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Babuddin Khan  
Third Concept,  
LB - 39, Prakash Deep Building,  
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E-mail : third.concept@rediffmail.com  
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### People's Verdict

The verdict handed out by the people in the recently-held state assembly elections of Haryana and Maharashtra has demonstrated some defining characteristics that entail the likelihood of delineating patterns of future electoral outcomes of state assembly polls in the near future. In the first place, it is the people and not political parties that have halted the unstoppable electoral juggernaut of the BJP and has also exploded the myth of this party's so-called invincibility in just a few months after the general elections of May 2019. Secondly, the electorate have deftly sifted the chaff of 'virtual' off the grain of 'real'. Besides, the regional satraps have been able to reassert their relevance in challenging the dominance of the BJP such as the NCP in Maharashtra.

Viewed in a broad spectrum, the electoral outcomes of the assembly elections in Maharashtra and Haryana have not been as encouraging as the BJP would have wanted them to be. In Maharashtra, the BJP-Shiv Sena combo have formed the government after a week-long bargaining by Shiv Sena to dictate its terms. Undoubtedly, the BJP-Shiv Sena combine has crossed the majority mark; nevertheless, with a reduced tally since 2014, the likelihood of Shiv Sena continuing its efforts of exerting pressure on the BJP cannot be ruled out. In Haryana, the BJP had boasted of securing more than 75 of 90 seats and in the final tally it failed to even reach the majority mark of 46 and had to secure the support of the newly-formed Jannayak Janata Party (JJP) to form the government. The verdict given by the people in both these states does not augur well even for the Opposition, given the fact that the Opposition could have performed better, had it gone with more hard work and well-concerted strategy. The drop in the number of seats in Haryana made the task of the BJP harder in cobbling together a coalition government and the party were left with no other option except to accept the terms of the JJP. Interestingly, the BJP had won all 10 Lok Sabha seats in Haryana in May this year and had perhaps become too euphoric to write off the beleaguered Congress and the fledgling JJP. The hard work put in by the state leadership of the Congress helped the party to comfortably emerge as the second largest party with its increased tally as compared to 2014. Apart from anti-incumbency factor, what went against the BJP was perhaps the failure of the BJP chief minister to dispel the perception that the state government was being remote-controlled from New Delhi.

In Maharashtra, apart from the BJP-Shiv Sena combine, the NCP-Congress alliance was another major contender for power in the state. Admittedly, the BJP-Shiv Sena combo had cobbled comfortable majority to form the coalition government, albeit with reduced margin as compared to 2014, the NCP-Congress alliance had impressively improved their total tally as compared to the past. The credit for impressive performance of the NCP-Congress alliance goes to 78-year-old NCP leader Sharad Pawar, who, despite his ill-health and some leaders of his party having joined the BJP bandwagon, addressed more than 60 rallies in the good old-style campaigning even in the age of social media to help his party register impressive number of seats. Improved performance of the Congress party, which contested the elections in alliance with the NCP, could be attributed to the fact that the party, as one expert points out, "mostly rode piggyback on the old man's back (Sharad Pawar) with its top leaders absent from the campaign trail." Party's star campaigners like Sonia Gandhi and Priyanka Gandhi were almost a no-show and Rahul Gandhi emerged on the scene after more than half the campaigning was over and addressed just six rallies. Most of the state-level Congress leaders nursed their own respective constituencies by raising their own resources without any fiscal and other support from Congress headquarters in New Delhi. Besides, the state unit of the party was ridden with factionalism and internal feuds.

Verdict of the people has seemingly thrown up new realities. It has proven that the BJP is vulnerable to anti-incumbency and that Modi magic is no more substitute for non-governance or mismanagement. Besides, the Opposition needs to be united as a viable alternative to the BJP.

— BK



# Discourse on Climate Change

Sumiti Kataria\*

*[In this paper, I would like to focus on the complexities embedded in the policy structure, that are proposed by “state-of-the-art” convention, civil societies and the international community, to build the innovative ideas for channelizing the dictums of political decision making in formulating a sustainable account of developmental strategies. To analyse the intricate and paradoxical trajectory immersed in the nature of climate change, I will extensively review the literature, focusing on the conceptual issues and normative concerns, upholding the analytical and interpretive approach.]*

The discourse on climate change is entrenched in the multilateral framework for analysis to understand the politics of scientific controversies and the scepticism regarding the relevance of climate change, the allocation of financial resources to curtail the emission of greenhouse gases via mitigation or adaptation, and to track the glimpse of constructing a realm of cosmopolitan justice because climate change as a threat is not restricted to any one country rather it has global repercussions.

The withdrawal from Paris Climate Conference by the President of the United States of America posed the question of ethics and its interconnection with Politics, the act was selfish and neglected the plight of millions of people living in the global south and led to the dichotomous and stressful relationship between global south and global north and forced us to find out the answer of the question, who owns the responsibility of what to whom? Or what are the cost and benefits of reducing the emission of carbon dioxide in the context of a theoretical and philosophical framework?

## The Science of Climate Change

The question of scientific uncertainties and scepticism has two dimensions attached to it, one that is articulated by the majority of the Scientific Community, how the survival of life on earth is

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\* Ph.D. Scholar, School of Philosophy and Sociology, Jilin University, Changchun, China.

dangerously affected by the threat of climate change, known as the dominant discourse. And the other dimension explains how climate change is reproduced as a problem through media reports, blogs and articles capture the attention of the youth, regarded as the critical discourse.

In the contemporary era, climate science is adequately articulated in the reports of the IPCC (Intergovernmental Panel on Climate Change). According to Dale Jamieson, “Almost no one would deny that in principle, our actions and policies should be informed by our best scientific judgement and it is hard to deny that our best scientific judgement about climate change is expressed in the IPCC.”<sup>1</sup>

The IPCC’s Fifth Assessment report clearly stated that the global mean surface temperature on land and oceans have witnessed the increasing trend, and the dominant cause of heating tendency is the excessive emission of carbon dioxide, followed by methane and other greenhouse gases, due to their high heating absorption constituent. The report further highlights that the atmospheric concentration of carbon dioxide has increased by 31% and of methane by 151% since 1750, raising the average surface temperature of 0.3 degree Celsius.<sup>2</sup>

Julienne Stroeve, a climate scientist at the National Snow and Ice Data Centre, articulates the dramatic pace of melting Arctic ice-sheets. The fast pace of melting is seen even more dramatically, she explains, when one considers

the age of the Arctic ice. “In the 1980s,” Stroeve notes, “the Arctic contained roughly two million square kilometres of ice that was determined to be at least five years old.” And “at the end of the melt season in September 2011, only 57,000 square kilometres of such older, thicker ice remains and such climatic conditions bringing an ice-free arctic ocean.” The region has already lost 97% of thicker ice, propelling the threat of global warming.<sup>3</sup>

But the Scientific Community is not unanimous on the extent and the intensity of climate change, and the discourse is reckoned with various uncertainties, controversies and lacks the credibility and legitimacy. Such uncertainty flourished in an online portal, known as “Polar Bear Science”. One of the most profound concerns of the scientific community was how climate change might cause the extinction of some animal species, especially polar bears, which are regarded as the most vulnerable to the effect of global warming.

Climate science community, in collaboration with Arctic researchers and media, set the polar bear as an icon for catastrophic global warming and predicted that 17,300 polar bears would die by the year 2033, and established a clear relationship between the extinction of the polar bear with average global warming.<sup>4</sup> According to International Union for the Conservation on Nature (IUCN), United States Fish and Wildlife Service (UNFWS) and Endangered Species Act, based on the data collection in 2005-06, estimated that there is a significant decline in the number of polar bears due to the melting of summer ice extent.<sup>5</sup>

Cronin and Cronin (2015), argued “despite the scale, frequency and rapidity of quaternary climate changes, Arctic marine eco-system associated with sea-ice habitus were extremely resilience, adapting through geographic range expansion into the Arctic during warm periods, and south into extra Arctic regions during glacial periods. The stratigraphic record of the last 1.5 ma indicates that no marine species, extinction

events occurred despite major climate oscillations.”<sup>6</sup>

But we must acknowledge how Media advertisement also plays a vital role in shaping public opinion. Therefore, many of the sceptics of climate scientists argue, how media delineate climate change as a threat to human survival and security in order to grab the attention of youth.

According to a report of Aljazeera, climate scepticism in the media is largely confined to Anglosphere: The U.S, U.K, Australia and to a lesser extent, Canada and New Zealand, with the moguls reporting of right-wing media. The fossil fuel industry has been set out to sow doubt about the science of global warming by funding like-minded think tanks. Carbon industry also continues to pump money into lobbying and media messaging.

The debate on climate change is also not free from political reverberation. In March 2004, the US Union of Concerned Scientists (UCS) published an open letter, popularly known as, “Scientific Integrity in Policymaking”, received the signature of 62 Distinguished Scientists, that includes Nobel laureates, heads of Federal Agencies and Universities, stating “Bush Administration encouraged the systematic interference and misinterpretation of findings, including those on climate change, and that this compromised the integrity of science communication.”<sup>7</sup>

Therefore, the discourse on climate change is quite muddled and unclear, on the one hand, scientific community guides the policymakers with the substantial evidence of climate change, and on the other hand, the science of climate change is embedded in multiple oscillations. And when people were told how uncertain the discourse on climate change is, they will surely chase development over the reduction of carbon-dioxide emission. However, the scientists are uncertain only about the time and extent of the effects of climate change, and the majority of them verified the assertion of the global average rise in temperature.

## The Economics of Climate Change

The discourses on climate change not merely ingrained in scientific uncertainties but also with the certain economic implications to mitigate the catastrophic impacts of climate change or to adapt to the emerging new physical conditions of environmental vulnerability.

The mitigation policy suggests not to engage in activities that will contribute to the expansion of global climate change. At an individual level, it requires cutting back on the usage of cars, electricity and air flights.<sup>8</sup> But at the macro level, it requires putting a tax on emitting an excessive amount of greenhouse gases, known as “Carbon Tax”, or upholding the strategy of the cap-and-trade system and so on.

Dale Jorgenson, an economist in Morris University, in his book “Double Dividend: Environmental Taxes and Fiscal reforms in the United States”, proposed that, “taxing energy and reducing the cost of capital leads to large gains in the efficiency of the economy overall and as well as it will be beneficial for combatting the environmental hazards”.<sup>9</sup> Jaffrey D Sachs also contends that easy access to coal and its cheaper price makes it the key source for energy consumption submerging the other alternatives of energy generation, and to save our planet, we need to induce power suppliers to adopt low-carbon energy sources, despite coal’s lower price and greater ease of use.

The conspicuous path is to tax coal. Jaffrey gave the example; suppose coal produces electricity at the cost of \$0.06 per kilowatt-hour, while solar power costs \$0.16 per kilowatt-hour. The tax on coal-based electricity would have to be \$0.10/kilowatt-hour. In that case, consumers would pay \$0.16/kilowatt either for coal or for solar. The utilities would then shift to low-carbon solar power.<sup>10</sup>

However, the strategy of imposing taxes on the consumption of excessive fossil fuels is subject to political, social and economic vulnerability. Politically, government loathes using the word “tax” in their election manifesto, fearing political

counterblast<sup>11</sup> as tax always connote a negative implication in the minds of the people. Socially, in most of the developing countries, small householders and agriculturists, depend on the traditional way of consuming energy, for example, the use of “chulah” for cooking in rural areas of India, and since they are producing more emission of greenhouse gases, the impact of putting up carbon tax will adversely affect the income credibility of small householders, and might result in poverty aggravation. Economically, there is no defined level, at which the tax will produce the best outcome.<sup>12</sup>

Alternatively, the cap-and-trade system is a market-based solution to the problem of excessive emission and provides the emitter with the choice of either to reduce their own emission or to purchase the allowances of carbon credits to emit in excess to their quota<sup>13</sup>. Implementing cap-and-trade system necessitate three steps; first, to determine the emission cap, second, decide who will receive the allowances, third, distribution or auction of the allowances, and at last, the government also needs to decide how to use the collected auctioned revenue<sup>14</sup>. When the cost of carbon allowances exceeds a certain maximum limit, the government will entail a “safety valve price mechanism”, and sets the ceiling on carbon emission prices, to regulate the arbitrary pricing apparatus<sup>15</sup>.

In the view of Fred Krupp, president of the Environmental Defence Fund, “the President Obama got it exactly right when he called on Congress for a market-based cap on greenhouse gas emissions to truly transform our economy, to protect our security and save our planet from the ravages of climate change.”<sup>16</sup>

Cap and trade system impart two choices; either to avoid the emission rate at present or in the future, which might require much more transaction and investment cost. Usually, the allowances for emissions rights are given at free of cost to most of the corporations and firms<sup>17</sup>, and subsequently, corporations do not act in accordance with the ethical norm or responsibility of reducing the emission rate,

rather the problem continues to be unchecked. Since the transfer of emission rights is free, the government also remained impotent in generating revenue for implementing mitigation stratagem.

On the other hand, the process of adaptation abstains from the reduction of greenhouse gases emission and emphasis on compensating for the harms caused by natural disasters or to develop a mechanism which enables us to cope up with the ill-effects of climate change. Adaptation policies involve the legal, institutional, financial and administrative responses to reduce the vulnerability of people, particularly women and minorities, affected by the catastrophic natural calamity and to increase their adaptive capacities.<sup>18</sup>

Mortimore and Adams for Northern Nigeria identify five major elements of adaptation:

- Allocating farm labour across the season in ways that follow unpredictable intra-season rainfall variations: “negotiating the rain.”
- Making use of biodiversity in cultivated crops and wild plants.
- Increasing integration of livestock into farming systems.
- Working land harder, in terms of labour input per hectare, without increasing external non-labour inputs.
- Diversifying livelihoods<sup>19</sup>.

But the implementation of adaptation strategies is not free from criticism and subject to the political will, to develop the agenda of capacity building, economic accessibility to actualise the adaptation program and most importantly deep-rooted social barriers in terms of caste and gender norms to adaptation policy discourse. According to the fifth assessment report of IPCC, the effectiveness of adaptation policies is contingent on the societal values and norms at each and every level.<sup>20</sup>

Therefore, the complex account of economic uncertainties on the political will for shaping the strategy to retrench the tragedy of commons, as

it is proposed by Garrett Hardin, prompt the impediment in adopting a credible and legitimate mechanism to fight the disastrous impact of climate change. Of particular importance, is the Great Recession of 2008, which has constrained the policymakers to not introduce any new domestic and international commitment to reduce the emission rate<sup>21</sup>. It becomes a paramount strategy for governments to evaluate the cost-effective nature of the proposed resort, its future implication on the industrialised productivity and the rate of growth of the country.

### **Philosophical and Theoretical implications of Climate Change**

The study of climate change entails the nuanced philosophical and normative questions of who owes the responsibility of what to whom, what are the cost and benefits in reducing the greenhouse gases emission in the context of the stressful and dichotomous relationship between the global north and the global south. The major lacuna in traditional political theory is its emphasis on the distribution of resources primary goods (Rawls distributive justice) or capabilities (Amartya Sen and Martha Nussbaum) within the domestic and nationalistic sphere. But the response to climate change necessitates an idea of constricting international political theory in terms of distributing resources, primary goods, capability and of burdens and benefits at the global level to fabricate the account for cosmopolitan justice<sup>22</sup>.

The global issues require the global solution and for that, we must emphasize on building the broader consensus.<sup>23</sup> But the question is, how can we build consensus among people who have different interests and priorities? Or can we apply the same principle of domestic justice at the global level?

According to Rawls, the idea of the original position is to set up a fair procedure so that any principles agreed to will be just by nullifying the effects of special contingencies in terms of caste, class, economic position and so on, which put men at odds and tempt them to exploit social

and natural circumstances.<sup>24</sup> Rawlsian theory of justice assumes that to avoid any discrepancy in choosing, the parties contracting to the notion of justice, must be put behind the “veil of ignorance”, where they do not know their place in society, their class position, social status, their conception of the good, a rational plan of life, their economic and political situation, level of civilization and culture, the generation to which they belong and so on. However, they must know that their society is subject to the circumstances of justice, the general facts about human society, they will understand the political affair and economic theory, they will also know the laws of human psychology etc.<sup>25</sup>

Rawls argues that the parties behind the veil of ignorance will opt two principles-

1. Each person is to have an equal right to the most extensive basic liberty compatible with a similar liberty for other.<sup>26</sup>
2. Social and economic inequalities are to be arranged so that they are both-
  - (a) To the greatest benefit of the least advantaged.
  - (b) Attached to the offices and positions open to all under conditions of fair equality of opportunity<sup>27</sup>.

