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Editorial

SDGs-One Year After

September 25 this year has marked the first anniversary of the launching of the Sustainable Development Goals (SDGs). On this day in 2015, the 193-Member United Nations General Assembly formally adopted the 2030 Agenda with a new set of SDGs, also known as Global Goals. Participating global leaders pledged to the 17 SDGs to overcome poverty and restore human dignity by 2030 and UN Secretary General Ban Ki-moon hailed the Global Goals as "a universal, integrated and transformative vision for a better world".

The past one year has been characterized by efforts designed to enhance understanding and appreciation of the development agenda the SDGs represent, and gradually accepting that within this new global framework, all countries are in need of further development. Undoubtedly, it would rather seem premature to take a stock of how much progress has been achieved in terms of realizing the SDGs just after a year of their launching; nevertheless, the mounting concern around the globe that the prevailing global state of affairs is obstructing the progress of SDGs cannot be ignored. Experts lament that political and economic stability is crucial and central to the implementation of the SDGs.

Regrettably, however, in the past twelve months, the world has only witnessed a growing deficit of political and economic stability. One expert has opined that self-serving interests of individual nation-states, groups, and in some cases, even individuals seem to have obscured the shared vision of development and dignity for all individuals across the globe. It is also being argued that the world is increasingly becoming a less safe place to live in for a growing number of people. Fast pace of erosion of values of diversity, tolerance, plurality and co-existence is rather paving way for the creation of space for selfishness, intolerance, barbarism, extremism, xenophobia and bigotry. In the wake of these developments coupled with mounting violence and instability around the world, implementation of the SDGs has become extremely challenging.

Prevalent refugee crisis being experienced by the world is assuming severe form. Broad UN estimates show that there are now 244 million migrants in the world. Civil war and violence have displaced 65 million people, half of whom are children. Eighty-six percent of these displaced people are sheltered in the developing regions of the world, imposing a heavy burden on their economies and social infrastructure and undermining their efforts towards achieving the SDGs. While responding to the immediate humanitarian needs of the refugees, it is equally important to tackle the root causes of human displacement on such a massive scale and such a measure would be in consonance with Goal No. 16 of the SDGs, which urges all countries to "establish peace, justice and strong institutions to promote peaceful and inclusive societies".

The ongoing armed conflicts in Syria, Iraq, Yemen and elsewhere; civil wars and anti-regime violent protests in South Sudan, Ukraine, Afghanistan and Libya; and global terrorism causing loss of human life and property at an unprecedented scale and destabilising economic and social activities in many regions are detrimental to the implementation of SDGs, especially Goal No. 17 of the SDGs, which calls for global partnership for sustainable development. The ongoing slow-moving global economic growth and increasing unemployment and under-employment both in the developed and developing countries are not helpful to realize Goal No. 8 of the SDGs that seeks to 'promote sustained, inclusive and sustainable economic growth' along with 'full and productive employment and decent work for all'.

Undoubtedly, businesses around the world are grappling with the implications of the new framework of the SDGs; one thing has become crystal clear: The SDGs will not be realized without business. With an annual $5 trillion to $7 trillion needed to finance the goals, business has a critical role to play as a source of investments and as a driver of technological development and innovation, not to mention as an engine for economic growth and employment. Nevertheless, some forward-thinking companies already realize this, and they are taking action; however, more concrete action is called on the part of national governments and private sector to work in tandem to tackle the impediments that obstruct the implementation of the SDGs and adopt cooperative partnership to realize the objectives. We're only one year in and we still have a long way to go.

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China–Russia Energy Ties

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Energy cooperation constitutes the most important component of Russian-Chinese economic relations. In the present form of this cooperation, Russia has mainly played the role of China's oil base. The oil sector has been the major element of Russian-Chinese energy cooperation. The years 2013–2015 saw a significant increase in the volume of crude oil exported by Russia.

In 2015, China became the main importer of Russian oil; Russia became the second largest supplier of oil to the Chinese market, after Saudi Arabia. From Beijing's perspective, supplies of Russian oil are of strategic importance because the main supply routes are overland routes. Russia, for its part, is interested in boosting its export because of its deteriorating position on the European market, which hitherto has been considered a strategic market.

Cooperation in the field of natural gas has been less advanced; so far Russia has exported only insignificant amounts of liquefied natural gas (LNG) to China. China is less dependent on the import of gas (its own production covers around 70% of the demand). Beijing has been dynamically developing its LNG infrastructure, and has at its disposal gas pipelines which connect China with producer countries in Central Asia. Additionally, all the projects carried out within the framework of Russian-Chinese gas cooperation are being hampered by the financial problems Moscow is experiencing.

High crude oil supplies

The dynamics in Russian-Chinese energy cooperation are reflected mainly in the significant increase in the volume of crude oil supplies from Russia to China (from 24.4 million tonnes in 2013 to 41.29 million tonnes in 2015).

Russia signed a major oil export deal with China in 2009, agreeing to supply 15 million tonnes per annum through the East Siberia–Pacific Ocean pipeline. Since then, China's energy cooperation with Russia seemed to always leave a bitter taste — until 2014. The catalyst for better relations was the crisis in Ukraine, which estranged Russia from the West. Moscow faced substantial capital outflows and uncertainty around its energy exports to the European Union.

China became the only option. Moscow has since opened up to energy investment from China, removing a number of key restrictions on investing in oil and gas resources on Russian soil. Increasing oil imports from Russia seems to make good sense to the Chinese leadership now that their territorial dispute with multiple countries in the South China Sea is intensifying.

The long-argued 'Malacca dilemma' — China's dependence on imports travelling through the narrow Malacca Strait between Malaysia and Indonesia — seems to finally have its manifesto. Despite a lack of real evidence that choking China's oil imports in the world's busiest strait is feasible or even possible, Russian oil exported through pipelines and trains certainly looks like a safer option.

Russia's state-controlled oil company Rosneft has been the biggest supplier and its export to Chinese contractors recorded an almost two-fold increase, from 16.55 million tonnes in 2013 to 30.3 million tonnes annually in 2015. The main export channel is the branch of the East Siberia–Pacific Ocean (ESPO) oil pipeline, running to

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China. Half of the oil exported by Rosneft is currently supplied via this branch. The rest of the supplies reach China via the Kozmino sea terminal and as part of swap transactions with Kazakhstan (Rosneft supplies around 7 million tonnes annually to northern regions of Kazakhstan, and in exchange Kazakhstan supplies its own oil to China using the Atasu-Alashankou pipeline.

China's import of crude oil is well-diversified. The share of each individual supplier in this import does not exceed 20%. From Beijing's perspective, the supplies of oil from Russia have privileged status due to their strategic importance. The major portion of the oil China imports is supplied via an overland pipeline which connects the two countries with no transit states between them. This makes it possible to reduce the share of oil imported from the Middle East, which currently accounts for more than a half of total oil imported by China.

The Middle East is increasingly exposed to geopolitical turbulence. Similarly, the maritime oil supply routes run through several 'bottlenecks', mainly the Strait of Malacca, which would be easy to block in case of a conflict. The years 2013–2015 saw an increase in the importance of the share of oil imported from Russia in the total volume of oil which China imports. In 2013, Russia as a supplier was ranked fourth (8.6% of China's total import), whereas in 2015 it was ranked second (12.3%).

Some experts opine that multiple factors in China are fostering an increase in the import of crude oil from Russia. First, the Chinese domestic market is applying a mechanism of administrative control on the prices of petroleum products which links these prices to global oil prices. In reaction to the drop in the price of oil, in January 2016 price brackets between US$40 and US$130 per barrel were introduced (when the price falls below US$40, Chinese oil extraction is no longer profitable for the producers). In practice, this means that oil companies, in particular Sinopec

and CNPC (PetroChina), are allowed to sell petroleum products at a price much higher than the global price, thereby boosting their revenues.

Additionally, the Chinese leadership has allowed numerous small refineries to operate in the oil processing sector. Another factor boosting China's demand for crude oil has been the creation of strategic reserves by Beijing. China intends to create reserves by 2020 which would cover a 100-day demand for oil. Chinese reserves are currently (early 2016) estimated at a volume able to cover a 29-day demand.

Russia has been interested in increasing its exports to China. One of the main reasons behind this are the negative trends observed on the European market (a gradual decrease in Russia's export recorded in 2011–2014), which hitherto has been considered a strategic market. Another reason involves long-term forecasts regarding the consumption of crude oil in Europe, which are unfavourable to Russia.

According to some experts, one of the barriers to a continuing dynamic increase in the export of Russian oil to China may be infrastructural problems and delays in exploring the fields which are intended to be the raw material base for new supplies. Pursuant to an agreement signed in 2013, Rosneft committed itself to double its export to China, from 15.8 million tonnes in 2013 to 30 million tonnes annually in 2018–2030. This increase in the volume of supplies should have been effected via the ESPO pipeline branch.

However, due to delays in constructing the infrastructure, which according to the Russian media were caused by China, the increased supplies were delivered via the Kozmino sea terminal and in swap operations with Kazakhstan. Transneft announced a plan to expand the capacity of the ESPO pipeline from the present 58 million tonnes to 80 million tonnes in 2020.

Similarly, there are plans to expand the Kozmino sea terminal to reach a capacity of 36 million

tonnes annually by 2017 (according to Transneft, an expansion to exceed 36 million tonnes would not be possible for technical reasons). If further delays prevent Rosneft from increasing its export to China using the ESPO pipeline, the rivalry between Rosneft and other Russian oil exporters over export quotas enabling the supplies of oil via Kozmino is likely to increase. For Russian oil-producing companies, the Kozmino port has been a relatively profitable export channel.

For Russia, China's oil bill has played a key role in holding up the country's weak economy, especially since the European Union turned its back on Russian gas. But as with all new dancing partners, there are bound to be missteps. Russia has reportedly been among the worst hit countries in wake of the collapse in oil prices since 2014. Oil and gas exports account for 50 per cent of its federal budget and 70 per cent of export revenues before the collapse of oil prices in 2014.

The huge gas deal signed with China in 2014 is price indexed to oil. Though the exact formula has not been revealed, the price informing the agreement would now be in a very different range from when the deal was inked.

Future Prospects

Some experts are skeptical about China's slowing down economy, especially when the Chinese premier Li Keqiang has repeatedly called for progress in addressing under-performing 'zombie' enterprises and overcapacity in heavy industries. It is opined by some experts that fiscal and financial measures to ratchet up China's economy could be directed to innovation and productivity growth, instead of being wasted on putting these incompetent firms on life support. High debt among state-owned enterprises (SOEs) is hurting the government's ability to propel economic growth while investment from the private sector decelerates sharply.

Besides, slow growth in heavy industries has seen China's diesel demand decline consistently over the last few years. Car-clogged cities and the rise of electric vehicles also suggest dimming prospects for petrol demand growth. Competition for the Chinese oil market will only get fiercer as oil producers fail to freeze output and the world's largest growing market faces huge uncertainty. None of these developments are in Russia's interests.

Russia has become a surprising beneficiary of China's deepening oil sector reform. Beijing granted about 80 million tonnes of crude oil import quota to a number of qualified 'teapot' refineries in Shandong province, an area that previously was only open to China's national oil companies (NOCs). The move was seen as an attempt to introduce an element of competition to the oil sector. As a result, over 90 per cent of China's oil import growth in the first half of 2016 was driven by these teapot refineries.

Undoubtedly, energy ties between China and Russia reflect mutual demands for cooperation in political, security and economic dimensions; nonetheless, they cannot be viewed as driven by only one of them. For both nations, opaque decision-making processes in government as well as in each country's powerful NOCs mean that good bilateral communication and understanding are not always ensured. Sometimes their interests may at odds.

Indecisiveness surrounding the progress of China's economic transition, SOE reform and future developments in energy technology could lead to a range of very different scenarios. These developments could either reinforce or destroy energy ties between China and Russia. But in the years to come, the world should not be surprised to see more energy deals signed by these two powers.

Conclusion

The process of Chinese companies investing in oil production in Russia is progressing somewhat gradually than before; most of the agreements

made regarding this matter are still framework agreements. In the mid-term perspective, however, a qualitative change to the present model should be expected. It is very likely that Chinese companies will enter the Russian upstream sector, especially taking into account the financial standing of the Russian energy sector and China's interest in gaining direct access to oil fields.

It is increasingly becoming clear to experts and analysts that the rapprochement between Moscow and Beijing is one of the most important trends in global politics since 2014. The two powers' deepening accord has the potential to significantly shift the direction of geopolitics in North and Northeast Asia.

References
1. Bin, Yu, The Russian-Chinese Oil Politik, http://csis-prod.s3.amazonaws.com/s3fs-public-legacy.../0303qchina_russia.pdf.
2. Sputnik, ""Putin: Russia, China to Step Up Nuclear Energy Cooperation", 23 June 2016, https://sputniknews.com/business/20160623/putin-china-russia-nuclear.html.
3. Wang, Tao, "China-Russia energy ties won't short-out", East Asia Forum, 30 September 2016, http://www.eastasiaforum.org/2016/09/30/china-russia-energy-ties-wont-short-out/.
4. Yishan, Xia, *China-Russia Energy Cooperation: Impetuses, Prospects and Impacts*, www.bakerinstitute.org/.../china-russia-energy-cooperation-impetuses-prospects.pdf.

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Current Political Turmoil in Nepal: India Factor

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[Anti-Indianism has been a constant characteristic of Nepali for over six decades now. There is a tendency amongst Nepali political parties to equate nationalism with anti-Indianism. The cross-cultural proximity and open border has led to a situation where India can't keep itself totally aloof from what is happening across the border. Political instability and weak governments in Nepal, pose grave security risks. The indispensability of Nepal to India's security, and law and order is such as it makes any political turmoil in Kathmandu, unavoidable to New Delhi. This dependence has provided room for accusations of interference.]

Free movement across the border has facilitated the political grooming of many of the political leaders of Nepal in Indian universities. It translates that they sympathize with one or other political party in India and *vice-versa*. Therefore, whatever political party is there in power in Kathmandu, opposition can always blame them for being pro-Indian and compromising the autonomy of the country. Every political decision in Kathmandu is examined on the parameter of whether it is pro-India or neutral.

India is accused of "micro-management" for each and every political disturbance. Nepali political parties are in habit of utilizing anti-India sentiment for pure political expediency. This paper attempts to analyse as to how Nepali political parties have misplaced the responsibility of internal political squabble. It analyses the factors leading to ultimate demise of Oli government.

As India has always been a contested political factor in the internal political matters of Nepal, current political situation is no exception. Even before Prime Minister K.P. Sharma Oli resigned, in the face of an imminent no-confidence motion

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defeat in the Parliament, Nepali media was already abuzz with the conspiracy theories involving New Delhi.

However, the role of two major political parties, the Nepali Congress and the Communist Party of Nepal (Maoist Centre) was crucial in removal of Oli. Both of them complained of the failure of the government in resolving the contentious constitutional issues, kick-start the reconstruction process, or resolving the truth and reconciliation process involving the atrocities committed by Maoists and government forces during conflict. Notwithstanding the domestic reasons, Oli categorically attributed his fall to the New Delhi (*The New York Times*, July 24, 2016).

As quoted by the *Indian Express*, speaking at an event organized by Madan Bhandari Foundation, Oli said the "neighbor" had "deprived Nepal of its sleep". "Does that neighbour want the Nepalese people to die?" he asked. He contrasted the acts by the "neighbour" with everything that China had done to help Nepal at the time of crisis. "Our neighbour deprived Nepal of its sleep. Can we tolerate that? It behaved like our sovereignty and interest do not matter… It was only keen to have its interests imposed on us," Oli said. He added "After all, this government has to function from Nepal, not outside its territory." Targeting the new coalition of Nepali Congress and CPN (Maoist Centre), he said it was formed with "outsiders' initiative" (*The Indian Express*, July 30, 2016).

In an interview with Nepalese daily *Republica,* Pradeep Gyawali, CPN-UML Secretary and a close confidante of PM Oli, mentioned that various constituencies of Indian state i.e. political parties, security agencies, government and people share a common objective of stopping Nepal from charting an independent course of its own. Mounting a shattering attack on India, Gyawali said

"….there is also an overarching theme: the feeling among Indians that India has somehow been left behind by China. So when Nepal tries to get close to China, the Indians react furiously. In May,

China sent goods to Kathmandu through an international freight train. This was a symbolic gesture. But it created such a hue and cry in Delhi. This shows how India is guided by an inferiority complex *vis-à-vis* China. Thus various Indians I discussed have their own understandings and interests in Nepal. What is common to them all is they do not want to see Nepal set its political course independently" (*My Republica* 31 July 2016).

Similar was the tone of Deputy Prime Minister, Chitra Bahadur K.C., who in an interview to a local online news portal, said: "In fact, India was upset after we reached a transit deal with China. And they (Indians) found Prachanda (Pushpa Kamal Dahal) as a dummy character to fulfill its interest in Nepal" (*Nepal Foreign Affairs*, July 13, 2016).

A common factor in all these anti-India rhetoric is projecting Nepal's growing proximity with China as a key spoiler in its relations with New Delhi. Oli took charge as Prime Minister at a juncture when due to Madhesi agitation; Nepal was suffering the worst kind of transit obstruction along its southern borders. Fearing that the crippling border blockade can be repeated in future as a bargaining chip with Kathmandu, Oli government took steps to open up alternative transit routes with China.

During Prime Minister Oli's visit to China in March, 2016, Beijing agreed to construct a strategic railway link between the two countries through Tibet and both countries signed ten agreements including the strategic transit trade agreement. China also agreed on economic and technical cooperation to build a Regional International Airport Project at Pokhara, a most visited tourist destination of Nepal (*The Indian Express*, March 21, 2016).

The upcoming visit of Chinese President, Xi Jinping, in October, strengthened the accusation of 'China' angle in removal of Oli government. In the light of President Xi Jinping's visit being highly contingent upon political stability in the country, removal of Oli government was widely

seen as India's deliberate act of causing political instability (*Indian Express*, July 25, 2016).

Veteran CPM (UML) leader Narayan Man Bijukchhe said "the change in government is taking place as per India's desire". Bijukchhe alleged "at a time when Chinese President Xi Jinping is preparing to visit Nepal, India wanted to spoil the visit and has brought the Nepali Congress, the Maoists and Madhesi Morcha together against the Oli government" (*Nepal Foreign Affairs*, July 13, 2016).

