of religion, society, customary practices, or the inner consciousness of people of present times can completely be daunted or be completely considered as indictable and wrong. Instead, the surviving systems and social connections of different ages have the presence of certain norms which when were wrongly construed polluted and made impure the psyche of the coming generations and half knowledge always led to half-hearted results about women empowerment in

every coming generation of the time. Psychic- impurities are much more dangerous than menstrual–impurities and lack of education especially in Indian scenario has remained and is still existing as one of the predominant reasons behind accumulation of such adulterated and dangerous thought process which ultimately bars the people from exploring the truth and bring progressive change in their lives.

India, a land of various communities and cultures cannot be judged as a nation which only generated menarche interdictions and restrictions, but different sections and different regions of India still celebrate womanhood without taking the burden of unnecessary notions of filthiness hooked with blood-months. One such glaring example is Raja Parba or Mithuna Sankriti, a four-day pageant wherein the girl's first step into puberty or womanhood is celebrated in Odisha. The term Raja stands for menses and the woman who bleeds is known as Rajaswala. The belief that both mother earth and the women bleed during three days of the festival impliedly and positively influences the psyche of the women as such kind of celebration generates a sense of worthiness, robustness and inculcates happiness from within the conscious and subconscious part of brains of women and they while getting drenched in cheerfulness and merriness try to pamper themselves by wearing good clothes, attractive jewellery, bold colours considering themselves to stand as strong as mother

Earth and portraying themselves as an emblem of reproduction in the existing times. On the same lines stand the joy ride of Manjal Nerattu Vizha festival in Tamil Nadu which witnesses a turmeric bathed ceremony for nine days by the girls who enter the age of puberty and experience their first monthly cycle. The celebration hidden under this festival commemorates the fact that the girl is blessed by the nature to bear children healthily in near future and the bad omens of infertility or being barren are shunned away when healthy monthly cycles without any kind of mental burden becomes normal course of life for such girls.

All the above-mentioned examples which celebrate womanhood tries to open our third eye and sincerely tries to positively influence our psyche about the process of menarche. The existing dialectics and inferences behind such festivals when blended or explored and expounded to revive our present sex education system can gently and sensibly contribute to removal of menstrual proscriptions and sow the seeds of impregnability among the women of present times. The fact that the learned Hindustan scholars being epitome of knowledge in educational sphere have considered sexuality as separate discipline in ancient times and have depicted women as paradigm of energy, force, vigour, and strength cannot out rightly declare woman as weak, subordinate, incapacitated or disabled. Sanskrit due to illiteracy in India remains unapproachable language as compared to Hindi and the lack of learned scholarship upon the same makes the task of correctly interpreting the menstrual norms for bleeding women more tedious and cumbersome even today.

Sabrimala Case

Lots of hue and cry which was raised against banning the entry of menstruating women in Sabrimala temple ultimately pushed the judges to set up the precedent of considering the prohibition of women who bleed as direct attack upon womanhood and ultimately paved way for opening entry of such women in the Sabrimala temple. The striking example of contrast between social and religious fabric of India highlighted in this case has again expressly brought to light the widening gap of un exploration of logics, reasons and inferences which existed in ancient times supporting the contentions of forbidding bleeding women from entering the temple. Unavailability of spontaneous medical treatments, lack of ghusl facilities or toilets, lack of presence of easy-to-use menstrual equipment such as sanitary napkins, tampons, menstrual cups, and absence of medically trained professionals who could sensitively deal with the issues of menstrual infections in ancient times to some extent can be considered as strong and essential reasons behind forbidding the entry of

bleeding women in the Sabrimala temple in primitive society. In the present scenario the perspective whether allowing the entry of menstruating women inside the temple has completely cleaned the psychic impurities out of the minds of those people who supported the ban and the assurance of the guarantee that bleeding women when allowed to enter inside the temple would not be looked down upon still needs to identify.

Another aspect which requires deep digging and understanding relates to the celibacy of Lord Ayyapa. Efforts are required to understand the meaning of celibacy in present times as it was understood in primitive societies, the present dogma of menstruation and its inter-connection with celibacy, whether menses can adversely affect the celibacy or not and the learned interpreters of religious jurisprudence who can construe the right and true meaning of all these terms without laying down any biased philosophy regarding the same can help us to uncover those logical or illogical explanations laid down while imposing restrictions upon menstruating women which later on emerged as attack on womanhood in present scenario.

From the above analysis one thing is clear that rules, philosophy, social norms and code of conduct belonging one particular era represents the spirit of people belonging to that era, generalising such codes of conduct and making an assumption regarding the same that such norms would get fit into every kind of society can disturb, peace, law and order in the present times and the circumstances may further get aggravated when instead of bridging the gap between the older logics and the modern ideas hasty efforts are made to change the social fabric of the community immediately. The quint –essential of existing customs depend upon the fact that they should have been enjoyed as matter of right, in peaceful manner since antiquity. But the roots

of such antiquity as well the existing custom has become outdated, outworn, and useless with the passing times needs to be acknowledged very carefully so that the beauty of our culture ethics and values does not get destroyed in one fell swoop.

Menstrual Challenges and Solutions

In the current scenario apart from the fight against menstrual taboos, another set of problems relating to monthly cycles also act as stumbling blocks thereby preventing the bleeding women of India from exercising their reproductive autonomy over their bodies openly, boldly and without any discrimination. The Women's Sexual, Reproductive and Menstrual Rights Bill 2018 talks about such constraints and try to strengthen reproductive rights of women. Dr Shashi Tharoor professed and propounded the idea of reinforcing the

menstrual rights of young girls undergoing the age of puberty in the schools when he laid the proposal of providing sanitary napkins to such girls in their respective schools free of cost and demanded the establishment of separate toilets for girls and boys as mandate for all the schools. The Bill also aims to declare marital rape as an offence. All these provisions if accepted when Bill gets turned into Act can be assumed to bring positive change and can help in reducing the impact of interdictions connected with the girls and women who bleed. The poor girls who are sometimes forced to drop their schooling during their age of puberty when provided with easy access of sanitary napkins may happily continue with their studies and the aim of removing the pollution from the psyche of the people who view menstruation as crime can also be achieved without entering any zone of violence and bloodshed. The other problems relating to menses include the lack of awareness as to how to use modern equipment such as tampons, menstrual cups in easy manner, absence of information and knowledge as to what kind of menstrual infections can exist and how such infections can adversely affect the reproductive health of women also needs podium for its redressal. The concept of menstrual huts in India whereby the women of tribes are forced to live in secluded parts established at the outskirts of the respective villages during the days they bleed cannot be said to have completely wiped off from the existing times. Most of the times such women lose their lives due to asphyxiation when they try to stay close to heat to keep themselves warm in their periods or are bitten by deadly animals or become victim of rapes. There is no doubt about the fact that medical professionals, gynaecologists, NGO;s through the idea of greening periods have taken initiatives to actually go to the ground level, listen to the menstrual problems of the women, tried to lessen the use of the plastic by propagating the idea of using eco-friendly sanitary napkins, by means of organisations of camps, seminars, workshops tried to make sincere effort to educate women about their vaginal health, but still there is long

way to go as the unnecessary existence of menstrual interdictions first need to be cleaned away from the minds of the people and only then the graph of reproductive health of women can be improved .

Analysis

In the end it can be analysed that Indian society even though considered to be benchmark of advancement and progress in ancient times still is not able to free itself from the web of menstrual interdictions completely. No religion is completely bad hence the learned scholars who can help in inculcating the true, authentic,

ethical, cultural, and religious values in the present social fabric of India without any biasness when extend their helping hand to revive the present sex education system can contribute to lay foundation of healthy India. Scientific dialectics, logics and reasoning when balanced with the valid and meaningful ethical notions can help in better understanding of reproductive process and menstruation. The women when provided education in order to make them aware about their rights and duties equally in the matter of exercising reproductive choices, can contribute strongly in making India a crime free nation especially in the matter of reproductive violations and tortures.

The essence of the precedents and the women-friendly legislations which support the womanhood can be celebrated in true spirit only when mass population of the present times is convinced with the act of removing interdictions from their minds in very simple and lucid manner as majority of the people of India still lack formal education and are living below the poverty line. In a nation where the basic needs of food, clothing and shelter are hard to fulfil making sincere efforts to eradicate reproductive infringements from the grass-root level is not an easy task. Bleeding is not a crime so it should be viewed as a healthy biological phenomenon which generates the sense of strength in the minds of the women as she is considered by nature as the bearer of the next generation.

Conclusion

In the end it can be concluded by saying that need of the hour is to understand the fact that reproductive rights are fundamentally essential rights in the absence of which the women cannot lead a happy and healthy life. Joint efforts from various learned members of the society can help in eradication of menstrual taboos from the social fabric of India and ultimately help in abrogating the outdated, baneful religious and customary practices which don't hold well in the present times. The intention of the constitution-makers of laying the foundation of the welfare state can only become successful if the aim of establishing equality of women thrives not only in letter but in spirit. The abolition of the reproductive infringements , menstrual

constraints and end of silence, shame and dogma associated with the bleeding of women can only be achieved when all the members of the community stand together with each other with the aim of eradicating dead laws , customs and practices from the community as only progressive and dynamic society can strengthen the unity, integrity and welfare of the nation.

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Demographic Dividend for India Now: Can She Reap It?

**Sudip Chakraborty**

Abstract

India's demography is favourable for economic growth. In 2020, an average Indian is 29 years old, where as average Chinese is 37 years old, average European is aged 45 years and average Japanese is 48 years old. India could utilize this vast reserve of youth workers if these youth are rightly trained to take up jobs under changing technological scenario. This paper argues that demographic dividend in India can contribute to India's economic growth if India prioritizes in human capital formation; establish right institutions for imparting appropriate training for gaining right skill. This study finds that casual daily basis job is overtaking the formal jobs. Casualization of employment is an outcome of neoliberal growth story. The other revelation relates to female employment. The data suggest that Female labour force participation rate was significantly lower during this period both for rural and urban areas. Education system does not impart proper skill. There is a gap between skill obtained and skill required. Unemployment among youth in the formal sector can be attributed to skill mismatch. Appropriate policy that focuses on skill development of the youth is needed now. Demographic dividend is a great opportunity to reap now for India but the government must make her youth well equipped to take up the challenge.

Introduction

Age structure of a country's population has significant implication for its economic well being. A favourable age structure bears the possibility of immense economic growth of a nation. Unfavourable age structure can harm. A nation can enjoy demographic dividend or can suffer from demographic disaster. Thus the relation between population growth and economic growth is a subject, discussed and debated, in

development studies. Some development theorist opine that population growth has neutral effect on economic growth. There are some others who hold the view that population growth can have a positive effect on economic growth that accompanies change in population structure marked with swelling in the rank of 'working age' population. Working age population contributes to economic growth. Dependent population, young and old together, are consumers, they are not producers. So this ratio is important. In the first stage of demographic trajectory, both death rate and birth rate are quite high. All nations of the world have experienced this stage at any historical point of time, in the past. This is called demographic journey all nations have to take. The second stage is characterized by decline in death rate and unchanged birth rate. Population start to increase. In the third stage birth rate comes down so population growth rate declines. In the fourth stage both death rate and birth rate comes down, so population growth rate comes down and in some countries that growth is negative. The following figure describes the four stages

Figure 1: Demographic Transition
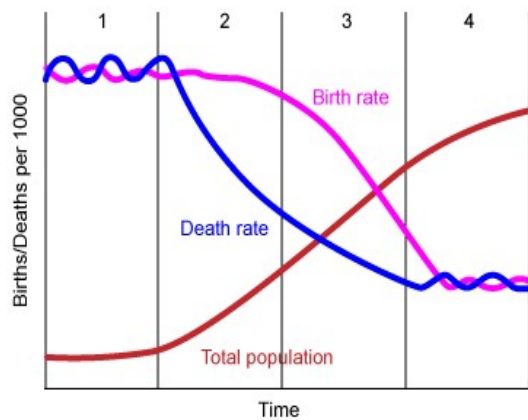
During the course of human history many countries have passed through these stages of population structure. Extremely poor countries of the world are still in earliest stage. Richer countries in the developed world are in fourth stage. From stage 2 'baby boom' takes place as a result of population rise. These baby boomers reach their reproductive age and they add to the reserve of working age population in later years. This surge in the headcount of workers in population can bring in economic growth. But this linkage is not automatic. That means demographic dividend is not sure to come by. This dividend would accrue if the

countries, gifted with huge working age population, can provide opportunities for gaining right kind of skill for participating in productive employment for contributing to economic growth. Many advanced industrialized countries of today could utilize this additional labour force for nation's growth centuries ago through appropriate policies and actions. Japan, Korea, Taiwan are examples in Asia. Investment in human capital was their priority. Europe and America did the same in the nineteenth century. On the other hand, Latin American countries had similar demographic advantage but they could not make use of it. Many African nations could not utilize their population dividend. Sub Saharan Africa is witnessing very high death rate because of widespread prevalence of HIV and other dreadful communicable diseases. So some countries have reaped demographic dividend and some have missed it.

Objective of this study

The objective of this paper is to take a look at the Indian situation with regard to the possibilities of benefits she can reap because of demographic advantage. What is the constraint in reaping that benefit? This paper brings to fore India's demographic trajectory, present scenario and future projection. What is the current employment situation in India, particularly youth employment? How far the youth unemployment is attributable to skill mismatch? This paper looks at the technological change and the skill mismatch that causes youth unemployment in India at the moment.

DEMOGRAPHICS IN INDIA

The latest census of India shows India's demographic advantage. The share of working age population (from age 18 to 60 years) is quite high. The Indian census presents the age structure from age 15 years to 59 years. However the official age of entry in work force is 18 plus years. So working age cohorts in India is from 18 plus up to 60 years and that share hovers around 60 per cent. Younger among them constitutes a big share and that is the demographic hope for India. The United Nations released age structure of Indian Population in 2010. It says that share of Indian youth (15 to 24 years) in her total population was 18.4 per cent in total population and 65.8 per cent in total working age population and this share is projected to rise to 68.3 per cent in 2040. India's census data history shows that rise in working age population started from

1970. This rise is associated with sharp fall in crude birth rate and total fertility rate since 1970 onwards. The rise in working age is obviously couples with fall in dependency ratio. Two age groups are dependent. One is 0 to 18 years   and the other age group is 60 plus people. The census data shows that the cohorts of individuals from 0 to 15 years are falling rapidly as result of falling birth rate and falling fertility rate. But the old age dependency is on the rise. It is evident that dependency is shifting from lower to higher age groups because of population ageing.   But India is young country. Its demography is favourable for economic growth. In 2020 average Indian would be 29 years old, where as average Chinese would be 37 years, average European would be 45 years and average   Japanese would be 48 years old.

Figure 2: Age Structure of Indian Population
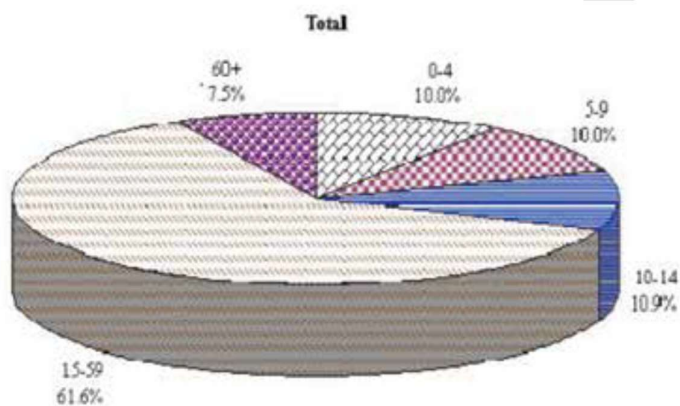
Source: http://www.censusindia.gov.in/vital_statistics/srs/Chart_-2010.pdf, Accessed on 06/05/2013.

This demographic advantage at the moment for India is certainly a bright side but there is a gap between the lip and the cup of tea. This is only supply side advantage as only numbers of youths available in the job market are there. But there should demand for youth workers as well. India could utilize this vast reserve of youth workers if these youth are rightly trained to take up jobs under changing technological scenario. Demographic dividend in India can contribute to India's economic growth if India prioritizes in human capital formation; establish right institutions for imparting appropriate training for gaining right skill.

FIGURE 3 Projection of the Indian Population by Major Age Group
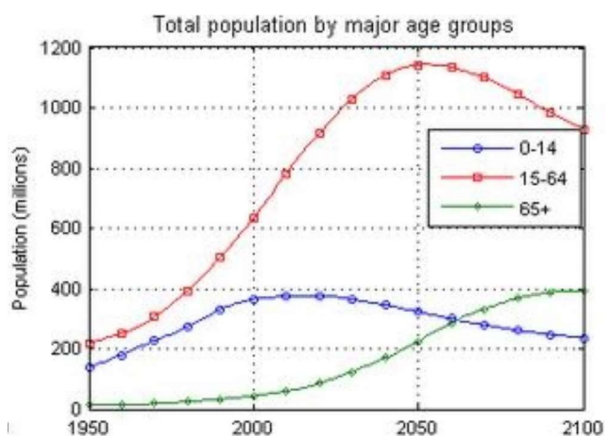
Source: United Nations, Department of Economic and Social Affairs, Population Division (2011): World Population Prospects: The 2010 Revision, New York, Updated 24 October 2012 (GKH).

Economic Growth and Job generation in India

Economic growth is supposed to generate employment. But India's economic growth as reflected in its faster GDP growth has not resulted in expansion of employment. India's GDP growth rate took a sudden turn in the late eighties after a linear growth record of 3.5 per cent which is termed as Hindu rate of growth. Growth picked up during 1990s when India adopted neo-liberal economic policy. India's GDP growth rate registered 9 per cent in 2005 -2006. India was placed alongside China as World's fastest growing economy. India's labour force swelled during this time but employment growth lagged far behind. Youth

unemployment escalated. Let us have a look at the employment scenario in India by 2011 as revealed in the policy paper for India's Twelfth Five Year Plan(2012- 2017). The paper reports that Labour Force Participation Rate (LFPR) declined between 2004 to 2010. This employment statistics is based on three criterion: Usual Principal and Subsidiary Status (UPSS), the Current Weekly Status and Current daily Status. Using this entire criterion separately both LFPR and Work Force Participation rate has declined. One development has come to notice and that is addition to work force and labour force has occurred only in Current Daily Status category. The indication is clear on the nature of job. Casual daily basis job is overtaking the formal jobs. Casualization of employment is a significant corollary of neoliberal growth story. The other revelation relates to female employment. The data suggest that Female LFPR was significantly lower during this period both for rural and urban areas.

Sector Wise Employment in India

Agricultural sector is still the largest employer in India. However the share of agriculture in total employment is on the wane. For example, the share of agriculture was 60 per cent during 2000 but this share declined to 53 per cent in 2010. The share of manufacturing sector was 11 per cent in 2000 and it rose to 21 cent in 2005 but this share declined to 11 per cent during 2005 to 2010. Share in construction activities witnessed an increase by 2.5 times during the period from 2000 to 2010. The reason for this remarkable jump is the emphasis on infrastructure during eleventh plan period. The change in mining and quarrying, water, gas, electricity sectors are minor. Service sector employment went up during this period. What is most worrying is that almost 93 per cent of total employment in India is in informal sector. In the entire non-agricultural sector, 86 per cent of employment is attributed to informal sector and only 14 per cent worked in formal sector in 2010. So millions of workers in the informal sector are outside the scope of the social-safety net and job regulation like minimum wages act and non-wage benefits. India's teeming 'working poor' crowds this informal sector. Earners in informal sector are prone to become 'working poor' because of low pay, far below the minimum pay as set by the government from time to time. Low pay and increasing casualization of jobs characterizes India's present employment situation. According to the annual Public Enterprise Survey (PES) series, brought out by the Department of Public Enterprises of the Government of India the number of casual and contract workers has increased to 3.8 lakh. The proportion of such employees has increased from just 36% in 2014 to 53% in 2018. In fact, reports by Centre for Monitoring Indian Economy (CMIE) suggest that over ten million jobs were lost in 2018 itself. The latest

CMIE data shows that the unemployment rate in India was 8.2% in February 2019. The leaked NSSO report had shown that joblessness was at a 45-year high in 2017-18.

YOUTH EMPLOYMENT

The Government of India's report, released by NSSO in 2010, revealed that youth unemployment went up. Compared to overall unemployment among working age population (18 to 60 years), youth unemployment went up much faster. Table 1 presents the picture of youth unemployment trends in different sectors throughout long period, from 2005 to 2018. Work Participation Rate(WPR), a measure of actually working, for the youth in India declined from 53. 3 per cent in 2004-05 to 41. 9 per cent in 2011-2012 and further down to 31. 4 per cent in 2017 -18.

Table 1: Sectoral employment, labour force and unemployment trends in India, 2005-2018

Sectors	Absolute Numbers (million)					
	Overall Population			*Youths (15 to 29 years)*		
	2004-05	*2011-12*	*2017-18*	*2004-05*	*2011-12*	*2017-18*
Agriculture	268.7	231.9	205.3	85.7	60.7	41.8
Manufacturing	53.9	59.8	56.4	22.4	22.1	18.5
Non-manufacturing	29.4	55.3	58.9	11.6	19.4	17.8
Service	107.3	127.3	144.4	34.5	35.7	37.6
Total employment	459.4	474.2	465.1	154.2	138.0	115.7
Labour force	470.2	484.8	495.1	163.1	147.0	140.7
Participating in Education				56.8	99	127
WPR (%)	42	38.6	34.7	53.3	41.9	31.4
LFPR (%)	43	39.5	36.9	56.4	44.6	38.3

UR (%) as per usual status	2.3	2.2	6.1	5.4	6.1	17.8
UR (%) as per weekly status	3.4	3.0	8.8	6.4	6.8	21.4

Source: Accessed from cse.azimpremjiuniversity.edu.in

Total youth employment has come down from 154.2 million to 115. 7 million from 2005 to 2018. Youth employment in all sectors: Agriculture, manufacturing, Non-manufacturing has come down but only exception is the service sector. Service sector has been registering a continuous growth of youth employment   over the period from 2005 to 2018. IT and IT enabled services is the dominant segment in the service sector in India. IT sector job is characterized by the high skill in emerging and changing technology with constant changes in demand for particular skill. So the skill factor works in the differentiation of wage payment in the IT sector.

Figure 4 : Youth Unemployment and Education categories, From 2011- 2018
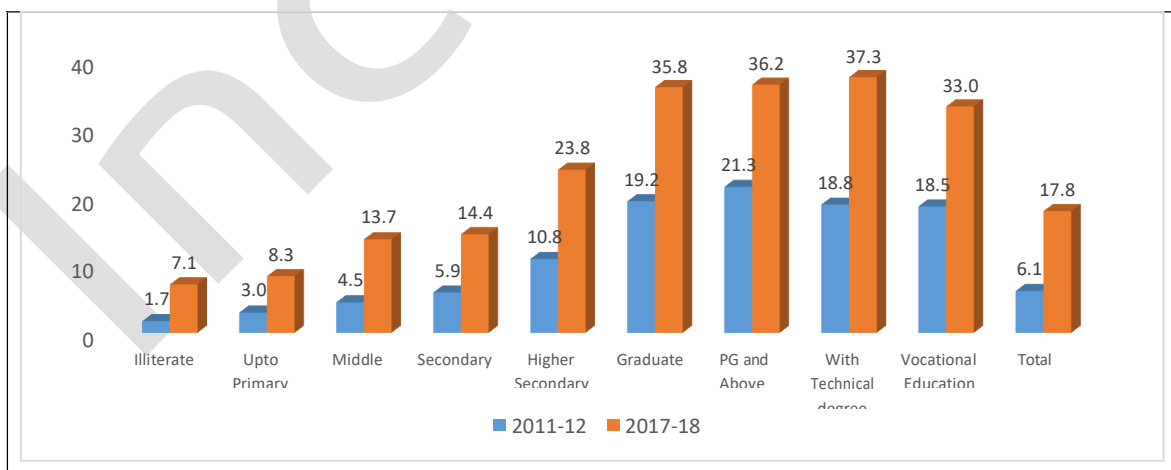
Sources: Accessed from cse.azimpremjiuniversity.edu.in

For each level of education, the unemployment rate increased by 2017-18 in each level of education. Among illiterates it rose to 7.1 percent. For youth having up to primary education, it rose up to 8.3 per cent. For youth with middle education it went up to 13.7 percent. For secondary, higher secondary, Graduates, and postgraduates, Unemployment increased by 14.4 per cent, 24 percent, 35.8 percent 36.2 respectively Moreover, for the graduates with technical education degree the unemployment rate was the highest at 37.3 percent. In the case of formally vocationally trained this rate was 33 percent now, it was 18.8 per cent in 2011. The incidence of unemployment almost doubled between 2011-12 and 2017-18 across all education categories. This is quite alarming for a democratic country like India to survive such a huge swelling of unemployed youths. Social unrest and destabilization are set to begin if correctives actions are taken. This is disturbing that fast growing economy like India has failed to create jobs for its youths. The growing economy appears to be associated with growing number of unemployed Indians. The remarkable rise in India's GDP in the aftermath of neoliberal economic policy is discredited with jobless or even job-loss growth. India's demographic advantage, i.e. high proportion of youth in labour force, is of no use as they are not being absorbed in the growing economy. India is set to miss its much- publicized demographic dividend. Where does the problem lie? Does the Indian work force particularly India's youth lack the necessary skill to be employed by the employers.