Rawlsian theory of justice provides the moral reasoning to justly allocate the burdens and the benefits and the idea of the veil of ignorance ceases the human nature to act on the pursuit of selfish gains following the narrative of social and economic contingency. However, the Rawlsian theory of justice applied within the nationalistic sphere among the members of the society as for him meeting basic needs are not the matter of global distributive justice<sup>28</sup>.

Nussbaum criticises the presupposition of Rawls, that the parties to the contract to establish a just order, are roughly equal in terms of power and resources. The global structure is entrenched in an unequal social and economic system.<sup>29</sup> Rawls considers the economic and social position of USA, Europe and Australia but remains ignorant towards the unfavourable conditions of

Bangladesh, India and South Africa. The GDP per capita of the USA is USD \$34,142, that's far more than the GDP of Bangladesh that of \$1602, that of India \$2358 and of South Africa \$9401.<sup>30</sup> Nussbaum further highlights how Rawls accords legitimacy to prevailing status quo, even when the government of one particular country is not accountable to the citizens of the state and takes it for granted that one of the primary concerns of international politics is to overthrow the unjust regime of governance<sup>31</sup>.

Thomas Pogge and Charles Beitz proposed that the right way to use Rawlsian in crafting a theory of global justice is to think of the original position as directly applicable to the world as a whole.<sup>32</sup> Pogge and Beitz presumes that the whole global system is up for grabs and parties to the contracts are bargaining for a just global structure that will optimise the position of least well off (developing nations in contemporary scenario) by putting up nation-states behind the global veil of ignorance<sup>33</sup>, where they will be unaware of their social, political and economic capabilities, and since they might also turn to be the worst off, they will opt for the principles which will maximise the position of all nation-states with the fair allocation of duties and obligation.

For Pogge, the most optimal trajectory of establishing a just global order is the selection of the principle of “Global Resources Dividend” (GRD) behind the global veil of ignorance that would share among all peoples the value of natural resources each of them happened to endow with<sup>34</sup>. Global resource dividend provides an alternative for raising funds to be used for multiple purposes, in the context of climate change, it might be useful for developing the mitigation strategies. In this scheme, states, while retaining full control over the natural resources in their territories, would be required to pay a dividend proportional to the value of any the resources they decide to use or sell.

For Pogge, the word “dividend” means that all human beings are viewed as owning an inalienable stake in all limited natural resources. For example, every state that extracts crude oil

might be required to pay a \$2 dividend per barrel. The probable crude oil production is about \$4 trillion litres per year, therefore, GRD scheme could raise up to \$50 billion annually and it could be freely extended to air, water, soil for discharging pollutants<sup>35</sup>.

For Martha Nussbaum, domestically, the capability approach illuminates the impetus of social cooperation as that to formulate the principles and institutions that contend that all human beings have the capabilities mentioned in the list and can effectively claim them<sup>36</sup>. In the International sphere, capability approach necessitates the development of a list of entitlements, that have to be secured to citizens, if the society in question is minimally just one and argues that we have a collective obligation to make sure people get what is due to them<sup>37</sup>.

The list of entitlements will include several functioning: adequate nutrition, education, protection of bodily integrity, freedom of speech, religious self-expression<sup>38</sup> and right to live in a clean and fresh environment.

In the context of global climate change, the universal capability approach, that emphasizes on social cooperation, can be used as an ethical criterion in allocating the adaptation resources as the mechanism of adaptation, contrary to mitigation strategies, do not accentuate the availability of financial resources in order to curtail the emission of greenhouse gases, rather it emphasizes on the precautionary measures which could be used to neutralise the harms caused by the natural disaster. Therefore, adaptation resources must be allocated with regard to the level of some suitable capability. For example; the country that has the lowest level of human security, they will have greater access to the adaptation resources.<sup>39</sup> The major lacuna in the capability approach is on what basis we will assess the degree of human security of a nation-state, the term “human security”, is quite ambiguous and controversial as usual, the primary focus of human security is the individual, not the nation-state.<sup>40</sup>

## Concluding Remark

The procedural and substantive account of global climate change goes beyond the interstate paradigm and necessitate the idea of constructing sustainable international environmental laws to illustrate the legal and judicial discourse to not only develop just allocation of carbon assets but also to resolve the intergenerational gap between the present and future generation. But we must assign due consideration to the background conditions of the nation-states for culminating a fair discourse in allocating the duties and obligations aiming at establishing a holistic approach grounded in “deep ecology” that perceive the relationship between human-being and environment as mutually inclusive and intricately intertwined with each other.

The purpose of these arguments is not to advocate the climate policy but to make us realise the tick-tock of the doomsday clock which says, if we don’t get started now, then it would be too late for our children to even breath in a pollution-free and toxic-less air.

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# Simon Bolivar and the Latin American Identity Crisis

Devika Misra\*

*[Latin American identity is not a clearly defined idea. It is an amalgamation of its civilizational past, colonial history and racial differentiation. To define Latin America is immediately an exercise in exclusion. Several competing ideas have been fighting for ideological space since the very independence of Latin America. There is a disparity not only in terms of what should be the defining idea but also issues of internal conflict within individual criterion.]*

Three major identity debates may be identified – a definition of the region in terms of its European colonial history, a hemispheric identity defined by its close association with the USA and lastly a racial delineation of the region. Each attempt to define Latin America is thwarted by conflicting and coagulating histories.

## Identifying Identity Debates in Latin America

Latin America bore the colonial ‘civilizing’ impulse of the Spanish and Portuguese. This association with the European powers has not been an easy characterization of us versus them as it was in India. The European powers saw Spanish America not as mere colonies but rather as overseas empires. There was therefore, an association with the ruling class and not just an imposition of the ruling will. Further, the powerful Creole class that emerged in Latin America was white and had affinities with the European powers that be. This class belonged to what historians have called Spanish America. Their affluence allowed them to be exposed to European thought and culture so much so that Alexander von Humboldt said of Caracas that no other place in the Americas was as ‘European’ as the same.

The elite class in Latin America modeled themselves on their Spanish history. Even during the independence struggle, there was greater

dissatisfaction with the rise of Napoleon and more importantly with the sharing of benefits with the *peninsularis* rather than a feeling of reacting to the imposition of an alien culture. An association with the European colonial past therefore was not uneasy for a major powerful interest group in the region.

As far as the region’s hemispheric identity is concerned, it is difficult to locate it in any clear terms. There was an acute identification with North America as far back as the first stirrings of the independence movement and the American wars of Independence were seen as a better and more effective solution to the dual dangers of thwarting foreign rule and safeguarding local positions of power. The dualities of North and South which provided easy demarcation were not so easily applied in Latin America.

The entire tradition of the wild west was interpreted as a symbol of regional heritage in Latin America. This tradition may be said to have birthed the caudillo tradition which still wields influence on the regional psyche. The rise of the caudillo was an important cultural and political development. The genteel Southern identity in USA was not imitable in Latin America. Slave owners were not just white – but by Bolivar’s time, blacks had slaves as well. The caudillo and the gentleman are not therefore ideologically opposed categories in Latin America, but shape and influence each other.

Its civilizational past also disallows an easy acceptance of the ‘New World’ idea. With the

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\* PhD Scholar, Latin American Studies Programme, CCUSLAS – SIS, JNU.

Monroe Doctrine, there was an even stronger impulse to disengage with its barbaric Northern counterpart that is so boastful of its own growing power. However, there is also a consonance with the same identity when the region first gained independence and attempted to redefine itself from a new perspective. Latin America lies somewhere between the old and the new. The Latin American identity vis-à-vis the USA is ever changing, reflecting the subtle changes in their international relationship.

The question of race is of paramount importance in Latin America. Latin America is emblematic of a certain idea of moving towards not just a racially equal society, but of surpassing racial distinction. The slave population in Latin America was second only to that of the USA. Yet, there has been over the years an acceptance of the blacks as part of the Latin American identity. Different countries have reacted differently to the race question and there cannot be a generalization as far as a regional response is concerned. However, for the purpose of this paper, the question remains extremely important as it guided and shaped the independence movement.

It is imperative to ask now, where does Simon Bolivar, the liberator of South America fit into this question? This paper assumes a central position delegating Bolivar to the western, European perspective of Latin American identity. However, an attempt has been made to distinguish the three major strands of identity discourse and trace the influence of the same on Bolivar. How 'western' is the 'Western' concept of Latin American Identity? Bolivar is an extremely crucial link to understanding the same.

### **Interpreting the 'West'**

For the purpose of this paper, the concept of the West is extremely important. It is however, a vague and vapid category as far as Latin America is concerned. The 'West' may be understood in two extremely different ways – an association with the 'Western' world, or the developed old

order of the European world; the other categorization may refer to the Americas as the Western hemisphere. While there has been discussion earlier about how these two categories are not mutually exclusive as far as Latin America is concerned, the uneasy association between the two needs further elaboration.

If 'western' is taken to be a reference to the 'West' or to Europe, then in the East-West discourse, the Americas do not have a geographical position to ascertain for themselves. This process of identity deletion started from the 'discovery' of the Americas. The first contact between the 'West' and these new lands superimposed a European criterion of finding India onto the region. This misdirection was not simply an apolitical decision. It was a refusal on the part of Europe to change its world view, geographical certainties aside.

The 'New World' discourse is especially problematic because it is in a way a repetition of the Europeanized classes of the Americas to re-impose the same identity deletion mechanisms. The idea of the 'New World' creates the Americas as the Western hemisphere, which seems to have emerged in a state of tabula rasa. This acceptance of the burden of being new civilizations simultaneously undoes the histories of the indigenous and 'natives' and the civilizational history of the lands by assuming a start point as to when these lands would record their history from. Everything before that defining moment automatically becomes null and void.

So, the entire idea of the 'western' idea of identity in Latin America is not just an easy affinity with the European world order, it is also the acceptance of a defining corpus that is not organic. It also points out the acceptance of another's hegemony and agreeing to believe in another's world order. It undoes the entire tradition of the 'Wild, Wild, West' which lies uneasy with the assumption of its wildness.

The idea in Latin America moves one step further. It simultaneously celebrates the caudillo with the

attached associations of his wildness as far as life choices are concerned, the mind however is attuned to the old west, and culturally superior. This is why the caudillos were white Creoles, who by their superiority in the masculine realm could cement legitimacy for the cause of bringing European culture and civilization to the new wild lands. The 'caudillo' remains a discoverer, leader and almost like a Christian missionary in his civilizing impulse – always white and therefore reinterpreting the white man's burden to suit the present context. Simon Bolivar then fits very neatly into this assumption.

### **Simon Bolivar: Independence Project and Vision for Latin America**

Simon Bolivar is probably one of the most discussed and written about Latin American figure. His meteoric success in leading the independence movement in Spanish America and then the foiling of his hubris laden plans for Gran Colombia make him into an almost demi-godlike figure to be analyzed and succinctly surmised.

Latin America truly embraced both Bolivar and his factual exploits as well as the Bolivarian legend which has been re-appropriated on various occasions to justify alternative visions. Chavez and his re-appropriation of Bolivar is an excellent example. Bolivar as a symbol is extremely poignant in Latin America.

As far as the issue of Latin American identity is concerned, Bolivar presents himself as an example of several conundrums which beset the entire notion of Latin American identity. An analysis of Bolivar and his policies therefore is extremely useful for the purposes set by this paper, that is, to analyze the affinity of Latin American identity with the Western European civilization.

This paper attempts to study Simon Bolivar at the following levels –

- Simon Bolivar, as the father of Spanish America in comparison to George Washington and Napoleon.

- Bolivar as an intellectual and his views on race.
- Bolivar, as an influential Creole and his subsequent ideological influence.

These three levels are aimed towards developing the contribution that Bolivar shaped both as a political figure and then later as a mythological character. The issues of identity are compounded in Bolivarian ideology.

### **Bolivar: The Father of a Nation**

Langley (2009) has juxtaposed Bolivar between two other fathers of nations – Napoleon Bonaparte and George Washington. Langley suggests that Bolivar consciously attempted to mould himself on the lines of the latter given his disdain for the former. The Spanish Revolution therefore, as undertaken by Bolivar was a product of a serious study of two available revolutionary models.

Bolivar as a white Creole had the advantage of not only study but also of observation by virtue of travel. His two sojourns to Europe and then later his journey to North America enabled him to formulate his vision of what Latin America should be and the best model to achieve it. This suggests that the Latin American independence movement was not an organic movement as it was deeply motivated by careful deliberation of preexisting models.

Was Bolivar then interpreting and adjusting the American and French Revolutions to suit the Latin American context? Bolivarian correspondence suggests that he shared the Creole disgust towards Napoleon. However, the adulation that Napoleon received as a leader did excite Bolivar, Langley suggests.

Further, after a series of successful campaigns, Bolivar was hailed by North America as the 'George Washington of South America.' Bolivar's individual reaction to this title was extremely positive. In his study of the American and French societies post Revolution, Bolivar

had chosen the American model as more desirable considering the peace which came attached with it. Washington and his Virginia genteel upbringing suited Bolivar's tastes more than the 'rabble' rousing of Napoleon.

Bolivar therefore, made a conscious decision to model the Creole demand for greater autonomy into a demand for independence. His visits to Spain had disillusioned him and the belief that many Royalists cherished about the superiority of the Spanish power were no longer believed in by Bolivar.

In his desire to mould Latin America into a nation, Bolivar was more Napoleonic than Washington. His struggles and victories too, Langley suggests were greater than those of Washington. The uneasy alliance between two concepts of 'West' then may be traced to the ubiquitous choice of Bolivar's – that is, to select the American model while nurturing the model with Napoleonic instincts.

Bolivar's desire for greatness has been talked about in great detail. Bolivar was no ordinary soldier; he was motivated by personal ego (as is clear from his complete disavowal of Miranda). The way in which this paper attempts Bolivar's hubris is to suggest that Latin American identity was created as an amalgamation of two ideals. Earlier, it was mentioned that the caudillo was supposed to harbor the strength and machismo of the 'New West' while the civilizational influences of the 'Old West' guided his crusade. Bolivar is emblematic of this characterization.

### **Bolivar: The Intellectual**

Due to being born a white Creole in an extremely wealthy family of Caracas, Bolivar had the opportunity to truly engage himself in the philosophical discussion of the times. He was heavily tutored from an early age and later his travels assisted him in formulating his own understanding.

Like most of the Creoles of the period, Bolivar was deeply influenced by the idea of the Enlightenment and the French Revolution. Rousseau was an extremely important ideological influence on Bolivar.

While Bolivar was against despotism and truly believed in democracy, he was also vociferously vocal about the fact that post-Independence Latin America was not ready for democracy. Bolivar spoke of an extremely centralist state which would, caudillo like protect the rights of those who could not themselves.

Bolivar's stand on the question of race, or as he termed it, 'the question of colour,' is a complicated case to unravel. While a young Bolivar had found his Creole sensibilities greatly disturbed by the reforms introduced by the Spanish Crown which included a greater miscegenation of people into the ambit of what constituted a nation, he purposely chose the American model of Revolution which kept the local systems of control on the slave population intact. The certificate of whiteness was one of the reforms of the Spanish Crown which caused great furor in Latin America. The race question therefore, was vital to winning independence but difficult to sustain modes of control which existed today.

Again, the figure of caudillo is an important metaphor here. The caudillo could lead by his example, his ingenuity and expertise in the ways of the 'New West'. This is precisely why, the amalgamation of the two Wests was so important in the figure of the caudillo. The caudillo could never win without the support of the non caudillos, or the gauchos, slaves, mestizos, mulattos and the Indigenous.

It is this amalgamation of the two Wests – the mind of the Old with the ways of the New that the Creole caudillo becomes what Gramsci has called an 'organic intellectual.' The caudillo class promoted themselves to power by supporting ideas of universal equality. However,

in the creation and acceptance of the caudillo, there was both an imposition of Creole supremacy and a bolstering of the rigid race-caste structure.

Under Bolivar however, with his vision of a Spanish nation, the question of race was superseded by concerns of class conflicts between racial classes of neighbouring regions. So, a Peruvian Creole class would find themselves engaged in other discourses with the Creole class of Venezuela. Though Bolivar's vision was deemed too early for Latin America post his failure, an argument may be made that these national struggles for autonomy relegated race struggles to the background.

### **Bolivar: Mythology**

Simon Bolivar contributed greatly to the rise of caudillismo in Latin America. 'Iron Ass' Bolivar is an excellent example of how identity is more than mere ideology. It is ideology put into practice in the political arena.