In contrast to improved ties with China, Nepal's relationship with India continued to deteriorate after Oli took charge in October 2015.Oli's election to the post of Prime Minister came at a time when following the Madhesi agitation and consequent border blockade, anti-Indianism had touched an all-time high after the 2006 peace-process. India was widely accused as micro-managing the blockade and fomenting agitation in Tarai. In May, Nepal government recalled its ambassador to India, Deep Kumar Upadhyaya, and also cancelled the visit of its President Bidhya Devi Bhandari to India (*The New York Times*, July 24 2016).

During his entire tenure Oli's relations with India remained tense. There were several instances of confrontational gesture. In mid-March, taking a stand against Nepali government, India for the first time raised the issue of Madhesi unrest in the UN Human Rights Council's meeting in Geneva. The Indian representative told a meeting of UNHRC that India was "concerned" over lack of political progress" and incidents of "violence, extra-judicial killings and ethnic discrimination" in Nepal (*The Indian Express*, November 5, 2015).

Speaking at the meeting, India's Acting Permanent Representative, B.N. Reddy asked the Government of Nepal to "investigate and take credible measures to prevent their recurrence". He raised the concern that "problems facing Nepal are political in nature and cannot be resolved through force or a security-based approach" (*The Indian Express*, November 5, 2015.

The Nepal delegation led by Deputy Prime Minister Kamal Thapa, on the other hand accused India of causing deliberate obstruction of the supply of goods along its border. He said: "Under any pretext, disruption of supplies, disruption of transit is not acceptable… Can't Nepal have its own authority to promulgate a Constitution?"

Rift in the ties was pretty visible after Nepal took a serious exception to an EU-India joint statement issued in Brussels in March 2016, referring to Nepal's constitution. Point 17 of the joint statement emphasized on the "need for a lasting and inclusive constitutional settlement in Nepal" in a "time-bound" manner. Raising a strong objection to the statement the Ministry of Foreign Affairs of Nepal said that "it is against the principle of non-interference in internal affairs of a country".

A statement for MoFA said: "The EU-India joint statement not only hurts the sentiments of the people of Nepal but also defies the fundamental principle of non-interference in internal affairs of a country in breach of UN Charter and norms of international law" (*The Kathmandu Post,* April 1, 2016).

Despite, India raising the Madhesi issue on international platform and raising it repeatedly with K.P Oli government, the amendments to the constitution are nowhere near the demand of the demarcation of federal boundaries along ethnic lines. However, the plummeting relationship with India did not lead to resignation of K P Sharma Oli. Rather, the reasons were entirely internal. The following section analyses the factors leading to the pullout of CPN (MC).

Factors leading to the fall of Oli Government

Notwithstanding a full swing India-bashing, there were three entirely internal factors which led to the demise of Oli government. First, the dynamics of transitional justice process currently underway was crucial in widening the CPN (UML) and CPN (Maoist) divide. In the light of numerous complaints of human rights violation both by the security forces and the erstwhile Maoist rebels

during the armed conflict (1996-2006) pending before the Truth and Reconciliation Commission (TRC) and the Commission of Investigation on Enforced Disappeared Persons (CIEDP) and the prosecution of Lieutenant Colonel Kumar Lama, before a London court (because the UK's obligations under the UN convention against torture require to bring suspects to justice wherever they are detained), the Maoist leadership was alarmed that conflict-era cases may be opened for the prosecution of erstwhile Maoist cadre (*Firstpost*, July 26, 2016).

Their panic was quite evident by the mention of "addressing the issues of transitional justice" in the seven-point agreement signed between the Nepali Congress and CPN (Maoist Centre) before the CPN (Maoist Centre) formally pulled out of the CPN-UML led coalition government (*The Himalayan Times*, July 12, 2016).

Secondly, the power-game among the three major political parties- the Nepali Congress with 207 MPs, the CPN (UML) with 181 seats and Prachanda's 83 MPs, was crucial in bringing down the Oli government. Starting from early May CPN (M-C) was mooting the option of deserting the CPN (UML) and aligning with the Nepali Congress. For quite some time Prachanda had been demanding his turn of Prime Minister-ship before the final pull out in July.

According to Prachanda, in May's his decision to backtrack from the opting out of CPN (UML) led government was based on a "gentlemen's agreement" wherein Oli promised to step down and hand over the leadership to the CPN (M-C) after the Budget Session due in the May end (*The Hindu, Business Line*, July 17, 2016).

During the discussion over no confidence motion against Prime-minister Oli, Prachanda said in Parliament: "PM Oli monopolized the government functioning and he did not pay attention to implement the agreement reached with us, including a gentleman's agreement to hand over the leadership to us," (*The Diplomat*, July 26, 2016).

When Oli did not budge about the power sharing even after the budget session, Prachanda decided to move out. Prachanda was also apprehensive of a possible coalition between the CPN (UML) and the Nepali Congress in the event of his pull out from the government (*The Hindu*, August 11, 2016).

The largest party, Nepali Congress, was also looking for an opportunity to grab the power as the CPN (M-C) and CPN (UML) coalition had kept Sher Bahadur Deuba out of power after the promulgation of constitution on September 20, last year. Notwithstanding the internal tussle, in May, when Prachanda threatened to opt out of government, the political corridors of Nepal were full of the conspiracy theories involving India.

The coincidence of events strengthened the allegations of India's involvement. The political impasse of May surfaced soon after the president of Nepali Congress, Sher Bahadur Deuba returned from a visit to Delhi. Though his visit was personal, but it gave way to speculation of New Delhi's role (*The Hindu, Business Line*, July 17, 2016).

Thirdly, Madhesi dissatisfaction also played a role in CPN (UML) ouster. Despite 36 rounds of talk with United Democratic Madhesi Front (UDMF), government could not reach to any mutually agreed solution of the Madhesi demand of carving out only two provinces in the southern Tarai belt instead of current 7 provincial boundaries running both north and south (*The Diplomat*, July 26, 2016). The very first clause of the 'seven-point agreement' reached between the Nepali Congress and the CPN (M-C) clearly stated that after the formation of new government demands of Madhesis will be duly addressed.

The first clause of the agreement read as: "Dissatisfactions seen in various issues of the new constitution and reservation put by Madhesis, Tharu and other communities will be sought a political understanding to resolve them. In this context, all acceptability in constitution will be sought through the political understanding".

Ahead of the no confidence motion voting in Parliament, Madhesi Morcha decided to vote in favour of the motion. UDMF's leader Upendra Yadav said: "The Oli government was never responsible towards the nation and our grievances… so we have decided to cast our vote against him" (*The Financial Express*, July 13, 2016).

As clear from the above discussion, domestic political factors led to the downfall of K.P. Oli government. India firmly denied of any role in the change of government in Kathmandu. In a meeting with Nepali parliamentarians in New Delhi, India's External Affairs Minister, Sushma Swaraj, urged Nepal not to drag India into their internal matters. She was quoted as saying by one of the members of the delegation: "Prachanda and Sher Bahadur Deuba sit together and make a decision on the issue of government formation but they (leaders) put the blame on us". (*The Kathmandu Post*, 10 July 2016).

She rightly pointed out; it was not India, but the "gentleman's agreement" that pulled the Oli government down. Though India has continuously raised the issue of amicable solution to Madhesi demands, it has also mentioned that the onus lies entirely on domestic political constituencies. India's facilitation of the peace-process is nothing short of new to the political elite of Kathmandu. Starting from the signing of the 12-point New Delhi accord in 2005 India has been involved in Nepali peace process. However, when it does not suit the interest of the ruling elite, the clamor of India's interference gets louder.

The events from July, demonstrate the vulnerability of India getting dragged in the domestic affairs of Nepal even if it is unwilling to do so. In such a neighbourhood context, it is desirable that India restrains itself from any kind of brinkmanship in internal political matters of Kathmandu. There is a need on part of Delhi to develop a neighborhood policy that is not contingent upon change in the government.

The remedy to security challenges emanating from an open border should lie not in a government that is pro-India, but any government, which is stable and institutionally strong. The China factor is also highly overrated in foreign policy circles. The kind of relationship India and Nepal share can't be replicated by Beijing due to geographical limitations. As right approach would be that of being an 'elder brother' not a 'big brother'.

References

1. *My Republica* (2016), "Maoist leaders blackmailed over the alleged war crimes",31 July 2016 URL:http://www.myrepublica.com/news/2767

2. *The Indian Express* (2016), "Oli's new veiled attack on India: A neighbour has deprived Nepal of its sleep", July 30.

3. *The Indian Express* (2016), "Next Door Nepal: Chinese checkers", July 25.

4. *The Indian Express* (2016), "India's monopoly to end as Nepal gets trade point in China", March 21.

5. *The New York Times*, (2016), "Nepal's Prime Minister, K. P. Sharma Oli, Resigns Ahead of a No-Confidence Vote", July 24.

6. *Nepal Foreign Affairs* (2016), "India toppled Oli-led government to spoil Chinese President Xi's prospective Nepal visit", July 13.

7. *Firstpost* (2016), "Will the fall of KP Oli provide a boost to India-Nepal relations?" July 26.

8. *The Himalayan Times* (2016), "Seven-point deal between Nepali Congress and Maoists?", July 12, URLhttps://thehimalayantimes.com/kathmandu/seven-point-deal-between-nepali-congress-maoists:

9. *The Hindu Business Line* (2016), "What a new government in Nepal means for Delhi", July 17.

10. *The Diplomat* (2016), "Nepal's Unending Political Instability", July 26. URL:http://

thediplomat.com/2016/07/nepals-unending-political-instability/

11. *The Financial Express* (2016), "Madhesi Morcha to support new Nepali Congress, Maoist coalition", July 13.

12. *The Hindu* (2016), "Déjà vu of a new beginning", August 11.

13. *The Kathmandu Post*, (2016), "Don't drag India into Nepal's internal affairs, says Swaraj", 10 July, URL, http://kathmandupost.ekantipur.com/news/2016-

07-10/dont-drag-india-into-nepals-internal-affairs-says-swaraj.html

14. *The Kathmandu Post*, (2016), "EU-India statement on charter irks govt"

April 1, URL:http://kathmandupost.ekantipur.com/news/2016-04-01/eu-india-statement-on-charter-irks-govt.html

15. *The Indian Express* (2015), "Violence, discrimination: In a first, India takes Nepal to the UN Human Rights Council", November 5.

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Political Inclusion: A Conceptual Analysis

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[*Political inclusion' is one of the major elements of democracy. The idea of political inclusion would better support efforts to improve political participation, representation and increase equality in the political spectrum. But there is no agreed definition regarding political inclusion among the scholars. It is noteworthy that political inclusion is democratic intensifying concept. Democracy operates simultaneously with exclusion and inclusion. To be clear, 'political inclusion' comprises inclusion of hitherto excluded groups in the political process. In the other words, excluded groups seek collective claims for their survival or recognitions.*]

It is to be noted that excluded groups are segregated in terms of race, gender, ethnicity and minority. On the whole, those groups struggle for their own identity and also seek political inclusion. Nonetheless, 20th century and 21st centuries have focused on substantial equalities in our social and economic life to realize the core of democratic equality. This century is pulling down all those barriers of exclusion in terms of religion, race, property, gender etc.

Political Inclusion: An Overview

As I.M. Young observes (Young 2000: 52), most importantly democratic norms mandate inclusion as a criterion of the political legitimacy of outcomes. It is expected in the democratic set up hitherto excluded categories are included and enjoy equal opportunity in decision-making

process and influence over different policies. Young also added, inclusion increases the chances that those who make (Young 2000: 52) proposals will transform their position from an initial self regarding stance to more objective appeal to justice , because they must listen to others with differing positions to whom they are also answerable .

Broadly speaking, political inclusion refers to key strategy for both councils, acting corporately and with others, to promote equality of opportunity and access to all that society has to offer that is beneficial (www.claraweb.org/uk/propertydevelopmentplan/glossary).

However, Jafffrey Prager viewed political inclusion through Weber's and Durkheim's theory of Democracy. In this connection he argued Weber's pessimism promotes a formal theory of democracy; political inclusion is the central feature of modern democratic orders. Durkheim's

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faith in modern society leads to a substantive theory of democracy characterized by moral integration. He also added that Weber's concern for formal structures of rule has predominated over Durkheimian a substantive concern. (Jeffery Prager: A Comparison of Durkheim's and Weber's Theories of Democracy (http://www.questia.com/reader/action/prev/9574229).

While recognizing that the effective inclusion of mere groups and categories in the polity is central to democratization, John Dryzek has also stated that any predisposition toward inclusion sponsored by or sought in the state, which may be defined as the set of individuals and organizations legally authorized to make binding decisions for a society. (John Dryjekj: Political inclusion and the dynamics of democratization, American Political Science Review90/1 Summer 1996, p475-87(www.highbeasn.com/doc/1.GL-8885832.html). On the whole, inclusion guarantees more than the attainment of basic citizenship rights, such as right to vote and associate.

Political inclusion has been materialized through reservation, affirmative active action towards excluded or marginalized communities. Political inclusion is facilitated not only by the government's effort, besides that nature of competitive politics and voting behavior during elections are the worth reasons for that. The promotion of inclusion or social cohesion aims at making social and economic deviants fit into dominant norms and institutions, as well as to give them opportunities for political participations (Young 2000).

It is noteworthy that issue-based inclusion has been able to connect the external exclusion by putting the marginalized into the formal power structures (Singh 2009: 402). Besides that, internal exclusion continues to operate in socio-political domain. Internal exclusion takes place in the following forms: (1) The people are not able to put up their demands in an articulated manner and are even not able to speak in the meeting. Women representatives are the worst victims of this process. (2) Their points are not taken seriously. So many times they withdraw themselves from the meetings.

On the contrary, I M. Young argued about different type of exclusion and inclusion. As she observes, external exclusion names the many ways that individuals and groups that ought to be included are purposely or inadvertently left out of fora for discussion and decision-making (Young 2000: 54). Back door policy is a significant example of that.

In a nutshell, dominant groups use public forum according to their desire and they steadily violate the democratic norms. However, inclusion of excluded groups in public meeting apparently looks like a political inclusion. But in reality their voices are not counted in those decision-making processes and it results in illegitimate outcome through democratic norms.

In this connection, excluded groups struggle within formal democratic structure and stress the importance of institutional change that will ensure the real inclusion of excluded people in decision-making process. Campaign, (Young 2000:55) finance regulation, lobbying regulation, corruption investigation, mandates for hearing procedures and so on, all attempt to regulate decision-making process to promote the presence of potentially marginalized constituencies.

I.M. Young also held the view that a theory of democratic inclusion(Young 2000: 56) requires an expanded conceptions of political communities, both in order to identify modes of internal inclusion and to provide an account of more inclusive possibilities of attending to one another in order to reach undertaking.

She also argued three modes of political communication, such as greetings, rhetoric, narratives. Greeting includes handshakes, hugs, the offering of food and drink. Rhetoric refers to

political expression through speech, visual, signs and banners, street demonstration etc. Narratives serve important function in democratic communication which foster understanding of different experience, assumption among members and also identified important one.

On the whole, political communication enhances the chance of inclusive democracy and in this way political inclusion may create a platform where struggling members of society exchange their views, interests, experience and claim justice also.

Anne Philips opines that political communication augments demand for political presence, demand for the equals representation of women with men, demand for a more even-handed balance between the different ethnic groups that make up each society, demand for the political inclusion of groups that have come to see themselves as marginalized or silenced or excluded (Philips 2005: 5).

On the contrary, Lani Guiner (1989) held the view about black representation the USA and stated that blacks cannot enjoy equal dignity and political status until black representatives join the council of government, including those previously excluded matters even if it proves to have to discernible consequences for the policies that may be adopted.

However, Charles Taylor (1992) in his famous writing "The politics of Recognition" argued that identity makes problematic in modern age, it also makes recognition far more important to people's well being. He also points out that the required recognition has been widely interpreted as including a more public presence in political life and public acknowledgement of equal value.

On the contrary, women's political inclusion in the Nordic country has been interpreted as a citizenship model. But today it is debated whether this model can be applied in other countries and whether it can be applied to different groups of women, especially immigrant women (Young 2004: 26).

It is noteworthy that Jurgen Habermas stressed (Habermas et al., 1995: 44) the importance of inclusion through argumentation. As he observes, the rotational acceptability of a statement ultimately rests on reasons in conjunction with specific features of the process or argumentation of itself. The four important features are 1) that nobody who could make a relevant contribution may be excluded; (2) that all participants granted an equal opportunity to make contributions; (3) that the participants must mean what they say; and (4) that communication must be freed from external and internal coercion so that the yes or no stances that participants adopt on civilizable validity claims are motivated solely by rational force of the better reasons.

Political Inclusion: Indian Context

In this connection Lalita Chandra Sekhar (Sekhar 2009: 234) identified some criteria of the greater inclusion of excluded categories. The following criteria are as follows: 1. Gram Panchayat president exercises power independently or is subject to other powerful influences within gram panchayat. 2. Whether there is a "unanimous election" of the gram panchayat member, or more parties have taken part. In the former case, it is often assumed that this unanimity is the result of a consensus reached by the villagers but this matter cannot be taken at face value, and has to be probed.

Whether the women gram panchayat members are exercising power independently or not. From the above mentioned criteria, we see the different dimensions of political inclusion in local governance. But researcher also argued that (Sekhar 2009: 261) inclusion cannot always be correlated with democracy. Some authoritarian regimes may also be inclusive in the sense that may do a great deal for the excluded sections of their population. But inclusion in a political sense

only takes place in democracy where the voices of these excluded sectors are heard.

On the contrary, Sashi Bhusan Singh held the view (Singh 2009: 380) that inclusion of a community within the system empowers it, and empowerment of community includes it within the system. When inclusion takes place by putting a community in the institutions of power, it is sponsored inclusion and when an empowered community makes its way into the power structure it is called contested inclusion.

Viewing political inclusion as citizenship rights, Ranjita Mohanty observes (Mohanty 2006: 81) that inclusion understandably, is often within the state given framework – the processes where people get mobilized on their own in the form of mass social movements or through the intermediate of civil society. Inclusion is sought in a variety of ways by critiquing the state, by partnering with the state, or by demanding accountability and transparency from the state.

It is noteworthy that political inclusion has remained problematic. Ranjita Mohanty & Rajesh Tandon hold the view that for people who bear identities of lower castes, tribal, poor and women and occupy positions of disadvantage, participation and inclusion means unequal competition with those who are better equipped socially and materially (Mohanty 2006: 11).