Skill Mismatch

Education and training impart skill to the learners. But there is a differentiation in skill attainment among the learners because some personal factors work. Skill attainment may not be homogeneous. Individual situation and capacities differ. Basic skill relates to literacy, numeracy, reading and communication. Elementary education imparts rudimentary life skills. But emerging job market in India does not need only the basic skills. It needs higher levels of skills. A deeper enquiry in to the unemployment situation in contemporary India reveals two types of mismatch in job market. One is skill mismatch and the other is education mismatch. Skill mismatch can be defined as the missing of appropriate skill for the jobs available in the labour market. Job seekers might be skilled in different areas other than the skills needed for particular job vacancy. In the situation of changing technology of production, happening in many countries, skill obtained by the youth gets obsolete and unsuitable. So there is a gap

between skill obtained and skill required. Education mismatch implies disconnection between education attained by the job seekers and the suitability required for the job. Skill mismatch can be classified in to following four categories. The first one is high skill and high skill match. The workers in this category earn higher income and capable of taking up challenges for new and emerging technology for production. The second category constitutes high skill and high skill engagement mismatch. This category of workers is highly skilled but employed in medium skill employment. For prolonged exposure to medium skill engagement, they tend to distance them away from the latest high skill. Thus high skill jobs elude them. The third category of mismatch relates to low skill and high skill engagement. This category of workers finds it very hard to cope with the changing technology in job as their training did not equip them right skill needed for the job. The fourth category relates to low skill and low skill engagement match. Here lies the vast number of workers in the expanding informal sector in India's growing economy that requires low skill. In the last category India's workers are getting increasingly concentrated. Almost 93 per cent of India's work force is in informal sector. Unemployment among youth in the formal sector can be attributed to skill mismatch. Education and Training, they have received during the full course of attending schools and colleges, did not equip them with necessary skill need for the emerging job because of changing technology. The new Annual Employability Survey 2019 report by ASPIRING MIND, an evaluation company in India, reveals that 80 per cent of Indian engineers are not fit for any job in the knowledge economy and only 2.5 per cent of the possess tech skill in Artificial Intelligence that industry requires.

TECHNOLOGY AND SKILL MISMATCH

Developing countries like India is witnessing massive import of technology after liberalization. Imported new technology is deskilling the work force. The fundamental premise is that developing countries are labour-abundant and skill-scarce. The imported technology is capital intensive and skill intensive. Technology is giving rise to productivity growth but not leading to employment growth. Rise in productivity is linked to technology not to labour. The new technology is leading to reduction of demand

for unskilled and low skilled workers. The present set of workers is thus deskilled. The present skill base of the workers is getting obsolete. This is leading to shift from regular employment to irregular employment in the unorganised sector. Skill mismatch and deskilling are happening at a greater speed. In the agricultural sector, it is the service sector that employs a skilled work force. An overwhelming majority of workers in the manufacturing and non-manufacturing sectors remain stuck at low levels of informal training. The eleventh five year plan of India pledged to skill 500 million individuals in different departments by the years 2022. But the plan did not specify which kind of skill would be imparted to the workers. Skill is not specifically defined. Skill needed and skill to be imparted cannot be same for each of workers taking part in economic activities. For Example, skill needed for a farmer to switchover to bio technology for better harvest and profit can't be the same for the small cell manufacturing units switching to latest solar battery to meet the rising demand. Foundational education of Indian workers is very pathetic. As per report released in 2014 by the Government of India's Ministry of Labour 48 per cent of India's workers are illiterate and among those who are literate 54 per cent have education below primary level. So universal quality education must be the priority of the government. Time is running out. There will be sharp decline in the percentage of individuals aged 19-24 years very soon.

CONCLUSION

Presently India is gifted with demographic dividend. This is significant opportunity for India to turn it into a developed country, getting out of mass poverty and can strike an attack on unemployment that beleaguers Indian economy at the moment. But this opportunity will slip out of hands if those youth population are not absorbed in economically productive activities. The relation between Economic growth and demographic dividend is not automatic. Sound policy that focuses on skill development of the youth is needed now. India's labour force participation rate and workers participation rate have decreased over the years. But educational enrolment and reduction of drop out in elementary education has been a positive development in recent years. Quantitative expansion is not coupled with qualitative improvement. Agricultural work force has been declining. Apparently this is a good trend. But those workers leaving agriculture are not joining manufacturing sector. Because they lack the skill needed for Manufacturing. Most of them are unlettered. They are moving to construction sector where nature of job is highly irregular and low pay. Manufacturing sector is always the engine of growth but they need skilled workers. This is the sector where labour-saving technology is being introduced in mostly large manufacturing units. But small units have opportunity to grow if facilities and opportunities come on their way. These units can employ medium and low skilled worker if government helps them in growing through right policies and actions. India needs to promote

MSME(Micro, Small and Medium Enterprises) as India is blessed with a vast domestic market. It can also explore export market. For that these manufacturing units must be efficient and competitive to face the world competition. India's youth must be trained in latest skill to take part in this challenge of competiveness and efficiency. Demographic dividend is a great opportunity to reap now for India but the government must make her youth ready to take up the challenge.

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Chronicling Nuclear Resistance Movements

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Abstract

The paper chronicles the genesis, evolution, character and goals of global nuclear resistance movements in order to bring out the various ideologies that underlie resistance. It highlights the rationale for spread of nuclear energy in the world as well as for the global movements against nuclear technology which started with the start of scientific research to make a nuclear bomb. An attempt is made to understand common features that help in framing a common discourse on international nuclear politics. It is observed that the mainstream nuclear discourse excludes the humanitarian implications of nuclear technology, as well as nuclear resistance movements. The paper aims to fill this gap in theorising anti-nuclear movements by bringing together somewhat disjointed issues related to global nuclear resistance movements.

Introduction

The rationale for the spread of nuclear energy facilities across the world is burgeoning global energy demand. Thereis a growing need to supply electricity to the power-starved areas of the world for which nuclear energy is ideal as the energy density of nuclear fuel surpasses that of any other energy source where you can derive so much output from so little fuel input. Of the various arguments in favour of nuclear energy promotion, one of the more recent ones its role in environmental sustainability. Nuclear energy is 'green' energy as it addresses the concern of climate change by not releasing emissions into the atmosphere in comparison to fossil fuels, whether it is sulphur, mercury, or the greenhouse gases like carbon dioxide. This argument, however, only has limited viability as it is more of a *postfacto* explanation for justifying the growth of nuclear energy, and not one of the substantial reasons why nuclear energy first came to be developed. Not all advocates of the environment for fighting global warming, like former US Vice President Al Gore, necessarily endorse nuclear energy for protecting environment (Schulz 2006).

This is because when one looks at the bigger picture, while nuclear energy seems to be good for environment in some ways, it can have disastrous consequences on the environment and human life in some other ways which are yet to be documented.

The reasons for pursuing nuclear technology are multi-fold which include considerations of economics *i.e.* energy demand, energy security, low maintenance costs as well as political and institutional factors including issues of national perception, prestige and technological determinism(OECD 2007). However, the projected benefits of nuclear power are debunked when a closer analysis reveals that these are no more than sweeping generalisations. For instance, though nuclear energy is projected as a solution to environmental pollution, yet an often-ignored aspect is the long-lived nature of its waste. According to one estimate (Lawrence et al.2016), one ton of highly radioactive waste is generated for every four pounds of usable uranium. Every year, a nuclear plant produces nearly 30 tons of high-level waste, which has an aggregate half-life of thousands of years. This comes to 10,000 metric tons of high-level spent nuclear fuel each year, eighty-five per cent of which is not reprocessed and stored on-site. The entire argument of nuclear energy being good for the environment hinges on the reasoning that it does not produce greenhouse gases but it ignores the yet undocumented ecological and human risks that it possesses related to extraction, radioactive waste, and nuclear accidents, as well as the possibility that a country covertly but voluntarily diverts nuclear fuel from nuclear power production to nuclear weapons programme. Further, if it is not sorted out, improperly disposed radioactive waste can develop into as much of an environmental menace as climate change, which makes nuclear energy not the safest choice for a fossil fuel alternative.

The course that nuclear technology has taken over the years was shaped to a great extent by the international political milieu, and the course changed with changing times. Nuclear technology was first developed in the 1940s with the initial research being dedicated towards production of a nuclear bomb during the Second World War. In the 1950s, the research shifted focus and led to the establishment of initial commercial nuclear power stations for exploiting civil uses of nuclear technology. Enrico Fermi, an Italian physicist who became popular for winning the Nobel Prize in Physics in 1938, became the creator of the world's first nuclear reactor and subsequently came to be known as the architect of 'nuclear age'. A professor for Nuclear Studies at the University of Chicago, it was on the campus of the University that Fermi started working on the Chicago 'Pile-1project'. The project was to be a landmark in nuclear energy

generation as it successfully demonstrated fission *i.e.* a self-sustained chain reaction for the first time. This was a key discovery of the year 1939 as part of the Manhattan project, a discovery that helped further develop nuclear technology in the years to come (Kone 1950). However, it was not until much later, and precisely on 20 December 1951, that electricity was first generated from nuclear power (MacNeil 2016).

In the 1950s, research around nuclear energy focused on the dual aim of submarine propulsion and civilian energy production. The first reactor to achieve criticality was in 1954 at USSR, in the same year that the first nuclear propelled submarine came to life in the USA. In the subsequent three years UK, USA and France became nuclear power enabled as well. The rest of the world was soon to follow suit. Further in 1959, the 1957 'icebreaker Lenin' Soviet vessel became nuclear powered. One of the contributing factors to this advancement in nuclear science owed to the newly established world order which ushered an era of international cooperation and engagement where information on latest technological advancements could be shared now that the Cold War was over. The first Geneva Conference in 1955 organised by the United Nations provided a platform where engineers and scientists from all over the world confirmed that nuclear energy was 'now feasible' (IAEA 2010).

The enthusiasm with which nuclear power generation began in the 1960s continued well into the 1970s as the world was looking at a cheap and seemingly infinite source of energy. Especially the oil price rise that rocked the world in this decade, paved the way for research on other alternative sources of energy. By now, seventeen nuclear power reactors had come into operation holding an electrical capacity of 1200 megawatts (MWe) in four countries. These countries which made earliest headway in nuclear energy production were those who started the research early; namely France, USSR, United Kingdom, and United States. Subsequently, nuclear power programmes had been launched in another six countries (Char and Csik 1987).

Even as nuclear energy has expanded in the world, nuclear resistance has also spread. The initial nuclear resistance movements originated from those economically developed parts of the world that acquired nuclear technology first. Gradually these movements spread from the United States of America and Western Europe to different parts of the world. Though there were anti-nuclear movements in almost all countries where nuclear technology was developing, the goals and ideologies slightly differed in each country based on their individual experiences. As the world moved on from its Cold War sensibilities and

more countries acquired nuclear capacity, nuclear politics too acquired a different face with newer issues. Anti-nuclear movements, which now cropped up in different parts of the world, also mutated to accommodate newer concerns.

Global movements against nuclear energy

Mandelbaum (1984) reflects on the North American and European anti-nuclear movements which shaped up in the larger context of a possibility of nuclear warfare between the superpowers, but also had more immediate concerns in their agenda. There were calls for nuclear freeze and ending arms race by superpowers in the USA and opposition to intermediate-missile range being stationed in Europe by America to counter the Soviet weaponry. According to Mandelbaum (1984), the American anti-nuclear movement picked up in mid-1960s when public sentiments reached at its peak on two issues. First, danger of the bomb and fear of nuclear age preoccupied the minds of people; and second, there was a larger wish to constraint the actions of public servants as political leaders could not be expected to do it. A third factor which heightened public opinion against nuclear weapons in the 1980s was the election of President Ronald Reagan, who championed the USA's nuclear superiority over USSR, that further aggravated the fear of nuclear attack in the minds of people as they felt they were now living under the constant shadow of the bomb.

The origins of the resistance against nuclear weapons movement in the USA can be traced back to 1950s which got triggered in response to atmospheric nuclear testing. The resistance against nuclear energy, on the other hand, was first felt in 1960s due to concerns of nuclear waste management. Though there were subsequent attempts to fuse the two movements pertaining to nuclear weapons and civil uses of nuclear energy in 1970s, yet it could not be completely done. Still, the two movements 'turned their attention' to each other from time to time (Daubert and Moran 1985). Reflecting on the anti-nuclear movement in USA, Nichols (1987) wrote on the heterogeneity of the participants, the variations that existed in the issues that were considered relevant by the participants, as well as standpoints of the participants on these issues. She identified roughly two types of participants in the movement *i.e.* local participants who wish to control the effects of nuclear technology on their own lives, and participants with greater political goals who wish to limit the implications of nuclear technology on other aspects of human life like the ecology etc. The two characteristics that marked the movement were its 'meticulous planning' (Daubert and Moran 1985) and non-violent nature. What protest actions would be employed by the participants and

what responses to administrative action are supported by the movement were all explained in a detailed manner by the organisers.

International organisations and networks like the Sierra club, Friends of the Earth, and popular personalities like political activist and environmentalist Ralph Nader (who formed the national anti-nuclear group Critical Mass and Public Information Research Group) helped gain public support for the movement. Yet, there were other organisations whose interests seemed to overlap with the goals of nuclear resistance movements. For instance, labour unions pledged their support as long as their financial efforts were not threatened by the movement. Religious organisations like the Catholic Church participated to the extent of expressing their opinion against nuclear arms race (Daubert and Moran 1985). An example is the Plowshares movement founded by eight members in 1980, based on principles of Roman Catholicism and pacifism, which continues to advocate its anti-war and anti-nuclear weapons stance till date and uses shocking symbols like human blood and hammers to propagate knowledge about existential crises that these weapons pose to humanity (Magno 2016).

Davidson (1979) writing on the American anti-nuclear movement reflects that though they are projected as distinct from one another, the issue of nuclear arms proliferation and nuclear energy production are not that different from each other. Despite the existence of alternatives in both these cases, governmentsare choosing not to passionately pursue them and that the centralisation of power in issues of national security and electricity generation only makes people less secure and powerless in the hands of the government.

One of the earliest examples of ideological opposition to nuclear energy came in 1975, when a group of 2000 prominent scientists came together to write the 'Scientists' Declaration on nuclear power' which highlighted the need to solve various domestic problems before the government proceeded with nuclear energy production. The 'Union of Concerned Scientists' specially gained credibility when it predicted a possible accident at Three Mile Island (Davidson 1979). 'Mobilisation for Survival' (MFS) or 'Religious Task Force' was a national organisation formed in 1977 and dissolved in 1992 that tasked to exert pressure on the government from the grassroots to promote peace, end war and bring disarmament. It was one of the initial organisations to link the goals of nuclear weapons abolition and halting the progress of nuclear energy production. In 1978, 2000 members of MFS marched down United Nations headquarters

backing disarmament. Around 500 Japanese bearing 17 million signatures against nuclear weapons also joined the rally (Vecsy 1978).

There were many localised movements too which concerned themselves with particular issues and were active at particular sites. For instance, Clamshell Alliance, an anti-nuclear organisation opposing the construction of the Seabrook Nuclear Power Plant at New Hampshire, and Citizens for Alternatives to Radioactive Dumping which took a stand against setting up Waste Isolation Pilot Plant in New Mexico as a permanent repository for disposal of radioactive waste, as the area was surrounded by oil and gas wells and other geologic features (CARD 2014). The anti-nuclear group 'Rocky Flats Truth Force' was active at a nuclear weapons complex near Colorado. The protesters, comprising students, blockaded railway tracks with an aim to halt activities at the plant in order to avert public health hazards caused by the plant (Ivins 1978).

Following the Three Mile Island nuclear meltdown in March 1979, numerous rallies, teach-ins, sit-ins and occupations were held across the country with two international days of protest being observed in June (Davidson 1979). The accident served as a historic moment in anti-nuclear movement as it gave some credibility to the fears and apprehensions of anti-nuclear activists.

The centrality of the Euratom treaty to formation of European Union and the centrality of nuclear cooperation to the Euratom treaty is sufficient to understand how energy policy (especially nuclear) is an important aspect of European integration. Various other multinational initiatives are a part of European politics. These include 'European Council' whose meeting in 2007 identified nuclear energy as one of the cheapest available energy sources in EU. 'EU energy roadmap 2050' released in 2011 highlighted the relevance of nuclear energy in European energy production, and 'climate and energy policy framework 2020-30' which prescribes nuclear energy as an important energy source for various counties (Muller and Thurner 2017).

However, attitudes around nuclear technology have wavered over the years in Europe. The Chernobyl accident at Ukraine in 1986 tested the faith of many nuclear proponents since it transferred the idea of a nuclear accident from theoretical possibility to something that could actually happen. It also strengthened the opposition to nuclear power in many European countries. Sweden, which had declared to give up nuclear power completely by 2010 declared concrete plans to slowly phase out nuclear energy production. Italy halted its nuclear plant construction and Holland and Greece postponed acquisition of new nuclear

reactors. Political parties, too, took the opportunity to make clear their stand on opposition to nuclear energy production and nuclear weapons abolition. Britain's Labour Party maintained its consistent stance of slowly ousting nuclear energy from playing any role in British energy mix in future. West Germany's Social Democrats proclaimed their aim to abolish nuclear energy. While in France most political parties continued to be in favour of nuclear energy, public opinion against nuclear energy was made apparent in Italy by way of a referendum (Lewis 1987). A nuclear power referendum in 1987 led to a moratorium on building of nuclear plants in Italy. Organised by the Leftist parties, the green party and several environmental groups, a whopping 80% of voters withdrew their support for any future constructions of nuclear plants. While the leading party, Christian Democrats, though in support of nuclear energy had to allow the referendum to go through for fear of losing voters, the Communist party and Socialist party reversed their earlier stance in support of nuclear energy in view of holding the referendum to gauge public opinion (Hardenberg 2011).

Following the accident in 2011 at Fukushima Daiichi Nuclear Power Plant in Japan, questions on safety of nuclear plants arose in the minds of people everywhere. The opinions from Europe were divided on the subject. While Switzerland parliament made a move to decommission its five nuclear reactors following anti-nuclear protests in the country attended by 20,000 people, other countries were reluctant to take such concrete steps for nuclear safety (Phillips 2011). The consolidated response from European Union to Fukushima disaster was aggregated in the form of 'stress tests' that were to assess risk and safety preparedness at 143 nuclear energy power plants in Europe with regard to various natural and man-made incidents. The tests required plant operators to fill in a questionnaire on various scenarios related to various possible 'stresses.' Their answers were verified for credibility first by their national regulators and then underwent a peer review by the European Nuclear Safety Regulators' Group (ENSREG) who appointed a seven-member group for the same. Whether to include certain causes of man-made stresses like airplanes crashing into nuclear facilities and terrorist attack had European opinion divided. While countries like UK and France demanded these safety tests to be excluded as according to them the criteria fell within the purview of individual countries' national security concerns, yet others considered their exclusion as a dilution of nuclear safety (Dalrymple 2012).

One of the earliest and most prominent anti-nuclear groups in UK was the 'Campaign for Nuclear Disarmament' founded in 1958 against the Trident nuclear weapons system. In time the campaign

assimilated other issues related to disarmament including favouring global nuclear weapons ban, and opposing ballistic missile defence, weapons in space, NATO's policy on nuclear energy and nuclear deterrence, among others (CND n.d.). Though British anti-nuclear movement found favour at home, its impact was somewhat 'weak' (Kriesi et al. 1995) as the delays in nuclear programme were caused more due to problems within the industry than due to impact of nuclear energy movements.

In comparison to British left parties, French socialists were not as inclined towards pacifism. This is the one of the reasons why global anti-nuclear movements did not find the support base in France as it did in some of the other countries like Belgium and Netherlands. Several other factors worked against the movement in France. The executive being more powerful than the legislature limited the access and impact that citizen's movement could have on political decision-making. Also, the civil society was itself not very developed and the anti-nuclear movement found no strong allies and struggled to find a foothold in the absence of a strong organisational structure (Kriesi et al. 1995).

The Finnish anti-nuclear movement evolved under the aegis of the peace movement. To begin with, the anti-nuclear weapons movement had gathered momentum from the 1950s onwards but there were only few sympathisers of the anti-nuclear energy agenda within the movement. In 1949, following the World Peace Council conference in Paris and the opening of signatures for the Stockholm Appeal demanding usage of nuclear weapons to be considered as crime against humanity, Finland produced nearly one million signatures in support. However, the movement specifically against nuclear energy was not much streamlined, and even till the 1970s the enthusiasm within peace movement towards anti-nuclear energy movement was mild. In the 1970s, the peace movement in Finland was marked by optimism as superpower relations were normalised, and multilateral platforms like United Nations gave negotiating space to smaller countries which allowed greater participation by Finland (Litmanen 1998).

Kitschelt (1986) compares anti-nuclear movements across countries to explain that domestic political opportunity structure can determine to a great extent what impact a social movement can or cannot have. In anti-nuclear movements, it was seen that not all governments are keen to learn from opposition to policies. When political input structures are quick to respond to public protest (like in Sweden and USA), space is created to reassess and revise contentious policies. When political input structures are rigid (like in France and West Germany), impact of public mobilisation against a policy is next to none. Another factor that was considered in the study was political capability of a state to implement a policy. When the

state capability was stronger, implementation of a policy was found to be fortified from any protest. It is a balance between these two factors that determined to what extent protest movements resulted in political transformation, and it was a combination of strong capabilities and open political input structures that resulted in policy innovation.

Australia witnessed dedicated campaigns against uranium mining and anti-bomb protests which lasted roughly over a decade (1974-88). Previously several 'ban the bomb' movements were organised in 1964 in various parts of Australia. Friends of the Earth, Movement Against Uranium Mining, and Campaign Against Nuclear Energy, among other groups loosely organised themselves under the Coalition for a Nuclear Free Australia and held national meetings where participation of local groups was encouraged. They also organised protest rallies, marches and signed petitions to restrict any expansion of Australia's nuclear programme and uranium mining (GNAD n.d.). Due to its vast geographical distance and language barrier, Australia had to make additional efforts to align itself with the global anti-nuclear movement. Though West Germany and Australia shared common approaches to uranium mining and nuclear threat, there was a constant need for communication lines and international forums for exchange of ideas to be open to ensure that the Australian anti-nuclear movement could secure international cooperation for its goals (Kirchhof 2014).

Anti-nuclear movement in Taiwan crumbled under the weight of what is known as 'party dependence' (Ho 2003), a situation where future of the social movement got tied with the electoral success of the political party, Democratic Progressive Party (DPP). That the goals of the anti-nuclear movement were assimilated early on by DPP helped to secure support initially in 1986 but by the year 2000, the movement declined with the reversal of the party's earlier stand on nuclear policies. This was due to political considerations as DPP became the ruling party and had newfound concerns of political stability to worry about instead of bringing reform that it had promised earlier. However, after the Fukushima accident in 2011, Taiwanese society witnessed a resurgence of the anti-nuclear movement. The movement arose independently as a citizens' movement disengaged from DPP and secured public exposure by involvement of entertainers and celebrities (Wei 2016). Resultantly, the government decided to halt the construction of its fourth nuclear reactor in 2014 and subject the future of nuclear policy to a national referendum.

The accident at the Chernobyl reactor in 1986 ushered in an era of anti-nuclear movements in various parts of the world and the incident is credited with marking the birth of nuclear resistance in Russia. The most successful phase for the anti-nuclear movement was between 1988 and 1992 during which protesters managed to stall many new constructions of power plants in Russia (Nikulina 2011). The economic downturn of the 1990s affected the budget allocated to nuclear energy as well as lack of funds for anti-nuclear movement. However, the contemporary cause of concern for anti-nuclear Russian activists is the proposal of the government to import spent nuclear fuel, a highly toxic waste for disposal to Russia. After assuming office in 2000, Russian President Vladimir Putin took it personally to promote nuclear energy, crackdown on non-governmental organisations and enhance state control on policy making processes (Nikulina 2011).

Doi (2012) elaborates on features of anti-nuclear movement in Japan. During the period 1954-65, following the speech at United Nations General Assembly by US President Dwight Eisenhower on 'Atoms for Peace', Japan allocated budget for nuclear energy production for the first time. Though atomic bombings of Hiroshima and Nagasaki in 1945 were not out of public mind till then, yet the government managed to influence public opinion in its way. National groups like Japan Council against Atomic and Hydrogen Bombs, Japan Congress against Atomic and Hydrogen Bombs and Japan Coalition between Scientists and Engineers against Nuclear Power who spearheaded the movement and subsequently many sections of Japanese people joined in. In 1987, 3.5 million people signed a petition in Tokyo to change the nuclear power policy, but in vain. There were local uprisings at nuclear power plant sites as well. According to Doi (2012), it was the confluence of nuclear power industrial complex, government officials, local governments, media, academics and power companies that overrode interests and demands of people.