Bolivar's contribution to Latin American history has been tremendous. The only competition to his claims as the region's untrammelled source of pride was San Martin who was in some conspicuous way dealt with by Bolivar. Bolivar's reality is emboldened by the myths the reality spawns.

Bolivar is Latin America's own Achilles. An epic hero, who could recognize issues which we

discuss till today. His personal desire to be great was not so much a problem to his cause as it was a moulding influence. His hubris allowed him to direct, shape and lead.

Bolivar is emblematic of the issues of identity which mark Latin America. He was more than a product of his times in as much as his careful deliberation of his times has proved. He cannot be dismissed as yet another westernized Latin American as his ideas were also shaped and moulded to his own influence. His prejudices were of his class and reverberate in writings of several decades later in the works of Rodó. He was a product of his context but he also made attempts to alter other contexts to his own. In that, Bolivar himself created his own legend.

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# Gender Gaps Among BRICS Countries

Ms. G. Hemalatha\*

*[The contribution of emerging economies towards various economic indicators is worth noticeable in the present scenario. BRICS which is an association of the emerging economies comprising the Federative Republic of Brazil, the Russian Federation, the Republic of India, the People's Republic of China and the Republic of South Africa are projected to remain the main drivers of growth in the world economy by 2030.]*

**T**he BRICS nations' contribution to GDP ever since it was formed in 2010 is highly noteworthy. As on 2018, the total annual GDP of all the BRICS nations was 20,016,182 million dollars with China having the highest share (13,407,400 million dollars) and South Africa with lowest share (366,298 million dollars). But, in terms of GDP per capita, Russia has the highest figure i.e., 11,473 dollars and India recording the lowest figure of only 2009 dollars. Despite positive projections on the side of the BRICS nations, the global ranking in terms of gender is not found to be satisfactory enough as there are gaps in key areas of development.

Hence, 'gender' as a factor deserves special attention in the current context in order to bring about a holistic development of these emerging economies where the female community is handicapped due to the perceived biases and disparities that they experience in their walks of life. This attributes to gender gaps in several areas thus disabling the women community to share an equal platform with men.

The Global Gender Gap Report of 2018 released by the World Economic Forum throws light on the ranking of nations through Global Gender Gap Index based on achievement of parity in four indicators namely economic participation and opportunity, educational attainment, health and survival and political empowerment altogether comprising fourteen sub-indicators. Scores for

each of these sub-indicators range from 0 to 1, where 1 denotes achievement of parity. The Economic Participation and Opportunity sub-index estimates the participation gap, remuneration gap and advancement gap. The Educational Attainment sub-index captures the gap between women's and men's current access to education and gaps in literacy rate between male and female.

The Health and Survival sub-index provides an overview of the differences between women's and men's health through the use of two indicators; the sex ratio at birth that tries to capture the phenomenon of "missing women" prevalent in many countries with a strong son preference and the gap between women's and men's healthy life expectancy. The Political Empowerment sub-index measures the gap between men and women at the highest level of political decision-making through the ratio of women to men in ministerial positions and in parliamentary positions. In addition, the ratio of women to men in terms of years in executive office, either as Prime minister or President for the last 50 years is also included.

## Objectives of the Study

This study is taken up with a view to compare the statuses of BRICS nations based on the scores of Global Gender Gap Report of 2018 and to recommend suitable suggestions to enable them to address gender disparity issues thus making them gender just nations with better Global Gender Gap (GGG) scores in the future.

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\* Ph D Scholar, PG Dept of Pub. Admin., Anna Adarsh College for Women, Chennai.

## Methodology

The study is descriptive and analytical in nature. Secondary data sources from published reports, websites, books and blogs are used in the study.

## Country-Wise Analysis of Gender Gaps

Among the BRICS nations, South Africa stands first with a fair Global Gender Gap Score of 0.755. It is positioned in the 19th place globally and third place among 33 Sub-Saharan African nations. The Russian Federation stands second among the BRICS nations with a GGG score of 0.701 occupying the 75th rank globally and 18th rank among 26 Eastern Europe and Central Asian countries. Brazil stands third with a score of 0.681 being ranked 95th globally. Among the 24 Latin American and the Caribbean nations, Brazil occupies only the 21st position. With a GGG score of 0.673, China stands fourth among the BRICS nations. It is ranked 103rd globally and 14th among 18 East Asian and Pacific countries. India, with a very low GGG score of 0.665, is ranked 108th globally and is ranked only fourth among seven South Asian nations.

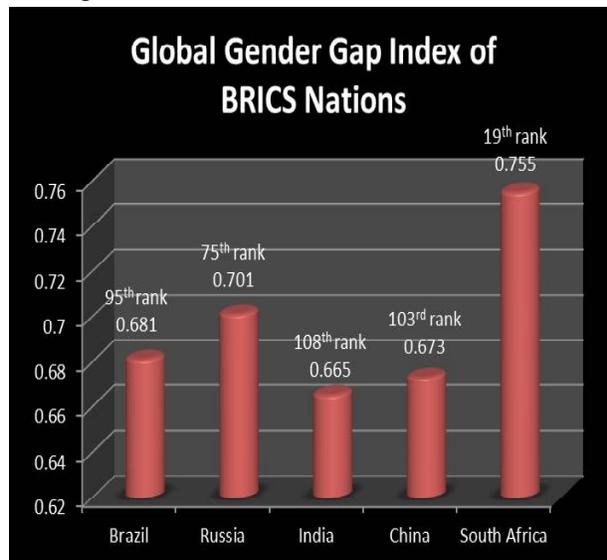


Figure showing the Global Gender Gap Index (2018) of BRICS Countries

## Brazil

Women in this country enjoy the same parental rights meant for men as regards marriage and divorce. Also, there is a provision for availing paternity leave by men. But the Brazilian law

does not have a mandate of equal pay for equal work. Also, there is no law that permits abortion to preserve a woman's physical health.

## Economic Participation and Opportunity

With regard to economic participation and opportunity, Brazil is positioned at 92nd rank with a score of 0.645. Among the BRICS nations, Brazil stands third in this sub-index. The country has a score of 0.740 occupying only the 4th place among the BRICS nations. With a score of 0.489, the country is positioned in the 132nd place globally and only the last position among BRICS nations in terms of wage equality for similar work. The country is positioned at 93rd place globally and 4th place among BRICS nations with a score of 0.570 as regards estimated earned income.

In terms of number of women legislators, senior officials and managers, the country occupies 27th place globally and 2nd place among the BRICS nations with a score of 0.664. With regard to number of women professional and technical workers, the country is ranked first with a score of one. The gender gap has been closed completely only in this particular indicator whereas wide gender gaps exist in wage equality, estimated earned income and labour force participation. However, with regard to gender parity in legislators, senior officials and managers, the gender gap is narrower comparing other BRICS nations.

## Educational Attainment

Brazil has fared excellently with regard to the educational attainment sub-index as it is ranked first globally and also among the BRICS nations with a score of one. It is the only country among BRICS to have absolute gender parity in all the indicators under this sub-index. The country has a uniform score of one in all the indicators of this sub-index; literacy rate, enrolment in primary education, secondary education and also in tertiary education. With respect to educational attainment of female population, it is found to be higher than the male population especially in the age group of 25-54 years.

### ***Health and Survival***

With a score of 0.98, Brazil is ranked first globally for this sub-index. With the highest score of 0.980 and 0.944 in sex ratio at birth and healthy life expectancy respectively, the country is ranked first both globally and also among the BRICS nations.

### ***Political Empowerment***

Brazil is ranked 112th as regards this sub-index with a very low score of 0.101 and among the BRICS nations, it is placed only in the fourth position. Globally, the country is ranked in the 126th, 139th and 26th positions with regard to the three indicators: women in parliament, women in ministerial positions and women with female head of state in the last 50 years. Among the BRICS nations, the country ranks last for the first two indicators; i.e., women in parliament and women in ministerial positions and it is placed in the fourth position as regards the last indicator; years with female head of state.

### **Russia**

There is parity of parental rights in marriage and divorce for both men and women. Added to that, the government provides child allowance. But on the negative side, the country does not mandate equal pay. Also, there is no law on domestic violence.

### ***Economic participation and Opportunity***

The country ranks first in this sub-index among the BRICS nations and ranked 31st globally with a score of 0.741. Under this sub-index, the country is placed in the first position among the BRICS nations with regard to labour force participation, wage equality for similar work, presence of women legislators, senior officials and managers and professional and technical workers with a score of 0.863, 0.688, 0.704 and 1 respectively. Globally, the country is ranked in the 57th, 52nd, 18th and 1st positions for the aforementioned indicators respectively. It occupies the second place among the BRICS nations and 84th rank globally as regards estimated earned income with a score of 0.590.

### ***Educational attainment***

Globally, the country ranks 28th with regard to the educational attainment sub-index and among the BRICS nations, it is placed in the second position. The country ranks first among the BRICS nations and also globally in terms of enrolment in primary, secondary and tertiary education with a uniform score of one. Globally, the country is positioned in the 46th rank with a score of 0.999 for literacy rate. It places the country in the second position among the BRICS nations. There is absolute gender parity in terms of primary education attainment especially in the age group of 25-54. With regard to secondary education attainment and tertiary education attainment, the female ratio is much higher when compared to men.

### ***Health and Survival***

The country ranks first globally and also among the BRICS nations in this sub-index with a score of 0.98. The country ranks first in the two indicators of this sub-index i.e., sex ratio at birth and healthy life expectancy globally as well as among the BRICS nations, with scores 0.944 and 1.060 respectively.

### ***Political empowerment***

With a very low score of 0.085, the country has been placed in the 123rd position globally as regards this sub-index. Among the BRICS nations, this is the lowest score and hence the country occupies the last place. The country occupies the 3rd, 4th and 5th positions among the BRICS nations in terms of the three indicators of this sub-index namely, women in parliament, women in ministerial positions and years with female head of state scoring 0.187, 0.107 and zero respectively. At the global level, it is ranked 108th, 117th and 71st for the aforementioned indicators.

### **India**

The Indian government has legislations for most of the gender issues but there is no law on provision of child allowance.

### ***Economic participation and opportunity***

Among the BRICS nations, India has the least score of 0.385 as regards this sub-index placing the country only in the 142nd position globally. It is the only country among the BRICS to have the least scores in majority of the indicators of this sub-index namely labour force participation (0.351), estimated earned income (0.232), number of women legislators, senior officials and managers (0.148) and number of women professional and technical workers (0.338). Globally, the country is ranked 138th for labour force participation and estimated earned income and for the last two indicators, the country ranks 130th and 133rd respectively. Paradoxically, the country stands second among the BRICS nations in terms of wage equality for similar work with a global rank of 72 and a score of 0.646.

### ***Educational Attainment***

There is absolute gender parity with regard to enrolment in primary, secondary and tertiary education with a uniform score of one, placing the country in the first rank among the BRICS nations and also globally. But, the country's score in terms of literacy rate is the lowest among BRICS nations i.e., 0.752 placing the country only in 121st position. This has positioned the country in the last place as it has the least score of 0.953 among the BRICS nations. Globally, the country is ranked at 114th position for this sub-index.

### ***Health and Survival***

With the second lowest score of 0.940, the country occupies only the fourth place in this sub-index among the BRICS nations and globally, it is ranked at 147th position. For the two indicators of this sub-index namely sex ratio at birth and healthy life expectancy, the country has the second lowest scores among the BRICS nations i.e., 0.904 and 1.020, globally placing the country in the 146th and 130th positions respectively.

### ***Political empowerment***

As regards this sub-index, the country has the second highest score of 0.382 among the BRICS nations positioning it in the 19th rank globally.

The country occupies the first, second and the fourth positions among the BRICS nations in terms of women in the parliament with a score of 0.134, women in ministerial positions with a score of 0.227 and years with female head of state with a score of 0.642. Globally, the country is ranked at 123rd, 77th and 4th positions for the aforementioned indicators.

### **China**

There is parity in parental rights in marriage and divorce for both men and women. The government provides child care and also child allowance. But there is no law mandating equal pay for equal work in this country.

### ***Economic participation and opportunity***

With a score of 0.653, China stands in the 86th position globally and second among the BRICS nations. As regards labour force participation, the country has a score of 0.831, globally being placed 64th and second among BRICS. With regard to wage equality, the country ranks third among the BRICS nations with a score of 0.643 and globally the country is positioned in the 74th rank. China ranks 73rd globally and first among the BRICS nations in terms of estimated earned income with a score of 0.621. With respect to presence of women legislators, senior officials and managers, the country has the second least score among the BRICS nations i.e., 0.201 and globally being placed in the 122nd position. But the country has closed the gender gap with respect to presence of women professionals and technical workers.

### ***Educational Attainment***

The country is placed in the 111th rank globally and has the second lowest score of 0.958 among the BRICS nations for this sub-index. The nation has the second lowest score of 0.951 among the BRICS nations as regards closing the gender gap for the literacy rate indicator. With a score of one, the country has closed the gender gap with respect to enrolment in tertiary education. But with regard to enrolment in secondary education, China has the lowest score of 0.941 among the

BRICS nations placing the country in the 130th position globally.

### ***Health and Survival***

The country is ranked 149th globally and second among BRICS nations with a score of 0.915, having three nations i.e., Brazil, Russia and South Africa in the first positions. The country occupies only the last position among BRICS nations as regards both the indicators of this sub-index namely sex ratio at birth and healthy life expectancy having the scores 0.870 and 1.019 respectively, placing it in 149th and 132nd globally for these indicators.

### ***Political empowerment***

The country fares well in this sub-index scoring 0.164 globally placing it in the 78th position and third among the BRICS nations. The country ranks second among the BRICS and 59th globally with a score of 0.332 with respect to presence of women in Parliament. With the scores 0.111 and 0.076, the country is positioned 113th and 33rd globally for the presence of women in ministerial positions and years with female heads of state respectively. For the aforementioned two indicators, the country is placed third among the BRICS nations.

### **South Africa**

There is parity in parental rights in marriage and divorce for both men and women. The government provides child care and also child allowance. There is law mandating equal pay for equal work in this country. Women-specific legislations are very much present here.

### ***Economic participation and opportunity***

South Africa ranks third among the BRICS nation and 91st globally with a score of 0.645. As regards labour force participation, estimated earned income and the presence of women legislators, senior officials and managers, the country stands 78th, 88th and 70th respectively at the global level and third among BRICS nations with the scores 0.801, 0.581 and 0.472 for the aforementioned indicators. The country has the

second lowest score of 0.535 among the BRICS nations being positioned in the 117th rank at the global level. The country has achieved parity with respect to presence of women professional and technical workers.

### ***Educational attainment***

The country occupies the third position for this sub-index among the BRICS nations but globally, it is ranked 72nd with a score of 0.992. With regard to achieving parity in literacy rate, the country is ranked third among BRICS nations and 78th globally with a score of 0.979. South Africa is ranked second among BRICS nations and 117th at the global level with regard to enrolment in secondary education. Nevertheless, the gender gaps have been closed as regards enrolment in tertiary education.

### ***Health and Survival***

The country has been ranked first for this sub-index both globally and also among the BRICS nations. It has the scores 0.944 and 1.060 for the two indicators under this sub-index i.e., sex ratio at birth and healthy life expectancy, placing it first among BRICS and also among the other nations at the global level.

### ***Political empowerment***

South Africa ranks first in this sub-index among the BRICS nations with a score of 0.404 occupying the 17th position at the global level. Also, the country ranks first in the two indicators of this sub-index among the BRICS nations namely, women in parliament and women in ministerial positions with the scores 0.734 and 0.714 respectively. The country is ranked 9th for the aforementioned indicators globally. But the country ranks only 70th globally and occupies the penultimate rank with regard to years with female head of state among the BRICS nations.

### **Key Findings**

After an extensive analysis of GGG scores of the BRICS nations, it is found that the performance of Brazil, Russia and South Africa with regard to two indicators namely health and

survival and educational attainment are fairly good. However, except Brazil, all other BRICS nations' performance with regard to achievement of parity in literacy rate is not satisfactory enough as there is a wide gender gap in this indicator. India is found to be the least performing country among BRICS in terms of economic participation and opportunity. Sparing Russia, all other countries' performance is not satisfactory enough for this indicator. Similarly, the position of China and India with respect to two indicators of health and survival i.e., sex ratio at birth and healthy life expectancy is the poorest among the BRICS nations. South Africa has posted better scores in terms of political empowerment. India also shares a similar position among the BRICS for this indicator whereas rest of the countries show differences in the three sub-indicators of political empowerment. Paradoxically, India, which is the least performing country among BRICS association has some of the best of legislations meant for women yet, due to the existing negative social norms, they are not able to make use of the opportunities available to them.