It is to be said that gender, disabilities, untouchability, poverty, lack of skill are the major impediments in the way of political inclusion. It encompasses different perspectives from local to global levels. Although political inclusion is a democratic intensifying concept, state ,civil society and state's other agencies play a pivotal role for operating this process .On the whole, political inclusion ensures 'presence', 'participation' and 'achievement' in the political process.

Conclusion

From the above discussion, we can infer that differentiated solidarity encourages group differentiation within a certain extent but it also discourages group-based selfishness, prejudice and hatred. In other words, differential solidarity aims to balance between value of general inclusion and respect with more particular local self-affirmation and expression. In this regard we may say that Lajphart's (1984) theory of consensual on consociational democracy focuses on distribution of executive power and economic resources in proportion to the size of the different communities. It believes the principle of proportional representation of political parties in electoral system.

Celebrated scholar I.M. Young said that differentiated solidarity is an alternative ideal of social and political inclusion. This ideal shares with an ideal of integration a commitment to combat exclusion and foster individual freedom (Young 2002: 197). Unlike an ideal of integration, however differentiated solidarity allows for a certain degree separation among people who see each other out because of social and cultural affinities they have with one another that they do not share with others.

Recently inclusive democracy is centering round the concept of political inclusion. In this regard, Takis Fotopouls 'libratory project' (2009: 195) today can only constitute a synthesis of the democratic, socialist, the libertarian and radical green and feminist traditions. On the whole, we can say that the project of inclusive democracy covers political, economic, social and ecological democracy. However, operating political inclusion depends on the existing context of democracy. To conclude, it is said that political inclusion can stabilize the democratic set up in the present era.

References

1. Chandra, Sekhar (2009) 'Caste, Party and Democratic Decentralization in Karnataka', in B. Baviskar and G.Mathew (eds.), *Inclusion and Exclusion in Local Governance,* New Delhi: Sage Publications.

2. Dryjekj, John. (1996), "Political inclusion and the dynamics of democratization", *American Political Science Review*, 90/1, Summer 1996, pp.475-87. (www.highbeasn.com/doc/1.GL-8885832.html) (accessed on 12 January 2013).

3. Fotopoulos, Takis. (2009), "The Multidimensional crisis: Athens in 2005", (Gordios) (*International Journal of inclusive Democracy*).

4. Guinier, Lani (1989), 'Keeping the Faith Black Voters in the Post-Reagan Era, *Havard Civil Right Civil Liberties Law Review,* 24.

5. Habermas, J, Cnonin, C.C, De Greiff, P: (1998). *Inclusion of Others*, Cambridge: MIT Press.

6. .Lijphrat, A. (1984). *Democracies: Patterns of Majoritarian and Consensus Government in Twenty-one Century,* New Heaven: New York.

7. Mohanty, Ranjita (2006). 'Citizen Participation in Development, Issues of Identity Inclusion and Voice' in Ranjita Mohanty &. R. Tandon (ed.), *Participatory Citizenship, Identity, Exclusion, Inclusion*, New Delhi: Sage Publications.

8. Philips Anne (1995), *The Politics of Presence*, New York: Oxford University Press.

9. Prager, Jeffery. Comparison of Durkheim's and Weber's Theories of Democracy(http://www.questia.com/reader/action/prev/9574229 (accessed on 12 January 2013)

10. Singh, Sashi Bhusan (2009) 'Devolution of Power through Panchayats in Rajasthan', in B. Baviskar and G. Mathew (eds.), *Inclusion and Exclusion in Local Governance*, New Delhi: Sage Publications.

11. Taylor, Charles. (1992), "The Politics of Recognition", in A. Gutmann (ed.), *Multi-Culturalism and the "Politics of Recognition"*, Princeton.

12. Young, I.M. (2004), 'Situated Knowledge and Democratic Discussion' in John Anderson Birte Siim (eds.), *The Politics Inclusion and Gender, Class , Citizenship ,* Palgrave, Macmillan; London.

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Human Rights and NGOs

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[The term 'Human Rights' denotes all those rights, which are inherent in our nature and without which we cannot live as human beings. In other words, human rights are eternal part of the nature of human beings. These are essential for individual to develop their personality, their human qualities, their intelligence, talent and conscience to enable them to satisfy their spiritual and other higher needs. As such, the range of human rights is very wide. It covers variety of rights including traditional civil and political rights on one hand and newly developed economic, social and cultural rights, on the other.]

The general notion of human rights as such, has today penetrated into international conventions, national constitutions, legislations and even in the judicial pronouncements. As a result, these rights have become established as guaranteed human rights. The purposes of securing human rights as such are to provide protection to these rights against the abuses of power committed by the organs of state.

To establish institutions for the promotion of living condition of human beings and for the development of their personality at the same time, to provide effective remedial measures for obtaining redress in the event of those rights are violated. Karel Vasak has aptly remarked that "rights are meant to be enjoyed by individuals, constitute, a social phenomenon by virtue of those for whom they are intended".

Rights, in the traditional doctrine of natural law, are rights against other people. These rights have corresponding duties in the sense that some other person is under a duty towards the holder of right. A person has natural right to life. He holds this right against any other person as such in the sense that no one can deprive his life. Hence, others are under corresponding duty not to kill him. Similarly his natural right to liberty imposes duty upon others to leave him alone. Consequently, the rights and duties are correlated with each other.

D.D. Raphael has rightly observed that, "The rights are rights against other people, and the duties are duties to other people. Thus a system of natural law, a system of duties which all men have to others, is at the same time a system of rights which all men have against others."

Characteristics of Human Rights

Human Rights are said to be recognized

Human Rights are neither derived from the social order nor conferred upon the individual by the society. They reside inherently in the individual human beings independent of and even prior to his participation in the society. As such, they are the result of recognition by the state but they are logically independent of the legal system for their existence.

Human Rights are said to be inalienable, natural and inherent

Human rights are inalienable in the sense that a holder of these rights cannot divert himself of them. The reason is simple. These rights are inherent in the very nature of human being. Jackques Maritain has said that the "human person possesses rights because of the very fact that it is a person, a whole, a master of itself and of its acts – by natural law, the human person has the right to be respected, is the subject of rights,

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possesses rights. These are things which are owed to a man because of the very fact that he is a man".

All human beings are said to be essentially equal

Now it is an established fact that human rights are derived directly or indirectly from the very nature of man. From this it may be argued that by virtue of being human, one inherits all those attributes which are inherent in human personality. Natural rights being are among those attributes are inherited naturally. Thus, the only condition necessary for enjoying natural basic rights is to be a human being.

According to Barnard Mayo, "Human Rights are the rights that a human being has in virtue of whatever characteristics he has that are both specifically and universally human". The utilitarians like Bentham and Mill have also supported this theory. They have advocated for the "greatest happiness of the greatest number as a principle on the basis of which all the social measures should be judged. Utility can be determined by means of reason and expenditure.

The social welfare theory has played important role in the development of number of human rights. A large number of economic and social rights have been incorporated in the Universal Declaration of Human Rights and then in the International covenant on economic, social and cultural rights, wherein, it is expressly provided that the entitlement to these rights has to be in accordance with the organization and resources of each state.

Limitations

i. The social welfare theory lays stress upon the social goals to be achieved by the society and not as the rights of individual.

ii. The social welfare measures become more important than the rights of individual.

Every right, whether it has been perceived as inalienable or otherwise, can have validity and effectiveness only through some process or institution. Thus, it cannot be defined without reference to some institutional structure. As a room cannot be defined without reference to the walls, so human rights cannot be defined without reference to institutional settings.

In the Indian context, for instance, fundamental rights are incorporated in part III of the Constitution of India. Although, the term fundamental right has nowhere been defined in the Indian Constitution, but on careful examination of these several fundamental rights, one would conclude that these rights constitute restrictions on the power of state and also require the state to adhere to the guidelines pronounced in the matter, by the Supreme Court of India.

The nature and meaning of 'human rights and freedoms', as referred to in the Charter of the United Nations, should be ascertained with reference to the catalogue of human rights promulgated in the major United Nations human rights instruments, namely, the Universal Declaration of Human Rights, International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the International Convention on the Elimination of All Forms of Social Discrimination and the Convention against Torture, and other Cruel, Inhuman or Degrading treatment or Punishment, the Convention on the Elimination of all Forms of Discrimination Against women, the Declaration on the Right to Development, the Convention on the Rights of the Child and such other covenants and declarations etc.

Universal Declaration of Human Rights

On 10th December 1948, the General Assembly of the United Nations approved and proclaimed the Universal Declaration of Human Rights. Following this historical event the assembly called upon all member countries to publicise the declaration and to cause it to be disseminated, displayed, read and expounded by the elite and the academic, social and political institutions.

Preamble

Whereas recognition of the inherent dignity and of the equal and inalienable right of all members of the human family is the foundation of freedom, justice and peace in the world.

Universal Declaration of Human Rights (1948) proclaimed in different articles may briefly be stated as follows:

i. All human beings are born free and equal in dignity and rights.

ii. Everyone is entitled to human rights without discrimination of race, colour, sex, language, conviction, personal opinion, property, birth of other status.

iii. Everyone has the right to life, liberty and security.

iv. Slavery/slave trade shall be prohibited in all forms.

v. No one shall be subjected to torture or to cruel inhuman or degrading punishment.

vi. All are equal before the law.

vii. Everyone has right to effective constitutional remedy.

viii.There shall be no interference with the privacy, family and correspondence of an individual.

ix. Everyone has the right to freedom of movement and residence within the borders of his country, to leave his country and return to it and own property and peaceful assembly and forming associations, to take part in the government of his country, to social security, to work and free choice of employment, to equal pay for equal work, just and favourable remuneration for the work, to rest and leisure, to standard of living, declaration of health and well-being at least at the elementary level and fundamental stages to participate in the cultural life of the community.

International covenant on civil and political rights was implemented in 1976 which seeks to guarantee to all individuals subjects to their jurisdiction the rights recognized in it. These rights are as follows: Right to life; freedom from torture or cruel inhuman degrading treatment; freedom from slavery or servitude; right to liberty and security to person and freedom from arbitrary arrest and detention; right to a fair trial; equality before law; protection against arbitrary interference with privacy; freedom of movement; right to nationality; right to marry and to found a family; right to vote and take part in government; freedom of thought, conscience and religion; freedom of association and the right o join a trade union.

International covenant on economic, social and cultural rights was adopted in 1966 but implemented in 1976. Rights included are as follows: right to work; right to a fair wage (including for women equal pay for equal work) and form and join trade unions / associations; to adequate standard of living; to education (with the progressive introduction of free education); for children, to freedom from exploitation (in accordance with which the state should set a minimum age for admission to paid employment) and to participate in the cultural life of the community.

The convention of the elimination of all forms of discrimination against women came into force in 1981 and requires the state parties to seek to eliminate discrimination against women in all fields. The states should take temporary measures for accelerating equality between men and women in the following matters: Right to vote; right to be eligible for election to public offices and to hold public offices at all levels; right to participate in the formulation of government policy and in government organizations concerned with public and political life; equality before law; equal rights as regards nationality and right to work and equal employment opportunities with men including the equal pay for equal work.

The Role of NGOs in Human Rights Promotion

Human Rights are inalienable rights of human beings. Human Rights' activists, individual or organized in groups (commonly referred to as Non-Governmental Organizations or NGOs), could play and have been playing a significant role in championing the cause of human rights, registering protests against their violations and creating general awareness about the observance of and respect for human rights.

Rightly, protection of Human Rights Act in section 12 (1) has enjoined upon the National Human Rights Commission (NHRC) to encourage the efforts of the NGOs and institutions working in the field of human rights. At the international level, the working of Amnesty International and Human Rights Watch are commendable for the cause of human rights. Similarly, at the national, regional and local level in India, we have several NGOs working for the cause of human rights.

The positive role that the NGOs can play in furthering the cause of human rights has been recognized both by the Protection of Human Rights Act, 1993 (PHR Act) and the National Human Rights Commission (NHRC). PHR Act in section 12 (1) has enjoined upon the NHRC to encourage the efforts of the NGOs and the institutions working in the field of human rights.

NHRC's Role in Encouraging the NGOs

The NHRC, on its part, has in its very first report clearly spelt out the three areas in which NGOs could be of direct assistance to it in its mission. Firstly, because of their grassroots contacts, NGOs can most effectively identify human rights' violations, articulate them and seek redress from the Commission. The Commission expects the NGOs to play an active and positive role in bringing violations and complaints to its notice.

Secondly, because of the rapport the NGOs have with the public, they can be of great assistance to the Commission by helping the Commission's investigating staff as well as undertake research and serious studies on specific problems and issues in view of their specialized knowledge. The Commission has used NGOs in studying the problems of child labour and bonded labour. The commission also encourages and utilizes the NGOs for organizing seminars, training programmes, and spreading human rights' awareness.

In India, due to historical reasons, human rights issues have been emphasized by organizations owing allegiance to leftist political ideology. These have been many small and scattered social action groups raising the issue of the oppression and exploitations trying to enlarge the scope of social legislation to improve the living conditions of the masses, and human rights of marginal group (children, women and Dalits).

Further, human rights violation by the state and its organs have been articulated by a 'separate' group of NGOs known as civil liberties and democratic rights groups. Most of these specialist groups have and are suffering from "Institutional instability". They become very vocal and active in pursuing a specific agenda and go into hibernation thereafter.

Several attempts to describe voluntary organizations are found in literature, which essentially explain the nature and scope of such organizations. The comprehensive aspect of the structure of voluntary organization is given below:

A voluntary organization or NGO is an agency (organized or unorganized, structured or unstructured) which works for the welfare of a community in any given area of its own limits. It may be just an individual or a collection of individuals or it may have a more formal structure. It is actually a group of well-trained, committed persons living in our area of activity and dealing, interacting with the people in villages.

Different Types of NGOs

Nowadays we are witnessing mushroom growth of NGOs. Basically there are three main types

among them: first, those which operate entirely on funding by imperialists; second, those which operate on government funding; third, and those which operate without either government or imperialists' funding. There are very few of the third kind.

However, the true political aim of voluntary organizations, which are operating with the funding from imperialists and the governments, are blunting the revolutionary consciousness of the people and these need to be exposed publically and politically. Therefore, the politics of voluntary organizations or NGOs and their links with the exploiters need to be exposed among the people. NGOs and individuals who do not take any funding from imperialists or governments but work for the economic and cultural development are worthy of encouragement and need full support from all corners of the society.

Reaching to the Public

Information is by far the most potent weapon in the NGO arsenal. Once NGOs collect and verify information, they transmit it to the United Nations and other intermediate organizations. They also make extensive use of the media to publicize individual cases or general country situation.

Amnesty International (winner of the Nobel Prize for Peace for 1977), the International Committee of the Red Cross, Human Rights Watch (with its divisions Africa Watch, Americas Watch, Asia Watch, Helsinki Watch and Middle – East Watch) and the International Federation for Human Rights are among the many NGOs which produce surveys, newsletters and other valuable reports on human rights violations throughout the world.

Information Campaigns

Information campaigns are mainly carried out by NGOs in the legal field, which seek to prevent legal abuses, lobby for laws on human rights protection and work for ratification of international human rights treaties, etc. For the general public and targeted sectors of society such as governments, lawyers, judges or police, Human Rights Internet is an international communications network and clearing – house for human rights information.

Focus on Enforcement

Government ratification of the conventions they sign often proceeds slowly. Once instruments come into force, government compliance is often lacking. NGOs make their presence felt at both ends of the process.

In an effort that required ten years, NGOs helped secure the 35 ratification's necessary for the international covenants on civil, political rights and on economic, social and cultural rights to enter into force. When states parties present their national reports to the United Nations, NGOs provide information on the country concerned to experts entrusted with considering these reports.

NGOs for the Cause of Human Rights

NGOs are plying pioneering role in the social development of the society, especially in the field of literacy, family planning, healthcare programme, rural housing, forestry, water-shed programmes and for the upliftment of socially disadvantaged groups. Today it is widely believed that that the state alone cannot tackle these problems. Therefore, state needs the supports of NGOs to supplement its efforts, as the problems of the marginal groups in the society are vast and varied.

However, the NGOs are facing the following hurdles:

i. Nepotism and corruption on the part of bureaucratic officials;

ii. Lack of dedication and commitment on the part of the government officials;

iii. Political interference;

iv. Too much of rigidity in day–to-day functioning; and

v. Lack of linkage between NGOs and educational institutions.

In spite of an important role-played by NGOs, it is observed that many NGOs working at the grass– root level suffer from know-how and resources. Here the linkages between universities and NGOs need to be strengthened. One thing is clear that the objectives of NGOs and government are similar. One must recognize the essential inter-dependence of the world for all-round development of the community as partners for sustainable development.

Suggestions

i. The local and regional level NGOs working for the human rights must be identified and greater allocation of funds may be allotted to them by national and international agencies.

ii. In view of mushroom growth of NGOS, there is need for standardization of code of conduct for greater self-discipline for proper accountability on the part of NGOs.

iii. At the grass-root level NGOs are working for social development, therefore, educated youth may be given employment opportunities in NGOs. More funds allocation to NGOs by government is necessary.

iv. The linkage between educational institutions and NGOs must be further strengthened, especially for the cause of human rights.

Conclusion

NGOs are independent and entail the will to take risk in areas which government and intergovernmental organizations consider to be politically sensitive. They have, by their very nature, the freedom of expression, the flexibility of action and the liberty of movement, which enable them to complement the role of United Nations in the promotion and protection of human rights. For precisely these reasons, NGOs are sometimes accused of being anti-government or of undermining public order and the stability of the society. Yet these are governments that commit human rights violations, because human rights exert limits on the exercise of official power, and human rights violations are transgressions of such limits. NGOs are sometimes perceived as being nuisance to governments because of their role played as discussed above.

References

1. Dr. U. Chandra, *Human Rights*, Allahabad Law Agency Publications, 1999, Allahabad.

2. Dr. V.K. Anand, *Human Rights*, Allahabad Law Agency, 2003, Faridabad (Haryana).

3. A.C. Kapur, *Principles of Political Science*, S. Chand and Company, 2001, New Delhi.

4. Universal Declaration of Human Rights 10th December, 1948 (UDHR).

5. International Covenant on Economic, Social and Cultural Rights, opened for signature 16th December, 1966, 1999, U.N.O.