Conclusions

There are two broad ways in which anti-nuclear movements can be chronicled. One way is to study them in phases by focusing on the issues around which they are centred. Earliest anti-nuclear protests began in response to scientific advancements towards building of the nuclear bomb. Subsequently, the resistance movements shifted focus from weaponisation to nuclear energy by interlinking it with issues of environment, safety, human rights, justice etc. Another way to study anti-nuclear movements is through examining the scope of the protests. This can be done by categorising them as waves, extending roughly

twenty years each, from 1970s to 1990s and 2000s onward. While the first wave is marked by national protest movements across the world, the second wave (which ushered in with the era of so-called nuclear renaissance) consists of mostly localised movements. In the 1990s, nuclear energy programmes in most countries were temporarily halted or frozen owing to a global recession at the beginning of 1990s and end of Cold War. As a result, anti-nuclear movements also died down only to be resurrected back to life in 2000s (Tarasova 2017).

The reasoning or rationale for movements against nuclear technology can broadly be understood in terms of instrumental or value rationality, as delineated by Weber (2013). Instrumental rationality is a pragmatic opposition to nuclear technology based on cost-benefit analysis, while value rationality is ideological opposition to nuclear technology that derives out of normative concerns. The difference in attitudes between instrumental and value-based opposition is akin to that between NIMBY (Not In My Back Yard) and NIABY (Not In Anyone's Back Yard).

Fischer (2000) describes how chemical hazards in general (and by extension nuclear hazards) due to their implications on human health and environment have bred collective anxiety and distrust about chemical facilities, toxic waste and pollution. This public fear manifests in the form of the 'NIMBY syndrome' *i.e.* Not In My Back Yard syndrome. The term NIMBY encapsulates a public attitude and a specific kind of opposition that begins and ends with people perceiving themselves as direct victims of a possible catastrophe by proximity to a 'site' of danger or threat to their quality of life by physical proximity to a particular source of threat.

Cao (2015) writes that such local movements came to be understood as 'limited and selfish' and a greater need was felt for them to transcend from local to global and to associate with global issues and agendas. This transformation in the realm of environmental activism came with anti-nuclear movements as the dangers posed by nuclear technology could not be constrained by space and geographical boundaries. This transformation was expressed in terms of Not in Anyone's Backyard (NIABY). The values of NIABY are espoused by organisations such as Greenpeace, and Charter of the Global Greens etc.

The official discourses of nuclear energy featuring arguments about profitability, energy security and environmental security in connection to nuclear energy development, resonate more with broader socio-political developments. The ordering of discourses is established in such a way that expert rhetoric becomes a standard approach for discussing nuclear energy, while references to emotions and subjective

matters are unacceptable. The political contexts of anti-nuclear movements provide opportunities for environmental NGOs, an actor in anti-nuclear movements, to pursue nonconfrontational strategies and engage in institutional channels, where they can contribute their expert knowledge. Concurrently, another actor in anti-nuclear movements, local anti-nuclear groups, on the one hand, share argumentative structures with environmental NGOs, and, on the other hand, attempt to mobilise local population and organise local protests. Due to limited opportunities for attention from the national media and lack of focus on local issues, local protests are not featured in the national media, which is crucial for national protest actions. The differences in repertoires between these two kinds of actors and absence of actors opting for mass engagement provide insight into repertoires of antinuclear movements as a whole.

In order to trace the evolution of anti-nuclear movements, it is useful to look at change and continuity that has transpired through time as described by Tarasova (2017). This change and continuity can be observed *via* four parameters. First, discursive practices changed from technocentricism and progressive development towards promoting greater inclusion of socio-economic concerns in the development model. Second, the scope of protests changed from national protests and percolated to various sites where nuclear plants are proposed in the forms of local protest movements. Third, political opportunities in various countries declined with the decline of the Left creating an overall political sociology that did not necessarily facilitate its growth of anti- nuclear movements. Fourth, actors that play an important role in anti-nuclear movements now include individuals, local groups and civil society activists in addition to political actors and international non-governmental organisations.

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Domestic Politics and the Union Government's Approach towards the Citizenship Question of Tamils of Indian Origin in Sri Lanka

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Abstract

Pursuant to Article 246 of the Indian Constitution, the Government of the Union has the exclusive power to legislate on all matters of foreign relations. During the first three decades of the post-independence period, relations between India and Sri Lanka focused primarily on the issue of citizenship. Tamil Nadu, the southern state of India, has always shown its interest and concern for the problems of the Tamils of Sri Lanka. Yet Tamil Nadu's position was peripheral in formulating India's policy towards Sri Lanka. The central government had sacrificed the interests of the state in the name of strong neighbourly relations. The Indian Government had to strike a balance between internal politics and the geopolitical interest of India in Sri Lanka. This paper is an effort to understand the approaches of the Governments of Sri Lanka and India and the Tamil Nadu State Government on the question of citizenship of the Indian Tamils of Sri Lanka.

Keywords: Statelessness, Citizenship, Tamils of Indian Origin, State Government, Central Government, Opposition party.

Introduction

Historically, state governments in India have played no major role in the formulation of foreign policy. Under Article 246 of the Indian Constitution, the Union Government has the sole

authority to legislate on all aspects of foreign affairs. Due to the Congress party's hegemony at the centre and in most states until the 1960s, there were no disagreements regarding the exercise of authority by the central government especially with regard to the foreign relations.

Sri Lanka's (formerly known as Ceylon) location at the southern tip of the Indian Peninsula separated from India by a narrow stretch of water, the Palk Strait, which is hardly twenty miles wide in certain places, has continued to exert a determining influence on the course of Sri Lanka's history. (Kodikara 1978, 62) In view of Sri Lanka's place in the Indian Ocean, Indian foreign policy towards Sri Lanka had been motivated by its geopolitical interests. Tamil Nadu, a southern state of India, always displayed its interest and concern for the problems of Tamils of Sri Lanka. Yet the role of Tamil Nadu was peripheral in formulating India's policy towards Sri Lanka. The central government has always compromised the interests of the state in the name of good neighbourly ties and cooperation. During the first three decades of post-independence period the relations between India and Sri Lanka, was centred mainly on the citizenship issue of Indian Tamils of Sri Lanka which became a thorn in the relationship between the two countries.

Decitizenisation and disfranchisement

After the fall of the Kandyan Kingdom in 1815, the whole of the Island of Sri Lanka came under the rule of the British who started coffee plantations followed by tea and rubber. From 1830s till 1939, poor Tamil labourers from the drought prone districts of the Presidency of Madras migrated to Sri Lanka to work in the plantations. While India and Sri Lanka were still colonies of Britain, the Indian Tamils of Sri Lanka who were the descendants of these labourers enjoyed the status of British subjects along with the Sinhalese and Sri Lankan Tamils.

After Sri Lanka attained independence on 4 February 1948, the Parliament of Sri Lanka passed the Ceylon Citizenship Act of 1948, The Indian and Pakistani Residents Act of 1949 and The Ceylon (Parliamentary Elections) Amendment Act of 1949. The above Acts rendered the Indian Tamils of Sri Lanka stateless and disenfranchised them at one stroke. Under these enactments, persons of Indian origin in Sri Lanka had to apply for Sri Lankan citizenship and had to prove that two of his or her immediate paternal ancestors had been born in Sri Lanka. Under the 1949

Act, Indian Tamils had to prove that they were of Indian origin or descendants of such persons and permanently settled in Sri Lanka. (A Note on Persons of Indian Origin in Ceylon, NAI)

The mass denationalization of Indian Tamils in 1948 was made possible by the relative silence of the Sri Lankan Tamil Congress party which did nothing to prevent the passing of the citizenship legislations. (Gerrard Khan 2001, 8) The Indian Tamils felt that most of the Sri Lankan Tamil leaders had failed them. (C.A.Perumal and R.Thandavan 1989, 5)

 Colonel T.Y.Wright, opposing the Bill in Sri Lankan Parliament, said, it was 'somewhat racial in character'. (MLA Debates 1949, 1057) Sri Lankan Home Minister Sri Vijayaratna said, 'The government do not want to grant the franchise to those who are not citizens of Sri Lanka so that such persons may not determine who should enjoy citizenship rights'. (MLA Debates 1949, 1057) Prime Minister of Sri Lanka at various public meetings in Sri Lanka has said that he would not like to have these 'Ramaswamys' and 'Kuppuswamys' returned to Parliament. (MLA Debates 1952, 251)

 The citizenship problem of the Indian Tamils of Sri Lanka was not a vital issue of national politics in India as in Sri Lanka. Its repercussions were felt only in Tamil Nadu, the southern state of India. (Kodikara 1965, 219) In 1948 the representatives of different political parties passed a motion in the Madras State Assembly and expressed their dissatisfaction over the Citizenship Acts. The members of the opposition argued that since the citizenship problems of the Indian Tamils of Sri Lanka affected the South Indians most, 'the fate of the Tamils in Sri Lanka must be decided by the Madras Ministry and not by the Central Ministry'. (MLA Debates 1948, 719-738) Again in 1949, the Madras Legislative Assembly adopted a motion and recommended the Government to request the Prime Minister of India to arrange to discuss with the Government of Sri Lanka, the outstanding Indo - Sri Lanka issues during his visit to Sri Lanka and if possible to arrange for a deputation of representatives of Madras Government to be present at the discussion to assist the Prime Minister and requested the Prime Minister to receive a deputation before he proceeded to Sri Lanka. (MLA Debates 1949, 1086)

Nehru's approach to the statelessness of Indian Tamils

The contention of Sri Lanka was that those who were not accepted as citizens of Sri Lanka were Indian citizens and should be repatriated to India, but Nehru opposed repatriation en masse not only because it would have repercussions elsewhere, but because it is opposed to all canons of human relations. (A Note on Persons of Indian Origin in Ceylon, NAI)

Jawaharlal Nehru maintained that the future of the Indian Tamils was a domestic problem of Sri Lanka and requested the Government of Sri Lanka to speedily confer citizenship on them. (Ethnic Conflict in Sri Lanka- Myths and Facts 1983, 1659) Since 1950, there have been several talks between Governments of India and Sri Lanka to find a solution to the problem of Indian Tamils living in Sri Lanka as stateless persons. All the talks broke down mainly because Nehru opposed compulsory repatriation.

When the Ceylon Indian Congress organised a satyagraha in May 1952 to protest against disenfranchisement, Madras offered to send its volunteers. But at the request of the Government of Sri Lanka, the Government of India denied them permission and refused to provide travel documents and facilities.(Kodikara 1965, 221-222 and Urmila Phadnis 1972, 1499)

The problem of illicit immigration from South India to Sri Lanka created further tension between the two countries. To investigate the question of illicit immigration the Prime Minister of Sri Lanka Sir John Kotelawala visited Mannar Peninsula accompanied by the Indian High Commissioner. The Inspector General of Police, Madras, and the Superintendents of Police of Ramanathapuram and Tirunelveli Districts of Tamil Nadu also met the Sri Lankan Prime Minister and his party at Mannar. Subsequently the two Prime Ministers met at Delhi in January 1954. An agreement was signed between Jawaharlal Nehru and Sri Lankan Prime Minister John Kotelewala at New Delhi, according to which both the governments were determined to suppress illicit immigration. (AR, MEA 1953-54, 6-7)

On the question of citizenship it was agreed upon to dispose of all pending applications within two years. The registered persons were to be placed on a separate electoral register. The unregistered persons would be given inducements by the Sri Lankan Government to register as Indian citizens and if they voluntarily accept these inducements the Government of India would give the necessary facilities for their registration as Indian citizens. (AR, MEA 1953-54)

Criticizing the Indo Ceylon Agreement, M.P. Subramanyam of Dravida Munnetra Kazhagam (DMK) , the main opposition party, said that the Government of India dominated by the North Indians who were indifferent to South India and South Indians, had signed the agreement without consulting the Madras Government. C. Subramaniam of Congress Party replied that on a point of order it would not be proper for the gentlemen to refer to the foreign policy of the Government of India in the terms in which he was referring to. He requested M.P. Subramanyam to be moderate in the expression of his opinion even if he was dissatisfied with the policy pursued. (MLA Debates 13 May 1954, 733) C. Subramaniam further argued that the citizenship of Indian Tamils was purely a foreign policy affair which concerned the Central Government and that only they had to solve it with the Sri Lankan Government. (MLA Debates 13 May 1954, 771)

When the agreement was reached, fears were expressed as to its probable consequences. M. Narayana Kurup of Praja Socialist Party stated that the Sri Lankan Government instead of implementing the agreement in its true spirit interpreted it in a way which was detrimental to the Tamils of Indian origin. He said that it was a problem mainly concerning the South. However the persons in the highest authority who were dealing with the problem were not well versed with the nature of the problem. He maintained that in the settlement of the problem of Indian Tamils of Sri Lanka and in the dealing between the Government of India and the Government of Sri Lanka, the expert opinion of the State Government who had an intimate knowledge of this problem had not been obtained by the Government of India. (MLA Debates 13 May 1954, 736)

 S.C.C.Antony Pillai of Praja Socialist Party pleaded that the Government of Madras was not consulted in the matter of drafting Indo Ceylon Agreement when the agreement involved the lives of many people who went to Sri Lanka from the Madras Presidency. (MLA Debates 13 May 1954, 756)

A motion was adopted by the House requesting the Madras Government to convey to the Government of India its grave concern at the growing deterioration of the conditions of Sri Lankan nationals of Indian origin after the signing of the Indo Ceylon Agreement and to take necessary steps to arrest the worsening situation and to improve the lot of the Indians. (MLA Debates 13 May 1954, 775) Thus the opposition parties, mainly DMK, attacked the Congress

ministry in the state and the centre for their apathy towards the problems of the Indian Tamils of Sri Lanka and demanded that the state must always be consulted before making decisions in this regard.

The opposition members argued that the Indians in Ceylon were Dravidians that was the reason why the Government of India was not serious about their problem particularly for this prejudiced stand that they were fighting for a separate Dravidanadu. (MLA Debates 13 May 1954, 734)

C. Subramaniam argued that the Dravida Kazhaham (DK) cult supported the stand taken by the Government of Sri Lanka. He questioned if South Indians objected to North Indians for coming over to South, then how could they take exception to the Sri Lankan Government taking objection to persons who had gone over there from another country and remained there. The policy of Dravida Kazhaham that North Indians be driven out of South India would lend support to the view of the Government of Sri Lanka and those who subscribe to the D.K. Cult whether it is the progressive cult or non progressive cult could have no voice in this matter. (MLA Debates 13 May 1954, 775)

Jawaharlal Nehru referred to the newspaper reports about the talk of a separate independent Tamil State which would incorporate Ceylon in it and angry reactions in the Sri Lankan press. He commented that it was feudal thinking and quite absurd in the modern age to think of adding territories which would create tremendous problems in bilateral relations and make Indians a laughing stock in the world. He said that the people of Sri Lanka had a fear that India, a big country, might swallow them up. (LS Debates 18 February 1958, 1375-76)

Policy shift under Lal Bahadur Shastri

The 1954 agreement was not implemented in the spirit in which it was conceived. In 1964, Lal Bahadur Shastri who succeeded Nehru felt domestic political pressure as a result of another overseas Indian problem. Over 50,000 stateless overseas Indians were in the process of being forcibly expelled from Burma as their property was nationalized by the Burmese Government. India had an interest in seeing that the same fate did not befall the Indian Tamils of Sri Lanka. Further, following its defeat in the 1962 Indo – China war, India was eager to consolidate its

relationship with its neighbours, especially Sri Lanka, which had maintained close and cordial ties with China. (Urmila Phadnis 1973, 103-104) Shastri signed the Sirimavo – Shastri Pact in October 1964 with Sirimavo Banadaranaike the Prime Minister of Sri Lanka.

According to the 1964 Pact, the number of stateless persons in Sri Lanka was 975,000. Of these 300,000 persons were to be granted Sri Lankan citizenship and India agreed to the repatriation of 525,000 persons to India and to confer Indian citizenship on them. The status of the remaining 150,000 persons would be the subject matter of separate agreement between two governments. (Ceylon-India Agreement 1964)

Lal Bahadur Sastri said that though the agreement was not satisfactory to all the people concerned, it was necessary to solve a problem hanging for a long time, for building up better relations with Sri Lanka. (LS Debates 16 November 1965, 2282) The Minister of External Affairs Swaran Singh defended the agreement by saying that the Government of India had to take a decision and entered into agreement whereby the Indians in Sri Lanka could come in an orderly and phased manner. According to him the agreement was concluded in a spirit of give and take looking into the difficulties of a neighbouring and friendly country. (LS Debates 23 November 1964, 1226)

M. Bhaktavatsalam, the Congress Chief Minister of Madras State expressed his satisfaction over the conclusion of the pact although he was not happy with any large scale repatriation as his state was already burdened with the repatriation of Tamils from Burma. K. Kamaraj the President of the Congress was persuaded to agree primarily because the repatriation would be spread over a period of fifteen to twenty years and the pact would solve a long standing issue with Sri Lanka and help in improving friendly relations between India and Sri Lanka. (Sivanayagam 1986, 6)

Before departing for Delhi, Sirimavo Bandaranaike not only elicited the views of leaders of various political parties in opposition, but also invited Dudley Senanayake, leader of the major opposition party, to join the delegation. As he was unable to join, Mrs.Bandaranaike kept in close touch with him throughout the Delhi negotiations. (Urmila Phadnis 1967, 383) Although V. Ramaiah a cabinet minister of M. Bhaktavatsalam ministry represented Madras State in the

negotiations before signing of the Sirimavo – Shastri Pact, the Government of India consulted neither the opposition parties of the Madras State Assembly nor the Central Parliament.

Reaction of the Opposition Parties

K.Manoharan of DMK accused that Mr. Ramaiah was a party to the criminal document and asked the Minister of External Affairs Swaran Singh to clarify whether Ramaiah had given a note of dissent to the document. Swaran Singh replied that no note of dissent or protest was given by Ramaiah. (LS Debates 24 November 1964, 1527-8) The opposition launched a scathing attack on the Government. The DMK praised the inclusive strategy of Sri Lanka in engaging its opposition parties before signing the agreement, despite its criticism of the Sri Lankan Government.

Referring to the involvement of the leaders of opposition parties of Sri Lanka in consultations and delegations, C.N.Annadurai, leader of DMK, said that even a small country like Sri Lanka maintained and worked along the best democratic tenets, why were opposition parties not consulted in India. He questioned why Shastri's Government had deviated from the path followed by Nehru. He alleged that the Indo Ceylon Pact was a betrayal of the interests of millions of people. He further argued that the Chief Minister of Madras was not happy over the pact though he could not, as a loyal congressman and as a loyal state Chief Minister, question the propriety of the central government. The Chief Minister of Madras had stated that he would have been happier if a smaller number of people had been asked to repatriate. Therefore to cite the support given by the Chief Minister or his Deputy is merely burking the issue. He questioned why did the Central Government walk into that parlour and sign on a dotted line when Sri Lanka after having entered into a Pact in 1954 with India had not worked the pact correctly and justly. (RS Debates 22 December 1964, 4895-4902)

J. B. Kripalani of Swatantra Party stated that the people of Indian descent in Sri Lanka, who were born in Sri Lanka where they had been residing for several years, could not be recognised as Indian citizens simply because their origin was in India. (LS Debates 24 November 1964, 1490-91) N.G. Ranga of Swatantra Party called it a shameful agreement. (LS Debates 23 November 1964, 1216)

Soon after signing the agreement, Sirimavo Bandaranaike announced her intention to create a separate electoral register for Indians who were given Sri Lankan citizenship following the signing of the Pact. (Bhasin Avtar Singh 2001)

M. K. Kumaran of Communist Party of India remarked that the hopes of the persons of Indian origin in Ceylon were belied to a great extent. If they were treated as Ceylon citizens but would not be entered in the general electoral roll would mean that they would be treated as second class citizens in Ceylon. (LS Debates 19 November 1964, 1498)

K. Manoharan recalled Nehru's statement that 'our responsibility is with regard to those who were registered as Indian nationals, regarding the stateless, it is not our consideration, and it is the duty of the Ceylon Government to look after them'. This had been the consistent policy of the Government of India during Nehru's period, but it was a clear departure from this stand by Shastri's Government which had been saying that they were following closely the policy of Nehru. (LS Debates 24 November 1964, 1523-4) On a statement issued on her arrival at Colombo after signing the agreement, Mrs. Bandaranaike said 'the Indian Government had for the first time recognized its obligations to this category of persons irrespective of their wishes'. (LS Debates 23 November 1964, 1527)

Before the conclusion of the 1954 agreement the state government was not consulted by Nehru. The inclusion of a cabinet member from Tamil Nadu in the negotiations before the conclusion of the 1964 agreement was an improvement with regard to the place given by the centre to the state in the decision making process on foreign policy issues.

The centre could not avoid the inclusion of a Tamil Nadu cabinet minister in the negotiation process of the 1964 agreement because in the implementation process of the pact the state came into the scene. The repatriates being mostly Tamils, desired to settle down only in Tamil Nadu. Hence the centre had to consult the state regarding the implementation of the rehabilitation scheme and sought state's cooperation. (Palanithurai and Mohana Sundaram 1993, 37) The federal political setup provided enough space for the Dravidian parties to give up their radical separatist agenda and capture power in the state. (Aditi Mukherjee 2013) In 1967, Congress had lost power in Tamil Nadu to DMK when the Indo Ceylon Agreement Implementation Act was

enacted by the Government of Sri Lanka to enforce the Sirimavo-Shastri Pact. So after 1967 it became the responsibility of Dravidian parties to take care of rehabilitation of repatriates from Sri Lanka. Sri Lankan leaders were perturbed over the victory of the unfriendly DMK in the 1967 Assembly elections. They were doubtful about the cooperation of the DMK in implementing the 1964 pact.

In 1974, Srimavo Bandaranaike and Indira Gandhi signed a supplementary agreement to 1964 Pact which laid down that, of the remaining 150,000 stateless persons in Sri Lanka, 75,000 people along with the natural increase of that number would be repatriated to India and Government of India would confer citizenship on them and the Government of Sri Lanka would confer citizenship to 75,000 persons along with natural increase of that number. (Indo-Sri Lanka Joint Communique MEA 1974)

When it evoked criticism by the DMK government, it was clarified that the pact was an extension of the earlier pact and since the central government had already formulated many schemes and allocated money for the rehabilitation of the repatriates, the role of the state government in this matter was minimal. (Palanithurai and Mohana Sundaram 1993, 46)

The Ceylon press coverage paid greater attention to developments in Tamil Nadu especially to DMK politics. In 1976, suppression of the state government and imposition of the Presidents' rule was warmly welcomed by the Government of Sri Lanka and the Sinhalese press though it was criticized in a section of Tamil press. (ACR MEA 1976)

Circumstances leading to the settlement of citizenship issue

Due to the upsurge of ethnic violence in Sri Lanka during 1983, the en mass influx of Sri Lankan refugees commenced in July 1983. The ferry service between Talaimannar and Rameashwaram was suspended in October 1984, as a result of which repatriation of Indian Tamils by ship was also stopped. After the 1983 riots the question of Tamil Eelam exercised a considerable influence in Indo-Sri-Lankan relations and Tamil Nadu State and Centre relations, and the problem of Indian Tamils of Sri Lanka became a forgotten chapter in Tamil Nadu.

The ethnic conflict and increasing tension between Sinhalese and Sri Lankan Tamils drastically altered the situation and stance of the Sri Lankan Government. There was misgivings that Hill country Tamils would join the militancy in the North (Rehana Mohammed 2019, 17) and in order to prevent Indian Tamils from joining hands with the Sri Lankan Tamils, the Sri Lankan Parliament, which had disenfranchised people of Indian origin in a single stroke in 1948, resolved to award citizenship and accept as Sri Lankan citizens any person of Indian origin who had lived in Sri Lanka since October 1964 by a series of legislations enacted in 1988, 2003 and 2009 and thus the long-standing question of citizenship of persons of India origin in Sri Lanka was settled.

Conclusion

The Sri Lankan government did not want to forcibly deport the Indian Tamils because it feared Indian interference. The Indian Government had to strike a balance between internal politics and the geopolitical interest of India in Sri Lanka. The Indian government wished to preserve amicable relations with Sri Lanka while attempting to improve the conditions of Indian Tamils. In the interest of good neighbourly relations, Lal Bahadur Shastri altered Nehru's stance on compulsory repatriation and agreed to accept a certain number of people of Indian ancestry and award them citizenship.

During the first three decades after independence, the reaction of the Congress Government of Madras State to the question of citizenship of the Indian Tamils of Sri Lanka was influenced by the Central Government under the Congress Party. Introduction of resolutions were followed by heated debates in the State Assembly. However the State could only urge the Centre to emphasize the legitimate demands of the Indian Tamils while negotiating with the Government of Sri Lanka and asked the centre to consult the state prior to such negotiations.

The Congress in Tamil Nadu began to weaken steadily from the 1970s onwards, and the Dravidian Parties became firmly entrenched in state politics. After 1967, Congress did not face state elections alone, resulting in the national party's dependence on the regional parties. Alliance with the regional parties became a necessity for the national parties in the coming decades, not just to gain seats in the states but also to form government at the centre. The Tamil Nadu state,

while supporting the cause of the Tamils of Sri Lanka, considered it useful to align with the national parties to protect its electoral interests during this period. With the erosion of one-party dominance and emergence of multiparty coalition governments and alliance strategies, regional coalition partners became dominant and either negotiated with the centre or compromised with the centre undermining the interests of the state.