Secondly, upon analysing the gender indicators of BRICS nations, it is clearly evident that all the countries are lagging behind in majority of the indicators. Except South Africa which is the last country to join BRICS association, all others don't even occupy the first fifty positions globally. The cause of poor performance may be due to negative social norms that restrict women to participate completely in the public spheres or due to lack of opportunities. Furthermore, absence of gender specific legislations and policies can also widen the gender gaps.

### **Recommendations**

The following recommendations could help in achieving gender parity in the BRICS association.

- The best performing BRICS nations should come forward to exchange their best practices with other BRICS nations. For instance, South Africa which is leading among the BRICS association can act as a forerunner by involving counterpart nations to learn and

adopt feasible models in a similar manner at small levels which can then be amplified suiting each country's needs and requirements. This necessitates the creation of special study teams that can proactively engage in implementing the models. The teams should comprise members from different fields such as ministers, bureaucrats, researchers, civil societies. This way, exchange of ideas can bring in a lot of fruitful outcomes that can be followed on.

- Secondly, it was only in 2016, a gender exclusive agency was created under BRICS in the name of Feminist Watch that is working towards empowering the female community and trying to better their opportunities in all realms. The BRICS Feminist Watch should create specialized cells or units that can look into the four key areas i.e., economic participation and opportunity, educational attainment, health and survival and political empowerment separately based on which the GGG index is given. This would help in identifying the strengths and weaknesses of each of the BRICS nations on particular indicators and devise suitable strategies for bridging the gender gaps.
- A 'Common Gender Policy Model for BRICS' could be evolved by taking steps in a sequential manner so as to better the GGG scores in the future years to come and finally achieving the target of gender parity.
- Human capital, which is the biggest asset of some of these emerging economies such as China, India etc., should be rightly utilised and nurtured for the overall growth and development of these nations, giving special focus for women.
- In the case of Brazil, steps should be taken to bring in a law mandating equal pay for equal work. Added to that, legislation can be brought in to permit abortion when the woman's physical health is at risk.
- As in the case of Russia and China, there is a need to bring in legislation for equal pay.

Russia should also bring in legislation on domestic violence.

- The health and survival sub-index of China needs radical transformations by introducing appropriate policies for women belonging to different age groups as per their health requirements.

### **Concluding Remarks**

The success of any multilateral cooperation lies in strengthening nations' relationships through periodic meetings and mutual exchange of ideas. A cross-country collaborative exercise among BRICS is the need of the hour and hence BRICS association should accord the top most priority for addressing gender disparities through frequent meetings. Since, the GGG scores reveal the existence of gender gaps in several indicators, it is highly essential for the BRICS nations to envisage gender related issues as the first and foremost issue to be addressed and it should not be treated simply as one of the objectives to be met. Thus, the socio-political dialogues on gender issues among BRICS representatives should aim at translating words to action and making them to stand strong in the global economy through the combined efforts of men and women.

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# The Expansion of Constitutionalism and Global Challenges

Abhishek Kumar\*

*[Since ancient times, states have been ruled and governed by number of laws. These laws have regulated the day-to-day functioning of states and have kept a check on the arbitrary powers of the ruling class. However, during ancient and medieval period, these laws had been closely associated with religion and morality. But in modern era, laws are based on the basic nature of constitution which is primary source of state functioning. This paper describes the meaning of constitutionalism and explains that how constitutionalism provides a base of mature democracy and smooth functioning of a state. Furthermore, an analysis has been made to trace out the roots of constitutionalism in ancient aeon and the spread of constitutionalism over the period, from one part of the world to another until it got its present universal nature. A candid effort has also been put in finding out the challenges which constitutionalism is facing in the epoch of globalization and what may be the possible solutions of these challenges. The essence of constitutionalism in a democracy is not merely to shape and condition the nature of majorities, but also to stipulate that certain things are impermissible, no matter how large and fervent a majority might want them.<sup>1</sup> ]*

**T**he constitutionalism is a set of ideas and principles that emphasizes that the authority of government obtained and constrained by a body of fundamental laws. The genesis of constitutionalism can be traced back to ancient time when it became evident in Greek and Rome. Since then concept of constitutionalism grew gradually by the time and spread all over the world. But today constitutionalism is facing various challenges in 21<sup>st</sup> century. These challenges are of the establishment of government structure, terrorism, cybercrime, widespread corruption, lack of coordination between the organs of government, ethnic diversity etc. Although, constitutionalism is capable enough to deal with such challenges but the thing which is most required in this sphere, is the strong political will for the appropriate amendments in the constitutions so that constitutionalism can tackle them effectively and could maintain its significance in the future while maintain its original philosophy.

## Defining Constitutionalism

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\* Research Scholar, Centre for Federal Studies, Jamia Hamdard University, New Delhi.

There are number of scholars who define constitutionalism differently. Roger Scruton defines constitutionalism “as the advocacy of constitutional government that is, of ‘government channeled through and limited by a constitution.’”<sup>2</sup>

Whereas Charles Howard McIlwain stated that “in all its successive phases, constitutionalism has one essential quality: it is a legal limitation on government; it is antithesis of arbitrary law; its opposite is despotic government- the government of will instead of law.”<sup>3</sup>

## The Spread of Constitutionalism

The history of constitutionalism is not new, the roots can be traced in the western tradition of ancient world. The constitutionalism existed in Greek, Rome and Athens but there was no consolidated constitution. Kim Scheppele argued that constitutionalism in ancient world showed only glimmers of the primary idea that came to dominate later constitutional history.<sup>4</sup> The events which occurred in medieval period in Europe were much more fruitful than ancient ones. By the 13th century there was the beginning of accountable government when written agreements of Magna Carta (1215) in England and the Golden

Bull in Hungary (1222) were signed in which kings were forced to concede some privileges to nobility.

Although in sixteen and seventeen centuries monarchies regained the power but till the end of eighteenth century kings were again forced to share power. After that a new age of written constitution started when after the independence in 1776, constitution of USA was adopted in 1789. US constitution was the first written constitution of modern time and it was widely followed by different countries in Europe in the subsequent years. In 1791 Poland and France adopted their constitutions.

However, the French constitution was changed many times thereafter but Liberty, Equality and Fraternity remained the finest political concepts introduced by the French constitution to the world. Throughout the nineteenth century Europe went through the epoch of constitutionalization of monarchies. Kim Scheppele rightly pointed in this regard that *“despite the 19th century upheavals and press for popular democracy, republicanism, socialism and nationalism, most of the countries that started the century with monarchies ended with only slightly more constitutionalized and democratized monarchies.”*<sup>5</sup>

The twentieth century proved so crucial in the development of constitutionalism. After the Second World War, the decolonization process provided the further expansion of constitutionalism in newly independent countries of Asia, Africa and Latin America. Later, the collapse of USSR created new states in the post-cold war period and constitutionalism extension was obvious in these countries. But recently there are few countries which came into existence in twenty first century like South Sudan and they are recent examples of constitutionalism.

### **The Global Challenges before Constitutionalism**

However, there are several challenges to constitutionalism but prominent among can be described as follow:

### ***Establishment of Government Structure-***

The first and foremost challenge of the constitutionalism is the establishment of basic and stable government structure. Robert Post rightly pointed out that *“the challenge of democratic constitutionalism is to establish a governmental structure that will provide a stable institutional form of this premise.”*<sup>6</sup>

Although the nature and structure of the government in any state entirely depends on the provisions which are embedded in the constitution of that state. And the constitution provisions and basic theory of constitution relies on the fundamental ethos of that society. Hanna Pitkin rightly quoted in this sense that *“with respect to a community, this use of constitution suggests a characteristic way of life, the national character of a people, their ethos or fundamental nature as a people, a product of their history and social conditions. In this sense, our constitution is less something we have than something we are.”*<sup>7</sup>

He described that *“a constitution can succeed in establishing durable and stable structures of democratic legitimacy only if it draws upon the foundation of fundamental ethos that reflect the national character of a people.”*<sup>8</sup>

### ***The Religious Terrorism-***

Religious terrorism is a form of terrorism that is justified on the basis of motivation and goals of religious character.

*“Bruce Hoffman characterized the religious terrorism having three traits – first, the perpetrators must use religious scriptures to justify or explain their violent acts or to gain recruits. Second, Clerical figures must be involved in leadership roles and third, Perpetrators use apocalyptic images of destruction to justify the acts.”*<sup>9</sup>

Today this religious terrorism is a major challenge for the constitutionalism because it is hurting the core of modern constitutionalism i.e. freedom, equality, fraternity, secularism and human rights. The civilians are slaughtered,

women are raped and refrained from modern education, heritage is destructed and orthodox and fundamentalist rules are implemented on the name of religion by the terrorists. Thus, it is a serious challenge for the constitutionalism.

Although, the idea of religious terrorism seems quite vague because it is not right to relate terrorism with any religion. No religion in the world allows terrorism and oppositely religion is the way of life. All the religions promote peace, solidarity, harmony, non-violence and mercy on all living beings. By criticizing the idea of religious terrorism Mark Juergensmeyer says “*religion is not innocent but it does not ordinarily lead to violence.*”<sup>10</sup>

When it comes to rooting out religious terrorism, it can only be uprooted from the world society when all countries work collectively, when all the components of the society discipline its members in the manner that they will never adopt the path of terrorism, when individuals consider their responsibilities and work towards the society while abstaining themselves from terrorism and when supranational organizations like United Nations make stringent laws against it and all the states enforce them effectively. In this regard, constitutionalism may prove trump card to end terrorism because it is that only structure that can bind the government into the laws and can guide the societies and individuals to act collaboratively.

### ***The Widespread Corruption***

The expansion of corruption in political and administrative agencies of the government, is a major challenge for constitutionalism. Two points are noteworthy here- First, it is a global challenge because the issue is not confined to a particular area or country but persists in all parts of the world at different levels. In developing countries, it is extremely high while in the developed nations it is quite low. The black money from different countries in Swiss banks and in other banks around the globe reveals the universality of corruption. Second, corruption is a challenge for constitutionalism because it directly affects

the efficiency and effectiveness of the constitutional government and on the other hand, due to corruption, government does not function under the framework of the constitution because officials and leaders misuse the authority.

The corruption can only be phased out from the society by providing strongest legislations against it and enforce them effectively. And first step in this way is keeping government within legal limits. Further, delivering good governance to the citizens ensures the eradication of corruption because it is established fact that corruption is not the cause of bad governance but corruption is the consequence of bad governance. Corruption exists in the society because government could not provide any strong mechanism to fight corruption and if it provided then it could not be implemented very well on the ground. Therefore, it is failure of state mechanism. Additionally, citizens should also be made aware to fight against corruption at every level.

### ***The Challenge of Accommodation of Diversity-***

The traditional notions of constitutionalism are challenged by cultural, religious and linguistic diversities at different levels and in different parts of the world. After the Westphalia settlement, the concept of modern state progressed and gradually the concept of citizenship became the vocal point of the political community. In this process of democracy in modern state, the members of minorities and excluded communities were also awarded with right of citizenship. But merely accommodating them with citizenship did not ensure their social and political incorporation rather it became a mean for their assimilation in much wider political community of modern state. Because their identity was kept aside or sometimes suppressed to set up a uniform culture of state.

In this way, the communities or groups who are seeking recognition of their cultural or social specifications—immigrants, women, indigenous peoples, religious or linguistic minorities—*”James Tully concludes that what they seek is*

*participation in existing institutions of the dominant society, but in ways that recognize and affirm, rather than exclude, assimilate, and denigrate, their culturally diverse ways of thinking, speaking and acting. He says that what they share is a longing for self-rule: to rule themselves in accordance with their customs and ways.”<sup>11</sup>*

However, it is unfair to say that in all cases modern constitutionalism suppress the identity of minorities and vulnerable groups, there are number of states in which minorities and excluded groups are given equal rights and even given special rights. For instance, in India the rights of tribes like Naga and Mizo were not only recognized in constitution but provided special rights with special provisions, likewise Schedule Castes and Schedule Tribes were conferred with the privilege of reservation in public educational institutions and employment.

But anyhow, the challenge of cultural heterogeneity varies from place to place. As Robert Post articulated that

*“in some situations, linguistic or religious diversity, may constitute insuperable obstacles to the solidarity necessary to sustain democratic constitutionalism; in other circumstances these same differences may have no great functional significance. It all depends upon how the distinctive shared way of life of a polis, its mode of social and political articulation as a community has developed.”<sup>12</sup>*

### ***The Reconciliation in Changing Circumstances***

Now the current challenge that constitutionalism facing is changing conditions in twenty first century and it is not easy for constitutionalism to reconcile with them. Today there are number of problems like poverty, oppression of vulnerable groups, problems related to environment (climate change, deforestation, pollution, endangering species) and cyber-crime. Furthermore, there is a serious challenge of displacement of the farmers and tribal for the setting up of Special Economic Zone (SEZ) and other development projects

without their proper rehabilitation. The constitutionalism is incapable to deal with these problems due to its old structure. Therefore, there is immediate need for the modifications or amendments in present constitutions to deal with such circumstances, occurring in present scenario. In fact, some countries amended their constitutions according to present challenges of globalized world but a long path has to be followed in this direction because new problems in the society will continue to emerge out.

### **The Race of Supremacy**

As is well-known, there are three organs of government – executive, legislature and judiciary. These organs play a pivotal role in the state functioning in accordance with the values and ethos of constitution. But at several times they collide with each other for the supremacy, instead of working parallel and together, and this is a challenge for the constitutionalism to deal with, because central point of constitutionalism is to restrain the government in the periphery of constitution.

There are different provisions in different countries to contend with such challenge. In the USA the concept of separation of power and check and balance are embedded in the constitution in which any organ of government does not interfere in the work of another organ but they have check and balance on each other. In India the doctrine of accountability was given preference, in which executive is accountable to legislature and legislature is accountable to the citizens while judiciary was kept independent however legislature have a sharp eye on the judiciary. But these provisions seem helpless to counter the battle between the organs of government.

As evident in the Indian context when in the Golak Nath case, the court declared that the parliament would have no power to amend any of the provision of part of III of the constitution. In response of the decision, 24th constitutional amendment was made by legislature in 1971 that stated that parliament can amend any part of

constitution including fundamental rights. The judiciary responded against it in the Keshavnada Bharti case when SC held that parliament could not amend the basic structure of the constitution. Further in Minerva Mills case court cleared that Articles 14, 19 and 21 are the basic structure and hence are unamendable.

Other than this, there is another challenge for constitutionalism, and it is the lack of coordination among the three organs of the government to face the problems which are rampant in the society. Sometimes it is seen that they perform in their ambit separately but don't work collectively for the welfare of state. But it is extremely essential for the smooth and effective functioning of the state that all the organs of the government work together.

Really, the magnitude of these problems is enormous in evolving societies compare to evolved societies. It doesn't mean that they don't exist in evolved societies but they are less in number there. In fact, they occur at wider level in the society when society passes through the evolving phase.

### **Constitutionalism as the Base for Mature Democracy**

The 16<sup>th</sup> President of USA once said that democracy is the government "of the people, by the people and for the people."<sup>13</sup> Constitutionalism functions as the foundation stone to actualize this statement because it limits the government functioning under the ambit of the constitution. And all the three organs of the government work under their jurisdiction, is the pre-condition for mature democracy and constitutionalism provides the stage for that.

Mature democracy is the evolved democracy in which all the three organs of the government perform their functions in the circle of the constitution and government is accountable to people, where there is rule of law, where there are fair elections, where equality, liberty and human rights are the core values, where citizens participation is ensured, where minority and women get the equal or special treatment, where

transparency is the central theme of state mechanism and delivering good governance is the ultimate endeavor of the government.

On the other hand, constitutionalism is the constraint on government under the preview of constitution. Hence constitutionalism compels government to work according to the provisions of the constitution. And government functions under the ambit of constitution is the pre-requirement of mature democracy. Therefore, constitutionalism presents a base for mature and responsive democracy.

### **Conclusion**

Constitutionalism is based on the doctrine of a supreme law which governs the jurisdiction and powers of state institutions. The constitutionalism is a universal phenomenon because today governments in almost all countries are governed by constitutions either by written constitution or unwritten constitution. But there are multiple global challenges before it which hampers its daily functioning. Therefore, it is the prime responsibility of the legislature of different countries that they make appropriate changes in the constitutions according to present circumstances so that constitutionalism could deal with the current challenges of present and future and would remain significant for centuries.