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THIRD CONCEPT *welcomes your valuable comments on articles published in each issue. Suggestion to further improve quality and get-up of your favourite magazine, which has a record of uninterrupted publication since 1987, are also solicited's.*

Plight of Domestic Workers in Pre-Colonial and Colonial India

Neha Gupta*

[*In India the tradition of domestic service is not of recent origin. Domestic work has a sturdy linkage to the system of slavery wherein confirmations and indications to these are accessible in the histories of all civilizations. The social and economic history provides sufficient information that Shudra and slaves were assigned domestic work for livelihood not only in ancient period but also through the medieval ages up to the nineteenth century. Throughout the history domestic slavery of different varieties existed in almost all parts of India; however, after the enactment of India Slave Act, 1843, it finally abolished slavery.*]

The domestic work in urban areas was executed by slaves; however in rural areas, it was mainly given to the serfs. The name from slaves changed into domestic worker during the time of the feudal landlord system and the colonial British rulers and thus the importance of domestic work became an unavoidable part of their lives. However, with different phases of lives, the demand for workers also changed.

The modern requirement for domestic workers is very different from the traditional system of domestic assistance. Urbanization and industrial progression is supposed to have increased the demand of domestic service, as it produces a new class that is middle class resulting in the alterations in class relations The emergence of new middle class has apparently developed a way of life which has enlarged the requirement for domestic worker.[1]

Pre-colonial Period

The history of domestic servants in pre-colonial India has not received much attention so far, seemingly because this class is supposed to have played little role in production, being locked up by its very meaning to service sector. In larger families, the various domestic responsibilities were performed individually by different classes of servants, wherein some were free-born and others were slaves. Few servants could choose their occupation as servant and others were bounded by the heredity principle of being a slave. They were not left with a choice of being indulged in other occupation apart from becoming a servant.

Men were usually indulged in work as cook, doorkeepers(dvarika), gardeners(uyyana-pala), personal attendants (pada-mulika) of the master and women were assigned with the task of bringing water from well, husking rice, women attendants(pesana-darika) to serve the mistress. These women attendants were considered as dasis. To look after the sexual needs of masters there were women servants known as nataka-itthis. Their status was higher than that of women attendants as they could be gifted away as well as inherited.

In the ancient era of Manusmriti, (first century B.C), the personal servants were not only disrespected but also were excluded from the three Aryan Varna or caste, and were put into Shudra, the lowliest of the caste. This period marked the consideration of work on the basis of caste wherein the Brahmans were not associated with the task of personal service. The trend of slavery over domestic servants on the basis of caste continued from this era. A Shudra though emancipated by his master was not released from servitude and their property could be seized just like that of a slave.

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Since the time of Manusmriti, the rigid association of caste, slavery and servitude evolved in the society. Though they were not physically made the bonded slave but their birth determined the servitude which they would undergo the whole life. Thus, birth established the caste hierarchy making the work of domestic servants as hereditary and shaping it into a different form of slavery.

During the sultanate period, the slaves were in plentiful numbers which were obtained by king either thorough expeditions or raids in different wars. However, these slaves were sold in the slave market with different categorisation and rate, such as, maid-slave, female-slave for concubinage, untrained boy and experienced male slave servant. This categorisation of the slaves led to the differentiation of their value where male slaves were given more importance in matter of outdoor work and female slaves were particularly engaged in sexual activities and household activities. Hence in the slave market the highest rate in the slave section was for female concubinates.

This expedition of king during war time led to the increment of migrant domestic servant in which a plentiful number of people were captured and further sold in minimum bare amount. The constant buying and selling of slaves from one place to another by the masters who owned them and their continuous use as a bonded slave, led to the determination of rank and status in the society since ancient times i.e. pre-colonial times.[2]

Colonial Period

A change in the outlook towards the history of domestic workers can be traced back to colonial India wherein they occupied an indispensible part for most British families in India. Moreover, it was common for most of them to keep huge workforce of domestic workers. Throughout the colonial period, domestic workers were divided into those who worked outside in the fields and those who worked indoors. Consequently a hierarchy was created between the personal attendant of the masters who were lodging under the sphere of master's house and on the other side were the field slaves who were typically from untouchable's caste.

Thus domestic workers were mostly connected with rich aristocracy like kings in the medieval era and landlords in the colonial era. In post-colonial India, despite the era of kings and landlords came to an end, the demand for domestic workers increased.[3] The history of domestic work could not separate itself from that of slavery, as prior to 1843 slavery existed legitimately in almost all parts of India in form of bonded labour. In colonial time, the masters put emphasis on the dichotomy between the outer (field) and the inner (indoor) sphere of workers.

The status symbol and standards created for nationalist middle class women led them to keep household servants in large numbers which resulted in gradual increase of the demand for lower class worker .The Indians working as government employee adopted the same lifestyle like that of colonial masters and employed the servants with low wages; which however, became a popular custom for the affluent class.

The hierarchical class system laid dominant influence on the relationship between mistress and domestics. The remunerated domestic work in India is illustrated by hierarchies, not only among employers and workers, but also amid workers themselves. Although class can be perceived as the main division between employers and workers, it is gender, customs, religion, and caste that outline the hierarchies among employees by the employers.

Domestic workers can generally be divided into two key sets

a) workers who work and live at the employers' house (live-ins).

b) part-time workers who live in their own homes.

The live-in workers perform all kinds of tasks, and live with the employer with varying degree of liberty or isolation. The part time workers

live in their own house and perform works including cleaning floors and washing dishes, generally in numerous houses every day.[4]

Religion, race, and gender issues all added special hurdles to the power structure in colonial period. The white employers had kept domestics servants in low position on the basis of the skin color the poor native had. Moreover, the religious, social, cultural, and linguistic variations between the employers and their Indian domestics further contributed to the negative attitude towards their indigenous servants. It can thus be said that the paternalistic behaviour towards servants was passed on from the colonial world to post-colonial world.

Undeniably, before colonial period the servants existed; however, a change was noticeable when in the colonial stage with emergence of middle class, the demand for domestic servants increased and tagged itself with the status of affluent class. It would be wrong to say that the practice of domestic labour is exclusively the result of colonial legacy in the Indian middle class domesticities but is also an effect of various dynamic phases in employer-employee relationship.

The subject of race and gender was considered complementary to each other by the colonizers. They constructed race and gender hierarchy among the masters and slaves, in which the colonized were considered as feminized and weak in contrast to masculinised and strong colonial masters.[5]

The otherness in the matter of religion, color and culture had made them morally inferior. Besides, men who indulge in so called women's work were perceived as unmanly by employers.[6] The relationship was that of a master-servant and it was somewhat general for the employers to criticize the household helpers as unclean, dishonest, untrustworthy and lazy. However, it cannot be denied that domestic workers persist to be the silent backbone of the middle and upper class, in present India, hitherto 'domestic work', is not perceived as 'productive' and is hardly

ever seen as a world of toil, harassment and hard work. Domestic worker is therefore linked to the global history of slavery, colonialism and other forms of servitude.

The growth of modernization brought about irregular development in women's lives. This is mainly marked in colonial India where industrial revolution and technological changes, added up by bourgeoisie ideologies of graciousness and respectability, impacted differently and unequally on lives of different groups of women. In colonial Bengal, women from upper castes and classes made important march in gaining political and social rights. By the first decade of twentieth century, a selected group of 'new women' called *bhadra mahila* (respected ladies), made women's organizations, opened schools, wrote in magazines and joined in nationalist politics.

Throughout the development of upper class women, the condition of working class women dropped as they were subsequently pushed into domestic service giving tiny scope of upward mobility. Bengal engaged highest number of domestic workers in colonial India since 1930, and more than seventy percent of its work force was women.[7]

In the colonial period, the concept of 'wise mother' and 'good wife' emerged which distinguished 'new women' from all other women and subsequently positioned the high class and high caste women in superior place and ordinary working women into subordinate position. These working women consisted of unrefined, uneducated traditional Indian women and also westernized Indian women. Although pictured for the upper class groups, this 'new women' concept penetrated to the lower social groups. The process was evident when the women from the agricultural caste groups of Bengal, shifted from the field-related work to attain decency. The colonial period; however, gave privilege to domestic service including prostitution and considered domestic work and prostitution as women's work.

During the nineteenth century in Britain, the ratio of men in domestic service gradually turned down

as new jobs were created in factories, offices, and schools. As the wages for male servants were higher than for females, only very affluent families employed men in definite roles as footmen and butlers, as large number of Britons believed that men servants for indoors were a lavishness not many people could afford.

However, it was argued that middle-class women in Britain found it hard to deal with adult male servants as they were not blessed with the quality of "born lady" to counter with the label of female inferiority. Nevertheless, in India, all servants excluding the ayahs were men. The bulk of the Indian servants engaged by *Memsahibs* were landless labourers from the remote areas of Bengal, Madras and Bombay Presidencies attracted to work for the British families by the higher wages they remunerated.

As domestic jobs were considered in Britain as women's work, thus the *Memsahibs* visualized that the Indian male domestics were located in the domestic sphere that was fit for women. The incapacity of the native men to free themselves from basic domestic work distinguished them as substandard to British male servants and positioned them on a rank with British female servants. *Memsahibs* even stated the inferior ranking of Indian servant, in the context of physical, moral, sexual, and intellectual criterion, further fuelling the feelings of racism, imperialism and British supremacy.

The hierarchical class system played a dominating role in influencing the relationship between employers and employees in India as it was happening in Britain. Nevertheless, the questions of religion, race, and gender added number of difficulties to the power structure in India. In Britain, *Memsahibs* put domestics in low esteem position, but in regard to India, the position of domestics was further degraded because of the skin colour attached to their belongingness.

Not only the difference was seen among the domestics of India and Britain but also the differences in regard to religion, social, cultural,

and language between the *Memsahibs* and their Indian domestics was witnessed which further added up to the *Memsahibs* a highly pessimistic outlook towards their native servants. For the reason that the servants belonged to other religions, *Memsahibs* depicted them as morally inferior.

Besides, the employment of men in domestic activity had led the *Memsahibs* to recognize them as unmanly. Thus, the picture depicted by *Memsahibs* had created the image of the indigenous domestics as uncivilized, strange and inferior further affecting their status in social and economic context.

Domestic work has a long history in India with both men and women working in others' homes as servants. Domestic work incorporates not only manual but also mental and emotional phases wherein care work is essential to maintain people and societies. The domestic work eases to determine the relations between genders, races and classes in which the rapport between employer-employee is based on dominancy, dependency and inequity. In this area of work, the employer and the employee are by and large females. Since home is the place of work, associations between employer and employee are often not restricted to work but trickle down over larger support organizations.

During the nineteenth century, *Memsahibs* arrived in India with assumptions about how many domestics to employ, what to expect in the way of service from them, and how to deal with them which was based on the instructions from manuals deliberated for families in Britain. In India, only the very well-off kept a huge number of domestics. In Britain, a family with high annual income could afford to employ five to six servants, but lower-middle and middle-middle class families were able to maintain no more than three servants in Britain.

The majority of the *Memsahibs* who came to India were of middle to lower-middle class background. After their coming, *Memsahibs* were surprised to notice that in India British

families, irrespective of their income, kept a large number of servants.[8] The reason behind keeping large number of domestic worker with lower and middle class families was that the income given to domestic workers was very less in comparison to the income allotted to Britain's domestic workers.

This was so because the domestic work was not considered as value-laden job which was somewhat deemed to be in Britain. Moreover, the assumption of *Memsahibs* towards their servants as superstitious, unintelligent, dirty, lazy, and dishonest, created distinctiveness for themselves as specialists on household management in India. As *Memsahibs* had the closer contact with their indigenous servants, they generalised the poor aforesaid picture for the entire Indian population, keeping the Indians in negative position and consequently continued the historical colonial discourse.

Female domestic workers in spite of attaining lowest social order in society were also vulnerable for undertaking the status of lower caste. These conditions collectively led to the extensive violence, both in the community and in the family, and in caste structure and different socio-economic groupings also. The reason behind the violence against domestic workers is the orthodoxy of the people who employ them and recognize them as unclean and low in social strata for their unskilled nature of the profession.[9]

The condition and image of domestic servant is thus a construct of feudal and colonial rule wherein the relationship between employer and employee is considered to be superior-inferior one and status allotted to the employee on the basis of caste, class, gender, religion during earlier period had its impact in present working relation. However, it cannot be refuted that the marginalization and otherness which the workers felt during earlier time had still continued and it not only alienated workers from their justified income which they deserve but also alienated them from bargaining power by devaluing their work as inferior and meager.

This marginalization of workers resulted in alienation from selfhood, especially women domestic worker who despite of undertaking dual burden of both home and workplace are not appreciated but are in fact bestowed with meager income and indecent life.

However, it is positively expected that the mounting prosperity of some segment of the urban middle class in particular has contributed to the growth of demand for paid domestic work, in both full-time and part-time materialization. It is partly correct to say that professional and middle class household is responsible for the demand of full time and part time domestic workers but in broader sense it can be said that the immense supply of workers out of extreme poverty and migration of both male or female population in labor sector for the inadequate use of the lower class people in significant economic opportunities has resulted in their meager amount of wage and standard.[10]

Thus domestic workers were categorized differently from pre-colonial to colonial time, wherein in pre-colonial period, caste was the basis for determination of work hierarchy but during colonial time a change has been witnessed in which the criterion of class, race, nationality and caste added up to the already existing work hierarchies, making the condition of domestic workers more inferior and undervalued. Thus during different period, the standard that determine the status of worker varied; however, at the end their position was placed in the same condition and categorization.

Conclusion

The relation of patron-client, superior-inferior has its long historical connection which is based on patriarchal lines of domination on the basis of social reproductions and material productions. However, a change in present condition of labour market is needed wherein the attitudes of the employer towards the workers should be altered from devalued work to productive work. Along

with the change in psyche of the employers, the mobilizations of workers on the basis of political and social rights should be given, which would be beneficiary not only for the employer-employee relation but also for the economic growth of the country. This could be possible only when the division of work on the basis of paid and unpaid wages would be removed and the lens for considering the work as material and immaterial would be blurred.

Along with it, the stigma of class, caste, and religion connected to domestic work, which was an input of pre-colonial and colonial regime, had showed its appearance even in post-colonial India that continued to devalue the role of household work as non-productive and gender-oriented giving a meager income, status and satisfaction to the workers. Thus, with the changing situation and the coming of globalization, the demand for domestic workers increased resulting in commoditization of their work. In spite of the enhanced role of domestic workers in middle to higher classes, their condition and status has not changed.

The pre-colonial phase led to the emergence of caste and slave hierarchy, wherein the class factor was added up in colonial phase. The rank of people on the basis of class was the outgrowth of colonial period. The blend of hierarchy created by both the pre-colonial and colonial phases led to the growth of differentiation between master-servant or employer-employee relationship resulting in value-oriented and undervalued job. Thus, the determination of wages and the position in which they are placed in the society, is dependent on the perception of work quality, caste, class, race and gender which the society carry in the rigid hierarchal stratum.

References

1. M, Madhumathi, "Migration for domestic worker- A case of female domestic workers in Bangalore", *International Journal of Social Science & Interdisciplinary Research*, (IJSSIR), Vo l.2 (1), January, 2013.

2. Moosvi Shiren, "Domestic Service in Pre Colonial India: Bondage, Caste and Market", in Antoinette Fauve-Chamoux (Ed.), *Domestic Service and Formation of European Identity*, Peter Lang AG, European Academic Publisher, 2004. Pg 543-553.

3. Pankhuri, Tandon , "Domestic Workers: How to Give Them Their Due", Centre for Civil Society, Social Science Research Network, Tomorrow's Research Today, 2012.

4. *Mattila, Paivi, Domestic labour relation in India Vulnerability and gendered life courses in Jaipur, Interkont Books, 2011.*

5. *Chowdhry, Geeta and Sheila Nair, "Power, post colonialism and International Relations, Reading race, gender and class", in Geeta Chowdhry and Sheila Nair (Ed.), First published 2002, Routledge Publication, 2004, p. 19.*

6. *Chaudhuri, Nupur, "Memsahibs and their servants in nineteenth-century India", Women's History Review, Routledge Publication, Vol. 3, No. 4, 1994.*

7. *Bannerjee, Swapna, Colonization and Domestic Service, Historical and Contemporary Perspectives, edited by Victoria K Haskins and Claire Lowrie, Routledge Publication, 2015.*

8. *ibid, p. 6.*

9. *Dey, Soumi, "The Situation in Contractual Work at Domestic Sphere: A Study of the Paid Female Domestic Workers of Howrah, West Bengal, India", International Research Journal of Social Sciences, 2014 July, Vol. 3(7), pp 36-42.*

10. *Ghosh, Jayanti, "the Plight of Domestic Workers in India", Frontline, Vol. 30, Issue 2, Jan. 2013.*

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Sir Syed Ahmed Khan: A Visionary Educationist

Dr. Badruddin*

[*India in early 19th century was undergoing rapid political transformation. Mughal Empire, which ruled from 1526 to 1857, was on the verge of collapse due to down fall of Indian princely states. The draft of East India Company (EIC) was tough and challenging for Indians who were marching ahead for 1857 mutiny which was a watershed development in Indian history. It gave the birth of several revolutionary and moderate leaders to fight against colonial power, superstitious practices and orthodox culture prevalent among several communities of India.]*

Syed Ahmad bin Muttaqi Khan, popularly known as 'Sir Syed', born in Delhi Sultanate at Mughal Empire on 17 October 1817, believed to be a blood of Arabs and Mughals, hailed from the family group of Mughal Emperor Bahadur Shah Zafar-II with British nationality. Sir Syed was the first Indian to win 'Star of India' award. He was actively associated with EIC, Islamic and Renaissance philosophy and highly regarded the revival of Mughal dynasty in different forms.

Sir Syed was well acquainted with the organized power of English empire and loopholes of disorganized traditional Indian princely states and hence decided to work with English as clerk thereafter a jurist, and opted different paths to empower India. A man – far ahead of time – he knew that Muslims of India were traditionally associated with art, architecture and religion but were left far behind in the field of education.

Only handful Muslim intellectuals were qualified enough while large sections of middle and lower class masses were miserably lacking the educational qualifications. It was the right time when Sir Syed appeared as 'Messiah of Education' who changed the lives of millions through tactful incorporating British Model. With key aims, Sir Syed put his body and soul together in establishing Mohammedan Anglo Oriental (MAO) College on 24 May 1875, the eve of the birthday of Queen Victoria. MAO was converted into Aligarh Muslim University in 1920.