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Indo-Pak Indus Water Sharing: Institutional Framework, Issues, and Challenges

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Abstract

Rivers naturally bind the riparian states and make them interdependent.It also generates competing claims and issues among the riparian states. However, states have chosen to cooperate through institutions like water treaties for common benefit. Likewise, India and Pakistan have been sharing the water of the Indus Rivers based on the Indus Water Treaty since 1960. They are dependent on the rivers for irrigation and the generation of hydroelectricity. The Treaty and its institutional framework haveprovided for amicable sharing of the water and resolve water issues. However, the water sharing has been rarely smooth. The two countries contradict over hydroelectric projects on the Western Rivers and it has been speculated that India is trying to abrogate the Treaty unilaterally and restrict water flow to Pakistan. These issues have been exacerbated in recent times which made water sharing challenging. It has contributed to increasing water contestation. India and Pakistan have failed to separate water issues from non-water issues. The motive of the Treaty is undermined. But the institutional framework has managed to de-escalate it and keep the Treaty intact.

Keywords: Indo-Pak, Indus Water Sharing, Indus Water Treaty, Water Contestation, Institutional Framework

Introduction

Freshwater is a shared resource that flows mostly in the shape of rivers across the political boundaries of states. The rivers naturally connect the upper and the lower riparian states and make them hydrologically interdependent while flowing from its origin to the mouth. Extraction of the optimum river water is in the common national interest of the riparian states. But the river flow gets interrupted in downstream by its use in the upstream leading to incompatible claims and further disputes over the use of the rivers (United Nations Development Programme 2006). However, riparian states have opted for cooperation and jointly manage the river water by forming sharing arrangements for the common benefit (Swain 2001). There were more than

3,600 international water treaties signed from 805 AD to 1984. Water treaties institutionalise the sharing arrangements; institutional frame works have the potential to keep the water treaties intact amidst non-water hostilities between the signatories and make it difficult to roll back (Postel and Wolf 2001, 60).Many of the unappeasable political and military rivals have chosen to cooperate over river water sharing through water treaties and Indo-Pak Indus water sharing is one of them.

India and Pakistan are hydrologically connected by the six rivers of the Indus River Basin namely - the Indus, the Jhelum, the Chenab, the Ravi, the Beas, and the Sutlej. The rivers flow from India to Pakistan; 39 per cent lies under India and 47 per cent under Pakistan. Pakistan extracts 63 per cent and India extracts 36 per cent of the total annual water extracted from the entire basin. The extracted water is primarily harnessed for irrigation and the generation of hydroelectricity (FrenkenandFAO 2012, 129-137). The two countries were in dispute over the use of the Indus Rivers when the Radcliffe Line divided the Indus basin and its integrated irrigation system. The dispute was resolved after long-drawn-out negotiations for around twelve years under the mediation of the International Bank for Reconstruction and Development (now the World Bank) and the Indus Water Treaty was signed in 1960 (Gulhati 1973).The Preamble of the 'Indus Waters Treaty 1960'has specified its motive to arrive at 'the most complete and satisfactory utilisation' of the Indus Rivers in a spirit of cooperation, goodwill and friendship. For this purpose, the Treaty has provided water allocation and usage provisions and annexures along with a dispute resolution mechanism. It has established the Permanent Indus Commission (PIC)[1]which is to hold annual meetings and maintain regular cooperative arrangements. However, water sharing has rarely been smooth. The two countries have been at odds over Indus water sharing every now and then.

Despite regulated by a Treaty, the contestation over water sharing has escalated lately to occupy a forefront position among the bilateral issues between India and Pakistan. The 116th annual meeting of the PIC was held on 23rd-24th March 2021 in New Delhi after a lapse of more than two years; the 115th meeting was held on 29th-30thAugust 2018 (Ministry of External Affairs, Government of India 2018 and 2021).This paper is an attempt to understand the Indo-Pak Indus water sharing in the context of the institutional framework provided by the Treaty provisions. The objective is to underline the Indo-Pak water contestation and highlight the perspective of both countries. The paper is divided intofour parts. The first part deals with the historical background of the Indus Water Treaty. The second part discusses the institutional framework of

the Treaty. The third part looks into the underlying issues leading to water contestsbetween India and Pakistan and the subsequent challenges to peaceful water sharing. The fourth part concludes the paper.

Historical Background

The Indus River Basin was primarily used for irrigation in the pre-1947 period. The development of the irrigation system reached its zenith during 1940s at the initiative of the British. The Upper Bari Doab Canal (U. B. D. C.)[2], Sirhind Canal[3], Triple Canals Project and Sutlej Valley Project were some of the important canals of the Indus irrigation system constructed during this period. It irrigated 26 million acres of land annually. Undivided Punjab, Sind and North-West Frontier Province (N. W. F. P.)[4]were the beneficiaries of this irrigation system (Gulhati 1973, 31-33).The integrated irrigation system and the river basin were divided by the new boundary line that was drawn across Punjab during the Partition. Subsequently, India became the upper riparian country and Pakistan became the lower riparian country on the Indus River Basin (Arora 2007, 2).

In the post-Partition period, 133 canals including its headworks[5] were under Pakistan and 12 canals along with its headworks were under India. But the Madhopur headwork of the U. B. D. C. and the Ferozepore headwork of the Dipalpur canal[6] were under India and the lower parts of the canals along with the irrigated land were under Pakistan. India with less irrigated land needed to accelerate the development of the irrigation system and extends the cultivable land to feed the population. Whereas, the major concern of Pakistan was continued pre-Partition flow of water to the lower parts of the U. B. D. C. and the Dipalpur canal from their respective head works under India without any disruption. The inconsistent standpoints ended up as a water dispute between India and Pakistan with the termination of the Standstill Agreement[7] by 1948.The bilateral negotiations during 1948-1951 failed to produce any settlement and resulted in a stalemate. However, the negotiations resumed, in 1952, under the good office of the World Bankin Washington (Gulhati 1973; Gazdar 2005).

After a series of protracted negotiations, India and Pakistan came to an agreement and the Indus Water Treaty was signed on19[th] September 1960 at Karachi by Pandit Jawaharlal Nehru, the then Prime Minister of India, Field Marshal Mohammad Ayub Khan, the then President of Pakistan and Mr. W.A.B. Iliff(the then Vice-President of the World Bank) from the International Bank for Reconstruction and

Development. The Treaty allocated the Eastern Rivers (the Ravi, the Beas and the Sutlej) to India and the Western Rivers (the Indus, the Jhelum and the Chenab) to Pakistan (Ministry of Jal Shakti, Indus Waters Treaty 1960).While maintaining the pre-Partition flow to Pakistan from the Western Rivers, it was able to meet the immediate water requirements of Punjab, Rajasthan, Bhakra-Nangal and Rajasthan Canal of India from the Eastern Rivers (Iyer 2005, 3143). Besides, the Bank facilitated the construction of the replacement and storage works to connect the Western Rivers to Pakistan by mobilising international financial assistance (Iyer 2005, 3140). Alam (2002)has stated that water rational (long-term access to water) drove the two countries towards water cooperation over the Indus River Basin. The acceptance of the Treaty provisions was largely determined by its water allocation provisions, the financial assistance to Pakistan and water rational.

Indus Water Treaty: The Institutional Framework

The Treaty has a Preamble, twelve Articles and eight Annexures. It has distinct provisions of water allocation. Article II and Annexure B deal with the usage of the Eastern Rivers which are allocated to India with the exceptions of domestic, non-consumptive and agricultural use to Pakistan.[8] Article II (5) and (6) have made the provision of a Transition Period of 10 years (from 1st April 1960 to 31st March 1970) during which Pakistan can make unrestricted use of the Eastern Rivers and construct the replacement works to connect the Western Rivers. Article III and Annexure C, D, and E deal with the usage of the Western Rivers by Pakistan with particular exceptions to India. The exceptions are domestic and non-consumptive uses, agricultural use (Annexure C), generation of hydroelectric power, and storage of water by India on the Western Rivers. Annexure D states that India can construct run-of-river projects[9] on the Western Rivers for the generation of hydroelectricity. It also specifies the design of such projects (Ministry of Jal Shakti, Indus Waters Treaty 1960). Annexure E provides 1.25 million acre-feet (MAF) of general storage, 1.6 MAF of power storage and 0.75 MAF of flood storage for India on the Western Rivers(total 3.6 MAF) (Sarfraz 2013, 209).Besides, the Treaty permits India to irrigate 13,43,477 acres of land from the water of the Western Rivers (Verghese 2005).As a result of the water allocation, 165 MAF of annual water flow from the Western Rivers was secured to Pakistan and 33 MAF of annual flow from the Eastern Rivers was secured to India (Siyad A C 2005, 3145).

The Permanent Indus Commission (PIC) established under Article VIII serves as the permanent medium of communication between the two countries on water issues. The functions of the Commission are -

to meet annually, execute the Treaty with cooperative dispositions, exchange data and report to their respective governments. The Commission is obligated to inspect the Rivers on a general tour at an interval of five years. Article VI (Exchange of Data) specifies for regular exchange of data regarding daily extraction and release of water and Article VII (Future Co-operation) provides for cooperative engineering works by both the states. The dispute resolution mechanism of three levels in Article IX is the most prominent provision of the Treaty. The first level of the mechanism deals with any 'question' about the interpretation or application of the Treaty. The PIC is responsible for solving such 'question' related to the Treaty. The failure of the PIC to do so will be considered as a 'difference' between the two countries which can only be addressed by a Neutral Expert[10] (the second level specified in Annexure F). If the Neutral Expert is not content it to be a 'difference' but a 'dispute' then the 'dispute' is to be addressed by the PIC through negotiation. If the negotiation failed, then a Court of Arbitration (CoA)[11](the third level as specified in Annexure G) is to be established to settle the dispute (Ministry of Jal Shakti, Indus Waters Treaty 1960).

The uniqueness of the Treaty lies in its formation. It is the first bilateral water treaty to be mediated by an international organisation (Miner et al. 2009, 206). Despite being a bilateral treaty, the World Bank is also a signatory to it and it has a functional role to play pertaining to Article V (Financial Provisions), X (Emergency Provisions), Annexure F, G, and H (Transitional Arrangements).[12] All the provisions and annexures of the Treaty conduct the rights, responsibilities, and obligations of India and Pakistan over the Indus water sharing. It has facilitated the path to 'the most complete and satisfactory utilisation' of the Indus Rivers by India and Pakistan. The significance of the Treaty can be located in its ability to end a long-standing water dispute, dismiss the immediate water concerns of the two countries after the Partition, secure long-term water supply and settle any question, difference and dispute amicably through a meticulous and well built institutional framework.

Indo-Pak Water Sharing: Issues and Challenges

Indo-Pak water sharing has been marked by dissent since 1980s. The Western Rivers have been the core area of contestation. These Rivers flow across Jammu and Kashmir and it generates extensive hydro-potential. India did start to harness this potential by constructing power projects to cater the increasing power demand in Jammu and Kashmir. However, Pakistan was not content with the designs of the projects (Warikoo 2005; Sinha 2016).

Pakistan objected the run-of-river Salal Project on the Chenab River in 1974 and demanded change in the design (permanent block of the slide gate which was meant to prevent siltation in the reservoir). The issue was resolved within the Commission level and India accepted the demand of Pakistan. But the siltation affected the output of the project (Iyer 2013; Sinha et al. 2012; Ranjan 2016). It was also dissatisfied with the barrage design of the Tulbul Navigation Project at the mouth of the Wullar Lake in Jammu and Kashmir. The barrage was meant to control the navigational flow of the Jhelum River between Baramulla and Srinagar. The Commission failed to resolve the issue and the project has been under suspension since 1987. Later, India modified the barrage design in 1991 but its acceptance was contingent on the termination of theKishenganga Hydro-electric Project (KHEP)[13] which was not reasonable for India. The issue is still unresolved (Bakshi and Trivedi 2011, 22-23).The dissent over the Baglihar Hydel Power Project (BHPP)[14]on the Chenab further aggravated the water issues. The PIC failed to reach any settlement and it was declared as a 'difference' between India and Pakistan in 2005. The provision of the Neutral Expert was invoked for the first time by Pakistan. One of the primary concerns was the height of the gated spillway of the project. However, it was absolved by the Neutral Expert (Raymond Laffitte appointed by the World Bank) with certain changes in the design and the construction was completed by 2008 (Bakshi and Trivedi 2011, 19).

Pakistan directly invoked the provision of the CoAin 2010 while objecting the KHEP which was perceived to jeopardise its Neelum-Jhelum Hydro-electric Project (NJHEP) on the Neelum River downstream. The members were appointed and the CoA was formed as provided by the Treaty (Grover 2014). The final verdict of the CoA in 2013 allowed India to continue with the KHEP without the use of the 'drawdown flushing'[15] technique and with minimum 9 cubic meters per second (cumecs) water flow downstream (Desai and Sidhu 2014, 11).However, it seemed that the verdict barely met the expectations of Pakistan as it demanded another CoA to the World Bank for addressing its concerns on the KHEP and the Ratle Project[16]in early 2016;India demanded appointment of a Neutral Expert in opposition to another CoA (The World Bank 2016). Consequently, the Indus water sharing took a turning point to an unusual position owing to the two parallel demands from India and Pakistan at the same time. It was an unfamiliar challenge to the dispute resolution mechanism. Besides, the World Bank was directly drawn into the arbitration which has only functional role to the Treaty. But it assisted in de-escalating the situation by discontinuing its arbitration on the parallel demands of two dispute resolution mechanisms over the KHEP and the Ratle Project and started to mediatein resolving the issues amicably as per the Treaty(The World Bank 2016 and

2018).The spokesperson of the ministry of External Affairs to the Government of India, VikasSwarup, has stated that the KHEP issue is a technical one like the former ones and can be resolved bilaterally within the Commission level if consented by both the states (*Business Standard* 15th December 2016).

The apprehension of Pakistan has heightened when India inaugurated the KHEP in May 2018 in the middle of the mediation process and accused India of violating the Treaty (Siddiqui 2018). Former Pakistan's Ambassador to the United States of America, Aizaz Ahmad Chaudhry, has expressed concern on this issue and suggested the World Bank to intervene and perform its duty as a guarantor of the Treaty (*Dawn* 20th May 2018).A consensus on the dispute resolution mechanism is yet to reach. However, the recent objections to the PakkalDuland Lower Kalnai hydroelectric projects of India on the Chenab River are being discussed at the PIC level in its 116th meeting (Ministry of External Affairs, Government of India 2021).It seems that India and Pakistan have contradictory views regarding the designs of hydroelectric projects by India on the Western Rivers. Pakistan views the projects to be in non-compliance with the Treaty and India views it as technical issue. This explains the reason behind the simultaneous demand of two different dispute resolution mechanisms by the two states. The dissatisfaction of Pakistan can be located in its mistrust towards the projects. Besides, both the states are likely to make inconsistent interpretations of the Treaty provisions. These factors have brought the Indus water sharing under pressure lately. Even the dispute resolution mechanism has failed to resolve the issues to a certain extent. However, the peaceful bilateral discussions on the recent projects in the 116th meeting of the PIC have restored somewhat normalcy to it.

The water sharing has been exacerbated by another matter of concern - the call to abrogate the Treaty in India after the India Parliament attack in 2001 and Mumbai attack in 2008(Iyer 2002; Menon 2009; Dhillon 2001).The matter has reached its peak when a high-level review meeting of the Treaty was held in India on 26th September 2016 in the aftermath of the Uri attack. The meeting was held under the chairmanship of the Prime Minister of India and it was attended by other top personnel of the Government of India. A statement – Blood and Water can't flow together at the same time- was made by the Prime Minister of India and the scheduled PIC meeting was suspended (*The Indian Express* 27th September 2016; *The Times of India*26th September 2016). The meeting was followed by the formation of an inter-ministerial task force to look after all the possible ways for optimum utilisation of India's share of Indus Rivers (*The Indian Express* 22nd February 2019).Pakistan has perceived the statement to be a hostile and aggressive move by India which indicates its intention to cease its restraint policy and halt the water flow to Pakistan (Zaman and

Abubakar 2016).Scholars like Dr. Ashok Swain and Dr. Shakil Ahmad Romshoo have analysed the capacity of India to restrict the water flow to Pakistan. They are of the opinion that India lacks the technical infrastructure and geographical feasibility tostore or stop the water flow of the Western Rivers to Pakistan (Parvaiz 2016; Guruswamy 2019).India is yet to exploit the storage capacity of 3.6 MAF provided by the Treaty on the Western Rivers (Bhaumik 2019). It describes that accusing India of restricting water flow is an indication of lower riparian apprehension and an attempt to internationalise it.

Nevertheless, India has exhibited a determined and resolute attitude lately regarding its share of the Indus Rivers, though not abrogate the Treaty. The resume of the Shahpur-Kandi project and Ujh project on the Eastern Rivers and the inauguration of the KHEP on the tributary of one of the Western Rivers were recent manifestations of India's attitude (*The Indian Express* 22[nd]February2019). It has underutilised the Eastern Rivers as 2 MAF of its water flow to Pakistan unused. Apart from that, it has only irrigated 0.793 million acres of land from the Western Rivers out of 13,43,477 acres of land (Bhaumik 2019).The former Secretary of Pakistan's Ministry of Water Resources, KhawajaShumail, has stated that Pakistan is not concerned with the Eastern Rivers; instead it is concerned with the Western Rivers (Hasnain 2019). Article XII of the Treaty has provided that it can only be terminated by another Treaty signed and ratified by both the Governments. It is quite apparent that India cannot unilaterally abrogate the Treaty and it does not havethe technical requirements to stop the water flow to Pakistan. Thus, any call or statement to pull out from the Treaty or restrict the water flow can be understood as a rhetorical hyperbole to pressurise Pakistan for countering the perceived Pak-sponsored terror activities in India. The Treaty is still intact along with the scheduled annual meetings ofthe PIC though with an interlude.

Conclusion

Indo-Pak Indus water sharing has been regulated by the Indus Water Treaty since 1960. It was the outcome of prolonged negotiations under the mediation of the World Bank. The Treaty provided a scrupulous framework for amicable water sharing and to deal with the sharing issues if arise. Water sharing issues did appear and it has been marked by a series of objections, counter-objections and contestation in recent times. This crisis can be traced down to the mistrust of Pakistan regarding the Indian hydroelectric projects over the Western Rivers. Besides, the Treaty was used to stall each other during the bilateral political and military crisis. It seems that India and Pakistan have failed to separate the Indus water sharing from its overall

political relations. It may be said that the Indo-Pak Indus water sharing has been under stress and strain for the last few years. The motive of the Treaty - 'the most complete and satisfactory utilisation' – is undermined. However, the institutional framework of the Treaty was substantial enough to contain the issues and challenges to the water sharing amidst escalated non-water bilateral issues between India and Pakistan and keep the Treaty intact.

The Indo-Pak bilateral relations have largely been hostile for decades. It has come to dictate the terms and conditions of Indus water sharing to such a point that the constructive element of the bilateral relations degenerated. The water issues are likely to intensify in near future due to increasing demand for scarce water. Hence, underutilisation of the available water can cost both the states. Efforts for optimum utilisation have been sabotaged by political opportunism. In this regard, separation of water from non-water issues would be the first step towards peaceful water sharing and incessant meetings of the PIC would be largely helpful at present. The solution to the water issues lies in the institutional framework of the Treaty; the delay is constructive utilisation. All these lastly come down to the political will to cooperate which would be challenging for India and Pakistan but within reach.

Notes

[1] Article VIII of Treaty has provided for a PIC with two Commissioners: one from India and the other from Pakistan.

[2] U. B. D. C. was constructed from the Madhopurheadworks on the river Ravi.

[3] Sirhind Canal was constructed from the Ruparheadworks on the river Sutlej.

[4] North-West Frontier Province (N.W.F.P.) has been known as Khyber Pakhtunkhwa Province of Pakistan since 19th April 2010.

[5] Headwork is a structure at the head or diversion point of a waterway or river used to divert water from a river into a canal.

[6] The Dipalpur Canal was on the Sutlej River.

[7] The Standstill Agreement was signed by the chief engineers from India and Pakistan on 20th December 1947 to maintain the pre-Partition flow of the water on the Central Bari Doab Canal (C. B. D. C.) and Dipalpur Canal from their respective headworks located in India. The Agreement would be valid until 31st March 1948. In the absence of a new agreement, India discontinued the delivery of water to the C.B.D.C. in Pakistan on 1st of April 1948.

[8] Article I (10) and (11) of the Treaty have specified that domestic use means water used for drinking, washing, sanitation, household, municipal and industrial purposes and non-consumptive use means water controlled or used for navigation, flood control, fishing, wild life etc. Annexure B has permitted Pakistan to use certain tributaries of the Ravi River for agricultural use.

[9] Run-of-river projects are meant to generate hydro-electric power without any storage or little storage.

[10] Annexure F states that the Neutral Expert should be a highly qualified engineer who is to be appointed jointly by the Government of India and the Government of Pakistan and if both the countries failed to do so then the Expert is to be appointed by the World Bank.

[11] Annexure G states that the Court of Arbitration should consist of seven arbitrators – two arbitrators should be appointed by each country and the other three arbitrators should be appointed by agreement between the two countries.

[12] Article XII (Final Provisions) of the Indus Waters Treaty 1960.

[13]Kishenganga is a tributary of the Jhelum River. It is known as Neelum in Pakistan. KHEP is a 330 mw run-of-river project designed to divert the flow of the tributary to Bunar-MadmatiNallah.

[14] The BHPP (900 mw) was designed on the Chenab River to generate hydro-electricity. India started its construction in 1999. Pakistan had six objections -pondage, freeboard height, gated spillway, height of the gated spillway, probable maximum flood and water intake- to the design of the Project.

[15] The 'drawdown flushing' technique is used to lower the water level in a reservoir until empty to flush out the sediments.

[16]The Ratle Project (850 mw) is a run-of-river project on the Chenab River in the Kishtwar district of Jammu and Kashmir. Pakistan has strongly opposed the design of this Project to be in non-conformity with the Treaty provisions. India has claimed otherwise. However, the World Bank has allowed India to construct the Ratle Project (*The EurAsian Times* 8th November 2018).

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Gender Minority and the Indian State: The Political Identity of Transgender Community as Sexual Minority in India

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Abstract: *The concept of alternative "sexual Identity" is still contested among the marginalized sections of the Indian State. The tradition model of two genders/ sexes borrowed from the British Colonial system is enforced on all citizens including transgender population. This binary notion of gender restricts trans-men and trans-women, and forces them to adhere to fixed notions of gender male-female further restricting their expressions of sexuality and sexual preferences. The idea of sexuality or sexual preference is severely contested and suppressed by the Indian state. The Indian state continuously discourages and forbids the marginalized sections of the society to live, practice, and express themselves in terms of their sexuality through its faulty policies, laws and anti-human rights rhetoric. The hyper-masculine nature of the Indian state and its bureaucracy has been depriving its citizens especially the transgender and people of alternative sexualities to express their sexuality in the political and public domain.*

Despite the reading down of Section 377 of the IPC by the Supreme Court of India in September 2018 and the feminist movement acquiring momentum in the last few decades, repressing and suppressing of sexual identity is still prevalent (culturally and through state mechanisms) in India. While assessing the idea of alternative sexually identity, and the introduction of the Third Gender category by the Indian nation-state, this paper will be an attempt to explore the possibilities of rethinking trans-experiences particularly in the marginalized sections of the society or sexual minority beyond the three categories (male, female and third gender) of sex/gender model of the Indian state.

Key Words: *Sexual identity, Gender, Third Gender, transgender, LGBT*

Introduction

The concept of alternative sexuality is still a forbidden concept of discourse in the context of the Indian state. Historically, there are references of various alternative sexualities in ancient Indian texts and scriptures, while in modern India there are only three officially recognised gender variants: male, female and most recently added "third gender." Various mechanism and institutions of the Indian state still follow the traditional model of two genders/ sexes borrowed from the British Colonial system. This binary notion of gender restricts trans-men and trans-women, and forces them to adhere to fixed

concepts of gender male-female further restricting their expressions of sexuality and sexual preferences. The idea of alternative sexuality or sexual preference is severely contested and suppressed by the modern Indian state. The current state continuously discourages and forbids the sexual minorities of the society to live, practice, and express themselves in terms of their sexuality through its faulty policies, laws and anti-human rights rhetoric.

The biggest irony of the Indian state is that number of its state machinery and institutions e.g. the Union Public Service Commission, Indian Army, and Indian Navy etc have not even recognised the concept of alternative sexuality. Joining these institutions still remain as a distant dream for the transgender people of India. State machinery of India continues to be patriarchal and non-inclusive and predominately discriminatory towards transgender and other sexes.

Who are transgender people?

Transgender people are an important element of Indian society who existed since the ancient times. It is a much broader term in Indian context as it includes Hijras, Kothis, Aravanis, Jogappas, Shiv Shakthis, and Eunuchs who have appeared in Indian literature and history and existed since 9th century BC. However, the transgender people in India received legal and civil recognitions only recently in April 2014 as the Supreme Court of India declaring them as 'third gender.' Earlier, the binary male and female sexes were imposed on the transgender population against their own gender choices. Even today, the transgender people in the Indian society are deprived of basic human rights and liberty and abused and discriminated on daily basis.