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## Dr. Ambedkar on Social Justice & Democracy

Dr. Deepan Das\*

*[Dr B.R. Ambedkar was one of the most significant makers of modern India. His work was qualitatively different from that of his predecessors. He at once stood for social liberation, economic emancipation and political advancement of the downtrodden millions – a task never undertaken by any high caste Hindu leader with so much vigour and force. He was indeed a social rebel who raised the banner of revolt against the iniquitous caste-rebel society. He roused the frozen conscience of the depressed people and brought new consciousness among them. He urged them that their social Liberation must be ensured in this very life and that too as their legitimate right as free citizens.]*

In addition to the abolition of untouchability, Dr Ambedkar's contribution towards the making of the Indian Constitution was enormous. As the Chairman of the Drafting Committee he was one of the architects, who designed and built the remarkable edifice of our Constitution. As such, he combined in himself the role of a social reformer, a political leader, a constitutionalist and a spiritual guide of the untouchables. He, therefore, played a unique role in shaping the mind, the political outlook of his

community and the transformation of society in modern India.

Though Dr Ambedkar occupies an exalted position in shaping the destiny of 20<sup>th</sup> century India, very few scholars in the field of modern Indian social and political thought have been able to capture the essence of his ideology and, the extent to which it is relevant in building a vibrant and harmonious social order. During the nineteenth and twentieth century, social reform movements for eradication of untouchability in India were gathering impetus. Baba Sahib Ambedkar was the forerunner in the movement

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\* Asst. Prof. in Pol. Sc., R.G. Baruah College, Guwahati.

for eradication of untouchability in India. He made sustained efforts in this direction throughout his life through his writings and actions.

### **Social Democracy**

B.R. Ambedkar's major contribution to political thinking was to focus on the relevance of social democracy to political democracy. He firmly believed that political progress would be impossible without a reformed and enlightened society. Ambedkar argued that the fight for political democracy should be extended to the social level. He contested the point of the extremists that political power was necessary to protect the right of the people. He said that the rights are protected not by a law but by the "social and moral conscience of society" (Bharati, 2002:4339–40).

The definitions of democracy given by Walter Bagehot or Abraham Lincoln were not satisfactory to Ambedkar. Bagehot defines democracy as "government by discussion" and Lincoln as "a government of the people, by the people and for the people". By "democracy" Ambedkar refers to fundamental changes in the social and economic life of the people and acceptance of the changes by the people without resorting to conflicts and bloodshed (Ahir, 1973:31). He desired to remove the contradictions created by economic and social inequalities. He wanted to establish the principle of one man, one vote and one value not only in the political life of the people but also in social and economic life. In other words, he wanted political democracy to be accompanied by social democracy.

Dr. Bhim Rao Ambedkar, popularly known as Babasaheb Ambedkar, was born as the fourteenth child of Mahar parents, Ramji and Bhimabai, on 14 April 1891 at Mhow, in present-day state of Madhya Pradesh. The Mahars are considered to be low-caste and treated as untouchables (Dalit) by the higher caste Hindus. They are mainly found in the State of Maharashtra.

Bhimrao Ramji Ambedkar had a bitter taste of discriminatory treatment due to his low caste at

an early age. He and his brother had to carry gunny bags to sit on inside the classroom because they were not allowed to sit on classroom benches. They were denied drinking water facilities and excluded from common games/sports and mixing with higher caste children. Even teachers would not check their notebooks for fear of "pollution." This sowed the seeds of discontentment about the Hindu social system in the life of Bhimrao Ramji Ambedkar and he decided to launch a movement for social justice.

The present paper will highlight the social movement launched by Ambedkar in order to provide social justice to Dalits (Scheduled Castes) in India. This paper also studies Dr. Ambedkar as the harbinger of social justice. The present paper will also study the concept of democracy as used by Dr. B. R. Ambedkar to safeguard the rights of under-privileged and provide social justice to Dalits.

In 1924 he started his social movement and took the cause of the Dalits. He roused the Dalit consciousness to fight for the eradication of Dalit discrimination; to claim equality of treatment, status and opportunity; to equally enjoy all rights -civil, political, social and economic and respect for the dignity of all persons. Today, he is also considered to be a crusader for the human rights of Dalits in India.<sup>1</sup> He was Minister for Law from 15 August 1947 to 26 January 1950 and it was he who piloted the draft constitution in the Constituent Assembly. He got opportunity to do justice by incorporating certain provisions for the Dalits in the Constitution which has certainly helped Dalits to claim their rightful place in the society. Addressing the Constituent Assembly, Dr. Ambedkar suggested certain devices essential to maintain democracy: "(i) constitutional methods: (ii) not to lay liberties at the feet of a great man: (iii) make a political democracy a social democracy."

### **The Harbinger of Social Justice**

Dr. Ambedkar, a great social revolutionary leader and supporter of Human Rights, dedicated his life to the cause of the downtrodden of India.

While elaborating the concept of social justice one can accept that Dr. Ambedkar had a very liberal concept of justice in the sense of its being grounded in human values. “Justice”, for Dr. Ambedkar, “is simply another name for liberty, equality and fraternity.”<sup>2</sup> This forms the cornerstone of Dr. Ambedkar’s concept of social justice. It upholds the dignity of human personality. As the chief architect of India’s Constitution, he got it shaped clearly on the values of justice, liberty, equality, fraternity and dignity of man. These ideals of social justice denote brotherly relations of a citizen with every other citizen in our society; it abhors caste barriers between man and man; and demands respect for all citizens from everyone. The spirit of social justice here gives a significant place to mutual sympathy and respect.

Dr. Ambedkar’s concept of social justice means a mode of life to give every man his right place in society. Its precepts may be: to live honourably, to give respect to all, to injure no one, and to give every man his due without any artificial discrimination in mind and unnatural classification in society. The other precepts of social justice are: the supremacy of constitutional rule, equality before law, grant of fundamental rights, performance of duties, adherence to social and legal obligations, and finally a staunch faith in the values of justice, liberty, equality, fraternity and dignity of human personality. The concept of social justice, in Dr. Ambedkar’s view, is a problem not merely of distributing the material abundance among the people but basically a mode of life based on mutual respect and regard, a feeling of fellowship as equal members of a society. Hence, the measure of social justice is not material progress, but the abundance and proliferation of human values among the people.

Dr. Ambedkar did not find any reason to accept Divine Law as the sustainer of social justice in human society. He did not believe in any kind of theological view of justice as preached by Islam, Judaism, Christianity, Hinduism and other religious leaders. He stood for the secular and moral aspects of social justice. It was futile to

hope for justice in another world while being inflicted and injured by the swords of social inequality and economic exploitation. For the same reason while appreciating the generosity of medieval saints like Kabir, Nanak and others. Dr. Ambedkar felt that equality before God was a very remote proposition to be realized; the ideal of social justice is to be affected here so that the interests of the weak and lowly could be protected by our Constitution, and not by any Divine Dispensation.

For all these Dr Ambedkar is remembered as the messiah of social justice and also an indefatigable defender of Human Rights. He fought for the equal rights of Dalits in India. He himself experienced the pangs of social injustice, faced difficulties and fought against them. How Dalits could get their social justice? Dalits can get their social justice only in a democratic system of government. Dr. Ambedkar viewed that Democracy is the pre-condition for social justice. In democratic system of government, people can experience liberty, equality and fraternity. How democratic government can be established? Justice is one of the principles of democracy. The concept of social justice upholds the dignity of human personality.

As the chairman of drafting committee of Indian Constitution, he got it shaped clearly on the values of justice, liberty, fraternity and dignity of all human beings. These ideals of social justice denote brotherly relations of a citizen with every citizen in our society; it abhors caste barriers between man and man; and demands respect for all citizens from everyone. As Article 1 of the Universal Declaration of Human Rights of December 1948 states that, “All human beings are born free and equal in dignity and rights...” The spirit of social justice gives a very important place to mutual sympathy and respect.<sup>3</sup>

Dr. Ambedkar said that equality depends upon acknowledging and gives effect to the consciousness of mutual obligations and mutual recognition of rights of all human beings that bind the members of a society together. Equality is the binding affairs of the people. Fraternity is

the in-depth feeling to provide an atmosphere wherein people could enjoy the values of liberty and equality. According to Dr. Ambedkar, fraternity is a sense of common brotherhood of all Indians, all Indians being one people. It is the principle which gives unity and solidarity to social life.<sup>4</sup> Dr. Ambedkar stressed that all three principles cannot be divorced from each other. At the same time all go side by side. One supplements and completes the other in the process of social justice.

### **Democracy vis-a-vis Social Equality**

Dr. Ambedkar suffered much humiliation and harassment at the hands of the upper caste Hindus. Article 5 of Universal Declaration of Human Rights of December 1948 states that, “No one shall be subjected to torture or to cruel, inhuman or degrading treatment or punishment.” He realized that entire Indian social structure had become hollow and fragile because of exploitation and inequality. He wanted to remove inequality from the Indian society. Dr Ambedkar got an opportunity to raise the issue of social democracy in the Constituent Assembly. He was made chairman of the drafting committee along with six other members, namely Sir Krishnaswami Ayyangar, N. Gopalswami Ayyangar, K. M. Munshi, Saiyed Mohammed Sadulla, Sir B. L. Mittar and D. P. Khaitan. (After first meeting Sir B. L. Mittar ceased to be a member and in his place N. Madhava Rao was nominated).

He warned the Constituent Assembly saying, “We must remove graded inequality earliest possible moment or else who suffer from inequality will blow up the structure of political democracy which the Constituent Assembly has so labouriously built up.”<sup>4</sup> He was the supporter of democracy. For him, democracy was a well-devised engine to achieve the end, that is, the welfare of the people at large. In a way democracy ultimately will promote human rights. Abraham Lincoln says: “As I would not be a slave, so I would not be a master. This expresses my idea of democracy.” Various philosophers, political scientists and writers have given

numerous definitions of democracy. A relentless champion of human rights and staunch believer in democracy, Dr Ambedkar said, “Democracy is not a form of government, but a form of social organization.” With this social organization social justice of all can be protected.

While elaborating the concept of democracy he said that people should not be contended with mere political democracy but they should make the political democracy a social and economic democracy. He added that political democracy will not last unless and until it has base on social democracy which will recognize liberty, equality and fraternity as the principles of life. Without equality, liberty would produce the supremacy of the few over many. Equality, without liberty would kill individual initiative. Without fraternity, liberty and equality could not become a natural course of things.

Dr Ambedkar believed that in democracy, revolutionary changes in the economic and social life of the people are brought about without bloodshed. The conditions for that are as follows: “(a) there should not be glaring inequalities in society, that is, privilege for one class only; (b) the existence of effective opposition; (c) equality in law and administration; (d) observance of constitutional morality; (e) no tyranny of the majority; (f) moral order of society; and (g) public conscience.”

Dr. Ambedkar was of the firm belief that supreme power in democracy always vested with the people collectively. It must not go in the hands of one particular caste. Dr. Ambedkar said, “By democracy, we certainly mean one man, one vote: we also mean that every government shall be on the anvil both in the daily affairs and also at the end of certain period when the voters and the electorate will be given an opportunity to assess the work done by the government. He wanted that the work of particular government would be evaluated periodically.

He wanted that government should be accountable to voters. The reason why we have established in the Constitution a political

democracy is because we do not want to install by any means whatsoever a perpetual dictatorship of any particular body of people. Though we have established political democracy, it is also the desire that we should lay down as our ideal economic democracy.” As article 25 of International Covenant on Civil and Political Rights of 1966, says that, “Every citizen shall have the right and the opportunity, without any of the distinctions mentioned in article 2 and without unreasonable restrictions: to take part in the conduct of public affairs, directly or through freely chosen representatives.”

According to Dr. Ambedkar, democracy was not mere form of government but a form of social organization which will look after its community. He wanted to establish the principle of one man-one vote and one vote-one value not only in the political life but also in social and economic life. Though India got political freedom and established political democracy, but Dr. Ambedkar observed that, Indians must not be contented with mere political democracy. He said that, “We must make our political democracy a social democracy as well. Political democracy cannot last unless there lies at the base of its social democracy. What does social democracy mean? It means a way of life which recognizes liberty, equality fraternity as the principles of life. These principles of liberty, equality and fraternity are not to be treated as separate items in a trinity. They form a union of trinity in the sense that to divorce one from the other is to defeat the very purpose of democracy.”

He also emphasized that successful working of democracy required the functioning of a moral order of society. Democracy demands brotherhood. Article 1 of Universal Declaration of Human Rights of December 1948 states that, “...They are endowed with reason and conscience and should act towards one another in a spirit of brotherhood.” In democracy there will not be any scope of oppressors and exploiters. There must not be any suppressed classes in society.

Dr. Ambedkar denounced the sanctity of class structure of society. He viewed equality of

opportunity as the most important right for every Indians. Dr. Ambedkar felt that freedom itself is not end in itself. It was only means to achieve end. What is the end of freedom? The end of free India is to feed the starving people, to clothe the starving masses, to give every citizen fullest opportunity to develop himself/herself according to his/her capacity.

### **Democracy without Economic Equality**

The ideal democracy, according to Dr. Ambedkar, was a means to secure for each human being the economic necessity, a decent standard of wealth and living conditions, equal opportunities with his fellow citizens, and highest possible degree of self-respect and freedom of thought and action without infringing the rights of others. He felt that we have to bring out a new social and economic order. He preferred that there should be equal distribution of wealth. He felt that aim of the Indian democracy would be to end poverty, inequality and to wipe out tears from every eye. The ultimate objective of democracy is to create a classless society with economic justice and opportunity to all.

As Article 25 of Universal Declaration of Human Rights of December 1948 states that, “Everyone has the right to a standard of living adequate for health and well-being of himself and of family, including food, clothing, housing and medical care and necessary social services and the right to security...” Dr. Ambedkar wanted that the democratic Republic of India shall be a welfare state committed to the upliftment of downtrodden people. This way democratic right of downtrodden will be protected.

### **Persuasive Leaders in Democracy**

In order to achieve the goal of an ideal democracy, there should be right kind of leadership. Only good leader would be able to lead India. So, the government should be in the hand of good leader. The task of good leader would be to channelize the needs of people and provide good direction to our newly achieved free nation. Dr. Ambedkar felt that the dream of an ideal democracy would not be successful

unless majority of its population are involved in independent creative work as the makers of a new nation. They should come forward to educate the masses and try to make earnest efforts to involve people in national reconstruction programme.

He appealed to all the legislators, bureaucrats, social scientists, political scientists to come forward to mobilize their potential to achieve the goal of democracy. He felt that there was a great need to bring about a change in the mental outlook of the people and prepare people to take active part in self-help programme. This would be the greatest task of new leaders in free India. Dr. Ambedkar emphasized the need to hold fast to the constitutional methods for achieving the goal of smooth functioning of Indian democracy.

### **Conditions for Successful functioning of Democracy**

For the successful functioning of democratic form of government, it is necessary that certain conditions must be fulfilled. He said that political parties are necessary for the effective working of parliamentary democracy. This will ensure existence of the opposition which is very important. Parliamentary government is known as responsible government mainly because the executive is constantly watched and controlled by the opposition. Respect and official status for the opposition means absence of absolute power for the executive.

Democracy means rule of the majority. But this should not result into tyranny of the majority. Majority must always respect the views of the minority. In India, there is a possibility that the minority community will always be a political minority also. Therefore, it is very essential that the minority must feel free, safe and secure. Otherwise, it will be very easy to convert democracy into a permanent rule against the minority. Caste system could, thus become the most difficult obstacle in the successful functioning of democracy. Lower castes will never get their proper share in power. Caste will create barriers in the development of healthy

democratic traditions. This means that unless we achieve the task of establishing democracy in the social field, mere political democracy cannot survive. Again, political democracy would be meaningless if it does not promote social justice.

### **Conclusion**

We celebrated the golden jubilee of our free India. But we have to ask ourselves whether we have been able to fulfill the dream of Dr. Ambedkar. Have we been able to create a casteless society in 64 years of Independence? It is time to evaluate the functioning of our Indian democracy. We still find inequality in our society. Reservation continues because we have still inequality. The fruit of independence has not reached to masses. *Dalits* are still being attacked. There is a big gulf between the rich and poor. We have not been able to provide the necessary goods to masses. People die out of starvation. Districts like Kalahandi, Koraput in Orissa are the glaring example of starvation- death in India. Most of tribes in Orissa state are struggling for food.