Born into nobility, Sir Syed earned a reputation as a distinguished scholar while working as a jurist for EIC's rule in India (1857), and the first Indian in true sense to establish Western-style scientific education through MAO College. It turned into Asia's largest residential Aligarh Muslim University (AMU) in 1920 with three off-campus centres at Malappuram (Kerala), Murshidabad (West Bengal) and Kishanganj (Bihar) established consecutively.

In fact, Sir Syed had dreams to transform AMU on the parallel lines of Oxford and Cambridge, be it architectural designs, teaching methods and faculties, where large number of Aligarians are engaged in various academic establishments. Prominent alumni of AMU include: Raja Mahendra Pratap Singh (first Hindu Graduate of AMU), Sayed Mehmood, Maulana Mohammad Ali, Abdur Rab Nishtar, Maulana Shaukat Ali, Maulavi Abdul Haq, Liaquat Ali Khan, Khawaja Nazimuddin, Dr Zakir Hussain, Shaikh Abdullah, Khan Abdul Gaffar Khan and Hamid Ansari.[1] However, Sir Syed was too much soft about Muslims. In doing so, Sir Syed was not free from criticism which he took in healthy way and went ahead with tiredness energy.

Academic Engagements of Sir Syed

Sir Syed was a born talented writer whose dozens of scholarly works have been published in large number of academic and professional

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works. The prominent ones include: *Ansar-as-sanadid* (*Great Monuments*: 1842), followed by *Tehzeeb-ul-Ikhlaq* (Social Reformer*),* Commentary on Bible (1862), Letters from England (1869), *Fikr-o-Nazr,* Monuments of the Great, Aligarh Institute, Gazette, Proceedings of the Muhammadans Educational Conference, Account of the Loyal Muhammadans of India Parts I-II-III, Moufussel Press, Meerut 1860, Bye-Laws of the Scientific Society, several addresses and speeches relating to the MAO College in Aligarh. MAO College motivated Muslim elites to propose expansion of educational uplift elsewhere, known as 'Aligarh Movement.'

The list is only an indicative one. Sir Syed also compiled some twenty three religious works, seven historical works, eight political works apart from several legal works and case paper.[2] MAO College was established to promote bourgeoisie ideology of the West and a beautiful amalgam of East and West.[3] Sir Syed spent some two decades in Aligarh to address the common masses and students and his speeches and memories are preserved in Sir Syed House, Aligarh.

Sir Syed is also widely commemorated across South Asia as a great Muslim reformer and visionary. *Asbab-e-Baghawat-e-Hind* (Causes of the Indian Revolt), published in 1858, was the most important import work of Sir Syed. Thousands of copies were sold within no time and Sir Syed became very popular in India and England. It was also an initiative to incorporate Muslims under EIC administration which was not accepted by the English rulers.

In 1870, Sir Syed launched another scholarly journal *Muhammadan Social Reformer* with a view to promote liberal ideas in Muslim society. Soon after returning from England, Sir Syed established Committee for the Diffusion and Advancement of Learning to send message to Muslims across India to get ready for innovative educational implant. At the same time, Sir Syed suggested to pursue local language, culture and social values to maintain parity and coordination with English language.[4]

Sir Syed also worked to understand Christianity and the true contents of Bible besides studying other religious scripts. Sir Syed also delivered dozens of public lectures in Urdu and English at different parts of India. The prominent ones include: Scientific Society (Aligarh), Musalmanon ki qismat ka faisla (Agra), Role of INC (Madras), State of Indian Politics (Allahabad), Iltimas be Khidmat Sakinan (Ghazipur), Report Salana (Darul Uloom), and Our Indian Muslims (London).

Besides, there are also large number of documented works on Sir Syed that include: Khutut-i-Sir Syed, Majuma Lecture, Maqalat-i-Sir-Syed, Makummal Majumua, Stress on Holy Quran and Reformation of Faith. Throughout his life Sir Syed devoted time for literary and scholarly works. The range of his literary interests was very wide that include: history, politics, archaeology, journalism, literature, religion and science. More recently, Sir Syed Heritage Foundation (USA) has released volumes of works in forms of hardware and software to popularize the philosophy of Sir Syed.

Leadership of Sir Syed: Professional, Founder and Initiator

Sir Syed's moderate approach helped to work in any capacity and anywhere in India. Some of his promoted professional and social services include: Serestadar (Clerk) at courts of law in Agra (1835), Munsif of Delhi (1846), Chief Assessment Officer, Bijnor (1857), and Senior Davison Clerk, Muradabad (1858). Sir Syed's leadership also helped to institute and establish Scientific Society (1863), Madarsatul Uloom Aligarh and Translation Society Ghazipur (1875), Anglo Oriental College (1877) and Viceroy's Legislative Council (1878) that popularized Sir Syed as 'Loyalist of Loyalists' for unique leadership.[5]

Sir Syed was the founder and organizer of Mohammedan Education Conference (1880),

Civil Service Fund Association (1883), All India Muhammadan Educational Conference, (1886), All-India Muslim League, nominated member of the Civil Service Commission (1887) and founder of United patriotic Association (1888). Due to leadership abilities, Sir Syed was awarded as 'Knight Commander and Star of India and was conferred *honoris causa* from the Edinburgh University for LLD Degree in 1888.

Contributions of Sir Syed

A journey to rediscover, Sir Syed became the first Indian to enlighten Muslims of India through education as the most powerful instrument to achieve the ends. This article is devoted in memory of a man who did contributed enormously for the cause of his community as an eminent scholar and his name deserves to be in the annals of history as a reformer, educationist and a man far ahead of time. Sir Syed, a rare example in modern history, often regarded as the father of educational reforms of Muslim community in India and first teacher in true sense who earned the title of 'Sir'.

As a multidimensional personality, a great visionary, futuristic, Islamic modernist, philosopher social activist, metaphysics, and aesthetics, is believed to be controversial founder of two nation-theory on parallel line of Allama Iqbal and M.A. Jinnah. Highly influenced by renaissance and democratic revolution in Europe, Sir Syed took a lead to reform Indian Muslims through educational platforms, although he was equally concerned about the religious, social, linguistic and cultural values of India.

Religious Ideas

It is widely believed that the religious mission of Sir Syed was highly inspired by the Christian missionaries and the naturalistic thoughts of the West despite some ideological differences. Sir Syed was the true interpreter of holy *Quran* who got education in the noble city of Jama Masjid-Old Delhi. Muslim scholars and writers such as Sahbai, Rumi, and Ghalib were the sources of inspiration for Sir Syed who had the knowledge of mathematics, astronomy and medicine, apart from Islamic jurisprudence.

Sir Syed's religious genealogy sources also include: Abut Talib, Imam Murtaza, Imam Zafar, Syed Abu Abdullah, Ahmad bin Musa, Ali bin Salah, Husayn Yaar and Imaduddin Khan. Establishment of modern *Madarsa* (Islamic School) in Moradabad (1859) and Ghazipur (1863) were among the first religious schools to impart scientific education. Sir Syed was too conscious that sectarianism within Muslim (*Shia and Sunnis*) do not meet any clash except some ideological differences, and always prayed to Allah for inter-racial and communal harmony.

Sir Syed's new institution earned rich dividends from a large student community, mainly drawn from the Muslim gentry and middle classes of the contemporary society. Syllabi at the schools and colleges involved scientific and Western subjects, as well as Oriental subjects and religious education that began at MAO College.[6] Sir Syed stood for the amalgam of true *Quranic* values for Indians and knew that the real contents of Islam are being diffused and diverted for political and ideological gains under Western media and minds just for material gains.

Hence, Sir Syed suggested and even warned that any change in Islam and *Quran* can destroy the whole concept. During post-independent India, most Muslims failed to attain the foolproof political freedom despite domination in J&K, Western UP, Bihar, West Bengal and Kerala). In a nutshell, Sir Syed wanted to reform through *Quranic* values which the world came to realize only after 9/11 Episode.

With well known facts, Muslims, the largest minority in India, have received serious political attention ever since the independence. Unfortunately, both media as well as policy makers played damaging role by patronizing the Muslims as anti-nationalists. Sizeable sections of Muslim community are kept under maximum pressure to comprise with Hindu Majority agenda. Hindu nationalist ideologues, notwithstanding pretensions to Hindu 'authenticity,' make use of Western thought to rewrite Hindu-Muslim relations in antagonistic terms and signify these oppositional relations through sacred spatiality.

In fact, Sir Syed's analysis should have been given wider implications for understanding the place of space, gender, and social violation in religious-political and ethnic conflicts elsewhere. Real clash is not between Islam and Hinduism but the politically misinterpreted ideology as predicted by Sir Syed long back. The hidden consents of Islam need to be examined only through a multi-dimensional approach to realize the dreams of Sir Syed who looked both Hindus and Muslims as a part of same soil, land, blood and culture.

Both communities are co-habited, co-existed and have co-religious sentiments since generations. Had the same noble idea of Sir Syed would have been kept in practice; India would have been the noblest country in world. AMU was established for noble cause and the divisions are only for political benefits where students' community by and large remains innocent. If the politics of intolerance and communal disharmony happens in AMU, it is only because of the political machinations.

Language Issues

Unlike conservative and radical thinkers, Sir Syed was a secular religious leader who influenced both Hindu and Muslim politicians despite persistent suspicious elements in INC. Having mastery in speaking of English, Urdu, Arabic and Persian, Sir Syed promoted these languages for the progress of Indian education and visualized India as a "beautiful bride, whose one eye was Hindu and, the other, Muslim" and thereby earned credit of being the true secular reformer and nationalist leader. Sir Syed promoted Urdu as universal language with depth of substances and realities of life which has no connection with Hindus or Muslims. For Sir Syed, language has been best means of expression of thoughts and ideas and every language has equal respect irrespective of caste, class, race, religion and nationality.

Social and Educational Reforms

Sir Syed accepted education the horizon of knowledge and the best option of all kinds of freedom and nobility for better enlightenment,

integration and future vision. He opposed ignorance, superstitions and evil customs prevalent in Muslim society. As a careful realist and optimist, Sir Syed incomparably stood for the noblest man and always thanked to be lucky enough to be an Indian and expected every Indian to work for prosperity and goodwill. Sir Syed believed that no modern development is possible without scientific outlook. He firmly believed that Muslim society would not progress without the acquisition of Western education and science.

But he was critical about religious orthodoxy among Indian Muslims which was partly responsible for the decline of Mughal Empire.[7] Sir Syed put best efforts to negotiate with English India for better parity of Indian Muslims and stood to promote vision of modern education and political unity for Muslims. He even supported the cause of Surendranath Banerjee, Raja Ram Mohan Roy and Dadabhai Naroji to obtain representation for Indians in the government and civil services.

These noble thinkers were the non-believers of idolatry worship, child marriage, sati system, worship of Gods and Goddess and burial ceremonies. Sir Syed even opposed *Wahabi* Movements- a powerful sect of Islam who are often preacher of *Jihad*. Sir Syed was the leading star of India in establishing several English medium schools and societies in India with collective efforts of Mohsin-ul-Mulk and Maulvi Abdul Haq. He also organized several conferences, workshops, contact programmes, and helped in promoting liberal thoughts with support of Muslim Cambridge, Scientific Society of Aligarh, Royal Asiatic Society, Urdu Defense Association, Anjuman Taraqqi-i-Urdu, Muradabad Gulshan School and Ghazipur Victoria School.

Thanks to Sir Syed whose initiatives helped to promote Urdu instruction of Medium in various parts of India including Hyderabad, Bombay, larger parts of Tamil Nadu and Kerala. Many Muslim organizations like All India Islamic Foundation, Sadaq Trust, South India Education Trust, Muslim Educational Association of Southern India, Ambur Muslim Educational

Society, Vaniyambadi Muslim Educational Society etc, are active even toady and are sincerely working for the welfare of Muslim community. Large number of engineering, arts, science, humanities, law and academics are working in different parts of India in capacity of schools, colleges and professional organizations thanks to noble ideas of Sir Syed.

But some of Sir Syed's remarks provoked a hostile response from Hindu leaders, who unified across the nation to demand the recognition of Hindi. Thus, Sir Syed's educational and political works grew increasingly figured around and exclusively for Muslim minority. Supreme interest of Sir Syed's life was education in its widest sense who wanted to create a scientific temperament among the Muslims of India.

In order to promote the socio-educations reforms of Sir Syed and to celebrate the Bicentenary Celebrations, AMU is planning to initiate several academic and professional programmes. Seminars, conferences, workshops, contact exchanges, awareness rallies, directory of prominent alumni, research projects, exhibitions, light and sound programmes etc are being organized, including release of a Bicentenary stamp and special souvenirs to mark the grand celebration in memory of Sir Syed.

Several committees have been set up to monitor the developments. 17 October, celebrated as 'Sir Syed Day' all over the world, has been recorded in Guianese Book for having among the best social get together where thousands of guests across India sit on *Dastarkhan* for common dinner that starts at the same time, a unique experience nowhere in the world. Today, *Aligarians* are working in India and the world in different capacities.

Some Extracted Quotes on Sir Syed

Sir Syed was an extraordinary personality in various sense reflected by great visionaries of India It briefly include:

"Homage to Sir Syed for his vision and courage that withstood all obstructions both from the friends and the foes" - Raja Mohan Roy

"The first Indian Muslim who felt the need of a fresh orientation of Islam" -Allama Iqbal

"Reconcile modern scientific thought with religion by rationalistic interpretations"- Nehru

"Sir Syed's vision and laborious efforts to meet the demands of challenging times as highly commendable" -Inder Kumar Gujral

"The real greatness of Sir Syed consists in the fact that he was the first Indian Muslim who felt the need of a fresh orientation of Islam"- Dr Mohd Iqbal

"Sir Syed was well read about the minds and intentions of English" - Professor Shan Mohammad

"Sir Syed's life strikingly illustrated one of the best phases of modern history" -A British Magazine

Excerpts of some Golden Sayings of Sir Sye[8]

i.   Do not show the face of Islam to others, instead show your face as the followers of true Islam.

ii. At this time our nation is in a bad state in regards education and wealth, but God has given us the light of religion and the Quran is present for our guidance

iii. Acquisition of knowledge of science and technology is the only solution for the problems of Muslims

iv. Superstition cannot be the part of *Iman* (faith).

v.   We (Hindus and Muslims) eat the same crop, drink water from the same rivers and breathe the same air.

vi. Look forward, learn modern knowledge, and do not waste time in studies of old subjects of no value.

vii. We should not (by remaining ignorant and illiterate) tarnish the image of our able elders.

viii.All human beings are our brother and sisters. Working for their welfare is obligatory for Muslims.

Conclusion

Sir Syed, a broadminded and visionary leader, virtually failed to convince the large sections of urban and rural masses thereby leading to division between intelligentsia and the commons who remained cut off from the mainstream of society. Sir Syed's legacy in modern India remains a subject of debate. The contemporary India is not only facing the serious challenges on the issue of religion and community but also women, minorities, linguistic regionalism and ethnic frenzying which are now proving uncomfortable in various streams within the Muslim community.

Sir Syed's mission of social and educational harmony remains a subject of controversy and debate ever since as large sections of vulnerable groups mostly Muslim minorities continue to remain neglected in political, economic and educational streams as also proved by *Sacchar Committee* report. Today, Sir Syed remains a moral force which accelerates the processes of transition from medieval to modern Indian nationalism. It remains a beautiful amalgam of Indo-Western Culture, fusion of Hindu-Muslim thoughts and hence Sir Syed's patriotic sentiments deserve serious considerations today.

Sir Syed was one of the greatest social reformers and a national builder of modern India. Aligarh Movement motivated the Muslims to help open a number of educational institutions. It was the first of its kind of such Muslim NGO in India, which awakened the Muslims from their deep slumber and infused social and political sensibility. He was the first Indian to contribute to the intellectual and institutional foundation of Muslim modernization in Southern Asia.

Interest of community and country was dearer to him rather than anything else. The sufferings of the community worried him. He took an oath to reform, educate and empower the Muslim community and was successful to a great extent in implementing despite strong opposition from a section of the Muslim community which hated the British and their language.

Today we can see the products of the AMU adoring in every field of activity in India, Pakistan, Bangladesh, Middle East Countries, USA, UK and elsewhere. They have earned name and fame for the community and country, thanks to Aligarh movement. Sir Syed advised the Muslims against joining active politics and to concentrate on educational missions. Sir Syed's contributions for the betterment and empowerment of the Muslims are great although the Indian Muslim community has made some good progress in the educational arena; still they have to go a long way to achieve the goal that Sir Syed visualized.

Only the vision and enthusiasm of Sir Syed can help Muslims to improve educational and economic conditions. It is, therefore, incumbent upon us to revive Aligarh movement once again to make the people understand the value of modern education.

Endnotes

1. h t t p s : / / e n . w i k i p e d i a . o r g / w i k i / Syed_Ahmad_Khan

2. Chaturvedi, Archana (2006), *Indian Political Thought* (New Delhi: Commonwealth Publishers), pp.26-27.

3. For list of works by Sir Syed, visit

h t t p : / / w w w . i n d i a n e t z o n e . c o m / 6 1 / scholarly_works_syed_ahmed_khan.htm

4. For details, see Khan, Iftekhar Alam, "Sir Syed's Views and Means of Education" *Tehzibul- Akhlaq* (Aligarh), trans. in Urdu, Vol.8, No.35, August 2016, pp.18-27.

5. Varma, V.P. (1993), *Modern Indian Political Thought* (Agra: Lakshmi Narain Agarwal), p. 422.

6. Engineer, Asghar Ali (2001), *Rational Approach to Islam* (New Delhi: Gyan Publishing House), p. 191.

7. Kumar, S. (2000), *Educational Philosophy in Modern India* (New Delhi: Anmol Publications Pvt. Ltd). p. 59.

8. http://www.ummid.com/news/October/ 20.10.2009/sir_sayyad_life_and_vision.htm

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Was Mahatma Gandhi a Democrat?

Navneet Kaur*

[Gandhi belonged to the Hindu merchant family and fought for humanity throughout his life. He emerged as a prophet but there prevailed a section of society which raises many doubts in considering Gandhi as a mass leader. For them, the objective of Gandhi throughout his life was to retain the monopoly of higher castes. This was the reason behind that within the National Movement for independence of India; another movement of freedom from the elite section was also continued.]