Now the questions arises who are these transgender people? Generally, transgender people are referred to those who deny traditional and socially accepted gender norms. Transgender people are those whose sexual identity does not confirm to the binary notions of gender. Their sexual identity is not similar to the gender that they were actually born. Referring to the binary norms of the gender, sexes were assigned to them during birth based on the physical attributes and appearances. Biologically, transgender people are generally not born with specific organs of either male or female. Sometimes they are born with biological organs of both the sexes or none of the sexes. The confusion of their sexual identity makes their life extremely complicated and challenging. Variety of terms is used to describe their unique gender identity like "non-binary" or "gender queer."

Being born as a transgender is a completely normal biological practice. Broadly, transgender people are persons who belong to any age or sex whose appearance, personal features, or behaviors vary from stereotypes about how men and women are 'supposed' to be or supposed to behave. In the recorded human history, transgender people have existed in almost every culture, race, and society. There is no specific common attributes for the transgender. Even people may realise that they are transgender at any age. Some people could discover their sexual identity based on their earlier memories. Some people even require more time to realise that they are transgender or their sexuality is non binary. In worst case scenario, transgender people spend years feeling confused about their physical attributes due to social and family pressure. They could not figure out why they don't fit in the binary notions of gender and could not express their sexuality due to shame, fear and confusion. Repressing or hiding one's gender identity is an extremely difficult task, which could be painful and frustrating and equally damaging to transgender people's emotional and mental health. Even revealing their sexual identity, transgender people risk social stigma, discrimination and harassment.

According to transgender theorist Prosser (1998), the transsexual doesn't necessarily look differently gendered, but by definition feels differently gendered from her or his birth-assigned sex. In a broad context, the term transgender is multidimensional as it covers a wide variety of sexual identities and experiences. In this regard, the term is not exclusive for the transgender people but also extends to cross-dressers irrespective of sexes, inter-sexed individuals and most importantly men and women whose appearance or attributes are supposed to be gender nonconforming. Other important terms related to transgender are 'gender variant,' 'gender different,' and 'gender non-conforming.' So, transgender is an umbrella term as defined by United National Development Programme (UNDP 2020). The term refers to the people who disobey rigid, binary gender norm and who breaks away from culturally established stereotypical gender roles. Interestingly, a transgender person may live full or temporarily in the gender role, which may be completely opposite to their biological sex assigned to them. Basically, they are individuals of any age or sex whose attributes, features, attitude, behavior or personal distinctiveness differ from accepted gender stereotypes. However, as they are different for the regular gender roles, transgender people face discrimination and harassment in all aspects of the society.

Transgender in India

In India the transgender community belongs to the most marginalised section of the society politically, socially and economically. All citizens may be equal as per the constitutional provisions, however, the transgender are even denied to have their basic rights like right to equality, right to dignity, right to personal liberty, right to education, right to freedom of expression etc. The political identity of the transgender people is severely contested and marginalised in a developing society like India. They are the minorities in the real sense in terms of sexuality.

Transgender people are not alien to Indian culture as they have existed in all parts of Indian subcontinent. They have always taken a special place in Indian culture and society. However, tracing the exact history of transgender people in India is a complicated task. Asian countries especially in India have several references in history regarding the existence of gender-variant males who could have been labeled as "transgender." There are references of third gender in three main religions of India - Hinduism, Jainism and Buddhism. The Vedas also explained individuals as belonging to one of three separate categories, according to one's nature or "prakrti." There are references of transgender people in ancient text Kamasutra as "Tritiya Prakriti" or third nature who did not fall in the binary notion of sexes. The explicit depictions of queer couples in the temples constructed between 6th and 14th centuries in Khajuraho, Tanjore and Puri also indicates their existence.

Referring to various ancient texts of India suggest that third sex individuals were integral in pre-modern India, and included male bodied or female-bodied people as well as intersexuals, who could be indentified in the childhood. Reference to third gender was not exclusive to Hindu religion; in fact, there were several references of transgender people during the Mughal era in the medieval period. (Michelaraj 2015)

As mentioned already, a broad variety of transgender-related identities, characteristics and experiences could be found for examples Hijras, Shiv Shaktis, Kinners, Kothis, Aravanis, Sakhi etc. The most prominent and visible group among them are the Hijras who are integral part of Indian society. Hijras are mainly born biologically as a male but over a course of time refuse their "masculine identity." They prefer to classify either as "women" or in between man and women. They are mostly transsexual persons in Western context; however, in Indian context Hijras form strong social bonding through forming their own community and identity. They face all sorts of discrimination in Indian society

despite the Constitution of India guarantees equality among the citizens. Transgender identity is complex, complicated and highly contested.

The Hijra communities in India mostly earn their livelihood by street entertainment, singing and dancing in social gatherings, begging or selling sex. Hijras join a community known as "Dera" when they leave their home. All "Deras" has a Guru who acts as parental figure among the members. Deras work as a support system among the members during the time of crisis. The political identity of Hijra community and their fight towards attainting equality, freedom of choice, freedom of speech and expression needs proper and adequate attention in India.

Political Identity of Transgender Community in India

Transgender people are among the most marginalised section of the Indian society. They face discrimination in all aspects of social life as the gender determine almost every aspects of life including appearance, identity, cloths, behavior, occupation, mobility and sexual preferences. Gender is generally assigned at birth; however, for transgender people, it may or may not match the person's idea of their own gender. Legally, gender is omnipresent in any form of legal documents that certifies human identity like birth certificate, board exam or university mark sheets, ration card, passport, health insurance card, driving license, pan card, Aadhar card etc. Gender even covers public utilities like toilets, security screening at the air port and any other important public places. Most importantly, transgender people in India are deprived of the key social goods such as education, health, employment, heath care, housing, social security and pensions. Irony is that the discrimination starts at the moment of birth as families are not able to accept the alternative sexual identity of their child.

Gender identity is very much associated with someone's personal identity, gender expression, sexual preferences and presentation. In a democracy, a transgender person must be free to express his/her personality in a free environment. State must not stop or interfere with transgender people's free expression of personality and attributes. The rule of law guarantees equality in the eyes of law in India. Yet, the transgender people in India face discrimination on day to day basis. Their daily life is a continuous battle as they need to face cruelty, abuse and prejudice from every aspects of the society. The discrimination starts at home as they are abandoned by their parents, family members and the society at large. They are ostracized from the society and also harassed by common people.

In the historic judgment in the National Legal Services Authority (NLSA) vs. Union of India case in April 2014 the Supreme Court gave the verdict that one's sexual identity or orientation is an integral part of personality, freedom and self respect and it declared "Hijras" and "Eunuchs" as third gender, providing them a legal identity along with seven other directions (Sukey 2018). By giving recognition to diverse and alternate gender identities, the Supreme Court has challenged the binary notion of gender consisting of only man and women. The court's decision was a welcome move. Referring to the right to personal freedom and self determination, the Court stated that the gender to which a person belongs to be decided or determined by the person concerned. So the court has provided the people of India the right to gender identity. (Sukey 2018)

In the last census conducted in 2011 for the first time the data of transgender population were gathered along with the important details related to their caste, employment, and literacy. According to official data (2011 census), 4.80 lakh transgender live in India and the majority of transgender people have enrolled themselves in begging and paid sex for their livelihood. As the census followed the traditional two sex model, the data of transgender was clubbed inside the category "males" in the primary data released by the government. The numbers were not complete as majority of transgender people were reluctant to reveal their "gender identity" for fear of social dishonor attached. So, getting and collecting the actual figure is an actual challenge in India.

Constitutionally, gender equality is guaranteed among all genders as fundamental rights of India. Articles 14 and 15 talk about elimination of discrimination on the ground of religion, race, caste, sex or place of birth. Then Article 21 ensures the right to privacy and personal dignity to all the citizens of India. So, someone's right to choose one's gender identity forms an essential component to lead a life with dignity, which is guaranteed by Article 21. The Constitution of India also guarantees political rights and other benefits to all citizens. However, despite all these constitutional guarantees, transgender persons continue to be discriminated by the Indian state. The Constitution provides equality in all spheres, however; the unsettled question is whether it is being applied.

Referring to Article 19 (1) (a), the Supreme Court also protects one's gender expression and states that no restrictions should be put on someone's personal appearance or choice of dressing. The court recognizes the right to personal liberty as any person could choose to behave in private, exercise

personhood and the free thought process of the human being, which are crucial for the fullest development of the personality of the individual. A person looses confidence and self respect if he or she is forced to grow older in a gender to which he does not belong to or he cannot relate to the gender assigned at the birth. In addition, the Supreme Court has provided certain instructions for safeguarding the rights of the transgender persons by including of a third category in the documents like the voter identity, passport, driving license and ration card, and for admission in educational institutions, hospitals, amongst others. However, these instructions are still not followed or implemented in majority of India states.

Discrimination of Transgender people in India

Most of the Indian states do not protect transgender community from discrimination based on gender identity or gender expression. Transgender people in most cities and states in India face discrimination in nearly every aspect of their lives, which includes discrimination in employment, housing, health care, education, legal systems and even in their families. They face social stigma and prejudice and therefore has fewer opportunities as compared to other two genders. Majority of them are illiterate as schools are reluctant to admit them along with regular students. Even if they are admitted in an educational institute, they face violence, abuse, discrimination, harassment and are bullied every day and are forced to leave the school or they drop out on their own. Those who somehow manage to complete formal schooling, face further challenges as homophobia prevails on campuses of colleges and universities across India (Bakshi & Sengupta 2019). Very little organized efforts have been done so far to combat such prejudices. So, there is a long a way to go to create a safe space for the transgender community in Indian educational institutions.

Transgender people in India face social exclusion, which means inability of individuals to participate in economic, social, political and cultural activities at a normatively acceptable level. Discrimination of Transgender community becomes more prominent over a period of time in the educational field. Sexual assaults and torture of a transgender student by fellow students are common in educational institutions in India. Though education is an essential right of transgender people like any other citizen, educational institutions have failed to create a safe educational environment to continue their studies without harassment, intimidation, bullying and discrimination on account of their gender identity. In addition to discrimination, transgender people suffer from multiple mental health issues due to abuse, non

acceptance of identity and feeling of isolation. Globally, the suicide rates among the transgender people are higher compared to the heterogeneous people.

Without proper education and skills, the majority of transgender people are forced to take up begging and sex work. Most of the Indian offices refuse to adhere to follow the judgment of the Supreme Court of India and follow the policy of hiring candidates of male and female sexes only. Even hired, a transgender person is discriminated and ridiculed at the work place. They are paid salary less compared to other two genders. So very few could survive in such suffocating environment. So, opting for sex work appears to be the best option for them at the highest risk of contracting HIV as they opt for unprotected sexual intercourse. Spread of HIV among the transgender community is enormous in India. They also suffer from other sexually transmitted diseases such as rectal gonorrhea, syphilis, rectal Chlamydia etc.

The transgender people cannot even apply for majority of the jobs whether government or private. Majority of employers deny hiring of even qualified and skilled transgender person. The lack of livelihood options is a major reason for a significant proportion of transgender people to choose or continue to be in sex work with its associated HIV and health-related risks. Transgender communities especially youth face great challenges in coming to terms with one's own gender identity, resulting in depression or development of suicidal tendencies. Triggers for mental health issues include societal stigma, lack of social support, positive HIV status and violence-related trauma. The participation of transgender people in the political processes of India is negligible because of unclear rules and archaic systems.

Transgender persons were granted voting rights in 1994 but majority are denied voter identity cards as the matter got caught up in the binary notion of male or female question. They did not get the identity cards with sexual category of their choice or preference. Lots of promises are made during elections; however majority of transgender are still denied exact identity proof. Until very recently, the transgender people are even denied inheritance of property. Uttar Pradesh becomes the first Indian state where the transgender people will inherit ancestral agriculture land.

The transgender people are often sent to the periphery as a social outcaste. The employment opportunities are extremely limited for them. They have no access to public bathrooms/toilets in public

and work spaces. Even there are no bathrooms for transgender in malls, railway stations, bus stations etc. The lack of access to bathrooms and public spaces is indicative of the extent of discrimination faced by transgender in availing each facilities and amenities. They face similar discrimination in prisons, hospitals and government offices.

Indian society is predominantly patriarchal in its attribute. The patriarchal nature of the society supports and endorses masculinity as an accepted norm. Desire for a male child is an accepted feature of the Indian society. So, most Indian families do not tolerate if their male child starts behaving in ways that are considered feminine or inappropriate to the expected gender behaviour. These children are referred as "Kothis" who are biological males but displays varying degree of felinity. As a result, family members may bully, ridicule or even assault their son/sibling for behaving or dressing-up like a girl or woman. On extreme cases, some parents may outright disown and force to leave their own child for violating the prescribed gender norms of the society and for not fulfilling the roles expected from a male child. Numbers of justifications are provided by such parents for making such decisions: an effeminate male child may bring dishonor and shame to the family; they are incapable of taking care of the family in the future.

The educated ones find it challenging to get jobs as their identity work as a barrier. Majority of government offices do not have provision to employ transgender people in India. Even in the private sector, organizations that will employ Hijras are rare. Majority of people in the society mock or laugh at gender- variant people for being "different" and continue to discriminate. On the streets, transgender people are harassed on regular basis by the police. They face physical violence, verbal abuse, forced sex, money extortion and arrests on false allegations. Indian police hardly provide security and protection to the Hijra community so they become the easy prey for demanding money and victim of sexual violence.

Healthcare Sector

Transgender people are neglected and discriminated even in the healthcare sector. Indian state does not provide special and regular healthcare facility to the transgender community of India. They face number of discrimination in the healthcare sectors both in public or private. First, male terminology or pronouns are used while addressing Hijras or transgender patients, they are forced to register as males and

admitted to male words, face verbal abuse by the hospital staff and co patients; lack of respect and care, lack of gender sensitive medical staff and even refusal of medical services. Many transgender are treated and discriminated due to their transgender identity, profession or HIV status or a combination of all.

It is the duty of the various Social Welfare departments of the Indian states to provide beneficial and welfare schemes for socially and economically marginalized sections of the society. Ironically, no specific welfare schemes are available for the transgender sections of the society. Occasional welfare schemes are provided in few states of India as Andhra Pradesh Government has given directions to the Minority Welfare Department to recognise "Hijras" as minority and prepare welfare schemes for them. Rigid rules and complicated procedures and requirement of address and identity proof, income disclosure discourages even the deserving candidates from making use of available schemes. Also, since there is no awareness, majority of transgender people do not have enough information about if any social welfare scheme is available to them.

Indian state is not even cooperative with those transgender who wish to undergo sex reassignment surgery (SRS). The legal status of the SRS is quite ambiguous. In addition, the legal validity of the post-operation certificate issued by the healthcare officers regarding the current sex of the transgender person as there are no explicit policy or legal guidelines on the same from the government. It makes the process quite confusing. Ironically, the Indian legal system is silent on the issue of the SRS. Forcefully castrating someone may cause him "grievous hurt," which is a punishable offence under Section-325 of the Indian Penal Code (IPC). It is even a punishable offense even if someone chooses to be emasculated with consent with the doctor. Still there are no India specific rules for the SRS in India.

Government hospitals in India do not perform the sex reassignment surgery. Tamil Nadu is the only Indian state where it is performed in few select government hospitals. The SRS is expensive in private clinics so majority transgender people could not afford to pay the fees. So they had no options but to use the service of unqualified medical professional for undergoing "emasculation." It could cause severe pain and develop post-surgical complications, which could have been avoided easily if Indian Government has offered free or cheaper sex reassignment surgery.

Even life after a successful surgery is not an easy task for a transgender person. There are so specific guidelines regarding legal procedures associated with post surgery. The problem arises with the applying for the identity cards. Tamil Nadu is the only state that has created provision for changing the birth name and sex of transgender people in official gazette and official identity documents either after realizing their gender identity or undertaking sex transition surgeries. In addition to that Tamil Nadu Government has proper procedure to provide an identity card. In fact the state has constituted a district level screening committee in all districts under the Transgender Welfare Board. The identity card issued has particulars like birth, name, transgender name, permanent address and membership number. The card is quite useful for the transgender people to apply for the welfare schemes designed specifically for them.

Still there are no written guidelines from New Delhi for the process of issuing passport for transgender people. In India, official documents regarding male to female sex change is possible only for the post-operative transsexuals. Getting official documents is extremely difficult for the pre operative transgender people, for those who are medically unfit for surgeries and for those who self-identified as the transgender. There are no uniform guidelines in the way gender/sex is mentioned in the post sex assignment surgery medical certificates. The missing of uniform procedures in the gender change identity documents makes it very complicated for the transgender people to have identity documents with their desired name and gender.

The above complicated procedures show clearly that political or social identity of the transgender community opens up numerous areas of neglect and denial for them in Indian states as sexual minority. Recently, the petition for same sex marriage is rejected referring it as unnatural and against the Indian culture. A person who changes sex or have gender variant, the legal matters are quite complicated in terms of same-sex marriage, child adoption, property inheritance, wills and trusts, immigration status and access to public and private health benefits. In India to get legal recognition as women or as transgender is really a complex issue.

Conclusion

The main purpose of social welfare legislation should be to protect the rights of the marginalized sections and minorities in the society. There are instances where discourses of a very real threat to their

lives and systematic obstruction in place to not just dissuade, but to discourage members from the community from occupying and participating in political spaces, it is incumbent then the state to actively engage with such communities to create such discourse. History has time and again, betrayed the transgender community as a sexual minority.

Differences in gender identity of the transgender people make them to bias-motivated discrimination, stigmatization, violence and harassment in different areas of life including employment, education, health care, housing and public services. This is strongly linked to their gender identity which does not allow them to conform to traditional norms. The Transgender people are marginalized due to being engaged in low paying, low skilled jobs leading to poverty and further discrimination. One possible reason for this economic, social and cultural exclusion emerged from their low level of education, high drop-out rates and reduced access to vocational skills. Another cause of their exclusion could be their gender identity which prevents them from getting jobs or occupy spaces in public posts. At the home they experience through partner violence and outside the home they face assaults from schools and from the police and anti social elements. Thus, for transgender community there is no forum to address violence. Mental harassment and discrimination was more prominent than physical violence in public spaces such as the workplace and public services provision agencies. It is the duty of the Indianstate to create a safe space for the transgender community so that they could lead a life of their own without being judged is every aspects of their life.

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Memory, History, and Violence:

Testimony of a Refugee Woman of Marchichjhapi, West Bengal

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Abstract

Life of a refugee oscillates between loss of home and searching for the same. The course of such a life is uncertain, even fragile for it has to confront numerous strains of violence. A refugee who thus becomes a victim or a survivor of violence can be a source of understanding of 'what really happened?' to her and her community. The experience of a refugee as a conscious subject helps in disclosing the history still unknown through her memory. Her testimony based on memories of the violent incident(s) of the past, therefore, seems important, particularly when she had occupied a place 'inside' of the fold of the history of incident(s) which allows her to re-construct the same in a manner she now wants to do. Her testimony empowers her to free herself from the condition of subordination, inferiority, and voiceless exclusion caused by violence. The testimony of Mana Goldar, a refugee and a woman, who at the age of thirteen had gone through the splinters of violence as a consequence of her being born into a refugee family represents the same frame of reference. This article attempts to understand her encounter with such violence (in the Camp of Dandakaranya and Marichjhapiisland) through her testimony.

Introduction

As Walter Benjamin has heralded that 'to articulate the past historically does not mean to recognize it "the way it really was"', but 'to seize hold of a memory as it flashes up at a moment of danger.' (Benjamin 2007) so, a political incident of the past can invariably be resurfaced time and again in its abstract forms. A testimony of someone, interwoven in the narratives, who was or has been a victim, a perpetrator, a witness, or even a survivor of that incident can bring it back to the present by dint of memory for 'There is a secret agreement between the past generation and the present one'. (Benjamin, 2007, p.254)It is not just the past that retains itself in the mind

of an individual and casts its long shadow over the present indivisibly, it can thus be re-viewed too. From the standpoint of the 'present', it can so be possible for a person, i.e. a victim, a perpetrator, a survivor, or a witness, to critically estimate what had happened then in the 'past'. In doing so, memories serve as a tool in one's testimony. A refugee who is seen and treated as someone living 'on the margin of the world', to borrow the expression from Michel Agier's celebrated work of the same title, that is to say, the unknown and unfamiliar geographical domain which she does not belong to, where she finds herself alien, suffers from an acute sense of loss of home, and therefore grows 'refugee consciousness' characterized by that very loss and displacement, often comes with such memories – the memories that convey something of the past into the present, the immediate individual representation of a distant historical reality experienced by a collective group. The testimony of Mana Goldar, a refugee from Marichjhapi of West Bengal referred to the refugee woman in the title of this article, provides with important historical register of refugee condition, their struggle, politics and violence against them in the post-colonial democratic state of India.

The Route Map of Searching New Home(s)

A refugee is not a 'citizen' of a state, or she bears no national identity in legal terms. She is always a member 'the most symptomatic groups in the contemporary politics' (Zolberg, 1989, p.12), as Hannah Arendt (1906-75), the eminent German-born American political theorist puts it. Being a refugee she has always been victimized by events, of historical ordeal, 'for which, at least as an individual he cannot be held responsible'. (Zolberg, 1989, p. 3)The migrations of refugees to independent India in several waves for survival were the political by-product of the historical event of the partition of India in 1947. 'All through the 1950s, 1960s and 1970s Bengali Hindus from what had become East Pakistan and subsequently Bangladesh entered West Bengal in the hope of settling down.'(Jalais, 2005, p.1757) Since then, the movement –both transnational and inland (within India) - of the refugees had pursued some conspicuous patterns which may be grouped into certain temporal phases based on the works of the scholars on the subject for clearer understanding of the same.

First, the landed educated upper caste Bengalis, and the urban and rural middle classes and professionals were the first to have left for West Bengal in the next two decades of the partition. And they had managed to settle in various parts of West Bengal along with Calcutta. A second generation of refugees came in West Bengal during and after the Bangladesh Liberation War in 1971 followed by the military coup of 1975. They were mostly the low-born Hindu farmers, i.e. the *Namashudras.*

> In the 1960s and 1970s (especially after the Bangladesh war of independence in 1971, Mujibur Rahman's assassination in 1975 and Zia-ur-Rahman's coming to power) communal agitations started to hereafter be directed against the poorest and low caste Hindus who had remained in East Bengal. They now sought refuge in West Bengal. (Jalais, 2005, p.1757)

Second, a large population of those refugees were 'sent from temporary camps in West Bengal to camps in Dandakaranya, comprising parts of what are today independent States of Odisha, Chattisgarh, Madhya Pradesh and Maharasthra.' (Halder, 2019, p.16)

> Thus, these Namasudra refugees were forced to settle in semi-arid, rocky inhospitable lands, called Dandakaranya, in the neighbouring states of West Bengal… (Chowdhury, 2011, p.667)

Herein works politics. The *namasudras* of undivided Bengal along with the Muslims formed a powerful bloc as well as political movement that were able to keep the Indian National Congress in opposition since 1920s. Both alliance with the Muslims and the movement of the *namasudras* was impaired as a result of the partition –(i) they have lost the bargaining power, (ii) they had become marginalized and cornered in the context of national question, and (iii) 'The exclusion of the bhadralok from power led to the Hindu elite and eventually the Congress, pressing for the partition of Bengal at independence, so that at least the western half would return to their control.'(Jalais, 2005, 1757) Eventually, the second wave of the Bangladeshi *namasudra refugees* to West Bengal was, it can be assumed, one of the execrable the aftermaths of the Partition of India. As the ruling party, i.e. Congress was, obviously, unwilling to let them settle in the state, the refugees were taken to Dandakaranya. The opposition, i.e. the Communist Party of India (Marxist), 'denounced the Congress' attempts to evict the refugees from West Bengal and promised that when they came to power they would settle the refugees in West Bengal'.

(Jalais, 2005, p.1758) Many left leaders, Ram Chatterjee, Kiranmoy Nanda, and even Jyoti Basu, visited 'the refugees in Dandakaranya and assured them' (Halder, 2019, p.18) of rehabilitation in West Bengal, preferably in the Sundarban region if 'the Left comes to power'.

Third, but dismally, the refugees' hope of getting the 'promised land'went in vain. The Left Front government stepped back in keeping their words fearing 'an influx of refugees might jeopardise the prospects of the state's economic recovery'. (Jalais, 2005, p.1758) The bhadrolok communist leaders took a statist position with their electoral victory by seeing the *namasudra* refugees as additional burden.