No doubt we have been producing enough food, but they are dumped in the godowns and get spoiled by itself. States like Uttar Pradesh, Bihar Tamil Nadu and Orissa are the hub for bonded labour and child labour. We have world class educational institutions. But enrolment is only 10 % after over seven decades of Independence. We do not have 100 % literacy. Have we received democracy as conceived by Dr. Ambedkar? Are equality, liberty and justice given to all? We have to mull and ponder and evaluate on the functioning of Indian democracy. India has achieved independence and adopted democratic system of government. But we ask ourselves; “have our rights have been provided by democratic system of government”. Is the democracy which we have established promote human rights to all its citizens?

As Gutto6 writes, “the pursuit of the right to development and socio-economic rights is strongly associated with the social democracy vision of poverty eradication and the equitable

distribution of ownership, control, and the benefits of wealth.” Democracy is interrelated with rights to equality and non-discrimination, especially for marginalized groups especially Scheduled Castes and Scheduled Tribes. Dr. Ambedkar’s dream of democracy is a means to attain social justice and human rights. It is never late; let us strive to fulfill the dream of Dr. B. R. Ambedkar on the concept of democracy which will certainly help in providing social justice to *Dalits* in particular and masses in general.

#### Notes

1. Yogendra Makwana, “Ambedkar- A crusader,” in Yogendra Makwana, editor,

Ambedkar and Social Justice (New Delhi: Publication Division), 1992, page 68.

2. D. R. Jatava, (1998), Social Justice in India, INA Shree Publishers, Jaipur, p. 79.
3. Ibid., pp. 1216-17.
4. Dananjay Keer (1990), Dr. Ambedkar Life and Mission, Popular Prakashan, Mumbai, p. 415.
5. Dr. Babasaheb Ambedkar: Writings and Speeches, Vol. 13, 1994, p. 1216



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## Human Rights violations by Police

Dr. Dipen Saikia\*

*[The concept of dignity and equality of human beings as enshrined in the Universal Declaration of Human Rights on 10<sup>th</sup> December, 1948 was not new to the Indian people<sup>1</sup>. A very large proportion of the complaints received in the National Human Rights Commission relate to allegations of violations of human rights by police personnel. In the last three years, more than one lakh complaints received in the Commission pertained to allegations of various kinds of violations of human rights by the police. Majority of these complaints related to failure to take lawful action, abuse of power, false implication, and illegal detentions of accused, suspects and their relatives. The trauma faced by the person, especially the one who has been lifted just on suspicion or because he happens to be related to someone wanted by the police, leaves a long-lasting impact on the personality of the victim, nay the character of our society. Thus, it negates all talk of good policing in the context of growing aspirations of society for policing at par with the rest of world.]*

**T**he role of police officers is very crucial to protect the human rights of all the people. It has to be understood that a misplaced protective approach, towards the acts of omission and commission by their subordinates, breeds an attitude of impunity, which is very harmful in the long run. They need to ensure that their subordinates work with the spirit to promote rule of law which alone can serve as a guarantee against violations of human rights. Policing is one of the means by and through which Governments either meet, or fail to meet, their

obligations under international law to protect the Human Rights of people within the jurisdiction of states they govern.<sup>2</sup>

Guaranteeing the basic human rights of the police and basic amenities of the service is the best way to motivate them to discharge the herculean task. Human Rights are those rights which are inherent in human existence and belong to all human beings, irrespective of gender, race, caste, ethnicity, religion etc. The expression “Human Rights” has not been specifically defined in any declaration or covenant of the United Nations. Human Rights are generally defined as ‘those rights which are inherent in our nature and without

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\* Associate Prof., Dept. of Pol. Sc., Moridhal College, Moridhal, Assam.

which we cannot live as human beings'. Human rights are not the gift or bounty of any political superior. The laws are meant to reaffirm and recognize human rights and to provide the mechanism for their enforcement. The upholding of rights is essential for maintaining human dignity.

The United Nations International Police Task Force, 1986 defines the role of a democratic police force in the following manner: "In a democratic society, the police serve to protect, rather than impede, freedoms. The police shall provide for the protection of public safety and the rights of all persons<sup>3</sup>. The very purpose of the police is to provide a safe and orderly environment in which these freedoms can be exercised. A democratic police force is not concerned with people's beliefs or conformity to state ideology. It is not even primarily concerned with the enforcement of regulations or bureaucratic regimens. Instead, the police force of a democracy is concerned strictly with the preservation of safe communities and the application of criminal law equally to all people, without fear or favour.

It is vital to understand the important provisions of the United Nations Code of Conduct for Law Enforcement Officials, before deliberating the same in the Indian context:

Article 1: Law enforcement officials shall at all times fulfil the duty imposed upon them by law, by serving the community and by protecting all persons against illegal acts, consistent with the high degree of responsibility required by their profession.

Article 2: In the performance of their duty, law enforcement officials shall respect and protect human dignity and maintain and uphold the human rights of all persons.

Article 3: Law enforcement officials may use force only when strictly necessary and to the extent required for the performance of their duty.

Article 4: Matters of a confidential nature in the possession of law enforcement officials shall be kept confidential, unless the performance of duty or the needs of justice strictly require otherwise.

Article 5: No law enforcement official may inflict, instigate or tolerate any act of torture or other cruel, inhuman or degrading treatment or punishment.

Article 6: Law enforcement officials shall ensure the full protection of the health of persons in their custody.

Article 7: Law enforcement officials shall not commit any act of corruption.

Article 8: Law enforcement officials shall respect the law and the present Code.

Law enforcement officials who have reasons to believe that a violation of the present Code has occurred or is about to occur, shall report the matter to their superior authorities and, where necessary, to other appropriate authorities or organs vested with reviewing or remedial power.

### **Scope of The Human Rights & Its Violations**

The role of the Police in protecting and promoting the human rights of the people, in particular, the vulnerable sections of the society, is extremely challenging in the present scenario of growing violence and terrorism. The police, as the first point of contact for the victims of violations of human rights, have to be sensitive to the plight of the common man. The diversity of culture, language, custom, and socio-economic conditions in our country adds to their responsibility<sup>4</sup>.

The human right violations may be categorized into the following broad heads: -

- *Violation of human rights by abuse of police powers, particularly in relation to arrest, detention and interrogation;*
- *Violation of mandatory directions of reporting of Custodial Death / Rape and*

*Video-Filming of Post Mortem Examinations;*

- *Violation of guidelines on encounter deaths;*
- *Violation of guidelines on Police- Public Relations and natural justice;*
- *Violation of guidelines on Polygraph (lie-detector) tests*
- *Violation of public grievance redressal guidelines issued from time to time.*

### **Understanding Good Policing**

Good policing involves respecting human rights and upholding the *Rule of Law*<sup>5</sup>. This has been strongly emphasized by the Supreme Court of India and the National Human Rights Commission. As protectors of people's rights, police officers are expected to display integrity, transparency, accountability and most of all, respect for human dignity. *Rule of Law* requires that the police – an integral part of the criminal justice system – must respect and uphold the rights and liberty of individuals.

However, despite democracy and freedom for over sixty years now, there still is a lot of distrust between the public and the police. People see the police as an authoritarian organization, removed from society, with little or no respect for the rights of the ordinary person. Today we live in a democratic country and the police being a vital component of the State must operate according to democratic norms. Individual rights occupy a pride of place in our constitutional culture.

### **Expectations from the Police Forces**

As enforcers of the law, the police are commonly seen as the trusted embodiment of law, meant to protect the innocent, find the guilty and bring them to trial, and promote the means and ends of justice<sup>6</sup>. They are expected to uphold the rule of law and adhere to its letter and spirit.

A common man, when he is a victim of an offence, expects that the police will listen to his

grievance sympathetically and set in motion the legal machinery to redress his grievance and afford him justice. Once a FIR is registered, he expects that justice will be delivered through impartial and competent investigation resulting in a fair trial and judgment. The citizens also expect the police to provide them a safe and a secure environment by preventing offences which may cause gross violations of rights of individuals or communities. The right to life and to property is a basic human right.

In the fast-developing social scenario, social legislation is growing at a staggering pace. The success of its implementation will depend on the attitudinal changes in the police. The police are expected to show special consideration and sensitivity while dealing with cases of violations of human rights of the weaker sections of our society viz. Women, children scheduled castes & scheduled tribes, persons with disabilities, and senior citizens.

The expectations from the police are truly enormous. However, the delivery of service by the police in our country leaves much to be desired.

### **Nature of Human Rights Violations by Police Arrest and Detention**

The Supreme Court of India has laid down guidelines in *D.K. Basu v State of Bengal* [1997 AIR 1997 SC 610] relating to arrest and detention of the accused persons. The National Human Rights Commission has separately issued detailed guidelines in this regard:

#### **Procedure to be followed prior to arrest**

The Supreme Court has laid down in *Joginder Kumar v State* [1994(4) SCC 260] that arrest without warrant should be carried out only after reasonable satisfaction is reached about the genuineness of a complaint; a person's complicity in the offence; and the need to make an arrest.<sup>7</sup>

An arrest without warrant can be justified only in the following circumstances:

- i. Where the case involves a grave offence such as murder, dacoity, robbery, rape etc. And it is necessary to arrest the suspect to prevent her/him from escaping or evading the process of law; and/or
- ii. Where the suspect is given to violent behaviour and likely to commit more offences; and/or
- iii. Where the suspect needs to be prevented from destroying evidence; interfering with witnesses; or warning other suspects who have not yet been arrested; and/or
- iv. The suspect is a habitual offender, who unless arrested is likely to commit similar or further offences. [3<sup>rd</sup> Report of the National Police Commission]

#### **Procedure to be followed at the time of arrest**

*Human dignity must be upheld and minimal force should be used while arresting and searching suspects.*

#### **Procedure to be followed after arrest**

Article 22(1) of the Constitution lays down that an arrested person must be informed as soon as possible about the grounds of arrest; s/he must not be denied the right to consult and be defended by legal counsel of her/his choice. Section 50(1) of the Cr. P. C. requires a police officer to communicate to the arrested person, grounds of the arrest and full particulars of the offence under which s/he is being arrested.

Article 22(2) of the Constitution requires an arrested person to be produced before the nearest magistrate within 24 hours. Section 57 of the Cr. P. C. says that an arrested person cannot be kept in custody for more than 24 hours without the order of a magistrate.

The recent amendments in the Code of Criminal Procedure, 1974 by the Amendment Acts of 2008 and 2010, are relevant in the present context:

1. Section 54 of the Code has been substituted. The examination of arrested person has been made mandatory instead of earlier being at the

request of the arrested person. It provides that when any person is arrested, he shall be examined by a medical officer in the service of Central or State Government and in case the medical officer is not available by a R.M.P. soon after the arrest is made. However, where the arrested person is a female, the examination of the body shall be made only by or under the supervision of a female medical officer<sup>8</sup>.

2. Section 55A has been introduced wherein it shall be the duty of the person having the custody of an accused to take reasonable care of the health and safety of the accused.
3. Section 60A has been introduced which provides that no arrest shall be made except in accordance with the provisions of this Code or any other law for the time being in force providing for arrest.

#### **Custodial Torture**

Torture means illegal or unjustified action of State Police or any law enforcing bodies against a person or group of persons. Torture in police custody is an open assault on basic human rights, more particularly against life and personal liberty and human dignity. Custodial torture has no legal or statutory sanction. Use of third-degree methods to obtain, confessional statement by the Police, are often resorted to in sheer violation of human rights. Compelled testimony is evidence procured not merely by physical threats or violence but by mental torture, atmosphere of pressure, environmental coercion, tiring interrogative prolixity, overbearing and intimidatory methods and like.

Sections 330 and 331 of the Indian Penal Code specifically provide punishment for subjecting a person to torture for extracting information. Assault on a body of accused by Police or other investigating agencies is violative of fundamental rights guaranteed under article 21 of the Constitution.

## **Custodial Deaths**

Death in police custody is one of the worst kind of crimes in a civilized society, governed by the rule of law and poses a serious threat to an orderly civilized society. It is true that certain offences cannot be prevented even after best efforts by the police, but the crime of custodial deaths can certainly be avoided by resisting the excesses and maltreatment.

NHRC Directions on Mandatory Reporting of Custodial Death/Rape and Video-Filming of Post Mortem Examinations.<sup>9</sup>

All cases of custodial death and custodial rape whether in police lock-up or in jail must be reported to the NHRC within 24 hours of occurrence by the concerned District Magistrate or Superintendent of Police. Failure to report promptly will give rise to the presumption that there is an attempt to suppress the incident.

All post-mortem examinations in respect of custodial deaths should be video-filmed and a copy of the recording should be sent to the NHRC along with the post mortem report.

## **Fake Encounters**

There are instances where the complaints of 'fake encounters' have been substantiated on investigations; leading to the impression that such encounters have been used for elimination of 'hard core criminals' without following the due process of law. In several cases, the Commission ordered financial relief and other action. These instances seriously erode the credibility of police.

## **Deaths in Police Action and Revised Guidelines of NHRC**

The NHRC, in May 2010, issued revised guidelines in this regard. As per the revised guidelines, all incidents of deaths in police action are now required to be intimated to the Commission within 48 hours.

In the cases of exchange of gun fire, the guidelines provide for forensic examination of 'hand wash' of the deceased and the ballistics examination of the seized weapons alleged to have been used by the deceased and his companions.

## **Hand-cuffing**

The Supreme Court of India in *Prem Shankar Shukla v Delhi Administration* [1980 SCC 526] opined that using handcuffs and fetters [chains] on prisoners violates the guarantee of basic human dignity, which is part of our constitutional culture. This practice does not stand the test of articles 14 (Equality before law), 19 (Fundamental Freedoms) and 21 (Right to Life and Personal Liberty). To bind a man hand and foot; fetter his limbs with hoops of steel; shuffle him along in the streets; and to stand him for hours in the courts, is to torture him; defile his dignity; vulgarize society; and foul the soul of our constitutional culture.

## **Lie Detector Tests**

Forcing a person to take a lie-detector test is illegal. Consent must be taken before subjecting a person to a lie-detector test. Also, there is no scientific evidence to prove that results obtained from polygraph tests are conclusive. Failing a lie-detector test does not mean that the person is guilty. Polygraph tests measure response on the premise, that a person is being untruthful, if there are sudden changes in her/his breathing, heart and blood pressure rates. A truthful person can fail the test if s/he is nervous, has health problems or is just surprised by the question.

## **Human Rights & Directive Principles**

The directive principles of state policy contained in Part-IV of the Constitution are principles fundamental in governance as mentioned in article 37, which also says that they are not justiciable. However, the Supreme Court in its decisions has relied on the directive principles to enlarge the scope and content of the fundamental rights, thereby bringing them within the ambit of justiciable rights.

## Reliance on Article 32 of the Constitution by Supreme Court

The Supreme Court has relied on Article 32 read with Article 142 to make such orders as may be necessary for doing complete justice in any cause or matter before it. Resort to Article 142 has enabled expansion of the jurisdiction under Article 32<sup>10</sup>. In some cases, the High Court's also resorted to similar progressive interpretation in exercise of its power under Article 226.

The violations of human rights against the principles laid down by Supreme Court of India through its various judgments and the amendments made by the Parliament in the Code of Criminal Procedure by Amending Acts of 2008 and 2010, include amongst others, the following:-

- *Procedure of registration of FIRs being a fundamental right of the victim;*
- *Investigative Procedures to be carried out by the police keeping in consideration the concepts of human dignity and rights available to a victim;*
- *Right of the victim against Self-Incrimination*
- *Applicability of human rights Rape Victims and compassionate handling of the mental and physical state of the victim;*
- *Adhering to human rights during Arrest, detention and interrogation;*
- *Arrest Procedure, Custodial Violence and Compensation;*
- *Following Human Rights in treatment of women and providing legal aid;*
- *Following human right guidelines in Handcuffing of prisoners and under-trials*

## Conclusion

At the heart of all reforms lies the need to create effective mechanisms of accountability – the transparency and impartiality of these mechanisms create strength and credibility for

the police. In other words, a democratic country like India needs democratic policing. Democratic policing is based on the idea of the police as protectors of the rights of citizens and the rule of law, while ensuring the safety and security of all equally. It further requires the police to create the security environment which best promotes democracy and good governance.