This new movement was related to the downtrodden section of society – the Scheduled Castes, the Scheduled Tribes and the religious minorities. The objective of this movement was to gain the self-respect, rights and equality within the society. The movement dealt with the gaining of representation of their communities in the decision-making processes. But Gandhi being a protector of the *Varna Vyastha* raised several doubts regarding his sincerity towards the poor, downtrodden and raised a very important question- Was Gandhi a democrat?

Gandhi started his journey for equal rights in South Africa. When he came to India, he witnessed the Indians fighting for their rights and independence. There is no doubt, that with the call of Gandhi particularly the upper caste group was unified at the pan-Indian level on the strength of common religio-cultural traditions and economic well being. Till 1920s, Gandhi emerged as the only leader who directed the Congress on his own terms and conditions.

In other words, he became virtually a dictator and the sole representative of the Congress. It raises several doubts on the views of Gandhi that on one hand he was demanding freedom and equality but on the other hand, he deprived the untouchables (Scheduled Castes and Scheduled Tribes) from their additional representation which was granted to them through Communal

Award. In the wake of bringing rights and moral re-generation of the society he emphasized more on building up several organizations like- Harijan Sevak Sangh, Cow Protection Society, One Language One Script Society, All India Village Industries Association etc. No doubt, Gandhi put his extraordinary energy in getting these objectives accomplished and thus influenced the course of pre-independence as no other individual had done.

The period of Indian struggle was known as the Gandhian period for many reasons. During the period, Gandhi emerged as the only leader in Indian political scenarios who led the Congress according to his own wishes and because he was supported by Gujarati and Marwari business communities, the supporters and volunteers of Gandhi in large number had played their significant role in spreading the message of Gandhi at local levels.

Till 1935, almost all the communities (Scheduled Castes and Scheduled Tribes and religious minorities) were mobilized and thus a new dimension of competitive politics was introduced in the scenario. Gandhi and his followers were fighting against the colonial rulers vertically and the communities were fighting with each other for their rights and representations at the political level horizontally. No doubt, Gandhi played a very important role behind all this. Again the question on Gandhi's role in mobilization of common man and determining the course of national movement can

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be raised that whether he was a saint or an active politician.

Gandhi believed in the politics of powerlessness and non-possession and strongly believed in the spiritual equality. Though he considered the people as children of God but one cannot deny the fact that he also did not want the *Varna Dharma* to be abolished.

The Emergence of Consciousness among the Deprived Sections

India is a land of diverse communities. Within these communities, the power is distributed hierarchically and many communities are left out of the fold of power. The inequality is visible in all spheres of social relations. Though Congress during the period of Indian National Struggle was showing itself as the representative of these diverse communities but it could not keep away itself from the stigma of Untouchability.

One cannot deny the fact that Congress leadership belongs to the Brahmans and Kshatriyas i.e. the upper castes. The bad luck of Indian society was that its soul representative party (Congress) was very much dominated by the Brahmanical ideology, therefore, the deprived section had to suffer a lot in context of justice, liberty, equality and self-respect.

The higher Varnas enjoyed their rights fully and served each other without any interference. But there also existed the category of '*Untouchable*' or '*Acchut*' who were considered outside the four Varnas. The difference between this category and other four Varnas was that the people of the former were termed as impure and the people included in the Varnas, on other hand, were considered as pure. This impure category (Untouchable) mainly consisted of butchers, hunters, removers, cremators, hangmen, sweepers, drum beating in funerals and festivals, grave digging, making chappals, and manual scavengers etc.

The people belonging to this section were forced to live out of the localities of the four Varnas and thus faced social ostracism i.e. these people were neither allowed to get education nor could they enter the temples, shops and public places. They were forced to live outside the localities of higher Varnas. Because they were deprived from the society in all spheres, therefore, these downtrodden people had framed their own rituals and deities.

These people considered themselves different from those who belonged to the *Varnas*. The facilities were not meant for these people. They were forced to work as a bonded labour in the fields of their Masters and Zamindars. Neither the proper wages were given to them nor did they offer proper food. This section was completely exploited and had to undergo the severe sufferings at the hands of Zamindars as and when these people raised their voice against the atrocities committed against them.

Thus, the higher Varnas tried their level best to keep this section away from education and basic amenities. This was the reason behind that with the change of rulers and the ruling conditions in the Indian history, the caste-based professions did not change and atrocities to this particular section continued. The upper castes, particularly the Brahmans and Kshatriyas, were active enough to mould the society according to their benefits.

They wanted to remain at the higher positions without any conflict and therefore, on the name of spreading education and providing defence to the society, they maintained the Brahmanical order. Thus, the structure of hierarchy based on occupational and endogamous castes was completely legitimized by the dominant religious categories of Samskara, Karma and Dharma.

One cannot deny the fact that earlier, the colonial rulers were also least interested in the upliftment of downtrodden. They were more interested in retaining their power through the policy of non-interference. They knew if they interfered into

the division of Varnas particularly in context of Untouchables, they would have to face the opposition from the upper strata of society. This could result in the weakening of their rule in India.

Therefore, whatever the efforts were taken by the colonial rulers on the name of upliftment and betterment of Indian society, were in reality meant only for their own benefit. At this time, when the deprived were struggling for their dignity and rights a very few among them rose for providing the leadership for this section. Therefore, Jyotiba Phuley, Maharaja of Mysore in south, Chatrapati Shahu Maharaj of Kolhapur and Maharaja of Baroda took various efforts for educating the people of this section.

Dr. B.R.Ambedkar, who was a Mahar by caste, could succeed in achieving education abroad only due to the scholarship he was getting from the Princely rulers. It was only under the pressure from these leaders that the colonial government had to introduce the seats for the deprived in Government of India Act 1919. The Act favoured the representation of Dalits in educational, political and economic fields.

Despite the efforts of the colonial rulers and the rising leadership among the deprived sections, the upper castes tried their level best to maintain the pattern of hierarchy; with the Brahmins at the top and the shudra and anti-shudra at the bottom. Thus, the struggle between the dominant and the one which was dominated i.e. between the upper castes and the lower communities was the issue on which Ambedkar was interested to seek the solution.

Favour of Gandhi to the existence of Varna Vyavstha

It is of great surprise that Gandhi knew that Hinduism is based on the division of castes and he was not willing to keep the Dalits out of this Varna Vyavstha. Does this mean that Gandhi was a strong supporter of casteism? If yes, then his ideology related to equality among the human beings had nothing to do with practicality. Dr.BR Ambedkar took the issue of dignity of the downtrodden section at the platform of three Round Table Conferences. He wanted that the people of this particular section should get all those opportunities and rights which the upper castes were enjoying for centuries.

With all his hard efforts, the colonial rulers were finally convinced to adopt the separate electorate for this particular section in the Government of India Act 1935. The provision of separate electorate was meant for providing the separate political representation to the deprived. Gandhi during that period was emerging as a mass leader whereas the deprived section (Scheduled Castes and Scheduled Tribes) on other hand sent their demands to the colonial rulers that only Dr. Baba Saheb Ambedkar was their real representative instead of Gandhi.

This is a fact that both Ambedkar and Gandhi were representing two different groups with their charismatic personalities. The one group was that of the deprived section of society who was struggling for their rights since centuries and under the leadership of Dr.Ambedkar they had galvanized their movement. On the other hand, there existed a group of Hindu society which was led by Gandhi and the creamy layer of this society mostly seemed favouring the Varna Vyavstha as it was.

This was the basic reason behind the conflict between Ambedkar and Gandhi. Gandhi himself was challenged by the emerging image of Ambedkar at many occasions. This can be easily understood in the way that colonial rulers and even the Congress leaders to whom Gandhi was representing, had recognized Ambedkar as the sole representative of the deprived section of society. Moreover the structural unification within the communities, modern education and the introduction of liberal and secular ideas in the society and the various reform movements brought the people particularly related to communities at one platform.

All these factors not only encouraged the people particularly belonging to the deprived communities to raise their voices for their rights and oppression committed to them but this awakening also caused a great challenge to the powerful Brahmanical order in the society. As a result, the dominant centralizing Brahmanical order and the emergence of contra-tendencies in favour of setting up the equalitarian society together signified the struggle for the power-realization during this period.

This is a fact that Gandhi wanted the deprived section within the fold of Hinduism. For the fulfillment of this objective, he started a movement at a high pitch related to the removal of untouchability and Harijan's upliftment but he said goodbye to it very soon under the pressure of his financiers.

The question can be raised as to whether the equality could exist within the caste hierarchy. Whatever movement was started by Gandhi was withdrawn by him because of his own wish and it seemed as if he was far away from building consensus. He had his own personal lifestyle in which he was accountable to none other than his inner soul. He was followed by Congress and a large mass of society unquestionably. On many occasions he himself proved that he was an ideal Hindu.

Gandhi did not favour inter-dining and temple entry of Harijans. Does this mean that Gandhi's programme for upliftment of Harijans was only for obtaining salvation for upper caste Hindus from their sins? It seemed that in all the programmes of Gandhi, the Harijans did not have any say. Moreover, the upper caste Hindus seemed to be more dominant on the issue of the upliftment of Harijans because of many reasons. First, they did not want to lose their dominance on the deprived section of society. Secondly, they were playing the dual role.

On one side they were trying to prove the society particularly the colonial rulers who were now seemed to support Dr. Ambedkar, that they (upper caste Hindus) were the only sole representative of Harijans and they really wanted the upliftment of this section, but on other side the actual reason behind doing all this was only to get political and spiritual salvation. Whatsoever it was, one cannot deny the fact that Gandhi and the upper caste Hindus did not want the Harijans to bring at the level with upper caste Hindus.

This raises several doubts on the sincerity of Gandhi towards the deprived section of society. It is ironic that Gandhi gave a concept of *Sarvodaya* and also had a strong faith in Varnasharma Dharma. He also wanted to set up the *Ramrajya* but could *Ramrajya* (which according to Gandhi was based on peace, equality and self-respect of all) be obtained within the existence of Varnasharma System? Can the concept of Varna System lead to Sarvodaya unless it abolishes the caste based hierarchy that results in oppression and discrimination of a particular section of society?

He demanded sharing of power with deprived section of society and fought for this till the end but he was not in favour of any social union with this section. Gandhi wanted India to be self-sufficient. He wanted to give power to rural areas, promoted democracy in villages through Panchayats and set up cottage industries so that the poor people can be uplifted but how all these objectives can be obtained without the abolition of traditional Varnasharama is a question on which Gandhi seemed to be silent.

It seems that Gandhi was more or less confused in his own approaches. It is again surprising to see that Gandhi always tried that his command should be followed by the Congress and society. He, in other words, became the high command and demanded unquestionable obedience from them. On many occasions, he claimed that he in himself represented the whole community of the Indians. If this was really so, why on several occasions, particularly in the Round Table

Conferences, Gandhi failed to bring his countrymen together? The Harijans (deprived) always seemed to stand against Gandhi.

Conclusion

There is no doubt that Gandhi brought the masses of people to nationalist politics but several instances prove Gandhi's non-seriousness relating to the notion of equality among all. This is also false that Gandhi awoke the sleeping multitude because all the sections of society had their own agenda for political struggle during this period. The Congress and especially the colonial rulers were the factors behind Gandhi's popularity. His non-seriousness in bringing the multitude in politics can be seen on many occasions and several times his efforts related to diverting the deprived masses from their agendas can also not be ignored.

His various programmes started for the upliftment of deprived section of society did not succeed because of the elite section which provided support to Gandhi and without whom Gandhi could not have emerged to the level at which he was during the last phase of his life. It seemed as if Gandhi was more interested in securing his position among the masses and whenever he got challenge from scholastic personalities and the colonial rulers, he acted as a dictator. On various occasions he even did not care of law and order in convincing his demands and one cannot deny the fact that in majority events his concept of *Ahimsa* (non-violence) ended in *himsa* (violence).

References

1. Aloysius, G.1997, *Nationalism without a Nation in India*. Delhi: Oxford University Press.

2. Illaiha, Kancha 2003, *Main Hindu Kyun Nahi Hoon*. Delhi: Arohi Book Trust.

3. Jaiswal, Suvira 2000, *Caste: Origin, Function and Dimensions of Change*. Delhi: Manohar Publishers.

4. Mishra, Anil Dutta 2013, *Journal of Gandhian Studies*. Delhi: Radha Publications.

5. Nirula 2009, *Dalits- A Bruised Dignity-Recasting Caste* (Vol.II). Delhi: APH Publishing Corporation.

6. Rath, Prabodh Kumar 2010, "Gandhian Sarvodaya", Orissa Review, 36-39.

7. Shah, Ghanshyam 1985, "Caste, Class and Reservation", *Economic and Political Weekly*, Vol.20, No.3 (Jan.19), pp.132-136.

8. Shah, Ghanshyam 2008, *Caste and Democratic Politics in India*. Delhi: Permanent Black.

9. Sharma, Arvind 2005, *Reservation and Affirmative Action: Models of Social Integration in India and the United States*. New Delhi: Sage Publications.

10. Somashekharappa, C.A. 2010, *Dalit Employee: A Sociological Study of Inter-Personal Relations at Work Place*. New Delhi: Prateeksha Publication.

11. En.wikipedia.org/wiki/Mahatma_Gandhi

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GST Bill: Name-Change or Game-Changer

Naveed A. Lone* & Hurmat S. Binti Bashir**

[*India's prolonged wait is finally over for the mother of all tax reforms: the Goods and Services Tax. The Goods and Services Tax Bill, officially known as "The Constitution (122nd Amendment) Bill, 2014 proposes a national Value Added Tax to be implemented in India." It has taken almost 16 years from the date of inception of the idea, formation of Task Force, to passage in the Parliament.]*

Clause 366 (12A) of the Constitution Bill defines Goods and Services as "goods and services tax" means any tax on supply of goods or services or both except taxes on the supply of the alcoholic liquor for human consumption. Goods and Services Tax" would be a comprehensive indirect tax on manufacturers, sale and consumption of goods and services throughout India, to replace taxes levied by the Central and State governments. Goods and Services Tax would be levied and collected at each stage of sale or purchase of goods or services based on the input tax credit method.

This method allows Goods and Services Tax-registered businesses to claim tax credit to the value of Goods and Services Tax they paid on purchase on goods or services as part of their normal commercial activity. Taxable goods and services are not distinguished from one another and are taxed at a single rate in a supply chain till the goods or services reach the consumer. Administrative responsibility would greatly rest with a single authority to levy tax on goods and services. Exports would be zero-rated and imports would be levied the same taxes as domestic goods and services adhering to the destination principle.

The Central taxes to be included under GST are:- Central Excise Duty, Additional Excise Duties, the Excise Duty levied under the Medicinal and Toiletries, Service Tax and Additional Customs Duty commonly known as Countervailing Duty (CVD). The State taxes and levies to be included under GST are VAT/Sales Tax, Entertainment tax (unless it is levied by local bodies), Luxury Tax, Taxes on lottery, betting and gambling and State Cesses and Surcharges as they relate to supply of goods and services.

Need for GST

There are various definitional issues related to manufacturing, sale, services, valuation etc. arises. These need to be rationalized. Several transactions take the character of sales as well as services, thus there is complexity in determining the nature of transaction. The mechanism of imposing taxes, exemptions, abatements, other benefits are different in state and center. A simple tax structure can bring greater compliance, thus increasing number of tax payers and in turn tax revenues of government.

Goods and Services Tax will ensure competitive pricing. Tax paid by final consumer will come down in most cases. Lower prices will help in boosting consumption which is beneficial to companies. Goods and Services Tax will ensure boost to exports. When the cost of production falls in the domestic market, Indian Goods and Services will be more price competitive in foreign markets.

The Report of the Task Force on 'Goods and Services Tax Thirteen Finance Commission' referred to the report of the Task Force on "Implementation of the Fiscal Responsibility and

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Budget Management Act, 2003" as follows:"A well-designed destination-based value added tax on all goods and services is the most elegant method of eliminating distortions and taxing consumption. Under this structure, all different stages of production and distribution can be interpreted as a mere tax pass-through and the tax essentially 'sticks' on final consumption within the taxing jurisdiction. Therefore, the Task Force recommended the introduction of a destination based VAT type dual Goods and Services Tax".

A well-designed Goods and Services Tax would add value to the economy by replacing the current archaic and highly flawed assorted indirect taxes with a better and simpler tax which will apply on a much broader base at moderate rate. Thanks to superior tax design, the entire supply chain (transactions of businesses above a low threshold) including manufacturing, wholesale and retail and both goods and services will be captured.

The Goods and Services Tax could therefore lead to a substantial reduction in the tax on capital investments and production inputs. It would remove barriers to the movement of goods and services within the country and institute a common pan-India market. In nutshell we can say GST is just the first step in the long road towards a seamless national common market and a tax structure without distortion and one that boosts efficiency as well as growth.

Two Sides of the Same Coin

By far, the Goods and Services Tax amendment will be the biggest step; the country has taken in ensuring economic integration. Indeed a landmark step and is expected to lubricate the gears of Indian economy. The draft law comes with a promise of economic growth; it poses several critical pitfalls that can adversely affect businesses in the country. Goods and Services Tax aims at transforming the country into a common market and dissolving artificial economic barriers which create differential tax regimes for similar products and services across

states. It is a destination-based tax system that levies tax at the consumer end rather than at source and various stages of value-addition which adds layers of taxation ultimately inflating the cumulative tax impact.

The GST will help in ease of doing business; help to impel competitiveness by winding-out multiple points of taxation and multiple jurisdictions. The GST as rightly pointed out by The Prime Minister, will make India "Cooperative Federalism" and the Arvind Subramanian said it will help Make in India to "Make one India" in deed the need of hour.

However, GST is not flawless. With the exclusion of real estate (construction for factory and civil work), alcohol and electricity and possibly petroleum and natural gas at least in the initial years, the cascading (of taxes) will remain more or less the same as now in aggregate terms. Given the political friction over the tax base and rates, the imperatives of broader base and moderate rate appear difficult to be met. The states particularly are harping on keeping a narrow base (with too many exceptions) and tax rate of 20% is being talked about.

If the Goods and Services Tax is structured in this manner, it cannot be expected to bring about any improvement in the country's economic performance, neither would it make doing business easier. To get more revenue is indeed not to jack up the tax rate and load the taxes onto a narrow base. A moderate rate, for sure, can lead to significant improvement in tax compliance and boost the economy and both of these would bolster the government's revenue.