> In June 1977, the Left Front came to power but, surprisingly, no one from the government seemed interested in following up on the promises made earlier to rehabilitate the refugees in West Bengal. Many desperate refugees, after waiting for some time, sent a memorandum to Radhika Banerjee, who was the relief and rehabilitation minister of the Left Front government at the time, on 12 July 1977. They said if the government didn't do anything to bring them back from Dandakaranya, they would be compelled to return on their own. (Halder, 2019, p.18)

And,

> The same Left Front that had backed the refugees' cause for return to West Bengal from Dandakaranya now considered the refugees as 'intrusions' on state resources. The government made use of police forces at the station and posts that the refugees crossed on their way to the island, in order to stop the refugees from reaching Marichjhapi. (Chowdhury, 2011, p.668)

Still a good number of Bangladeshi refugees somehow managed to reach Marichjhapi Island, situated in the Sundarban, the largest mangrove forest in the world, and the UNESCO-declared world biosphere reserve, in the first half of 1978 in the teeth of government's animosity. The refugees transformed the island, the 'nowhere land', 'into a thriving village' on their own: 'Over the following year, by their own efforts they established a viable fishing industry, salt pans, a health centre and schools'. (Chowdhury, 2011, p.668)

And, *fourth*, the Left Front government was now keen on driving out the self-sufficient community of the Bangladeshi *namasudra* refugees. One, so the government put an 'economic blockade' upon the islanders 'in order to isolate the refugees economically, cutting off their access to food, water and other basic requirements' in January 1979. The soft operation, however, failed. The government, then, went on to use violence, 'state violence' to be precise, against the refugees of the Island, between 14 and 16 May of the same year:

> Every trace of the settlement built by the refugees was razed to the ground. People were killed and their bodies thrown away into the rivers. This made the exact count of the number of deaths impossible, since there was no human settlement downstream to observe the bodies…Of the approximately 14,000 families who had started on this fateful journey from Dandakaranya to Marichjhapi in West Bengal, about 10,000 returned back to their previous settlement at Dandakaranya in a state of complete destitution. Many others found themselves in shanties and railway tracks in and around Calcutta and other parts of West Bengal… rest of the 4,000 families were massacred in their fight against the state.'(Chowdhury, 2011, p.668)

The then information minister of information 'declared at Writers' Building that Marichjhapi had been cleared of refugees' (Halder, 2019, p.20) a day latter of the massacre.

The refugees who had moved to West Bengal in the first half 1970s, covering the second, third and fourth phases of refugeeisation, have direct bearing to the violence of Marchichjhapi. They, evidently, had to take a spatial journey through a route map across the border of two nations in reality over a certain period of historical time: they lost their home, came to West Bengal, deported to Dandakaranya, returned to Marichjhapi of Sundarbans and created home again, and, all of a sudden, they lost everything forever as they once lost the homes in their native land. The process, thus, involves an ever-lasting desire for home, the political motives, and violence as a means together.

Testimony, Memory and History

Giorgio Agamben (1942), the Italian philosopher asserts that, etymologically, there are two words for 'witness' in Latin: (a)*'testis'*, that means 'the person who, in a trial or lawsuit between

two rival parties, is in the position of a third party'; and, (b) *'superstes'*, that refers to 'a person who has lived through something, who has experienced an event from beginning to end and can therefore bear witness to it.' (Agamben, 1999, p.17). Here arises a question: 'How does the testimony work?' That is to say, 'How a witness or a survivor of an incident of violence is able to tell what she saw, or heard, or experienced at that very moments of violence?' Is not the fact that the reality of the pastis *nichtwiedergutzumachende*? So to say, '[past] injustices are over and done with. The murdered really are murdered.' (Bevernage, 2007, p.3)Once something heinous occurred in the pastis captured into the human memory which constitutes one's testimony; and the historical reality can thus be retold, reshaped, reconstructed even if it goes far away through the passage of time. The testimony of someone such as this, in the sense of *'superstes',* always represents the past that is conceived of to be irreversible.

For Paul Ricoeur (1913-2005), the French Philosopher, there are some important traits of personal memory. One, memory of something is strictly singular by nature – 'my memory cannot be your memory' and vis-a-vis. It is a private possession which can never be transferred. It, therefore, represents 'mineness'. And, two, memory is ambivalent: at times it appears to be fragmented, found divided into many levels; also, it has the power to traverse, to move backwards and forwards over the corridor of time. It is in the testimony, as a kind of narrative, where the private, singular memories and collective plural memories come to be conflated.

There is an important notion of history that has been developed in the writings of the R.G. Collingwood (1889-1943), the English historian. He has insisted on looking at two perspectives while investigating the past event: (y) 'outside' of an event, that is to say, the event's 'bodies and their movements'; and (z) 'inside' of an event which refers to the 'thought' that the event provokes to its seeker. Therefore, in order to have a full grasp on it one has to re-think the event 'in his own mind': to re-imagine, re-build the past from the standpoint of one's own age. For example, when 'the historian of politics or warfare, presented with an account of certain actions done by Julius Caesar, tries to understand these actions', this requires his 'envisaging for himself the situation in which Caesar stood and thinking for himself what Caesar thought about the situation and the possible ways of dealing with it.' (Dray, 1995, p. 37)

The Community (of Refugees) and the Subject

The theoretical considerations about testimony, memory, and history, however, point to and converge upon the human subject. A witness who experiences an incident of something violent or inimical, has grown an autobiographical awareness out of what she had to be experienced. Here the subject, the witness - *'superstes',* is able to bear testimony because she 'has lived through something'. Her testimony comes into light when she, after the incident is over – sooner or later, intends to describe 'what really happened' from her point of view. Thus testimony of a subject, a victim's or a survivour's, is a retrospective epiphenomenon of the historical incident she now undertakes to speak of, to re-construct. This testimony is, hence, a singular account of the witness, a wholly personal description of an incident she once went through mixed with her emotions (fear, thrill, sorrow, trauma etc).The testimony of a witness so is carried out by what she can 'remember' or 'recollect', that is to say, by means of her 'memory' of what she had experienced. It should be kept in mind that 'Testimony is a pain, and one not always shared.' (Agier, 2008, p.76). It is much more difficult for a subject, a conscious individual being, i.e. a victim, a witness, or a survivor, to offer a testimony if she has experienced an incident from 'inside' for it requires her to re-think, re-contemplate upon the incident, to link the past with the present which, in fact, politicizes the incident itself. Why? Because what she now want to disclose is at her disposal.

What is more to it is that a singular testimony generally qualifies the community one belongs to and endures with as a whole: 'To be able to give testimony of what has happened helps to give a meaning, a posteriori, to what they have experienced, to socialize it for both themselves and others.' (Agier 2008: 75) It has two significant aspects. One, as is just said above, to give testimony is to act politically, or to be political, for it involves choosing among the traces of memories in the context of the community and its struggles. And two, such testimonies 'are thus essential to the reconstruction of each individual person' stepping forward to do so.

The refugees are a 'victim group'; so each one of them a victim 'for which, at least as an individual he cannot be held responsible.' (Zolberg, 1989, p.3)Refugees are constituted as dangerous category because they bedim the national boundaries and challenge the institutional

binary opposition between the 'nationals' and the 'foreigners'. The figure of refugee has generally been considered as an ideal-typical one, a *generic* one, i.e. the Refugees, the Refugee experience, Refugee psychology. (Malkki 1995) The refugees have also viewed as 'matter out of place' as opposed to 'the national order of things' corresponding to the distinction between 'foreigners' and 'nationals'; that 'their return to their homeland, is, therefore, the only cure for their pathological condition, the only way to solve the "refugee problem" and restore the "national order of things" to its original state of purity.' (Danforth-Boeschoten, 2012, p.188) Nevertheless, the refugees live in a community of exodus, which is neither ethnic nor religious nor national. Not even exclusively cultural. It is existential community where they all have to face a common fate, and bear an equal share of misfortune. 'In order for this community really to achieve and develop its full existential framework, the refugees and displaced people have to socialize their particular experience of wars, exoduses and camps, however long this takes.' (Agier, 2008, p.74)'The Refugee Secretary of the All Africa Council of Churches'MelakuKifle had once said that a refugee 'is a kind of mirror through whose suffering we can see the injustice, the oppression, and the maltreatment of the powerless by the powerful.' (Malkki, 1995, p.12) How can then a refugee question that injustice, or can challenge it, or can try to overcome her so-called 'refugee situation', if there are still chances for the same again? One of her most convenient weapons would be, in this regard, her testimony - the story or stories of her life that she keeps long in mind's receptacle to impart, for a testimony is the subject's own way of raising her voice and staging a performance as well where the subject speaks for all the members of her community, and thus can lay the foundation for a fairer struggle for justice, equality, and freedom with the help of a transcriber by orchestrating her memories and being an insider of the historical incident she now sets to reveal as '*superstes'*.

Violence-1: The Camp and the Girl Child

Mana Goldar, the daughter of Rangalal Goldar, one the leaders of Bangladeshi *namashudra* refugees who tried to resettle the refugee population came to West Bengal in the first half of 1960s, falling into the 'first phase' of route map mentioned earlier, is one who (the key figure of this article) herself is both a witness and a victim of two spatial zones of experience: first,

Dandakaranya, and second, the 'Blood Island', i.e. Marichjhapi. The young journalist and author Deep Halder in his much talked about book 'Blood Island' wants to document the 'oral history' of the people, nine in number, who were directly or indirectly, associated with and affected by the incident of state-violence of 1989 in Marichjhapi as a curious transcriber: Mana is one of them. Halder writes that Mana 'had spent her first twelve years in Dandakaranya and one in Marichjhapi'.

> My father named me after Mana Camp in Raipur, in what is today Chhattishgarh. I was born there in 1965 and lived there for twelve years. The Mana Camp had thousands of refugees who crossed over to India from East Pakistan. (Halder, 2019, p.120)

The rehabilitation of the Bengali refugees was thought to much more complex than that of Panjab in the following years after independence. The Central Government had decided to resettle huge number of refugees migrating from East Pakistan to Dandakaranya –'a place for permanent settlement (not rehabilitation)'.(Sengupta, 2011, p.105)The first kinds of violence that Mana as a child learnt to realize were both structural and social. In Dandakaranya things were messy for the refugees that pushed them leading a life of through hardship. The state could not develop adequate infrastructure: there lacked minimum facilities such as irrigation, electricity, drinking water, medical and healthcare support etc. The ration sanctioned for them was of insufficient quantity: 'most of us had large families those days and we had to survive on very little'. Further, the piece of land her family was given in the Camp 'were infertile and farming was the mainstay of us refugees from East Pakistan.' The native people, i.e. adivashis, deprived of them cultivation for livelihood. What was left 'nothing for us except odd jobs'. (Halder, 2019, p.122)In his literary masterpiece *DandakThekeMarichjhapi* (Bengali), Shaktipada Rajguru portrays the reality of such violence, the struggles of those 'matter out of place' against the nationalist ethos among the aboriginals thus,

> With central grants, Dandakaranya Development Authority has founded new settlements. This created a new feeling amongst the people who have always lived there. They want a cut of the pie too, and they have started agitating after inciting a few people ... ''Foreigners Out! They have no place in our land!'' was a common slogan. In contrast there is the official

nationalistic discourse of pioneering work, clearing lands, making them fertile, harnessing wild nature to create a ''new Dandakaranya'' and a ''a new nation''. (Rajguru, 1996, p.29)

For little Mana the violence that really mattered was against his father. It was direct and political as well that had affected her family badly. 'Udbastu Unnayanshil Samiti' 'decided to spearhead a movement' for the betterment of the refugee people in the Camp (against the structural violence they had to face in everyday life). As one of the prominent leaders of the organization, 'My father…on an eighteen-day fast to protest against the rice doled to them in the camps which was of very poor quality. They demanded we be given more and better quality rice'. (Halder, 2019, p.122) The political consciousness had been counterproductive: police warrant was issued against him Rangalal Goldar – 'A police van arrived at around ten or eleven in the morning and took Baba away' ((Halder, 2019, p.125) It took six month for the family to know that Rangalal was 'charged under Maintenance of Internal Security Act (MISA) and sent to Raipur Jail'. They reunited after 22 months. Rangalal left for Kathihar with his family, but resumed 'mobilizing people scattered across various camps in Dandakaranya.' On one such occasion he was caught red handed by the police, 'beaten up…and forced to board a train to Bihar'. Later he somehow managed to go to Marichjhapi via Calcutta. Mana's family journeyed to Marichjhapi three months later without Rangalal, covertly: 'We did not give out our real identities when asked, as it could have led to trouble.' (Halder, 2019, p.128)

The most vile of all for Mana as a child who just 'was studying in third class' was her family's helplessness amid absence of his father in the Camp. The family had to pay the price of what Rangalal had been doing, of being politically aware of one's own existence, of being contentious not for one's own sake, but serving the greater interest of the collective, i.e. the unfortunate Banglaseshi low-born refugees. They had to, consequently, quit from running a ration shop, 'the soul means of our livelihood', the Camp authorities provided them with. Her mother 'became a househelp to feed' the family, the relatives lived with them departed. The condition for life was indeed abject and appalling as Mana has recollected:

So, we were left to fend for ourselves; five kids with their mother. We saw a lot then, the worst of human nature. Camp babus taking advantage of women who had lost their husbands or whose husbands were sent to jail'. (Halder, 2019, p.125)

Violence -2: Marichjhapi and a Teenager

Manasaw in Marichjhapi, 'the promised land', 'a sea of hopefuls' who 'gradually a settlement there'. 'No one minded the toil, as they felt a sense of home'. (Halder, 2019, p.129) The 'mud island' was transforming into a self-sufficient village. But black clouds loomed large over the island soon: for 'eighteen long days, there was complete lockdown…There was no food to eat…Lot of people died of poisoning. Children died in large numbers'. (Halder, 2019, p.125)

When people tried to venture out, they were attacked by the river police with tear gas and bullets. Women were raped. Refugees only had changes [sharpened sticks] as weapons, their eyes burning due to gas. I was only little, and I would seeand hear of these battles between grossly unequal sides. Santosh Sarkar, my neighbour, was shot in the leg. He lost that leg. (Halder, 2019, p.130)

It was naked physical power, state violence - the use of monopoly of legal force in a post-colonial democratic political system that Mana was both a witness and a victim of. Mana's testimony matches with those of outsiders' (neighbouring islands' people) of the violence: "In the villagers' memories, these events were recounted as a'war' between two groups of people, one backed by state power and modern paraphernalia, the other dispossessed and who had only their hands and the spirit of companionship." (Jalais, 2005, p. 1760)

Conclusion

Mana has lived a 'bare life', a fragmented one, but as a subject, she is able to bring out memories cumulated temporally, and conveys real historical past into the present in a political way. She thus comes to use a 'weak messianic power', in Walter Benjamin's words, hoping to extract meanings out of such violent experiences, and to 'redress the injustices of a catastrophic past', a past that is irreversible. As a refugee she is, however, caught by a *sedentarist perception* of life that only one's attachment to a fixed geographical location can fill her with sense of

completeness by enabling her to construct a clearly defined identity based on their relationship to a single place called 'home'. It, however, helps her in comprehending the meanings of refugee life as she walks on the thorny route of finding a home of her own, a 'refuge' to settle at. And this presupposition has its reflections on her testimony.

The memories of first twelve Dandakaranya years of her refugee life Mana seemed to have been perplexing to her: the place where she was born was not the place she really belonged to, that she was from elsewhere (East Pakistan), and she, like her parents, had to move out to another place identical with that 'elsewhere'. The Camp is 'an arrangement for policing, feeding and giving health care to a population that is offered refuge in order to shelter it from violent death arising from war or hunger.' (Agier, 2008, p.44) In the system of Camp, a kind of legal quarantine, a refugee only 'exist' to just pass a minimal life, kept artificially alive devoid his original human context(s). So a refugee, like Mana, is always found her in an abstract state of 'waiting'. These conditions of the Camp seem to be violent too: it decomposes families, makes everyday life and relationships more and more precarious, leads to separation. Mana's testimony concur with the fact that,

> Narrating their life stories as adults, refugee children emphasize their experiences of separation and loss, as well as the feelings of sadness that sometimes swept over them. For them, the Civil War never ended; it has continued to haunt them, to cast a shadow over their entire their lives. (Danforth-Boeschoten, 2012,p.191)

Besides, the visible violence in Marichjhapi both confirms and prolongs her 'waiting'.

> We were one of the last families to be thrown out of Marichjhapi. Baba…absconding. I remember, it was evening when we were taken to Hasnabad by launch. From there, we were taken to Dudhkundi camp. Later we were taken to a camp in Burnpur,…We were sent back to Kathihar and warned we should not step into Bengal again. (Halder, 2019, p.130)

No act of violence is irrational. Violence always has its own reason. The never-ending state of waiting, marked paradoxically by loss of real home and an almost indestructible desire to regain it preserved into a refugee's *sedentarist* viewpoint causes violence (in multiple forms) to emerge

for a refugee and her existential community must struggle in order to bridge between the two which, eventually, would confront sheer opposition (from the state, nation, ruling or opposition party, local people, government personnel, criminals and so on). The experiences of thirteen year old Mana underpin this truism. Unlike the celebrated feminist assertion that 'One is not born but becomes a woman', it can be inferred, Mana was born and remained a refugee. She has survived through violence that had defined her as a refugee for it might hurt, shock, frighten, but it is recognized, in its due course (the second, third, and fourth phases of movements of refugees mentioned earlier in the article), as something valuable that can teach how to be a refugee against omnipresence of violence.

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Gender-based Inequalities and Violence: A Case Study of IT Industry in Coimbatore

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Abstract

IT industry has a popular image of 'gender-friendly', which is socially constructed to attract the young women professionals to join the high performance-based, time demanding, and continuous upskilling workforce. In order to meet the constant demand of highly skilled workforce to compete in the global market, IT industry largely implements gender-sensitive policies than any other industries and sectors in India. The paper argues that gender inequalities and gender-based violence still exist in IT workplace despite of its inclusive and anti-harassment protocols. The research explored the prevailing gender inequalities in the IT industry with a case study of IT industry in Coimbatore, Tamil Nadu. The empirical study was conducted in two IT Parks - TIDEL Park and Keeranatham CHIL SEZ IT Park. 165 women employees working in the large and medium and small-scale IT firms were randomly selected to take part in the survey conducted online and offline with a questionnaire including close and open-ended questions. Quantitative gender analysis reveals that the IT women experience sexual harassment, exploitation, and gender-based violence at workplace as a 'homogeneous category' without varying discrimination due to intersection of their religious, caste, and/or community identities. IT women professionals from minority groups are not found to be at greater disadvantages. The study also finds that IT women hesitate to report cases of sexual harassment in fear of isolation, losing out in career growth or more likely to be put 'on bench' or may even lose job or not being able to secure supportive recommendation for future job change.The paper argues that these are the signs of passive forms of gender-based violence at IT workplace.

Keywords

IT Industry, Women Professionals, Sexual Harassment, Gender-based Violence, Sociology of Gender

Introduction

'Gender' in Sociology is considered an analytical category, as an organising principle, which offers essential perspectives to understand how a society is organised, arranged, and adjusted in a specific time, space, and context. Gender cannot be seen in naked eyes. Still, it can be visible in individual and collective perspectives of a phenomenon (object or event) and its intersection with social-cultural-psychological-economic-political demography like – caste, class, ethnicity, community, language, religion, age, sexual orientation, disability, etc. Gender is a way of looking at society to decipher the location and visibility of women vis-a-vis men. Sociological analysis of gender is based on the separation between sex and gender, whereby it fundamentally accepts that sex and gender are not identical and interchangeable since 'sex' is represented by biological characteristics, while 'gender' is socially and

culturally constructed or created by society (Smith, 1990). Biological determinism is an assumption that accepts and claims that sex and gender are correlated since biological differences (sex) become social manifestations(gender) and justify essentially different characteristics between the gender binary – men and women. In social imagination, masculine versus feminine traits are fixed than fluid. The stereotypes used for masculinity are rationality, domination, anger/violence; while femininity is irrationality, caring, emotional. The social and cultural processes confirm gender roles, but gender relations are experienced as natural consequences of the relationship between biological and social categories.

Gender inequality means sex and/or gender-based differential roles and rights or preferential treatment to men vis-a-vis women in any legal, social and cultural context, resulting in unequal access to and control of resources, liberties, entitlements, respect, etc. and extending to affect their physical and mental well-being and socio-cultural-economic-political status and position. Gender inequality influences the private and public sphere, family life and labour market, leadership and succession, decision-making, and building capacity. In societies worldwide, girls/women are treated unequally to boys/men. Gender Equality, on the other hand, means having access to equal needs and priorities, opportunities and interests, rights and responsibilities irrespective of one's own gender identity – male, female, or the 'other gender'. Gender equality is regarded as basic human rights and also a primary prerequisite for human development, peace, prosperity, and sustainability (European Commission, 2004).

Gender inequality is perpetuated by the traditional social and cultural norms leading to women's subordinate status within the household and workplace (Gupta, 2017). The root cause of gender inequality in all human societies is the historical dominance of the patriarchal system and the legitimacy of patriarchy which is taken for granted by girls and women in private and public spheres; girls and women are socialised to navigate patriarchal social structure but not to interrogate it and challenge it other than the feminists. Historically and universally, women carried out caregiving within the household as their primary responsibility. In no society, the customary socio-cultural norms have let men not venture outside the home due to the biological imperatives. In most Indian families, patriarchal and patrilineal customs are widely prevalent, providing normative rights to men to be the source of power and authority to control female body and identity, solely inherit family property and gain social status. As a result of such 'inter-generational contract', son-preference becomes a social and economic incentive for families tolimit birth, survival, or raising daughters (Singh, 2016). Since the 20th century, the emergence of egalitarian norms and social transformation of gender roles and relations are the most profound social changes found in human history. Yet gender inequalities continue to exist in various forms and in different cultural contexts, social norms, political rights, institutionalised rule - withstanding resistance and change. The nature of patriarchy changes in time and space differentiates in other contexts, changes its expectations from women under a new type of dominance – patriarchy resists to wither away and reshapes itself with the latest thinking. Economic, social, and cultural capital accumulation and digital or technological revolution are the added dimensions of gender inequality in a postmodern society. Male hegemony exists and is transformed into new orders of supremacy, which are questioned and challenged continuously.

Research Problem

The research tries to explore the different kinds of gender inequality at the workplace in India with particular reference to the IT industry. India's IT industry currently employs nearly 3.97 million professionals, of which over 34 per cent are women (~1.3 million). This percentage is much better than

the national overall female share (24 per cent) in the total workforce in both - organised and unorganised sectors. Tech industry analysis indicates that over 51 per cent of entry-level employees are women. Around 25 per cent of women work in managerial positions, but less than 1 per cent are in the top-level or C-suite (NASSCOM, 2017). The vast majority of women IT professionals in India are under 30 years and unmarried (National Sample Survey, 2011). In the IT industry, men and women begin careers at similar ages with similar levels of educational qualification in every stage of the career ladder within IT companies in India.But women's career progress is slower; therefore, men at senior positions are often younger than women at a similar level. In the mid-career level, this is due to the problem of 'leaky pipeline (marriage and child-birth leading to a fall in return-to-work. If a woman returns, there is an imbalance between work and family responsibilities). Women face the problem of 'glass-ceiling (patriarchal bias in leadership roles) (Dutta Gupta et. al, 2015; Raghuram et. al., 2017; Kaushik & Pullen, 2018; Gupta, 2019 & 2020). Therefore, the research focuses on studying the 'contesting gender space' – IT workplace – historically protected by the patriarchal power and authority. Simultaneously, the drive for good governance has introduced gender-neutral and equal-opportunity as part of the corporate policy to make the workplace a better place for women. At this juncture, the research tries to find out, with the help of empirical study, the multiplicity of workplace issues related to gender inequality experienced by women in the IT industry. The purpose of the research is to question the continuity of patriarchal access to and control on corporate governance. This systematic study focuses on interrogating women's gendered experience at work in Indian IT companies situated in the Tier 2 city of Coimbatore, Tamil Nadu.

Methodology

IT industry was selected for the present study due to its popular image because of its social construction as 'women-friendly' giving equal opportunities to men, women, and other gender and the implementation of more gender-sensitive policies than any other industries and sectors. The research was conducted in the two IT Parks -*TIDEL Park* and *Keeranatham (CHIL SEZ IT Park)* situated in the Special Economic Zones (SEZ) of Coimbatore. The primary data was collected by survey of women employees working in the large and small and medium enterprises (SMEs) within the two IT Parks. Women employees working at the IT, IT enabled Services (ITeS), Business Process Management (BPM), Business & Knowledge Process Outsourcing (BPO&KPO) companies were randomly selected to take part in the survey. Questionnaireincluding close and open-ended questions,was employed for the survey that was tested by pilot study with 20 IT women before scaling it up. Thesimple random sampling techniquewas applied to collect survey responses. 214 total filled in questionnaires were collected online and offline and scanned and filtered to accept 165 completely filled questionnaires. Quantitative Gender Analysis was conducted by the statistically measurable variables (*Statistical Package for Social Sciences - SPSS)* recorded in the survey responses. The survey questionnaire was developed based on - i) Harvard Analytical Framework to determine the gender roles by the participation of women professionals in the workplace activity and their access and control of workplace resources in the IT industry; ii) UN Women's Empowerment Principles (UN WEPs, 2010) tool to identify the gender inequalities in corporate organisations.

Results and Discussion

The descriptive statistics explain the socio-economic and demographic characteristics of women professionals in the IT industry of Coimbatore. All the statistical analysis has been conducted by IBM SPSS statistics, version 18.

The survey captured the embedded patriarchal relations and socially sanctioned gender inequalities in the IT industry of Coimbatore. It is found from the survey that IT industry reinforces *gender inequalities* through gender stereotypic roles, male dominance, pay gap, and sexual harassment at workplace.