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## PERSPECTIVES ON WOMEN

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# PRIs in Independent India

Dr. K. Madeswaran\*

*The paper makes an attempt to examine the historical review of Panchayati Raj Institutions (PRIs), and its evolution and development after independence in India. The most fascinating factor stands that the people of India are associated PRIs, which helped them to yield the fruits for decades in the name of rural development. The most important factor regarding the development of PRIs in India is the 73rd constitutional Amendment Act 1992, which gave the constitutional status to the Panchayati Raj Institutions of India.]*

**T**he Panchayati Raj means a system of local self-government administered by a council or Panchayat duly elected in a democratic manner. It provides the administrative apparatus for implementation of the programs of rural development. The primary objective of Panchayati Raj is to evolve a system of democratic decentralization and devolution of powers, functions and authority to the rural people with a view to ensuring rapid socio-economic progress and speedier and inexpensive justice.

## Objectives of the study

- The first objective is to study about the Panchayati Raj Institutions of India after independence.
- The second objective is to study its evolution, structure and development.
- The third objective is to analyze the historical impact of Panchayati Raj on Indian society.

## Methodology of the study

The present paper is based on the secondary data collected from the secondary source i.e. published literature of the subject concern.

## Balwant Rai Mehta Committee

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\* Asst Prof., Dept. of Pol. Sc., Thiruvalluvar Govt. Arts College, Rasipuram, Tamil Nadu.

The history reveals that during the period of Mauryan Empire, Sabha and Samithi existed as the local bodies. Kautilya's Arthashastra and Megasthenes' *Indica* explained about local bodies existence. Inscriptions tells us that the Cholas had given importance to local bodies. During the British Rule, Lord Rippon had suggested that there should be local bodies for welfare of rural people in India. In 1957, Balwant Rai Mehta Committee recommended for the establishment of Panchayati Raj institutions at three levels. He recommended for the introduction of three- tier system of Panchayat Raj.

As per recommendation of the Mehta Committee, the three-tier system with Gram Panchayat at village level, Panchayat Samiti at Block level and Zilla Parishad at the district level were constituted. On the basis of these recommendations, Rajasthan and Andhra Pradesh established Panchayat Raj system for the first time in 1959. In 1977, yet another Committee headed by Ashok Mehta was formed by Janata Government to look into the functioning of the Panchayat Raj institutions in India and make suggestions for improvement.

The Committee recommended a two-tier system with Zila Parishad as apex body at district level and Mandal Panchayat at base level in place of Gram Panchayat. While envisaging the programmes, redistribution of powers between

Centre and states assignment of the work on planning at the lower level and to set up coordination in development programmes, the Committee had also recommended that the elections of PRIs should be held on party basis.

In 1985, G.V. K Rao Committee recommended decentralization of planning and implementation of rural development programmes with national objectives and regional needs at the district level. Again in 1986, the L.M. Sanghvi Committee, had recommended democratic decentralization at three levels. It considered the gram sabha as a third tier of democracy, The specific recommendations made by the committee are: -

- Establishment of a three-tier Panchayati Raj system- Gram Panchayat at the village level, Panchayat Samiti at the block level and Zilla Parishad at the district level.
- The committee recommended direct elections of village Panchayats and indirect elections of Panchayat Samitis and Zila Parishads.
- All planning and development activities should be entrusted to these bodies.
- The Panchayat Samiti should be the executive body while the Zila Parishad should be the advisory, coordinating and supervisory body.
- The district collector should be the chairman of the Zila Parishad.
- There should be a genuine transfer of power and responsibility to these democratic bodies.
- Adequate resources should be transferred to these bodies to enable them to discharge their functions and fulfil their responsibilities.
- A system should be evolved to effect further devolution of authority in future.

These recommendations of the committee were accepted by the National Development Council in January 1958. The council did not insist on a single rigid pattern and left it to the states to

evolve their own patterns suitable to local conditions. But the basic principles and broad fundamentals should be identical throughout the country. Rajasthan was the first state to establish the Panchayati Raj. The scheme was inaugurated by the Prime Minister on October 2, 1959, in Nagaur district. Rajasthan was followed by Andhra Pradesh, which also adopted the system in 1959. Thereafter, most of the states adopted the system.

### **Ashok Mehta Committee**

In December 1977 the Janata Government appointed a committee on Panchayati Raj institutions under the chairmanship of Ashok Mehta. The Committee submitted its report in August 1978 and made 132 recommendations to revive and strengthen the declining Panchayati Raj system in the country. Its main recommendations were:

- The three-tier system of Panchayati Raj should be replaced by the two-tier system, that is, Zila Parishad at the district level, and below it, the Mandal Panchayat consisting of a group of villages with a total population of 15000 to 20000.
- A district should be the first point for decentralization under popular supervision below the state level.
- Zila Parishad should be the executive body and made responsible for planning at the district level.
- There should be an official participation of political parties at all levels of Panchayat elections.
- The Panchayati Raj institutions should have compulsory powers of taxation to mobilize their own financial resources.
- Seats for SCs, and STs should be reserved on the basis of their population.

Due to the collapse of the Janata Government before the completion of its term, no action could be taken on the recommendation of Ashok Mehta Committee at the central level. However, the three states Karnataka, West Bengal and Andhra Pradesh took steps to revitalise the Panchayati Raj, keeping in view some of the recommendations of the Ashok Mehta Committee.

Besides this the other number of committees was appointed for the development of Panchayati Raj Institutions in India. For Example, GVK Rao Committee 1985, L.M. Singhvi Committee 1986, etc.

### **Structure of Panchayati Raj Institutions in India**

The Panchayati Raj system of India has a three-tier structure: -

- i. The village Panchayat.
- ii. The Panchayat Samitis.
- iii. The Zila Parishad.

The village Panchayat or Gram Panchayat functions at village level, there is a Panchayat for each village or a group of villages in case of small population. Members to village Panchayat are elected through voting in a general assembly of the village known as Gram Sabha. All adult members of village elect the council called Gram Panchayat. They also elect their village Pradhan. The village Panchayat has a secretary and a gram Sewak to assist it in its functioning. The Panchayat also seeks to ensure a minimum standard of cultivation for raising agricultural production.

Panchayat Samiti is the main executive body and it operates at the block level. All the elected village Pradhans of the village Panchayats comprising that block are the members of Panchayat Samiti. President and Vice-President of the Samiti are elected from among the members for a three-year term.

The important functions of the Samiti are to prepare, executive and co-ordinate the programs of development at the block level. The Zila Parishad functions at the district level and is responsible for making, executing and coordinating the programs of rural development for the entire district. The chairman of Zila Parishad is elected from amongst its members. The members of the Zila Parishad are the presidents of all the Panchayat Samitis in the district, the members of the legislative assembly from the district and the members of the parliament representing the district. The Parishad is providing assistance and guidance for carrying out its development programs by the district collector and other government officials of the district.

However, there were differences from one state to another with regard to the number of tiers, relative position of Samiti and Parishad, their tenure, composition, function, and finance and so on.

### **Village Panchayats**

The Panchayat, which forms the basic unit of the three structures, is an executive body of the village. The Panchayat has an elected chairman, popularly known as sarpanch. The important thing is that now the Panchayats have to be elected directly by the people for five years in the same manner as member of the popular houses at the Union and State levels are elected i.e. through territorial constituencies. For a Village Panchayat, the electorate would be the Gram Sabha which would consist of those registered in the electoral rolls. These Panchayats cannot remain superseded for long, fresh elections would have to be held within six months of the dissolution of a Panchayat. Clause (1) of article 243E provides that every Panchayat, unless sooner dissolved under any law for the time being in force, shall continue for five years from the date appointed for its first meeting and no longer.

## **Panchayat Samiti**

The Panchayat Samiti at the block level, acting at the intermediate level as the main agency for holding the community development programmes, was designed for securing the development of rural areas. It is constituted by the representatives of the Panchayats which fall within the block and some co-opted members. The Chairman of the Panchayat Samiti is generally a non-official and is elected by the members of the Samiti. He is commonly known as Pradhan. The normal life of the Panchayat Samiti is five years.

## **Zila Parishad**

Zila Parishad is at the apex of three tier systems and treated as the higher developmental agency in the district. The organization of Zila Parishad differs from state to state. It performs, in most of the states, a coordinating role. It coordinates the working of the Panchayat Samities working within the districts

## **73rd Amendment Act of 1992**

This act has added a new Part-IX to the Constitution of India. It is entitled as “the Panchayats” and consists of provisions from Articles 243 to 243-O. In addition, the act has also added a new Eleventh Schedule to the Constitution. This schedule contains 29 financial items of the Panchayats. It deals with Article 243-G. The act has given a practical shape to Article 40 of the constitution which says that “the state shall take steps to organise village Panchayats and endow them with such powers and authority as may be necessary to enable them to function as units of self-government”.

The act gives a constitutional status to the Panchayati Raj Institutions. It has brought them under the purview of the justifiable part of the constitution. In other words, the state governments are under constitutional obligation to adopt the new Panchayati Raj system in

accordance with the provisions of the act. Consequently, neither the formation of Panchayats nor the holding of elections at regular intervals depends on the will of the state government any more.

The provisions of the act can be grouped into two categories – compulsory and voluntary. The compulsory provisions of the act have to be included in the state laws creating the new Panchayati Raj system. The voluntary provisions, on the other hand, may be included at the discretion of the states. Thus, the voluntary provisions of the act ensure the right of the states to take local factors like geographical, politico-administrative and others, into consideration while adopting the new Panchayati Raj system. The act is a significant landmark in the evolution of grassroots democratic institutions in the country. It transfers the representative democracy into participatory democracy. It is a revolutionary concept to build democracy at the grass root level in the country.

## **Constitutional Status to Panchayat Raj**

Panchayat Raj System has been incorporated in Indian Constitution. Article 40 directs the State to take steps to organize village panchayats and endow them with such powers and authority as may be necessary to enable them to function as units of self-government. The object of the provision is to introduce democracy at the grass roots. These Panchayats are expected to be the training grounds for the development of democratic institutions. Village laws for the organization and proper functioning of panchayats.

The constitutional 73rd Amendment Acts, 1992, provided constitutional sanction to democracy at the gross root level by incorporating in the Constitution new parts – Parts IX and Part IX A relating to Panchayats and urban local bodies. The 73rd Amendment provides for a three tier Panchayat Raj system at the village, foundation of the Panchayat Raj system.

With the enactment of this amendment the Panchayat Raj Institutions have been endowed with such powers and authority as may be necessary to function as institutions of self-government and contains provisions of devolutions.

The Panchayat Raj system has completed 52 years of enactment, but it has not been so successful as expected to create new hope and confidence in rural people. Central and State Governments should sanction more funds or allocate operational funds to these institutions so that they will be viable and function with great ease.

### **Conclusion**

To conclude the Panchayati Raj System, we can say, was established on the recommendations of Balwant Rai Mehta Committee as per the Directive Principles of the State Policy. It also becomes necessary mention here that the 73rd Amendment of Indian Constitution was really the great historical step regarding the Panchayati Raj System. Through this Amendment the Panchayati Raj System became a proper system (a body with soul). After the implementation of Panchayati Raj System in some States, it shows a rapid progress as well as developments especially in the socio-economic field. At last, the development at rural/village level became possible, especially for far-flung areas. Nowadays the Central Government grants lot of funds under the Panchayat head, because the proper utilization of funds at rural level is only possible through the Local Self-Government so that common person can be benefited.

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# Empowerment of Women in Panchayat Raj System

S. P. Selvamani\* & Dr. V. Veeramuthu\*\*

*[Mahatma Gandhi, the father of the nation, often emphasized that India lives in villages (at the time of independence, about 82.7 per cent population of India lived in villages) and unless the village life is revitalized, the nation as a whole cannot make progress.]*

These ideas and the Article 40 of the Constitution of India, which declared that ‘the state shall take steps to organize Village Panchayats and to endow them with such powers and authority as may be necessary to enable them to function as the units of self-government,’ paved the way for the introduction of Panchayati Raj—a scheme of ‘democratic decentralization’ in India.

In India, the system of panchayats has a long history. Its structure however varied from time to time. In village India, the concept of ‘Panch Parmeshwar’ is very old and very prominent. We also find references of Gram Panchayat in ancient and medieval literatures.

There is no chance for the welfare of the world unless the condition of women is improved. It is not possible for a bird to fly on only one wing’-said Swami Vivekananda. But through centuries, societies the world over, have been trying to fly on one wing denying women their rightful place. The very concept of women empowerment shows that societies, as such, have given a raw deal to women, who comprise nearly 50% of the population and women themselves had to come forward to fight for their rightful place in all walks of life and prevent their exploitation in every field. Women who number 498.7 Million, according to the 2001 census of India,

represent 48.2% of the country’s population of 1,027.01 million.

Gandhi believed that democratic freedoms have to be founded in institutions of self-government in every village in India. He drew his inspiration from the traditional Panchayats ‘village republics’, which he called Panchayati Raj. He based his vision of contemporary democracy in independent India on genuine peoples’ participation in the development and welfare of their own habitats through elected Panchayats.

Today, more than 26 lakh representatives stand elected to the three levels of Panchayats. Of these, over 10 lakh are women, 5.2 lakh belong to the Scheduled Castes and 3.3 lakh to the Scheduled Tribes. The last fifteen years of Panchayati Raj have thus succeeded in empowering marginalized groups who have gained political representation and valuable experience. Many of them have successfully taken on the challenge of governance and brought about enduring social change through their close links with the community.

The Constitution of India establishes a parliamentary system of government, and guarantees its citizens the right to be elected, freedom of speech, freedom to assemble and form associations, and vote.<sup>1</sup> The Constitution of India attempts to remove gender inequalities by banning discrimination based on sex and class, prohibiting human trafficking and forced labor, and reserving elected positions for women.

The Government of India directed state and local governments to promote equality by class and

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\* PhD Scholar, Dept of Pol. Sc. Govt Arts College, Salem.

\*\* Asst Prof. & Head, Dept of Pol. Sc., Govt Arts College, Salem.

gender including equal pay and free legal aid, humane working conditions and maternity relief, rights to work and education, and raising the standard of living. Women were substantially involved in the Indian independence movement in the early 20th century and advocated for independence from Britain. Independence brought gender equality in the form of constitutional rights, but historically women's political participation has remained low.

### **Panchayati Raj and Women**

Panchayats existed in India even before the British rule. Panchayati Raj (PR), which is in actuality a formalization of local self-government, came into being after Independence. The Constitution which was then being drafted, however did not include anything connected to Panchayati Raj, instead it was included in Article 40 of the Directive Principles. By the late fifties, several states did set up PR bodies at village, block and district levels. PR was seen as a means of ensuring democratic participation for rapid rural development. However, since there was no constitutional support, political will and adequate powers or resources, these PR bodies started languishing. Women were rarely on these bodies, except as co-opted members who were accorded little power, respect or political status.

It is not as if the issue was not important on the nation's agenda. In fact, several commissions were set up to examine ways in which it could be strengthened, such as the Balwant Rai Mehta Study team (1957), The Ashok Mehta Committee (1977), The G.V.K. Rao Committee (1985), and the L.M. Singhvi Committee (1987). In 1988, a parliamentary subcommittee recommended that Panchayati Raj bodies be given constitutional recognition. It was only in 1992 that Parliament gave constitutional status to Panchayati Raj. On December 22 and 23 1992, two amendments to the Constitution—the 73rd Constitution Amendment for rural local bodies and the 74th Constitutional amendment for urban local bodies

made them 'institutions of self-government'. Within a year, conformity with the amended constitutional provisions. As a consequence, India has moved towards what has been described as 'multi-level federalism', which has widened the democratic base of the Indian polity.

72 per cent of India's population live in the rural areas. Here there are nearly 600 district panchayats, about 6,000 block panchayats at the intermediate level and 2,50,000-gram panchayats. 27.8 percent population live in the urban areas in India. Here one finds 96 city corporations, 1,700 town municipalities and 1,900 Nagar panchayats. Currently, every five years, about 3.4 million representatives are elected by the people of whom one million are women. Women head about 175 district panchayats, more than 2,000 block panchayats and about 85,000-gram panchayats. Likewise, more than 30 city corporations and about 600 town municipalities have women chairpersons. A large number of hitherto socially excluded groups and communities like the tribals and Dalits are now included in these decision-making bodies.

The major impetus in the constitutional amendments for women's political empowerment has the reservation of one-third of the seats for women in local bodies, along with reservation of seats for Scheduled Castes (SCs) and Scheduled Tribes (STs) in proportion to their regional populations. Initially, women were hesitant to enter this whole new political arena because of which political parties and vested interest groups took advantage of the situation. Women were only rubber stamps and actually veiled men and the dominant masculine line. Which always held power. This was called the proxy rule. A new group of 'sarpanch patis' also emerged where the husband of the woman sarpanch managed the affairs of the panchayat, while the woman acted only as a rubber stamp. (Ramesh Bhandari).