The best example to illustrate the point is that of New Zealand, which witnessed a huge 42% jump in tax revenue after the roll-out of Goods and Services Tax (over what was projected based on revenue-neutral rate calculation), thanks to a comprehensive base and a moderate rate (10%). The handsome fiscal dividend earned by the country should be an eye-opener for India. Other countries have in recent years adopted GST/VAT

system have also kept the rates low-Japan and Singapore at 3%, Austria at 10%, South Africa at 15% and Malaysia at 6%. All these countries are collecting more tax revenues (with substantial addition to trend growth) with GST/ VAT.

India's indirect tax-GDP ratio is a dismal 6%. Ideally, this growth would have been possible with a tax rate of 12% (whereas the actual incidence of taxes with central excise/ service tax and state VAT) is much higher. A close to 20% tax would be devastating for the services sector. Contrary to what is being touted, the gains of manufacturing industries will also be miniscule. This is because excise duty/sales tax exemptions are provided now for some large industries and these will now be subjected to GST.

Significantly, about a quarter of the consumer basket in India consists of textile and apparel and processed food, large segments of both which enjoy tax sops now. Even a modest 12 % GST rate (which appears quiet unlikely) would substantially increase tax burden on these industries and thereby the consumers.

The GST is an indirect tax, by its definition. It is regressive in nature and hence has more pronounced effect on lower income earners, meaning that tax consumes a higher proportion of their income, compared to those earning large incomes. As in India, only 4% pays the income tax, but practically all Indians pay indirect tax. And it is important to note here that direct taxes have been falling and that of indirect taxes are increasing. As in 1990 revenue tax (indirect) used to be 5%, while as of now it is 15%. Same is the case with excise duties on petroleum products etc. Unless a cap is adopted, GST will further fuel income inequalities.

Conclusion

Indeed GST is a good and simple tax, if the model going to be adopted is within the manipulation without any subjective approach of political agenda rather it should be more economic and social in nature. While achieving broad based tax structure under GST, both empowered committee and Central government must ensure that lowering of threshold limit should not be a 'taxing' burden on small businessmen in the country. Another big challenge is that it can robust IT network. Government has already incorporated Goods and services Tax Network (GSTN). GSTN has to develop GST portal which ensure technology support for registration, return filling, tax payments, IGST settlements etc.

Thus there should be a robust IT backbone. Moreover, GST is absolutely different from existing system. It, therefore, requires that tax administration staff at both Centre and State to be trained properly in terms of concept, legislation and procedure. The purpose of additional levy is to compensate states for loss of revenue while moving to GST. The fundamental purpose of inter-state movement of goods is common. In this situation, it would defeat the very purpose of GST in the country.

The tax structure that would emerge from the negotiations would be far from ideal. It would be unrealistic to expect a 'flawless' GST. Every country has to adopt the structure it can administer. It is neither a gorilla, nor a chimpanzee, but a genus-like primate. The structure that would emerge would be based on the consensus reached and it is necessary to ensure that the fundamental, sound features of the tax are not compromised. Lastly, it is important to consider the GST reform as a process rather than an event.

Once the basic features of the tax are implemented, it would be necessary to improve the structure and operational aspects of the tax over time. We should treat the introduction of GST Bill as a silver bullet but we should keep expectations at a realistic level. Whether GST proves a boon or a bane is a matter of time only till then let us hope for the best and be ready for the worst.

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Health Schemes for Scheduled Castes

K. Vijaya Kumari*

[*Health has been declared a fundamental human right. This implies that the state has a responsibility for the health of its people throughout the world. National Governments are striving to expand and improve their health care services. Health services are designed to meet the health needs of the community through the use of knowledge and resources. It is not possible to define a fixed role for health services when the socio-economic pattern of one country differs so much from another. The health services are delivered by the 'health systems', which constitutes the management sector and in valves organizational matters.]*

It has been functioning under the Ministry of Health and Family Welfare. Director-General of Health Services since 1981 to coordinate the policy, planning, monitoring evaluation of the healthcare schemes for welfare and development of scheduled castes and scheduled tribes. In India, 30% of all deaths in the country are attributable to unhealthy environment, according to the latest global assessment of the burden of disease from environmental risks.

What is polluting the environment? As more people move to cities seeking better opportunities, the problem is expected to escalate. Globally, more than 1 in 2 people live in cities. By 2050, it is expected to grow to 2 in 3 people. Heavy traffic, limited green spaces, air pollution, noise and violence all impact our health. Rural areas, known for environmental tranquility, are also being subsumed in this expansion. Indoor cooking, especially in rural and peril -urban households, is a major health hazard.

In India, rapid urbanization and economic growth has resulted in increased need for energy. For its energy needs, the country is over-dependent on coal, a potent source of air pollution. Untreated pollutants from industry, unclean domestic sources and agricultural practice extensively pollute our air, land and water bodies. Unsafe disposal of biomedical and e-waste too contribute to environmental pollution.

Scheduled castes are a constitutionally declared collection of castes, which suffered from the practice of untouchability. Scheduled tribes one identified on the basis of criteria such as primitive traits, distinct culture, geographical isolation and general backwardness. The term 'scheduled caste' and 'schedule tribe' are nowhere defined in the Constitution of India.

India is a welfare state committed to the welfare and development of its people in general and of vulnerable sections in particular. Population of SCs according to the Census of 2011 is 19.47 corer. Rural-Urban breakup of SC and total population presented below indicates that a higher proportion of SCs live in rural areas.

Health and Nutrition status of scheduled castes

The Dalit (formerly "Untouchable") community of India, and the Scheduled Castes and Scheduled Tribes, are subject to many disadvantages in health care access.

Among individuals belonging to Scheduled Castes healthcare utilization tends to be lower and mortality rates tend to be higher than among members of higher castes. According to a study on healthcare seeking behavior and healthcare spending by young mothers in India, women from lower castes spend less on public sector

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practitioners than higher caste women. Some lower caste women also spend less on private practitioners and self- medication than higher caste women and non-Hindu women, yet experienced more self-reported morbidities than women from higher castes.

On utilization of antenatal care among women in southern India, women belonging to Scheduled Castes or scheduled tribes were 30% less likely than woman from higher castes to have received antenatal care in the state of Andhra Pradesh even when potential confounding factors such as age, birth order, and education level, were held constant.

While controlling for other factors, women belonging to scheduled castes or scheduled tribes in the state of Karnataka were about 40% less likely to have had antenatal care during the first trimester of pregnancy than women belonging to scheduled castes or scheduled tribes were less likely to give birth at hospitals and to be assisted by a health professional during delivery than women from higher castes.

Infant mortality rate is defined as the number of deaths in the first year of life per thousand live births, while under the five mortality Rate is defined as the number of deaths in first five years of life per thousands live births. It has also been found that lower caste members face higher mortality rates during the earliest and latest part of life, especially among children and adolescents (i.e. 6 to 18 years of age) and the elderly.

Health programmes by the Government of India

Accordingly, programmes for the development of Scheduled Castes were undertaken by the Central and the State governments. Emphasis was laid, in particular, upon the family and individual beneficiary oriented programmers within the general framework of the schemes.

During the seventh five – year plan period, special component plan for Scheduled Castes was implemented. Substantial increases in the flow of funds for Scheduled Castes were ensured resulting in extension of infrastructural facilities and enlargement of coverage for the accelerated economic development of scheduled caste.

During the tenth five year plan the development of the Scheduled Castes and other sections of the society groups could be brought at par with the rest of the society in all spheres of national development. Priority was given to elimination of exploitation of Scheduled Castes and removal of all forms of oppression. The issues relating to the untouchability, denial of civil rights, spurious money lending, land-alternation and non- payment of minimum wages were also given top priority.

In order to provide institutional support for the proper plan formulation monitoring and evaluation, separate cells have been established to deal with the issue of scheduled caste development in more effective manner.

In terms of health expenditure, the burden of healthcare spending is greatest among those living in rural and economically poor areas, with members of Scheduled Tribes and Scheduled Castes being the most affected by healthcare spending.

Central schemes

The government-sponsored initiatives to improve healthcare access among Dalits include a state government – funded health insurance scheme called the 'Rashtriya Swasthiya Bima Yojana' (RSBY). It means 'Health Insurance for the poor". It works by sharing the risk of a major health catastrophe by pooling the risk across many households.

This scheme was first implemented on April 1, 2008 by the Ministry of Labour and Employment of the Government of India in order to provide health insurance coverage to families living below the poverty line (BPL). Its main theme is to protect BPL households from financial liabilities that often result from major health catastrophes that involve costly hospitalization.

The National Rural Health Mission has implemented some schemes in rural and urban areas. Its focus is on primary healthcare, especially in rural areas, with increased opportunities for referrals and improvement in secondary and territory referral facilities. The formation of public – private partnerships to improve service delivery, more strategies for reaching distant and isolated populations, such as through the use of

● Mobile health clinics

● e- health

● Telemedicine

● 102 Thallibidda Express

The implementation of a conditional cash transfer scheme to encourage facility based births as a reducing infant and maternal mortality rates has also been underway.

The State Governments have been advised to introduce schemes for compulsory annual medical examination of Scheduled Castes/ Scheduled Tribes population in rural areas. Under the schemes, it is envisaged that mobile health checkup teams would be deputed to village according to a schedule drawn-up annually and in case of need for further investigation. They would be entitled to free facilities in Governmental/Referral hospitals.

Other Centrally Sponsored Schemes

National Malaria Eradication Programmes including Filaira control, Japanese, Encephalitis Central and State Kala-azar control are implemented by states/UTs with 50% Central assistance for spraying insecticides and supply of Anti-Malaria drug etc.

In tribal and SC areas under TSP and SCP cent percent Central assistance is being provided to North- Eastern states dominated by tribal population from the year 1994-95 onwards. 100 hardcore identified tribal districts in the states of Andhra Pradesh, 19 identified urban areas are

covered under the Enhanced Malaria Control project with World Bank support.

National Leprosy Eradication programme is implemented with 100% assistance for detection and treatment of leprosy cases. This programme is ongoing in all the districts of the county and covers the entire scheduled caste population.

National Tuberculosis Control Programme is implemented with 100% Central assistance for supply of anti-TB drugs, equipment etc. in tribal and SC areas under TSP and SCP.

National Programme on Centre of Blindness was launched in the year 1976 with cent percent assistance for strengthening of ophthalmic infrastructure, training of personnel, etc. in tribal and SC areas for treatment of eye ailments and control of blindness under TSP and SCP.

National AIDS control programme is centrally-sponsored programme is implemented in tribal and SC areas. The National AIDS control programme it was launched in November 1999.

The Indian council of Medical Research (ICMR) New Delhi have set up 5 Regional Medical Research Centres in the tribal areas in the country one each at Jabalpur, Bhubaneswar, Jodhpur, Dibrugarh and Port Blair to carry out research on health problems of scheduled caste.

Andhra Pradesh State Health Programmes for Scheduled Castes

The Central Government's the Scheduled Castes Sub Plan (SCSP) had been introduced for the first time in the 7th five year plan under the sub sector "Medical and Public Health". In accordance with the policy of the State Government of Andhra Pradesh, special emphasis has always been given to the weaker sections of the society in all developmental activities including Health Services.

Janani Suraksha Yojana

The Government of India has launched the Janani Suraksha Yojana Scheme from April, 2005. In Andhra Pradesh it was implemented from 1st

November 2005 with an objective to reduce maternal mortality rate and infant mortality rate.

Eligibilities

It is applicable for women belonging to BPL and SC/ST category are eligible for JSY payments for given institutional deliveries @ Rs.1000/- including Sukhibava to the rural pregnant women.

Janani Sishu Samarakshaka Karya Kramam (JSSK)

The Government of India has launched JSSK programme at state level on 22 October 2011. It is to provide trace and cashless maternity services deliveries including caesarian operations of all pregnant women approaching the public health institutions. Free treatment is provided to all sick new-born babies without any user charges or packet expenses till at least 30 days after birth.

1. Free drugs and consumables @Rs.300/- per normal delivery, @Rs.1600 for caesarian cases.

2. Free diagnostic services @ Rs.40/- for normal delivery.

3. Free diet @ Rs.50/- pending for three days. Now it is enhanced to Rs.100/- per day.

4. Free blood @ Rs.300/- provided for caesarian case only.

5. Free transport will be provided for early pregnant women @ Rs.500/- when there is no facilities of 108/104 services.

Asha's Accredited Social Health Activist

It is one of the important activists in Andhra Pradesh state. It is intended under the National Rural Health Mission to have strong focus on the under-served population groups particularly the SCs and STs.

Objectives of Central and State Schemes:

The NRHM has designed by Government of India in the entire country its objectives are

- Reduce Infant mortality Rate

- Reduce Neonatal Morality Rate

- Reduce maternal mortality Ratio

- Reduce of total fertility rate

- Increase institutional delivery Rate

- Improve tribal health, urban slum health, adolescent health

- Focus on under-served SC/ST population groups.

Conclusion

Scheduled Castes sub plan was evolved with a view to expedite socio-economic development of the Scheduled Castes. The Scheduled Castes sub plan is not a scheme by itself, but is an umbrella under which schemes implemented by state and Central government are dovetailed by approaching funds exclusively for Scheduled Castes for addressing their need and problems. The Scheduled Castes sub plan is thus a plan within a plan, where each department formulates need – based programmes to effect direct flow of benefits to scheduled castes through family and individual oriented programmes as well as benefits of the services like provision of drinking water, health services, irrigation, roads & bridges etc., by earmarking state plan outlays at least in proportion to scheduled castes population of the state.

References

1. D.K Sharma, R.C Goyal, *Hospital Administration and Human Resource Management*, PHI Learning Pvt. Ltd., New Delhi 2014.

2. *The Hindu*, 15 September 2015.

3. *UN News*, May 2016 Vol.11, No.8.

4. *UN News*, June 2016, Vol.11. No. 6.

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Legal and Social Implication of Female Foeticide

Shilpi Gupta*

[*In this 21st century era where women have made their place in various fields and have proved themselves equal to men in all aspects be it sports, politics, business, administration, space, judiciary etc.; in spite of this, a large section of Indian society is still in the clutches of orthodox view where women are discriminated, harassed and exploited and it can be clearly marked from the increasing rate of illegal abortion of a female foetus. Perhaps this is one of the worst forms of violence against women where a woman is denied her fundamental right to life as provided under the Constitution of India.]*

In India, since time immemorial the practice of killing a girl child after her birth was common which is known as female infanticide. However, with the advancement of medical science, now it is easy to determine the sex of the baby in the mother's womb. As such parents who don't prefer girl child get it aborted before her birth and this is called female foeticide.

Foundational Grounds and Upshots leading to female foeticide

During last few years, in Indian society, female foeticide has emerged as a burning social problem. There are various social, religious, cultural and economic reasons which are responsible for preference of male babies over female babies. A son is considered as an asset as he can earn and support the family whereas, a daughter is a liability since, she will be married off, to another family and so, will not contribute financially to her parents and is thus, an additional burden upon the family in which she is born.

Among the Hindus, a son can only perform last rituals of his father as such it becomes mandatory for them to have a son. Moreover, a son has the right to inherit his father's property, however, the Hindu Succession (Amendment) Act, 2005 have given equal rights to daughter to inherit property of her father.[1]

This benefit is available only to Hindu women leaving unbroken the hurdle faced by women of other religions. Dowry, which is another evil of our society, is also responsible for female foeticide. Parents of a daughter have to choose from two alternatives i.e., either to give dowry and maintain their status in society, or, to abort and get rid of a girl child before her birth and thus, avoid all future financial burden.

Due to the increasing rate of female foeticide, the ratio of girl is declining and in some of the states, especially in Punjab and Haryana the situation is such that a large number of bachelors have crossed the marriageable age because of shortage of girls. Now, Jat boys from Haryana have to travel all over the country in search of bride. Men are willing to pay a large amount of money to get married to a girl from other states like Jharkhand, Bihar, West Bengal, or Madhya Pradesh. The outcome is that, while the parents of the girls for monetary benefit give their daughter in marriage and the girls have to compromise their culture, dress, language and food habits.

Many women from poverty sector or poverty-stricken families get married before 18 years in order to survive and reduce the burden of their parents. Girls get married to men double their age.

There is an increasing maternal death perhaps one of the reasons behind it is the killing of foeticide in the womb until they conceive a male

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child, due to which women are prone to infection and suffer from various health issues.

Another major problem, which is faced by the entire nation due to declining rate of girls, is the increasing rate of crime like prostitution, immoral trafficking, rape and other sexual offences etc. Girls are kidnapped, sold and resold in various places.

Laws and regulations

Female Foeticide and Constitution of India

The Constitution of India guarantees the Right to Equality through Article 14, 15 and 16[2]. "Equality is one of the magnificent corner-stone of Indian democracy."[3] Article 14 provides that the State shall not deny to any person equality before law or the equal protection of the law within territory of India. Article 15 prohibits discrimination against citizens on such specific grounds as religion, race, caste, sex or place of birth.

Article 16 guarantees to the citizen of India equality of opportunity in matters of public employment. In India, Article 21 of the Constitution guarantees the Right to life and personal liberty of every person. The term "life" has been interpreted by the Supreme Court liberally and broadly so as to make it something more than mere survival and animal existence. It therefore, includes all aspects of life which goes to make a man's life meaningful, complete and worth living.

In *Bandhua Mukti Morcha vs. Union of India*,[4] the Hon'ble Supreme Court held that "it is a fundamental right of everyone in this country assured under the interpretation of Article 21 to live with human dignity... it must include the tender age of children to develop in a healthy manner and in conditions of freedom and dignity".

Right to life is also recognized by various international instruments. Now the question arises, does a foetus enjoy this right? Unfortunately, Constitution has failed to protect the life of foetus as it recognizes the inviolability of life. Moreover, the courts which have expanded the scope of Article 21 but have failed

it to expand it and declare that right to life include right to life of foetus and Article 21 is hardly available to the unwanted girl child. Hence, the right of the girl child may be construed in broader terms and should be inferred as-

● Right to be born and not to be aborted only because she is a girl.

● Right to remain alive after birth and not to be killed at any moment after birth.

● Right of the girl child to her mind her body, right to childhood and right to a healthy family environment.[5]

Sex – determination tests violate both these rights. As such, there is a vital need for the courts to explain clearly this fundamental issue and recognize the rights of the foetus. However there are a number of statutes that indirectly provide protection to the life of foetus.