The chi-square analysis of survey responses shows that male dominance is prevalent across the type (national, international, multinational, or transnational corporations) and scale of IT organisations (large, medium, or small scale companies) due to the skewed sex-ratio (65:35 per cent male to female employees). Power and control of the industry are originated and vested in men's needs and interests. Therefore, women employees are frequently recruited in the supportive than functional roles and in particular technical segments and in most non-technical segments, leading to gender stereotypic ascribed (given) roles or achieved roles for women employees with less scope of higher pay, promotion, and leadership opportunities. From the survey data the pay gap between male and female employees in the IT industry found to be 25-30 per cent less in income for women despite equal level of educational qualifications and number of work experiences. The lower pay for IT women employees is adjusted not in the gross salary but by additional benefits[i]. Moreover, the above chi-square result shows that sexual harassments take place in IT workplace despite of the presence of Internal Complaints Committee (ICC) at the 0.01 significance level. There is also significant effort (at the 0.01 level) by the IT industry to make the IT workplace environment free of gender-based violence, sexual harassment and exploitation. The IT employees are given regular awareness on the forms of sexual harassment and about the zero-tolerance company policy for its prevention at workplace and during commuting to work.

Table 1: Results of Bivariate Correlations between Work Experience, Number of Sexual Harassment Case - Heard and Number of Sexual Harassment Case – Reported

Correlations

		Work Experience	Number of Sexual Harassment Case you have heard	Number of Sexual Harassment Case you know Reported
Work Experience	Pearson Correlation	1	.708[**]	.590[**]
	Sig. (2-tailed)		.000	.000
	N	165	165	165
Number of Sexual Harassment Case you have heard	Pearson Correlation	.708[**]	1	.738[**]
	Sig. (2-tailed)	.000		.000
	N	165	165	165
Number of Sexual Harassment Case you know	Pearson Correlation	.590[**]	.738[**]	1

reported	Sig. (2-tailed)	.000	.000	
	N	165	165	165

Source: field/survey** Correlation is significant at the 0.01 level (2-tailed).

However, the above correlation table (Table 1) shows that sexual harassments do take place in the IT workplace (44.8 per cent responded in agreement). But the survey found that there was relatively low awareness among women employees about the presence and functions of Internal Complaints Committee (ICC) mandated to be set up as per the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act 2013. Women employees also had no or limited information on the official members and their positions in ICC, which is a powerful legal and supportive body for the victims of sexual harassments[ii] and gender-based harassments[iii]. The women employees although undergo regular awareness trainings organised by the companies for sensitisation about the forms of sexual harassment, policy for prevention, and mechanism of redressal. However, due to organisational lackadaisical attitude, there are fewer cases of sexual harassment (18.8 per cent only) formally reported than the actual number of cases heard (or experienced) (44.2 per cent) directly or indirectly by the women employees in the IT workplace. Moreover, due to the fear of shaming, cultural stigma, and career counter-attack often faced by the women complainants as consequences of reporting, they usually sought for informal resolution with the help of colleagues, friends, and family. Sometimes, informal resolution led woman to accept the perpetrator as partner and undergo intimate partner or supervisor violence or non-consensual sex. Such informal practices can be argued as the passive forms of gender-based violence at workplace whereby women victims are forced to adjust with the intimidating workplace environment in fear of social stigma and loss of promotion or being outcaste and isolated by the colleagues and superiors for raising voices against misconduct and continue to accept injustice. Sexual harassment and exploitation are the primary forms of gender-based violence motivated sometimes towards rewards and very few women gain strength to voice their resistance. The study finds that IT women hesitate to report cases of sexual harassment in fear of being put 'on bench' whereby they are not a cost to company and they have to secure projects by their own merits without the help from the organisation. In extreme cases the whistle blowers may even get terminated as they are in majority hired on short contract by third party recruiting agencies and do not even secure supportive or favourable recommendations for job change. Such extreme measures for raising concern or voice lead IT women employees to accept sexual harassment and exploitation at workplace than challenging such occurrences. Cultural stereotypes are weaker in IT industry on the surface, whereby gender neutrality as organisational practices do not enforce women to certain dress code and allow free interaction between men and women colleagues in the team and in the department or across the verticals within the organisation. Such superficial social construct as 'gender-friendly IT organisation' gives a wrong signal to the young male colleagues to take female colleagues for granted in accepting sexual advances and becoming potential intimate partner. Therefore, despite of strict enforcement of Sexual Harassment Act of 2013 at workplace, many male employees cross the limit in such a progressive workplace environment mistaking and misinterpreting the situation and person involved. As a result sexual harassments and sexual exploitations are common occurrences within IT organisation and 'free environment' makes it more complex and either letting the perpetrator not get punished under the Act or the victim compromises to an amicable solution to avoid future repercussions in career and employment.

Moreover, the chi-square analysis between demographics and gender gender-based violence shows that there are no significant relationships between religion of women employees and their access to violence free environment, harassment and sexual exploitation. Similarly, caste identities of women employees do not significantly influence their right and un/privilege to be protected from violence free environment, sexual harassment and exploitation. These results confirm that religious and/or caste identities do not hold power as determining factors of sexual and gender-based violence in the IT industry due to its inclusive policy to embrace multiculturalism and allowing tokenistic representation of 'other' from minority communities. Therefore, IT women experience sexual harassment, exploitation, and gender-based violence at workplace as a 'homogeneous category' no women enjoy privilege of protection from sexual and gender-based violence due to their particular religious, caste and/or community identities. However, experiences of gender-based violence and sexual harassment/exploitation differ significantly (at 0.01 level) with age, IT work experience, social class, level of education, and marital status. It may be argued that higher the age, work experience, class, education level, and married status; higher is the awareness of gender-based violence and sexual harassment/exploitation among the IT women professionals and higher is their decision-making power to report cases at workplace.

Interpretations and Conclusion

It can be concluded from the statistical analysis of the survey responses from 165 IT women professionals working in the IT/ITeS/BPM/BPO/KPO companies located in the two IT Parks of Coimbatore, Tamil Nadu; that IT women professionals experience multiple gender inequalities at workplace. Dominant of which are gender stereotypic roles, pay gap, and sexual harassment and gender-based violence due to the traditional patriarchal nature of the IT industry for the control of economic resources and social power and authority. At the same time, IT industry is socially constructed as 'gender-friendly' in terms of working environment whereby young men and women work together without any cultural stereotypes and under cultural freedom of ideas and expressions. Another significant social construct is 'gender-neutrality' in performance and in meeting deadlines, global standards, and innovations - ignoring women specific needs and interests. In such an ideologically challenging workspace, gender-based violence and or sexual harassment or exploitation occur frequently due to confusion rising from the contrasting cultural vis-à-vis organisational norms. The paper argues that pervasive social norms (male dominance) at home and community/society are opposite to the customary norms (personal freedom) within IT organisation, resulting in confusion and misunderstanding of gendered acceptance of sexual advances between men and women. Moreover, such 'free culture' in IT organisation forces women victims to show leniency in accusing the perpetrator. In most of the cases women tend to reconcile amicably (outside the purview of Internal Complaints Committee-ICC) in order to safeguard themselves from future disadvantages against their career growth and employment security. The paper therefore argues that Sexual Harassment Act, 2013 is an instrument used by IT organisations as deterrence to prevent sexual harassment or exploitation, on the contrary, the free spirit symbolising the progressive culture of IT organisations backfires and reinforces passive gender-based violence at workplace. As a result, there is discrepancy – there is higher number of sexual harassment cases but lower number of cases reported by the women victims, accepting crime and injustice. Moreover, lower reporting of cases of sexual and gender-based violence create a stronger social construct of IT organisations as a 'safe place' for women to work and grow in career. As a vicious cycle, such social construct in return leads to more gender-based violence, continuing male hegemony in the workplace and employment. In order to break this cycle, Internal Complaints Committee-ICC (at organisational level) must be dissolved and Local Complaints Committee-LCC (at district governance level)should be strengthened to protect and support the complainant during the redressal procedure and safeguarding women's employment and career growth inside or in another It company.

Notes

i.Benefits: provident fund, gratuity, increment, incentives/bonus, house rent allowance, food coupons, medical/life/accident/ disability insurance, travel allowance, night shift allowance, overtime payment, professional education and development, maternity leave, family tax allowance, childcare/family welfare, retirement scheme, company stock investment, subsidised loan/purchase, advance salary, paid vacation, health and safety expense, and leave. Types of Leave - Privilege Leave (PL) / Earned Leave (EL) / Annual Leave (AL), Casual Leave (CL), Sick Leave (SL), Maternity Leave (ML), Paternity Leave, Compensatory Off (Comp-off), Marriage Leave, Bereavement Leave, Loss of Pay (LOP) / Leave Without Pay (LWP).

ii.Sexual harassments are sexual comments on body, clothing, personal behaviour; teasing, stalking, staring; visual and written materials of sexual nature or pornographic materials; obscene phone calls; patting, stroking, grabbing, or pinching body parts; spreading rumours about personal or sex life; rape or an attempt of rape.

iii.Gender based/motivated harassments are stereotypes, bully, taunts, name-calling, gender-motivated physical threats, attacks, or other hateful conducts.

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Role of Slogans in Electoral Narrative: A Discourse Analysis of West Bengal Elections 2021

Rajesh Das and Ipsita Banerjee

Abstract

Indian elections are dynamic and diversedue to multi-party democratic system. Political slogans are one of the most important toolsthat help to develop the political narrative in any electoral warfare. The paper attempts to identify how these political slogans play in winning the elections. The slogans used by two major political parties, Trinamool Congress (TMC) and Bharatiya Janata Party (BJP), in West Bengal State Election 2021, have been critically analysed using textual analysis.The interpretation of these texts has further been done with the help of a discourse analysis. This research has helped to analyse the link between political slogans and the ideologies of political parties reflected during elections.

Keywords: West Bengal Election 2021, BJP and TMC, Slogan Warfare, Persuasive discourse study and electoral narrative

Introduction

Plato and Aristotle collectively designed the scientific and logical theory as well as the philosophical foundations of Political Science (Barker 1968). Yet there is a significant contrast between these two schools of Political Science. On one hand, Plato's idea defined political communication as suggestion, allusion or illustration. On the other hand, Aristotle explained political communication as a view towards building up a relationship to the universal system of scientific principle (tenet) (Dunning 1900). According to Plato, political activities are imaginative and synthetic while 'Aristotelian' philosophy explained that political actions are sensible, realistic and analytical. Hence, political ideas and modes of political discussions are based on some logical arguments. In any democratic society, like India, human reasoning can influence decision-making for the betterment of state, society and politics. Possibly, this is one of the most important catalysts from where political rhetoric has been derived (Kaid and Holtz-Bacha 2007). Aristotle elucidated that political communication is a form of persuasion that supports creativity of speech – either as verbal or written evidences. The extent of appeal of speech to the audiences notably depends on knowledge, argument and mode of goodwill. Perhaps, the trio may form an interesting narrative of political communication. Analysing the application of this narrative would help to identify the need for political communication in any electoral warfare. The manifestations of Aristotelian philosophy now can be explained by analyzing any election, like the West Bengal state elections, 2021.

In West Bengal, the last election was held in the year 2016, and after five years, in 2021, the people of West Bengal again woke up to loudspeakers from rallies, panel discussions on television, posts on social media handles like twitter or blogs based on political campaigns. According to Hindustan Times 2021, the Bengal elections have introduced a dynamic spectrum of political slogans from "*Khela Hobe" (There will be a game)* to "*Didi o Didi*" (Sister o sister). The designs of political slogans are often seen to have a persuasive effect on the audience and act as a decisive factor during elections. These are also used as tools for promoting a political party.

Political slogan is a rhythmic articulation of contemporary social, cultural and economic issues based on a specific political ideology. This articulation tries a persuasive mode of

communication or manipulation of the voters' minds. Dezelan (2021) explained the strategy as a 'positioning of brand' through political symbols or political personnel.

The term 'slogan' is a very common word in corporate communication which has been primarily derived from the school of advertising but its range of application is somewhat different in different cases (Shafiq et al. 2017). Slogan is a fascinating tool to create an emotion among the audience's mind. In any political warfare, like assembly elections in West Bengal, a catchy and rhyming slogan may create a new 'political dimension' in electoral politics. It would be an interesting analysis of how a 'corporate brand identity' i.e. slogan-campaign may be introduced in an electoral communication network to disseminate a political ideology. In any general election, slogan acts as a catalyst to set the political ideology among the electorate's mind. In this connotation, this paper explores the degree of interference of political slogans in an electoral narrative like West Bengal Assembly Election, 2021. In this regard, the research paper will try to identify if political slogans have any role to play in the electoral narrative in India, specifically in the context of the recent West Bengal Assembly Election.

Communication through Political Slogan

Rhetorical mode of slogan is mainly based on 'persuasive discourse analysis.' An effective piece of slogan should make the voter feel as if they are experiencing what is being narrated. Lasswell (1927) and later Lazarsfeld and Robert (1948) explained and developed this paradigm of communication model as Hypodermis Needle Model or Magic Bullet. A perception of shooting paradigm of the said model has the power to 'inject' the desired message straight into the passive audience i.e. the voters. Through this strategy, 'real-time media audience' first recognizesand then believes the message within the slogan without any rejection. 'Media–power' regarding political slogans has selective influences over peopledepending on environmental forces, projected culture, human power, real vs. projected reputation of party and visual identity system. Actually, in political communication these catalysts combine to form a sphere of media behaviours and media effects.

In the West Bengal general assembly elections non-NDA parties like TMC, Left and Congress battled against BJP for 294 assemblies (The Financial Express 2021). In this case, for over three months, a battle of slogans emerged from the two duelling fronts of the Bharatiya Janata Party and the Trinamool Congress. These political slogans have been

shaping up the election narrative of Bengal. On one side, there was the Trinamool Congress popularly known as TMC that introduced slogans like *'Bangla Nijer Meyekei Chaye'* (Bengal wants its own daughter) and *'Khela Hobe'(There will be a game)*.On the other hand, BJP focussed on the term *'Asol Poribortan'* (Real Change) emphasising the need for change along with other popular slogans like *'Jai Shri Ram'* (Deccan Herald, 2021). In this fight of words using different slogans, it was observed that even though both of the parties gained immense popularity among the people yet the Trinamool Congress had an overwhelming victory. In this case, a discourse analysis has been conducted to identify the narrative and their potential impact on the audience in shaping the election campaign in West Bengal.

In Indian politics, the slogan "*Jai Shri Ram*" was not new especially when it was used by the BhartiyaJanata Party. It became popular in 1992 and since then it has helped in shaping the political spear during elections. Historically, the phrase "*Jai Shri Ram*" was used as a religious chant by the followers of Hinduism and the ones who believed in Shri Ram or Lord Rama (Chug, 2018). Over the course of years this notion of Hinduism has been converted into political notion by promoting religion-based politics. From the history of Indian political slogans, it can be observed that '*Ekdhakkaaur do babri masjid tod do*' was one of the most popular slogans. This slogan was shouted by the leaders of Vishva Hindu Parishad and other allied associations to provoke their activists to demolish Babari Masjid (Mosque) on 6th December 1992. The then *Kar Sevak*s (activists) also shouted '*Jay Shri Ram*' which became a political slogan used by the Bharatiya Janata Party. It was observed that this traditional form of chanting 'Jay Shri Ram' got a political gravity in 1992. Furthermore, the phrase was able to create 'a political nationalism' from its conventional   religious or cultural platform, in favour of the BJP. In the 2014 and 2019 general elections, it was witnessed that *Jay Shri Ram* became a powerful instrument and the slogan became a catalyst to promote a specific brand of a political party.

In case of West Bengal, along with followers of Hinduism, there is a wide range of non-Hindu followers with the majority of them hailing from this Islamic community. The use of political slogans focusing on religious factors was countered by the Trinamool Congress in Bengal in the state elections, taking into consideration the diversity of Bengal. The TMC government condemned the use of religious slogans in a government programme and brought a resolution in the Assembly for the same. Furthermore, the situation turned worse when during a political rally in Bengal the Chief Minister of Uttar Pradesh, Yogi Adityanath from BJP stated that the people who hate Ram have no place in India. These religious slogans

might have been perceived as communal notions by the commoners making it difficult for the Bharatiya Janata Party to pave its way in Bengal. This is mainly because psychological adaptability and persuasive behaviour of voters are two crucial catalysts in any slogan-based political campaign. On the other hand, the slogan *'Bangla Nijer Meyekei Chaay'* strategically focussed on the people of Bengal or the communities which are residing in the state without bringing in any religious or caste-based distinction. This seems to have been accepted more as a slogan because it focuses on the people of the state with this election being held and at the same time emphasizes on family dynamics where "*nijermeye*" or "own daughter" has been more emotionally appealing in nature (NDTV 2021). Moreover, this slogan was pitched against the major opposing party, labelling them to be outsiders of Bengal especially after the interference of the Prime Minister of India in state elections. The Quint (2021) further highlighted that the terms "women" and "outsiders" were used as weapons by the TMC against the BJP in West Bengal elections 2021. The Times of India (2021) further emphasized that female residents of West Bengal found "*Didi o Didi*", used by the BJP leaders to be inappropriate. This is because the slogan is used to taunt Ms. Mamata Banjeree but the term '*Didi*' not only depicts the CM of the state but it also denotes "sister" as a whole. These factors affected the political campaigns done by the BJP in Bengal before the elections in 2021.

There were also slogans like *'Khela Hobe'* embarking on the sportsman spirit of the Trinamool Congress. Theslogan was introduced in the form of rap that became popular overnight on YouTube highlighting the initiatives that were taken up by the party during their rule in West Bengal. On the other hand, BJP set a narrative of change by alleging that there was no development taking place in Bengal in the last few decades. This is the reason why slogans like *'Asol Poribortan'* and *'Sonar Bangla'* (Golden Bengal) had been used by them. Here, the term 'Sonar Bangla' emphasizes the idea of Golden Bengal which was once famous for its culture, art and prosperity and is long gone in the last few decades. The political narrative was not only competitive in nature but was literally a 'war of words' which was designed to persuade the audience of the Indian election front.

Politically it was observed that BJP had been emphasizing to introduce a political campaign based on some achievements in India. More specifically, it can be said that they focussed on the educated middle class society in urban areas and ignored the aspirations of the vast rural hinterland and their community. There is a mere difference between government achievement and political propaganda. These instances can be the perfect site to analyze the elements of

political communication, mode of message design and scope of success of a political election campaign. It also helps to analyze the role of slogans in Indian democracy especially during the Assembly elections in West Bengal in 2021.

Architecture of Political Slogan Warfare

In the pre-independence era, a productive tool of political communication was, '*padayatra'* to mobilize the voters and workers for electoral support and campaign respectively. This one-to-one and interpersonal level of interaction with voters helps know the aspirations and at the same time, the grievances regarding the present government and ruling political party. In the recent election, an interesting combination of two forms of communication strategies had been endorsed for political warfare. These two forms of communications can be observed to be interpersonal as well as interactive forums of social media. Lok Sabha election 2014, which was described as, 'India's first social media election', was a significant transition of political communication, more specifically on designing, packaging and promotion of slogan, from its existing conventional phase to social media stage. In its conventional period, a slogan was hoisted on air just before an election and got its high pitch during the election time.

In the last five years there was a significant boom and collapse of the mobile market and the number of mobile phones in India cutting across rural and urban regions, caste, class or religion. 'The number of Smartphone users in India was estimated to about 442 million in 2022 from its 401 million in 2017" (Statista 2017). Considering the global scenario, India has the fastest growing Smartphone market. Leading political parties BJP and Trinamool Congress also tried to apply this new form of communication to spread their campaign. It is a market-driven, professional, brand-based communication technique that has changed the forum of political battles accordingly.

Hindustan Times (2021) further pointed out that from "*Khela Hobe*" to "*Khela Shesh*" (The Game Is Over), the use of slogans in social media and digital platforms has played a crucial role in West Bengal elections, 2021. This reflects that the architecture of slogan in the contemporary period may have been conceived from any pre-planned programme. When the Trinamool Congress launched the slogan *'Joy Bangla'* to counter BJP's *'Jay Shree Ram',* there was another conflict arising from *'Khela Hobe'* by TMC and *'Khela Sesh'* by BJP. In the first case, *'Joy Bangla'* tried to emphasize the communal perspective of Bengalis. In the second

case, *'Jay Shree Ram'*concentrated on thereligion-based politics done by the BJP. In this case, Paulo Freire's(a Brazilian educator and philosopher) 'Dialogic Action' is widely applicable (Freire Institute 2021). According to this theory it is not just sufficient for people to gain knowledge of the societal reality with the help of dialogues. This theory further emphasizes that it is also necessary to act together upon the existing environment and critically reflect in order to bring out further actions. Taking into consideration the condition in Bengal, the slogan *'Joy Bangla'* seems to be more appropriate because it helps reflect two forms of the condition of Bengal as a whole and not just a particular community.

Similarly, catchy words like *'Khela Hobe'* when used in slogans became immensely popular among the youth of Bengal. This started gaining popularity when one of the TMC leaders from Birbhum highlighted it giving it a menacing undertone (Hindustan Times 2021). Subsequently, this was also used by other political leaders across the state and the Chief Minister herself where she further went on expressing that they would emerge triumphant in the game and that BJP would be thrown out of the stadium. This slogan went on to be used as a reference to sports and bowling out the opposition by a number of political leaders during the election campaign in West Bengal. This slogan was most popularly used in the social media platform among the other slogans of the Trinamool Congress.

The most innovative way was to present the slogan "*khela hobe*" in a form of a rap engaging young audiences with the help of audio-visual platforms and using media mix as a tool for the same. On the other hand, BJP counted this slogan where the Prime Minister of India repeatedly said *'Khela Shesh'* and *'Ebar Vikas Hobe'*. These two words were used juxtaposed to each other in a way which implied that the game of the opponent i.e. Trinamool is over and it is now time for development in the state. This use of words were not only catchy but also reflected the situation of the state from the perspective of the individual political parties.

Changing Focus of Political Sloganeering

Williams (1983) explained the articulation of technology and cultural form of political communication. He opined, "… the basic assumption of technical determinism is that a new technology…. 'emerges' from technical study and experiment". "We adapt to it, because it is a new modern way" (Laughey 2007). Actually, the term 'determinism'; explains the concept of autonomous power of technology that creates a 'new society' or 'new human condition'. Since 2014, articulation, approach and technique of political communication have changed due to the online form of political campaign. Similarly, expression of political content has

altered accordingly due to the emergence of new technology and new media. Perhaps it's an advancement of 'modernity' of political communication which is the most significant and controversial contribution to understanding media in modern political ecology. The term 'modernity' has its own expression of discourses – such astransition of social, economic, technological and 'political' developments from traditional society to modern society.McLuhan and Terrance (1964)had opined, "Any advanced modern society is shaped by the various media technologies that are available to it… therefore, media is the message because it is the medium that shapes and controls the scale and form human association and action." Hence, with modern technology a new medium of communication also emerged in the modern society.

Contemporary Political Sloganeering is well designed for all classes of media – consumers including poor, ill-educated people as well as women. This phenomenon is different from the bourgeois public sphere where a degree of exclusion was dominated (Habermas 2015).Since the year 2014, digitized online media campaigns of political election have been juxtaposed with two significantcatalysts in political ecology. The first one is to convert contemporary media consumers into manipulated individuals and the second one is massive inclusion of individuals in the media consumer's pool. No doubt it is a good attempt for democratic public sphere where the said sphere grants access to all. A diversified public sphere is a broad and comprehensive pool of public opinion where all forms of electors could share their voice – in favour or against the ruling or opponent. In social media, the voice of an individual or community is easily incorporated in mainstream platforms across different geographical boundaries andirrespective of social or economic perspective.

In this changing ecology of political sloganeering two consecutive transformations are signified. First of all, any political phrase may convert to aslogan in an electoral war campaign if it has any potential catalyst to reach the media. For example, phrases like '*Duare Sarkar' (*Government at Doorstep*)* popularly used by the Trinamool Congress in the form of slogan. This slogan helpedto introduce the concept of proximity between the political parties and the common people, describing that the government is there by the side of the people. Media has powerful effects on society and has an ability to form a 'media agenda', that is,a pattern of content coverage to 'public agenda' which is aconcern of the public. It is associated with the 'agenda –setting' role of mass media. This classical theory of agenda-setting explained how public opinion is formed by media representation of 'the world outside'

(Lippman, 1922). Lippmann's observation of agenda setting and social function of media generates a decisive query on slogan warfare.

Conclusion

Considering the aforesaid findings about communication ecology, West Bengal Assembly Election 2021 was predominated by social media strategy and the use of slogans. This was characterized by a significant shift in campaign style due to the emergence of web portal, YouTube, e-editions of newspaper, local community channels and social media as campaign tools instead of traditional forms of mass media. This new form of campaign is more controlled and direct on production and propagation. During this electoral warfare, we have witnessed that *'Jay Shree Ram' or 'Double Engine Sarkar'* slogans were equally as popular as *'Khela Hobe' or 'Bangla NijerMeyekei Chai';* though these slogans had been fabricated by two different political ideologies namely BJP and TMC, respectively.