### **Women's Participation in the Panchayati Raj**

The term 'political participation' has a very wide meaning. It is not only related to 'Right to Vote', but simultaneously relates to participation in: decision-making process, political activism, political consciousness, etc. Women in India participate in voting, run for public offices and political parties at lower levels more than men. Political activism and voting are the strongest areas of women's political participation.] To combat gender inequality in politics, the Indian Government has instituted reservations for seats in local governments.

Women turnout during India's 2014 parliamentary general elections was 65.63%, compared to 67.09% turnout for men. India ranks 20th from the bottom in terms of representation of women in Parliament. Women have held the posts of president and prime minister in India, as well as chief ministers of various states. Indian voters have elected women to numerous state legislative assemblies and national parliament for many decades.

Although the Constitution did guarantee women equal rights, Indian women continue to remain oppressed and struggle over everything from survival to resources. There exists in India a strong legal environment and a movement to protect women's rights. However, the social status of the majority of India women remains unchanged. While women have made considerable progress in some areas such as education and employment, they continue to be subjected to the influence of the existing patriarchal attitudes in Indian society. The dilemma for Indian women today is that despite the liberal provisions of the Constitution and various laws, serious inequalities remain.

A major factor contributing to these inequalities is the nature of women's identities, which are based in religious, not secular values. Religious ideology (largely Hindu) and the traditional social structure associated with it have been the

strongest influences in the construction and development of gender roles in India. These in turn have reinforced the patriarchal structure of the society, in which women remain imbedded even today.

The 73rd Amendment is a direct and concerted attempt to rectify that. In April 1993, the Parliament of India passed the 73rd Constitutional Amendment, reforming the structure of local governments. Among other measures, the amendment mandated that the compositions of local councils include at least one-third women. The "reservation", as it is called, applies to delegate and chair positions in the Panchayati raj (local government councils) at all three sub-state levels. The 33 percent reservation bill has legitimized the entry of women in mainstream politics at the grassroots level, and is seen as a first step for empowering women to participate more effectively in political decision-making.

The issue of quotas is not unique for India. The country has had history with caste quotes Independent India in 1947, advocated equality as a crucial value against a heterogeneous society divided by caste. India's constitutional policies were designed to relieve caste inequalities. The result has been reservations for members of lower castes on number of fields. The issue of quotas is also relevant in other countries. Since seeking quotas is linked with notions of identity, Western nations with multi-ethnic populations are faced with the question of how to deal with the demands of various groups. Recent feminist discourses also reflect the concern regarding women's under-representation in general and the introduction of gender quotas in particular.

This study explores the effects of the 1993 Indian women's reservation bill in changing policies at the local government level in ways that address women's interests. As a result of the reservation law, over a million women now sit as elected representatives in local bodies (IPU, 1998). To explore whether reservation policies can address

women's deeply-rooted problems, this study relies on feminist theories of the origins of inequality, as well as theoretical perspectives on institutional design. This topic calls attention not only to women's participation at the local level, but also to women's involvement in politics in general. The question of how to represent and articulate interests of diverse groups in society forms the core of democracy theory. In addition, since institutions structure participation and representation, the effect of quotas may have a significant impact on the democratic process itself.

Prior to the reservation bill, statistics regarding women's participation in village councils were significantly lower (between 4 and 5 percent). Today about 33% of candidates participating in the Panchayati raj are women. These women are faced with basic developmental issues such as poverty, illiteracy, and lack of healthcare. Today, as most states have completed their first five-year term of office, a quick review of women's performance by social activists and research groups have shown mixed results regarding women's successful participation.

Other studies also demonstrate similar results with regards to women's participation. In Maharashtra state's Yavatmal district, a female Panchayat member called a meeting to discuss the problem of dowry, clearly indicating a desire to pursue an issue affecting women (Nanivadekar, 1997). However, women also continue to be faced with obstacles. Several studies document women's lack of effective participation at council meetings (Sooryamoorthy), 2000, Nanivadekar, 1997, Stree Aadhar Kendra, 1995). Often, the husbands lead discussion on behalf of their wives. In other instances, women are seen preparing tea for the male members of the council, and standing only in the background.

Furthermore, studies also indicate that a number of women elected in the first round of elections in most states, were introduced as "proxies" of

male politicians (Nanivadekar, 1997). Such women got elected because they were close relatives of male politicians.

Such evidence suggests that women continue to be seen through traditional patriarchal roles of being wives and mothers, not as effective decision – makers in the public sphere. A number of factors continue to constrain women's participation in 'Panchayati raj' (village self-government)," notes a UN report (1998). There are also examples of physical violence to keep women from speaking up in the councils.

### **Conclusion**

Including women in local governments is an essential step towards creating gender-equal governments and gender-sensitive policies. Since women have different needs and perspectives on social and political issues, it is important to involve women in governments to incorporate all of the societal viewpoints in policy and decision-making processes. Through their active involvement in community work and women's groups, local women politicians are well aware of issues faced by women in their communities. Due to this and the necessity to create a voter base to run in elections, women politicians can be active advocates of women's issues among their colleagues in the local government and of mainstreaming gender perspectives in policies.

Political experts also highlight the importance to realize that gender perspectives should be mainstreamed into policies and government planning not only by women politicians, but also by their male counterparts. To do this, the political experts recommend sensitizing and training local government employees.

The increase in the number of women in legislature definitely will not bring overnight changes in the status of women. It is foolishness to think that it will solve the entire problems faced by women and bring equality immediately. It is also true that powerful women leaders in our

politics have failed to do much to the women in India. The 73rd and 74th Amendment to the Constitution of India with 33.33% reservation for women has given opportunity for the entry of large number of socially-marginalized category such as women to enter into the domain of local institution and their performance is very encouraging. In the year 2006, 10,41,430 women were elected to the local institutions. These reservations or quota brought quantitative changes, facilitated women to be represented in local governments and deserved to be hailed as major achievement in the empowerment of women.

The process of women empowerment begins when women's awareness must be accompanied by or followed by more education, greater knowledge and useful skills and action. When women organize for action, they gain further knowledge and their awareness is raised to a new level. This increase awareness leads to new action and the whole process is repeated. Such a continuous process can lead to higher level of empowerment.

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# Sociology of Divorce in Contemporary India

Dr. Amorjit Saikia\*

*[Family is the basic institution in a society, Husband and wife are two minimum indispensable agents to continue a family, of course the Children born to them and other members are also considered as the member of the family. For the formation of a family, marriage serves as an instrument.]*

It is through the instrument of marriage that male and female adolescents are permitted to love as husband and wife. According to Pothen “Divorce is related to marriage, which is the most important means of a human society”.

## The Term Divorce

The word divorce in English is derived from the Latin word ‘divortum’ which again is derived as ‘dis’ which means ‘apart’ and ‘vertere’ which means divorce is the dissolution of the tie of marriage. Divorce is the turning away among the parties from each other. Divorce is word which we use to mean ‘Legal Ending of Marriage’ and it is the certificate that the relationship failed.

## Review of Literature

Studies on divorce are few and limited. Damle’s study of divorce in 131 villages in Pune (then known as Poona) district in Maharashtra in 1964-65, revealed that childlessness was not the contributing factor. However, another study conducted by Fonseca (1966) of 894 cases of divorce found a relationship between childlessness and divorce.

Choudhary (1988) reported that social and biological reasons are critical in breaking-up of the marital relationship. He also observed that the relationship between husband and wife

becomes more strained due to the irritating nature of the partner, extra-marital relations and other such reasons. Mehta’s (1975) pioneering study, ‘*Divorced Hindu Women*’ based on a small sample survey of 50 respondents, revealed an increasing tendency towards divorce.

It is necessary to study as to what extent background factors influence divorce trends. Who are the divorce-prone persons? Does one’s socioeconomic and cultural background promote divorce-proneness?

## Education and Divorce

Education — whether formal, non-formal or informal — plays an important role in bringing about significant changes in the individual, society and nation. A significant function of education is that it draws out the hidden qualities of individual beings. Psychologically speaking, education develops capacities of reasoning and reasoned judgment. It empowers men and women by infusing them with courage, self-confidence and a sense of independence.

The family in present day society, despite India’s age-old pluralistic and unitarian ethos is experiencing rapid but undesirable changes in many spheres of social life, where such a first institution of recorded human history has encountered a range of issues and challenges, like power relation among spouses, unusual marriage patterns, rising migration tendencies

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\* Associate Prof., Dept of Sociology, Margherita College, Tinsukia, Assam.

alienating elderly stock, unprecedented changes in transport and communication areas leading to frequent displacement of people and other modern technological impacts and aspects that have turned man virtually into a mechanized being who has lost all his time, spirit, attachment to or respect for relatives, elders, extended family members, grandparents and others.

All these have brought about complex ways of adaptations by social institutions, especially in family, kinship and marriage where the country is no longer the exception as we see gradual deteriorating of joint family norm and evolving of new institutions like crèche, old age homes, daycare centres, increasing number of orphanages, increasing divorce rates, budding deviant and criminal tendencies of youths, drug abuse, alarming situation of late marriages, growing pre and extra-marital affairs, plethora of domestic violence and mounting spousal tensions, alienation of elderly, materialistic attitude, etc., have given altogether a new dimension to the institution of family in India.

While the entire country has widely adopted the Western cultural traits with full acceptance and is hardly adhering to its rich past cultural or traditional roots now, it is the family that has lost many roles like proper socialization of children, regulation and control of children, etc.

The high social mobility is witnessed due to the processes of changing occupational patterns, further Sanskritization, westernization, and modernization like processes that have impoverished the natural beauty of the family; and concurrently, made it a competing agency in the society. Also, it has wielded severe impact upon the lives of men and women in varying ways and in turn the form and practices of family life. It may not be absurd to say that family, irrespective of identities like urban, rural, rich,

poor, high caste, low caste, etc., all have witnessed changes due to changing life styles, market economy, changing consumption patterns, emerging power relations, gender constructions etc.

Now joint family or extended family normative structure or collective ethos too has turned into lobbies, conspiracies, hatred for each other, competition with neighbours, status grin and show of before other kinships etc., has actually destroyed the core objective of the institution of family, i.e. mutual love, care and interdependence.

While there is no particular model to understand the changing curves of Kashmiri family and changed practices, there is; however, an obvious shift from cultural values to pure material values. In the contemporary India, we see family disorganization at its full pace as it got caught in the grip of conflicting interests and values, conflicting status and role obligations, faulty socialization and social communication, etc. A shift from collectivist culture to individualistic culture is witnessed as its reflection though people often brand it as liberty. modernization, rational social change, fast life, reflection of ancient traditional patterns and styles in new ways and forms, freedom to live one's own ways, etc., but observing the contemporary trends be it oppression meted to senior citizens, children, poor women, plight of girl child, rapes, incest, abortions for killing girl infants, new ways of raising children snatching grandparents role, parent's declining time and its influence on children, unsupervised children, plight of dual career families, single parent family situation, high divorce rates and frequency of child and spouses abuse, decline in emotional support or new marriage and cohabitation patterns etc., all indicate that family now is on the brim of desolation and has lost the normative regulations.

Also, the institution of family on the domestic front is facing certain moral challenges based on incompatibilities developed by spouses and such imbalances have resulted in high divorce rates round the country and not only that but such an abnormal trend has not been responded actively due to disappeared public sphere by the society. In a way, society has developed the social acceptance of such a high divorce rate.

### **Of Divorce and the Growing Social Acceptance**

With the declining normative structure of the society, various social pathologies have come to fore. The institution of family is deteriorating and with the result divorce, single-parent families, no marriages, late marriages, etc., like social realities are emerging. Besides, increase in divorce rates is directly proportional to the increased social acceptance of the divorces in the current dystopian society and vice versa. Strained relations or endurance of unhappy marriages have lost significance due to decreasing informal social control, declining religiosity and emergence of a liberal response of the institution of religion towards the issue.

Moreover, job stress, incompatibility among couples, distance and work place, failed love marriages, infidelity or extramarital affairs etc., and above all increased legal aid has facilitated the further social acceptance of divorce. On the reasons for high divorce rates and more importantly the growing social acceptance for divorces, Advocate Sabiha Sindhi, a famous Indian civil lawyer, argues:

“The increasing divorce rate is not the reflection of liberal divorce laws or free legal aid but the growing domestic tussle between a man and a woman, further the breakup of extended and joint family into the vulnerable nuclear family, mounting moral crisis, false sense of career contest between spouses, wrong interpretation

of gender egalitarianism, rising material hunger, spousal tensions out of ego clashes, understanding marriage as a relation of need and greed, emerged annoyed and rigid nature of spouses and most prominently the lack of moral and actual realization of education, etc., have actually led to such a social pathology”.

“The social acceptance for intensifying divorce rates in Indian subcontinent is quite anticipated as we all have stepped in the era of individualism, instrumentalism, materialism and ‘give it a go’ culture. Therefore, the lessened moral density with hardly any societal pressures, no sense of social stigma, broken basic institutions and social bonds etc., have embraced the holistic Indian society and such a catastrophic situation has actually led to the social acceptance of vices like pre or extra-marital affairs, adultery, wife beating, acute domestic violence, killing dowry demands and last nail in the coffin of collective moral structure- the social acceptance of divorce”.

Out of the divorce process, it is the child who suffers to the worst and becomes the victim of the separation of his parents, who most often remarry to others. It is highly observed that children from such a broken family tend to be depressed, tortured physically, emotionally etc., thus turn emotionally and educationally weak, develop deviant characteristics, develop many bad habits, turn untruthful to others, and suffer from so many psychological and social pathologies. The children at the hands of step parents face hardships and lack of care, love and affection.

### **Children and Sense of Victimization**

Parenthood is one of the important social roles in terms of care giving and successful family life of the child. Also, a functional parenthood is imperative for proper home maintenance, well

adjustment of the children at home or for their induction in the general normative culture. Now as the institution of family has developed cracks, marry, divorce and remarry being the current social reality and resulting in step-parenting that has come into existence considerably. Besides, west, in this part of the globe as well. Step parenting or emergence of more step child/step siblinghood is unavoidable and there is no alternative to it. Children are destined to bear the brunt out of their parents' broken marital bonds and with the introduction of a new partner to either of their parents or to family, the problems of re-socialization emerge that is required when an adult becomes a step parent or a child becomes a step child or step sibling.

Further, the issues of incompatibility between step parent and children, non-adjustment with each other, lack of mutual love or natural disliking for one another turns things from bad to worse. On the plight of children in step families, I would quote sociologist, Andrew J Cherlin, who concluded on the basis of his many studies that 'the wellbeing of children in step families is no better, on an average than the well-being of children in divorced or single parent households'. Further observations prove that step parent's involvement hardly guarantees improvement in the family life in fact standards decline.

Sociological fallouts of step parenting on children can be in the form of bad healthcare of children, lack of quality education for children, less money spent on children, ego clashes and sibling rivalry among step siblings, deviant attitude, poor cultural capital, etc.

Divorce is now being often treated as a practical option to put an end to domestic or spousal tensions. Also, people do not want to cling more to strained relationship; therefore, paving the way to increasing divorces. Further, the staunch false

sense of competition between man and woman has shaped up a new family ethos and given a more competitive look to the family where salaries matter more than the status of a husband or a wife, where a woman measures her authority on the basis of economic independence and this whole state of affairs has shaped up power relations in the family. Furthermore, more legal awareness, free legal aid, increased education among women has also encouraged troubled spouses to part resulting in increasing divorces.

The new found freedom by inmates due to economic independence, education, exposure to outer world, etc., particularly women, no longer have to spend ages thinking about the consequences of a disturbed marriage. Consequently, relationships are failing and fake bonds are breaking. Thus, to conclude, it can be said that marriage should be a well-thought endeavor of life and selection of the right partner should be the prime focus. If this understanding is missing between the spouses and the marriage is a continuous malady, then it is desirable that the marriage should be dissolved. This is the reason why the attitude of legislature changed from the "guilt theory" to the "divorce by mutual consent".

The psyche needs to be changed for collective good and mutual love for the family and the inmates of the family. We have to learn to live beyond the deficiencies and blames and avoid the relationships based on need and greed factor. We have to revisit our past and go with the technique of continuity and change but not absolute change. The larger question that remains with an alarming question mark at its end is: Are we failing the family or is the family failing us?



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