Female Foeticide and Indian Penal Code

Indian Penal Code, 1860 provides protection to an unborn child in mother's womb.[6] Section 312 reads as "Whoever voluntarily causes a woman with child to miscarry shall, if such miscarriage be not caused in good faith for the purpose of saving the life of the woman be punished with imprisonment of either description for a term which may extend to three years, or with fine, or with both, and, if the woman be quick with the child, shall be punished with imprisonment of either description for a term which may extend to seven years and shall be liable to fine."

Section 313 reads as "Whoever commits the offence defined in the last preceding Section without the consent of the woman, whether the woman is quick with child or not shall be punished with imprisonment for life, or with imprisonment of either description for a term which may extend to ten years and shall also liable to fine."

Section 314 reads as "Whoever with intent to cause the miscarriage of a woman with child, does any act which causes the death of such woman, shall be punished with imprisonment of

either description for a term which may extend to ten years and shall also liable to fine.

If act done without woman's consent and if the act is done without the consent of the woman, shall be punished either with imprisonment for life, or with the punishment above mentioned." Explanation – It is not essential to this offence that the offender should know that the act is likely to cause death.

Section 315 reads as "Whoever before the birth of any child does any act with the intention of thereby preventing the child from being born alive or causing it to die after its birth and does by such act prevent that child from being born alive, or causes it to die after its birth, shall if such act be not caused in good faith for the purpose of saving the life of the mother, be punished with imprisonment of either description for a term which may extend to ten years, or with fine, or with both."

Section 316 reads as "Whoever does any act under such circumstances, that if he thereby caused death he would be guilty of culpable homicide, and does by such act cause the death of a quick unborn child, shall be punished with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine."

In the above mentioned provisions of I.P.C. the expression abortion has not been used but the word "miscarriage" technically speaking refers to abortion which means expulsion of the embryo-foetus at any time before it attains full growth.

Female Foeticide and Criminal Procedure Code

The code of Criminal Procedure under Section 416 mandates that the High Court shall order execution of capital sentences on a pregnant woman be postponed or it may commute the sentence to imprisonment for life, thereby indirectly recognizing the right to life of foetus.[7]

Medical Termination of Pregnancy Act of 1971

India passed its first abortion-related law named as Medical Termination of Pregnancy Act of 1971, making abortion legal in most states however, under certain conditions.

– The continuation of the pregnancy shall expose the woman to risk to her life or of grave physical or mental health.

– There is substantial risk that if the child, if born would suffer from severe physical or mental abnormalities.

– On humanitarian grounds, such as when pregnancy is caused of sexual offence or intercourse with lunatic woman.

The Medical Termination of Pregnancy Act of 1971, provides that pregnancy can be terminated by at least one registered medical practitioner (if the length of the pregnancy does not exceed 12 weeks) and by at least two registered medical practitioners (if the length of the pregnancy is between 12 and 20 weeks) who are of the opinion, formed in good faith, that the above conditions exists. Section 4 of the said Act provides that the pregnancy must be terminated in the Government hospital or a place approved by the Government. Section 8 of the Act extends protection to medical practitioners for acts done under the Act. It declares that any willful failure under the Act shall be punishable with fine which may extend to 1000 rupees.

The above-mentioned Act is no doubt a land mark legislation in the history of post-independent social legislations in India, as it had liberalized abortion for those sector of women who are victimized of sexual offences and become pregnant and, thus, saved them from the stigma of 'unmarried motherhood'.

Pre-natal Diagnostic Techniques Act, 1994

Unfortunately, with the increasing availability of sex screening technologies in India, people who wanted to get rid of girl child undergo the screening and abort the female feotus illegally. In order to stop the misuse of the above-mentioned Act, the Government of India passed the Pre-natal Diagnostic Techniques Act (PNDT) in

1994. This law was further amended into the Pre-Conception and Pre-natal Diagnostic Techniques (Regulation and Prevention of Misuse) (PCPNDT) Act in 2004 to deter and punish prenatal sex screening and female foeticide.

The Pre-natal Diagnostic Techniques Act states that no place or doctor is authorized to conduct pre-natal diagnostic techniques except for the purpose of detection of one or more of:

– chromosomal abnormalities,

– genetic metabolic diseases,

– haemoglobinopathies,

– sex-linked genetic diseases,

– congenital anomalies.

It also states that "no person including the person conducting pre-natal diagnostic procedures shall communicate to the pregnant woman concerned or her relatives or any other person the sex of the foetus by words, signs or in any other manner" and "no person shall, by whatever means, cause or allow to be caused selection of sex before or after conception".

Under the Act, the following people can be punished who are running the diagnostic unit for sex selection, performing the sex selection test itself, advertising sex selection, mediators who refer pregnant women to the test, and relatives of the pregnant woman. The pregnant woman is considered innocent, "unless proved guilty".

Government scheme and policies

Apart from the above law, the government in order to stop female foeticide launches various schemes and policies.

During 2007, the female and male sex ratio in the state of Delhi was assessed to be about 848:1000. To advance the position of female children and to prevent people from sex fetus removal, legislature propelled a compensatory scheme "Ladli Yojana" which was launched in the NCT of Delhi on 1 January 2008 to empower the girls by not only providing financial assistance to their poor parents but also aiding in their education up to senior secondary level.[8]

Another twin program was launched by Prime Minister, Narendra Modi on 22 January 2015 named as "Beti bachao, beti padhao" and "Sukanya Samriddhi account" in a bid to encourage birth and education of girls and tackle the abysmally low child sex ratio of 918 girls for 1000 boys. Describing the desire to indulge in female foeticide as a "mental illness" Modi said that if this discrimination does not end it could cause a "terrible crisis" soon because of a lack of women in the country. Incidentally the PM launched the two schemes from Panipat in Haryana that has among the lowest child sex ratio in the country about 837 girls to 1000 boys.[9]

In spite of the laws made by the Government of India, the stringency of the same is yet to be executed. The government's lack of rigorousness of the punishment and its fear can be witnessed through the following cases dealt in this paper.

In Kolhapur, Mumbai the police arrested three people 7 people in late June 2015 with one China-made portable, unregistered sonography machine. The car was being used to transport the machine used to conduct the gender determination tests. The persons using the machines had no medical degree. These machines worth around Rs18 lakh were unauthorized and the seven have been booked under relevant sections of the Pre-Conception and Pre-Natal Diagnostic Techniques (PCPNDT) Act.[10]

Recently in Mumbai, a person named Kailash Bhande, 30 years old, an electrical fitter, killed his first-born infant daughter, Yogita,who was 40-day-old as he wanted a son on June, 2016.He has been booked under sections 302 (murder), 201 (disappearance of evidence) and 182 (false information) of the Indian Penal Code.[11]

Conclusion

Long back India got freedom but still we are caught into the shackles of discrimination from the customarily ongoing patriarchal culture. The

Constitution of India, the supreme document which is above all laws, provides fundamental right to equality, right to life and personal liberty, right to education and several other provisions giving enormous rights and freedom to women. What is the use of these provisions if a girl is murdered before her birth? In order to stop female foeticide more stringent laws should be passed and implemented by the States.

Apart from the government authorities, women's group, health groups, non-governmental organizations, the academia, the media and most importantly the medical professionals have to play their part to see that the provisions of the Acts which are provided to stop female foeticides are implemented. Moreover, the mind-set of people should change towards women so that India could set more examples like P.T Usha, Sania Nehwal, Saniya Mirza, Mary Kom and Kiran Bedi etc.

References

1. *Modern Hindu Law* by Paras Diwan, 2002, Allahabad Law Agency.

2. *Indian Constitutional Law* by Prof. M.P Jain, 2005, Wadhwa Agency.

3. Thommen J., in *Indra Sawhney v. Union of India*, A.I.R 1993 SC 477:1992 Supp(3) SCC 212

4. AIR 1984 SC 802

5. Jessy Kurian "A Cry Unheard Female Foeticide & Female Infanticide", *Legal News & Views*, Vol. 17 No. 11. November 2003.

6. The Indian penal code chapter 18 (offences affecting the human body) in part two section 312 to 316 deals with the offences relating to miscarriage or injuries to the unborn child of exposure to the infants and concealment of birth.

7. Code of Criminal Procedure 1973 section 416

8. wcddel.in/ladli.html

9. *Times of India*, January 23, 2015.

10. www.dnaindia.com Mumbai/report-kolhapur-cops-arrest-7-in sex determination-racket-2102606

11. Indianexpress.com/article/cities/Mumbai/father/held for/infanticide/body- of- 40-day-old-girl-exhumed-for-postmortem-female-foeticide-mumbai-2846306/ dated 11 June 2016

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Economic Empowerment of Rural Muslim Women in Kashmir valley

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[Women, the everlasting companion of men, are as vital as male gender. They have a potential to change their own status and of their communities and countries to which they belong. It is believed if women's participation in the labour force grows, it will reduce poverty rate. Women's participation in farming sector could lead to increased production, which consequently will prevent families from hunger and malnourishment.]

If she will be allowed to own property and earn money from it, it may increase her bargaining power at home and this in turn can help in reducing their vulnerability to domestic violence. If these kinds of efforts are taken to empower women, it would help them to become stronger leaders and more effectively contribute financially to their families, communities and country.

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Empowerment is a multidimensional process consisting of socio-economic, cultural, legal, psychological and political aspects (Malothara 2002). It involves complete involvement of people and helps them to gain control over their lives by raising their awareness. Women empowerment encompasses the ability of women to formulate strategic choice, control over resources and decision which affects important life outcomes (Kishoor, 2000).

It is well known fact that status of women and women empowerment is much debated issue from recent past, because it has been realized that development cannot be achieved until gender inequality is removed (Gupta, 2006). It is universal belief that women in all communities had been denied their entitlements. Researchers across the world agreed that among all communities, Muslim women were much deprived and marginalized. They were kept in dark since ages and have been exploited in several ways. Muslim women are suffering oppression by their males because they practice what they themselves believe is Islamic and refuse to change their ideology (Engineer, 2007)

However, a deep change has begun among Muslim communities from the recent period. Number of Muslim women taking part in different kinds of social activities is visible to everyone nowadays. They now desire to be viewed as an individual with feelings, aspirations and desires. Muslim women are now showing attitudinal change and their participation in social and economic aspects is gradually increasing (Sabhi).

Muslims are the largest minority community in India who constitute 14.23% of total population (Census, 2011). Their situation in India has been highlighted by number of official reports and surveys in the past. They had perceived that Muslim women are unequal and oppressed. But from the recent past the wave of social change has touched the Muslims in general and women in particular. Number of Muslim women taking formal education is increasing day by day. They are also taking up jobs in different professions like teaching, medicine etc.

Keeping this situation of Muslim women in view, this study will examine one of the most important aspect of women empowerment i.e., economic empowerment. It is believed that economic empowerment is a necessary state for women to seek justice and equality, without economic growth women cannot be able to exercise their rights. So it is necessary to ensure the participation of women as equal partners in all fields.

Thus economic empowerment calls for supporting the existing livelihood, increasing their choice and building their capacity to take benefit of new economic opportunity available to them. Present researcher will analyse the economic empowerment of Muslim women with the aim to know whether they had access to various available economic resources and whether they had control over the various economic resources.

Methodology

Women economic empowerment mostly focuses on their capacity to bring about economic change in themselves, resultantly which will bring change to the entire family. Policy makers and other feminists are viewing this factor most important for achieving equality between men and women. But it is well known fact that due to socio-cultural practices and traditions and due to male hegemony they are suppressed, stigmatized and more often their economic contribution goes unrecognized, their work remains undervalued and their promises remain unnourished.

The situation of Muslim women in economic field is worse, as this fact is supported by many studies carried out by government commissions, NGOs and individuals. This economic backwardness drew the attention of researcher to access the present situation of Muslim women in Kashmir valley.

Women empowerment is recognized as a progressive policy for improving the well-being of women (Esther, 2012). Economic participation of women and their presence in work force is important. It leads towards an important step to raise the household income, furthers their access to and control over economic resources, gives

them a greater role in decision-making on important issues within their families. In this way, they will optimize their own and household's welfare.

Keeping in view above facts this study will analyse the economic participation of women in the study area with the objective of knowing women's access to economic resources and capacity to control over economic resources of their families. The study has been carried out in Kupwara distract of Kashmir valley. Kupwara is one of the rural district of Jammu and Kashmir divided into three tehisils i.e. Kupwara, Handwara and Karnah. For the administrative purpose, it has 11 community development blocks. Purposively, 100 respondents were selected from two villages namely Zachaldara and Behnipora in Handwara thesil, 50 respondents from each village.

Analysis and interpretation

The data has been collected through interview schedule and observation method. Structured interview schedule covering the number of questions related to the economic aspects of women empowerment were prepared for the purpose. The collected data were analysed with simple percentage method. Age is one of the important determent of socio, psychological, legal, functions of human behaviour.

Research has found that age is highly silent dimension along which people are categorized (Kite, 1999) and that age is more of social category than gender. In this study, out of the total respondents, majority of the respondents (36%) belonged to the age group of 46-55 years, (22%) of them belonged to 25-35 years , (26%) belonged to 36-45 years of age, accounting the age group of 56-65 years of age it had (11%) of respondents. The last age group of above 65 had only (5%) of respondents.

Table No. 1 Socio-economic background of the respondents

Background	Sub group	Number	Percentage
Age	25 to 35	22	22
	36 to 45	26	26
	46 to 55	36	36
	56 to 65	11	11
	Above 65	5	5
	Total	100	100
Marital status	Married	59	59
	Widows	15	15
	Divorcees	17	17
	Separated	9	9
	Total	100	100
Educational qualification	Illiterate	10	10
	Primary	17	17
	SSLC	25	25
	HSC	23	23
	Degree professional	4	4
	Degree academic	21	21
	Total	100	100

Occupation	House wives	34	34
	Private jobs	32	32
	Government job	27	27
	Others	7	7
	Total	100	100
Personal monthly Income	1500 to 2000	34	34
	2000 to 2500	13	13
	2500 to 3000	7	7
	Above 3000	11	11
	Dependents	34	34
	Total	100	100

Marriage affects the socio- economic behaviour of women. Sometimes it constrains women due to migration to the husband's family which may be patriarchal in nature, in some cases women are being restricted within their homes, so it determines the socio-economic wellbeing of women. Calculated data shows that, out of the total, majority (59%) of the respondents are married, (15%) are widows, (17%) are divorced and (9%) of respondents are separated. Separated women are those who are living apart from their husbands due to some reasons.

Education is one of the important indicators of women empowerment; it has transformed the lives of women. In this study researcher found above given educational group in a study area. Out of the total (10%) of respondents are illiterates, (17%) of them had acquired primary level education, (25%) had acquired secondary school level education, (23%) of them are higher secondary school level educated.

Interestingly, this research found only (4%) of respondents with professional level of education, while as there are (21%) of respondents who had acquired degree level education but in academic fields. From the calculated data, four occupational groups were found in the study area. First category belonged to housewives, their number consisted of (34%), second category of private job holders consists of (32%), government employees consists of (27%) of respondents while as (7%) of respondents

belonged to other category like those who are working in handicraft, computer and tailoring centres and also daily wagers.

As far as income of respondents was concerned, out of the total respondents (34%) respondents had their income level between 1500 -2000 rupees,(13%) had 2000-2500 rupees, (7%) had 2500-3000 rupees, (11%) had above 3000 rupees while as (34%) of them are dependent either on husbands or other family members.

Access to trade, business and employment

Economic development and women empowerment are closely related concepts and their relation is a two-way process and is defined as improving the ability of women to access the resources like education, earning resources etc. Unequal access to domestic economic resources, employment trade and credit service impact the status of women. It has been found that these obstacles stem out from patriarchal tradition and ideologies. These restrictions reduce women's socio-economic status, limit their opportunities, increase their dependence and subject them to multiple forms of violence. With this regard in this study, women's access to various local economic resources was analysed on three-point rating scale.

Table No. 2 Access to trade, business and profession

S. No	Nature of Access	Agree	Neutral	Disagree	Total
1	Rearing domestic animals	66(66%)	12(12%)	22(22%)	100
2	Rearing of poultry	75(75%)	5(5%)	20(20%)	100
3	Production of vegetables	62(62%)	8(7%)	30(30%)	100
4	Production of rice	69(69%)	6(6%)	25(25%)	100
5	Working in health institutions	80(80%)	7(7%)	13(13%)	100
6	Work in schools	71(71%)	7(7%)	22(22%)	100
7	Working in technical institutions	25(25%)	31(31%)	44(44%)	100
8	Work in professional institutions	14(14%)	21(21%)	65(65%)	100
9	Work with NGOs	25(25%)	28(28%)	47(47%)	100
10	Access to credit service	28(28%)	38(38%)	34(34%)	100

It can be deduced from the above table that respondents had high level of access to traditional economic resources. Out of total respondents (66%) opined that they had access to rearing of domestic animals, (75%) of them opined that they had access to rearing of poultry, (62%) had access to production of vegetables, (69%) had access to production of rice. Respondents opined that there is no restriction by the families for working in schools (71%) and health institutions (80%). This economic freedom can lead them to improve economic empowerment within their cultural milieu, but this is not enough to expose their fullest talent and equal participation in economic development.

However, majority of the respondents opined that they are not allowed to work in technical institutions like IT centres (44%), professional institutions (65%) and working with NGOs (47%) where the living atmosphere is of Western type, and Muslim community is resistant to modernity and it will affect traditional cultural roles of women. Further majority of the respondents opined that they are not allowed to have a credit service within their families.

Control over resources

Women empowerment is denoted by their increased control over their own lives, their decision-making participation, and their economic self-reliance (Kishoor 2008). Women's control over economic resources is critical for achieving gender equality. Women's inability to control economic resources such as land, personal property, wages and credit service puts women on greater risk of violence (Ellsberg, Mary). Present study analysed the control of women over economic resources with the given attributes.

Table No. 3 Control over resources

S. No	Control	Agree	Neutral	Disagree	Total
1	Personal earnings	33(33%)	11(11%)	56(56%)	100
2	Family resources	44(44%)	8(8%)	48(48%)	100
3	Control over personal bank account	38(38%)	7(7%)	55(55%)	100
4	Control over other personal resources	38(38%)	15(15%)	55(55%)	100
5	Control over credit service	28(28%)	10(10%)	62(62%)	100

Total Page (60)