Interestingly, these slogans were successful to gain a pace in their 'electoral campaigning' but BJP was unable to cater their electoral ideology through slogans among the voters. In this election, BJP bagged just 77 seats against 213 seats of TMC. It reveals that there is no proportional relationship, between an increasing pace of political campaign and extent of electoral success, under the lens of slogan warfare. In this election, slogans have maintained their importance in the dialogue between the political ideology or electoral manifestation and its voters. But the extent of success of the slogans was deeply rooted in its socio-cultural proximity, feelings and vibes of Bengal. *'Bangla Nijer Meyekei Chaye'' or 'Didike Bolo'* have magnified the effectiveness of political rhetoric (Newsome 2002). After major speeches or addresses from political figures, commentators strive to be the first to find the catchphrase. Everyone looks forward to seeing what will stick in the minds of the listener. The political rhetoric *'Didike Bolo'* explored a domain where the general public have been able to express their opinions, grievances, expectations on public issues and governance. Communication network for electoral warfare states that there is a theoretical difference between forms of 'social interaction' and forms of 'social integration'. To clarify this conflict between interaction and integration one more thought would be mentioned to explain holistic discourses of political slogan warfare. This includes narrative and persuasive discourse. In this political battleground, the persuasive discourse tries to convince the voters to change their mode of thinking and action. We witnessed that the TMC often used "appeals to emotional mode" of persuasive technique in its slogan warfare.

In the year 2003, the Chicago School of Media Theory explained the consequence of 'Logo-centrism' in any structured socio- cultural communication, like political communication. The term logo-centrism was coined by the German philosopher, Ludwig Klages and later it was developed by the French philosopher, Jacques Derrida. Logo-centrism develops a trio-relationship among thought, speech and writing. In a nutshell, it builds up an extent of centrifugation of reason/s on different forms of communication (from intrapersonal to interpersonal and mass). Successful political communication ecology should ensure a voice of power (not overpowering) for self-presence (either in forms of political ideology and/ or a charismatic political leader). Some critics may argue that the concept of logo-centrism is very much western-biased and it has some limitations in a socio-cultural domain of the east. At the same time, we witnessed that there has been a sea change in the mediascape after globalization and followed by the inception of social media. This new 'Resource-Based View' (RBV) experiences of political communication network, introduced a dynamic flow of information (immediacy, authenticity and usefulness) in political communication. It had also initiated a new design of diversity and discourses related to sources of information, considering the voter's end. These forms of proximity on accessibility of required information generate a real transformation of message design more specifically for a promotional communication system (through headlines, jingles, logos or slogans). Another fascinating slogan used by the TMC was "*DidiKe Bolo*" where people could directly ring up the CM about any issues they had been facing. Along with "*DuareSarkar*", this slogan also emphasized the proximity with the common people even at the grass-root level.

The role of slogans within the political discourse of our democratic government is an important tool for citizens to retain their dialogic action in any political debate and discussion. It remains to be one of the few ways for the public to show their approval or disapproval of their government (Newsome 2002). Slogans should be consistent with the overall communication campaign and should be clear enough to be easy to understand and remember. It is observed that not only the slogans which have been used by the All India Trinamool Congress (AITC) were concise but also the vocabulary (*Didi; Duare; Bolo; Jay Bangla, Nijer Meye etc.*) reflects the ideological line of an inclusive political campaign (Amălăncei 2017). It was a 'good slogan'. A good slogan must also be striking and should remain for a long time in the collective memory of the voters (Joseph 2012).

An important essence of any political slogan is the authenticity of the slogan and the perfect link with the image that the political actor already has. Significant discrepancies between the

slogan and the overall image of the political party or its leader may lead to a failure. Political slogan has a defined pace of action that depends on its positivity, clear-cut meaning and approach. In these multi-faceted exteriors, two aspects of strategic catalysts may be impeded over this diversified political culture. The first one is 'conduct and behaviour of political parties' while the second one is 'resource-based stance' of language used in slogans and its verbalization. Finally, a political slogan is a fascinating parameter to test any party's ability to gauge the nation's mood. The world's largest democracy has witnessed that a powerful slogan can bring together people usually separated by religion, region, caste and language; but a bad one can crush any political ambition. So, an election slogan has an enormous power presiding over the fate of Indian politics.

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Exclusionary Mechanism within Inclusion Policy: A Study of Interstate Construction Workers in Pune

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Abstract

The interstate construction workers are the productive human resources that bring prosperity to the cities. However, they are one of the most vulnerable mobile groups. Their migrant identity pushes them to various risks. The Government has enacted various legal frameworks such as Building and Other Construction Workers (Regulation of employment and conditions of services) Act, 1996 and other social security measures to protect the rights of construction workers at destination places. However, a large number of them are still at the periphery and continue to be excluded from various entitlements. With the help of empirical data, the present study attempts to examine the legislative shortcomings, failure of statutory bodies and other challenges in the inclusion of interstate construction workers in Pune city.

Key words: Interstate workers, construction sector, migration, welfare board etc.

Introduction

In India, the construction sector is considered to be the largest employer after agriculture. The contribution of the construction sector in wealth generation is significant, and day by day, it is booming. The RBI (2012) noted that the contribution of the construction industry to GDP grew on average by 14.6 percent annually for the period 2001–2002 to 2012, making it the third fastest growing industry, after other industries such as 'trade, hotel, transport and communications', 'finance, insurance, real estate and business (Srivastava and Sutradhar 2016, 16). Construction industry is exploding in metropolitan cities like Pune due to rapid industrialisation and urbanisation. The prevailing uncertainties in agriculture, unemployment, and poverty push off rural workforce to cities. The majority of rural migrants joins urban destinations and gets absorbed in the urban informal sector, especially in the construction industry. The urban construction sector, its growth and consistency in employment generation has been attracting the rural workforce since a long time. Even, the phenomenon such as cumulative causation influencing labour migration in the construction sector results in the withdrawal of the native labour from the construction labour market. It ends the competition from native labour and thereby filling this vacuum by migrant workers (Fernandes 2012, 06).

The construction sector functions as an important instrument for employment generation and eradication of poverty for migrant groups. At the same time, the contribution of migrants to city development cannot be sidelined. The rising contribution of cities to India's GDP would not have been possible without migration and migrants (Bhagat 2011, 52). Migrants are indispensable and invisible key actors in social dynamic, culturally innovative, and economically prosperous (UNESCO 2013, 09). Also, these groups bring better job skills, employment prospects, and knowledge to the young generation at their source places. Despite their contribution to city development, migrant construction workers in the informal sector remain one of the most vulnerable groups in the city. They experience multi-layered exclusion coupled with low daily wages, harassment by contractors, inadequate worksite housing, hazardous working conditions, poor sanitation, issues of clean drinking water, and food security. In the construction labour market, female workers and children face utmost risks and are placed at the core of vulnerabilities. The migration process has an inbuilt screening system, favourable for the skilled labour who usually belongs to relatively higher economic and social strata (Kundu and Saraswati, 2012, 226). Therefore, the researchers, civil society organisations and policymakers have insisted on an effective inclusive policy to bring the vulnerable migrant groups into the mainstream of development. Access to social protection and welfare schemes are effective ways for inclusion. By improving their access to government services and welfare programmes, it would be possible to improve their quality of life, which will, in turn, lay the foundations for a more inclusive, integrated, and balanced society (UNESCO 2013, 06).

To address the need for the effective inclusion of migrant construction workers, the government has instituted various legislative steps. One of them is the Building and Other Construction Worker's (BOCW) Act, 1996 which functions as focal social welfare legislation aiming at decent employment and the welfare of construction workers across the country. The BOCW's welfare board plays a central role in providing legal rights and social security framework to its registered construction workers.

Pune City is a trendy destination for interstate construction migrants. Under the Maharashtra BOCW's welfare board, in the Pune district, 1.48 lakh workers are registered (Maharashtra BOCW, 2019). However, as compared to the rapid construction work in the sub-urban areas of Pune metropolitan city, the number of registered workers is very less. In reality; a large number of construction workers in Pune city have not been registered and hence are excluded from multiple entitlements. Especially during the Covid-19 pandemic and lockdown, the non-registered construction workers were left stranded on different sites in Pune city, experiencing an extremely miserable situation. This has created financial and emotional turmoil for them

and forced them into return migration. The situation has created several concerns for the thousands of informal migrant workers in the construction sector. Therefore, the present study intends to understand the status of the inclusion and the registration under the BOCW and problems faced by the interstate construction workers in the access to social security schemes in Pune city.

Methodology

In the present mixed method investigation, both quantitative and qualitative methods of data collection were employed sequentially. For the quantitative study, a survey of the 300 migrant construction workers was conducted. The sample is selected by a multi-stage cluster and snowball sampling method. For the purpose of random sampling, four clusters on a geographical basis were formed. In clusters, newly added villages in Pune Municipal Corporation (PMC) were purposefully incorporated as rapid construction work is being carried out. The clusters and areas are as follows:

Table 1: Sampling in the study

Cluster	Locality in Pune city	Sample
North	Dhanori, Kalas	54
East	Wadgaon Sheri, Kharadi	85
South	Mohhamadwadi, Kondhava, Ambegaon, Wadgaon, Dhayari, Shivne	120
West	Kothrud, Warje, Bavdhan Kh.	41
	Total	300

For the survey, a structured questionnaire containing five-point Likert scale was developed and administered. From the survey, 'information rich' respondents were selected for the second step of the study, i.e. qualitative study. In-depth interviews of five key respondents were carried out to get deeper insights from the migrant workers in order to understand their pitiful condition. Even, some case studies were developed. Along with this, the interview of the key informants was conducted to understand the ground realities of the access and registration process. The central research question that promoted the present study was why large numbers of interstate construction workers have been excluded from availing the benefits of existing social security schemes and what challenges are encountered by them regarding their registration in Pune city? Keeping in mind these research questions, the researcher have studied the demographic and migration profile of workers, examined the registration status and tried to understand critically the problems faced by interstate workers in getting access to social security measures.

Data Analysis and Interpretation

The quantitative study was the first phase of the study. The data analysis and interpretation is carried out as follows:

A) Demographic, Social and Migration Profile

The urban informal labour market is predominantly occupied by socially backward groups. In the present study, the caste profile indicates that majority of construction workers belong to socially backward communities. Data pertaining from Table 2 points out that around half of the sample respondents are Schedule Tribe and have migrated from the state of Chhattisgarh. With this a sizable number of Schedule Caste and OBC construction workers are part of this study. The correlation between socially backwardness and poverty has been evident in various studies. The existence of caste-based discriminatory and stigmatised practices in the rural areas, decline in agricultural employment, low and irregular wages, debt and economic hardship are the major socio-economic and structural elements that push off its rural labour force to urban destinations. The rural unemployed and surplus labour force usually migrates to escape from acute and chronic poverty.

Table 2: Demographic, Social and Migration profile of construction workers

Indicator		Frequency	Per Cent
Caste	General	76	25.33
	Other Backward Caste Hindu (OBC)	36	12
	Schedule Caste	72	24
	Schedule Tribe	88	29.33
	Muslim	28	9.33
	Total	300	100
Sex	Male	242	80.66
	Female	58	19.33
	Total	300	100
Education	Illiterate	38	12.66
	Primary	148	49.33
	Secondary	102	34
	Higher Secondary	12	4
	Graduation	0	0
	Total	300	100

Source State	Chhattisgarh	144	48
	Bihar	84	28
	Uttar Pradesh	29	9.6
	Jharkhand	19	6.4
	Madhya Pradesh	15	5
	Orissa	6	2
	Karnataka	3	1
	Total	300	100
Type Labour	Skilled (RCC, plaster etc.)	43	14.33
	Unskilled (Bigari)	257	85.66
	Total	300	100

Source: Data collected from fieldwork

The urban labour market exhibits male-dominated characteristics. However, in the construction sector, female labour has a sizable portion. In the present study, 81 per cent are male, and 19 per cent are female construction workers, and most female workers have migrated along with their male counterparts. Single female migration is significantly less than single male migration. Most construction workers have low educational attainment, which limits their occupational mobility and progress. Some workers are illiterate and large number of construction workers receives education up to the primary level. Eventually the number of literate workers decrease as the level grows. Only 34 per cent workers are educated up to secondary level and 4 per cent comprise of those being educated up to higher secondary. In our country, female literacy rate is increasing; however the present study points out that most of the female construction workers are illiterate and poorly educated. The gender gap in education, skill labour and occupational opportunities is prevalent in the construction labour market. The poor educational attainment deprives migrant workers of better-paid employments in the urban labour market. They are left with the ultimate option of joining the urban informal work. Looking into the type of work and skill labour, it was found that only 14 per cent of workers are engaged in skilled activities such as RCC, plaster etc. Majority of them are engaged in semi-skilled and unskilled tasks (bigari work). On an average a skilled labourer earns better wages as compared to his other unskilled counterparts. All female workers in the present study are working as unskilled labourers.

There exists a significant interrelationship between regional disparity, migration and urbanisation. The regional flow of migration in the current study indicates that Pune city is one of the key destination cities for construction workers and majority of these workers migrate from North India. The primary reason for this

pattern of migration indicates regional disparities among different states. Due to backwardness and poverty, some states lag in the development regime and remain the lead source states. However, such regional imbalance is against the national interest. In the present study, around fifty per cent of construction workers have migrated from Chhattisgarh and a substantial chunk of migrants have migrated from the states of Bihar, Uttar Pradesh, Jharkhand and Madhya Pradesh to Pune city.

B) Identity Card and Registration Status

Unique Identification numbers (UID), named 'Aadhar', were created for all Indian residents. One of the prime objectives of UID is to provide efficient and targeted delivery of subsidies, benefits and services by registering resident's biometric and demographic information. It was an ambitious project for the inclusion of the various marginalised groups including migrants. In the present study, it was found that some workers are still don't have identity cards like Aadhar and voter card which create barriers in their effective inclusion and being beneficiaries of various schemes and programmes.

Table 3:Aadhar and Voter cardholders

Response Level	Having Aadhar card	Having Voter card
Yes	279(93 %)	264(88 %)
No	21(7 %)	36 (12 %)
Total	300 (100 %)	300 (100 %)

Source: Data collected from fieldwork

Out of sampled respondents, 7 per cent workers do not have Aadhar card, and 12 per cent do not have voter card. Among workers, maximum female workers do not have their identity cards. To understand the opinion and awareness about the inclusion in social security schemes, the following Likert scale was administrated.

Table 4: Scale on Inclusion in Social Security Schemes

Response statement	Strongly Disagree		Disagree		Neutral		Agree		Strongly Disagree	
	F	%	F	%	F	%	F	%	F	%
Awareness about Social Security Schemes	76	25.33	174	58	-	-	50	16.66	-	-
Informed and made aware about social security schemes by employer or contractor	114	38	186	62	-	-	-	-	-	-

Interested in getting registered at Welfare Board	-	-	-	-	-	-	206	68.66	94	31.33
Awareness about functioning of Welfare Board	64	21.33	196	65.33	10	3.33	30	10	-	-
Easy access to government offices for availing social security benefits	100	33.33	186	62	14	4.66	-	-	-	-

Source: Data collected from fieldwork

Finding more about the awareness among construction workers regarding social security schemes, it was found that only 17 per cent workers are aware of it, and all of them being males. Maximum workers were never informed or promoted to claim benefit from social protection schemes by their labour contractors *(Mukadams)* or employer. Most of them, (87 per cent) are not even aware of the functioning of the welfare board. However, they are willing to get registered at the board. Many of them find it difficult to access government offices for availing any social security benefits.

> *" Sabase badhita Chattisgadhiya…" said Dinu Kumar,working presently at the construction site of Dhayari area of Pune city and have migrated along with his younger brother from Dhamtari district of the state Chhattisgarh. He stated that due to unemployment there was no option left instead of migrating to Pune. The daily wages are not regular but better than of their source place. During lockdown they haven't received subsidised food grains. However, some workers at other site were getting food. He further said that he is not having any insurance or haven't enrolled in any social security scheme. He doesn't know where to approach for such entitlements.*

> *Another young worker named Ramdhar from Madhepur of Bihar state stated that he heard about the welfare board but doesn't aware about the functioning of it. He is having identity cards and willing to register with the board. He was eager to initiate process of registration of all construction workers at the site. He further lays forth his complaint about the contractor and expresses how heharassesand exploits them.*

Major Findings and Discussion

The major findings that have emerged from the present study along with analytical discussion are as the following:

I. Demographic and Migration Profile

The study indicates a high proportion of socially underprivileged sections of society that are engaged in the urban construction sector. Most of them are part of agricultural and allied activities in the form of casual labour. The decline in agricultural productivity, surplus labour, low wages and seasonal employment keeps a large number rural labour force at bay and trapped into the cycle of the vicious poverty. The socio-economic hardship and poor educational attainment pushed these labourers to urban areas for better livelihood opportunities. However, the disadvantaged life continues after their migration also. In the urban construction labour market, the migrant rural labouris discriminated against on regional identity and are treated as 'cheaper labour'. The construction labour market in the city Pune remains a key destination for interstate migrants. A large number of the labour force have migrated from north and middle states to Pune city.However, the decision of migration does not bring any significant change in their life, and they experience multiple vulnerabilities at the destination city. At the construction site in Pune city, they work in hazardous working conditions without sufficient protective equipment or measures, which results in various chronic diseases of lungs, asthma, and allergy. Their dwelling place is made up of a tin shed (kuchha house) and is usually congested and suffocating. They are not provided with safe drinking water, safe electricity connections, proper drainage, and sanitation. The violation of labour laws and human rights is predominantly prevalent in construction labour market.

II.   Invisibility and Exclusion

The interstate construction workers in Pune city are dispersed and keep on moving from one site to another. Usually, their site locations are in the developing sub-urban areas of Pune city and in nearby census towns. The migratory and temporary nature of work and the urban informality has turned these construction workers *'floating and invisible population'*. Along with their invisibility, the migrant workers are at the bottom of the economic strata and voiceless groups. This renders city planners and bureaucratic departments to ignore them and their mobility. The concerned labour department has never been empathetic in realizing the importance of migrant construction and fared poorly in documentation. In the context of food security of the stranded migrant labour during the first nationwide lockdown, the Ministry of Consumer Affairs, Food & Public Distribution of India (2020) mentioned in their press release that there is no data on the actual or estimated number of migrants across the country. This indicates that there is neither improper, poor nor no documentation of interstatemigrant labour population. Elaborating the point of identity and globalisation, Guru (2010, 67) stated that there are three classes that emerged out of globalization. The first class is *'plastic*

card holders' (upper and middle class), second class is *'paper card holders'* (poor people with ration card, BPL card, Annapurna card etc. made of paper) and there is another class at the bottom that is the *'Invisible Class.* This is the class made of the poorest among the poor, who is without any identity and cards. In cities, there are street vendors, migrant informal labourers who belong to this class. The construction workers in the present study are invisible citizen and belong to the third category, placed at the bottom. The invisibility of construction workers in turn acts asa barrier in their process of mainstreaming.

The nature of urban informality also creates constraints and complexity in the process of fund raising, which could be used for labour welfare. In discussing expenditure for social and legal protection to informal workers, Bhowmik (2012, 112) has addressed the issue of the lack of employer's participation in raising funds, such as in the case of pension and provident fund in the formal sector. In the construction labour market, the employee is not distinct and permanent. Due to this technical difficulty, the social protection through mutual contribution does not take place for the construction workers.

III.   The Legal Framework, Registration Status and Exclusionary Mechanism

The state welfare board works to improve the quality of work and provide social security schemes to its registered construction workers only. During the first nationwide lockdown, the Maharashtra Cabinet has assisted Rs. 2,000 to each registered construction worker, and around twelve lakhs construction workers in Maharashtra were benefited from the financial aid. Along with this, they were entitled to subsidised food under the scheme 'One Nation, One Ration Card'. In the second wave of Covid-19, the Government of Maharashtra provided financial assistance of Rs. 1500 to construction workers and other subsidies. According to the Maharashtra BOCW, around eighteen lakh construction workers are registered to the board and getting benefits of various entitlements. On the contrary to this, in the study, it was found that a large number of interstate construction workers in Pune city have been hardly hit by the lockdown and excluded from such entitlements.

There are two significant reasons for their exclusion. The first cause lies in their unawareness about their legal rights and social security schemes that they will be entitled to only with their identification card. Having an identity card is an essential document for the registration to the BOCW too. Technically, the workers who haven't registered to the welfare board are excluded from the social protection and legal rights. Another point to be taken into consideration is that, these migrant construction workers are not unionized in Pune city. Lack of collective bargaining and legal awareness creates a gap between social security measures

and beneficiaries. As a result, these construction worker remains on the periphery of inclusion, and decent work and remain critically marginalized.

Another reason for their exclusion lies in the poor functioning of the labour welfare board and its exclusionary mechanism. Any construction worker can avail of the social security benefits only if they are registered to the welfare board. However, the registration process itself is complex and unfriendly to the workers. For the registration, along with identity documents, the construction worker needs to suffice ninety days working certificate duly signed by their labour contractor or employee. This technical prerequisite of a work certificate, unfortunately, acts as a trigger leading to the process of denial and keeping these workers deprived and longing for more.

Along with the BOCW Act, the Interstate Migrant Workmen Act (ISMW), 1979also proclaims clearly that every labour contractor will be required to obtain a license from the specified authority and required to provide particulars of employed interstate workers. It is mandatory for employers and the contractors to maintain the passbook containing the details of workers and must make it available anytime for scrutiny by the statutory authorities. Under these legal frameworks, the mechanism of registration has placed certain bindings upon contractors and employer thereby creating a system of accountability. Unfortunately, the concerned labour officers and statutory bodies turn a blind eye towards the implementation of labour laws at construction sites. In the sub-urban areas of Pune city and census towns, it has been noted that some local builders and contractors who are working at a small scale are inconsiderate towards labour welfare measures and ignore laws conveniently. They do not complete any documentary process of labour registration. Moreover, the labour contractors are not registered or licensed; therefore, they hesitate to provide any employment document to the concerned department. Often it happens that these workers do not complete prescribed ninety days of work so the contractor is hesitant to provide any kind of work certificate which is forms the crux of the document needed for purpose of registration. Lack of strong commitment for implementation of labour laws, negligence of the behalf of labour department renders the contractor lobby to remain silent towards any of the above mentioned legal obligations thereby adding to the woes of migrant labourers in Pune city.

IV.   Field Interventions by Civil Society Organisations

The absence of identity proof and non-registration have prevented construction workers from getting access to their legal rights and social security schemes. A decade ago, the UIDAI initiated for inclusion of migrants

in the unique identification project containing special enrolment drives for migrants alongside spreading awareness about Aadhar within migrant communities (UNESCO 2013, 13). Such interventions need to be carried out consistently to provide workers their identity cards and to register the interstate workers at the welfare board. To mitigate the distress among workers, some civil society organizations have initiated various inclusion projects.

Rajasthan based organization Aajeevika Bureau carried out legal aid services for migrant workers. They have started the registration process and identity service,from which millions of interstate workers were benefited. Further, the Sir Dorabji Tata Trust extended full fledge support to migration programme, this model of inclusion was replicated by thirty two organizations in different states. It helped the migrant labour force to assert their citizenship rights in urban areas. An identical kind of work has been carried out by Bangalore based Labour-Net organization. In Nashik city of Maharashtra, Disha foundation issued identity cards to migrant workers and enrolled them in various trade unions. Contributing to this, Pune based organization, Centre for Youth Development and Activities (CYDA) has initiated an intervention and advocacy programme to cater identity cards and register these workers with the welfare board thereby paving the path for their emancipation and recovery. Ms Dipenti, Incharge of Migration Cell, CYDA put forth that only having an Aadhar Card is not enough, it needs to be linked to the bank. Even the worker should be well versed with digitalization and use of essential gadgets which equip him to avail cash transfer and other entitlements sponsored by government agencies. CYDA is striving with continuous efforts in the direction of bringing all NGO's on a common platform in order to work collectively for improving the plight of this workforce. The major obstacle on this frontier deals with the clause highlighting the necessity of bearing an employment certificate and the hardships these workers confront in this complicated registration process. They are engaged in continuous brainstorming discussions with the concerned Ministry so that some relaxing measures can be incorporated to make this rather complicated registration process to become more simplified and user friendly in nature.

Concluding Remark

Under the regulations of the BOCW Act and the ISMW Act, construction workers should be safely placed under the umbrella of legal safeguard and various social schemes ensuring their welfare. However, the study reveals the violation of labour laws and kept them deprived of various entitlements and social security schemes. The non-registered identity renders them invisible, posing huge challenges and obstacles in their

journey to earn a decent living and ensure minimum qualitative standards of life. Hence these migrant construction workers emerge as most vulnerable labour force to reckon with. Lack of inclusive policy, shortcomings of statutory bodies and poor implementation of the labour laws, passive labour department, unfriendly registration processes and self-created vested interests of the contractor and builder lobby have placed these interstate migrant workers at the edge and they face crisis in their endeavour to live a better life.

Very few civil society organizations are working in Pune to defend the rights of construction workers who are entrenched in this trap of uncertainty. Some organizations have initiated interventions and advocated for giving relaxation in the compulsion of ninety days work certificate from contractors. Coupling this they are demanding to assign the right to provide temporary identity cards to migrant workers in Pune city. Such initiatives could be significant in the large level inclusion of such mobile, distressed and vulnerable groups like interstate construction workers. It is high time that we recognize and address the urgent needs of interstate construction workers, acknowledge them as equal citizens of the city and their right to the city must be safeguarded.

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