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Marginalities in India

Themes and Perspectives

Springer

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Preface and Acknowledgements

The theme of this present volume emerged out of the meaningful conversations and debates in the National Seminar on 'Sociology of Marginality: Contemporary issues' organised by Department of Sociology, Vidyasagar University, West Bengal on 19–20 March 2014. Instead of dissipating our energies in conversations, however meaningful, we decided to concretise the dialogues set in motion by those who were part of the seminar as well as those who were selected to be paper contributors, in the form of an edited volume.

We were initiated into the discourse on marginality by Debarshi Talukdar, who persuaded us to organise a conference on this theme. We are immensely grateful to him for that. The unstinting support and encouragement from Partha Nath Mukherjee, who provided the keynote address in the seminar, helped us embark upon this endeavour to come up with an edited volume on this theme. We benefitted immensely from our conversations on the theme with Pradip Kumar Bose during the seminar and later as well. Rekha Pande was generous with her time, and interactions with her gave us the much needed enthusiasm. Our thanks and appreciation goes to Ranjan Chakrabarti, Vice Chancellor, Vidyasagar University, for his constant encouragement and support in this venture. The receipt of grant from two of our funding agencies, viz. University Grants Commission (UGC) and Indian Council of Social Science Research (ICSSR) towards organising this National Seminar eased our work, and we could organise a national seminar. We are also grateful to Central University of Gujarat for providing institutional support. We are thankful to all the paper contributors of the book who have made sincere efforts to share their research ideas and work. We are also thankful to the anonymous reviewers of the book for their invaluable comments.

This edited volume has been a challenge to understand marginality in India, marginalised social categories and the pathways to social justice. It draws field/empirical experiences across varied Indian states. The volume's contemporary thrust is sure to revive scholarly and policy interests among cross section of people from the academia, policy makers and activists. The multidisciplinary nature of the book will be instructive for students and researchers in the field of sociology,

anthropology, historical and political studies, demography, social work and gender studies, public policy in particular and broadly in the human sciences.

Finally, we are thankful to our family members and beloved ones without whose relentless support and encouragement this book would not have been possible.

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Contents

Part VI   Political Geography of Violence

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List of Figures

List of Tables

List of Maps

Part I
Conceptual Considerations

Chapter 1
Situating Marginalities in India:
An Introduction

Asmita Bhattacharyya and Sudeep Basu

The full-fledged concept of 'marginality' entered the sociological canon through Robert Park's famous essay on 'Migration and Marginal Man' in 1924. Since then, it has continued to pre-occupy social scientists. But post-feminist and post-structuralist thinkers, in later periods, would construct this marginality in terms of 'otherness' to exemplify their marginal position with respect to the centre. The marginals hold peripheral positions in the society as they are excluded from accessing power at the centre. They are excluded by virtue of their social attributes such as race, caste, gender or religion. They do not fit into the normative conventions and are hence designated as the 'other'. The scope of the concept has broadened to include in its domain areas such as ecology, displacement, sexuality, disability rights, delinquency, old-age etc.

What constitutes situations of marginality for different groups or individuals situated variously in the social structure? What do their articulations of marginality tell us about ourselves and other, our idealised versions of them? Are their different ways of being marginal in society? What is the heuristic value of the concept of marginality in allowing us to apprehend processes of transformations, integration and conflicts? Both overt and covert, incipient forms of marginality are principally observed in three main spheres—public (political) sphere, religious cultural sphere and economic sphere. Such questions and concerns have repeatedly been posed in the literature on marginality since the time it came into vogue in the early decades of the twentieth century. Much of the conceptual fuzziness surrounding the concept of marginality has since been cleared through new perspectives, methodologies and debates, which stress on its structural and cultural features and its essential versus

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processual, inside-outside, identity—'in-betweenness' stigma, voluntarism, visibility aspects (Park 1928; Stonequist 1937; Glass 1962). The cumulative effect of these early and later works in the field of marginality studies prompts a reassessment of the analytical category of marginality in the typically Indian context, its uses in raising questions about the nature of social power and in linking the micro-politics of marginality with structural and historical processes.

Of late, the notion of an inclusive growth model has gained prominence in development research and policy formulation. The distinctiveness of the various forms of marginality in India is observable, for instance, in the prevalence of hunger in some select pockets, forcible land acquisitions and its impact on deprived sections of society, material deprivation and exclusion of religious, ethnic and sexual minorities and tribals as a result of conflicts, continuing caste discrimination, reported cases of atrocities against dalits and regional disparities, gendered forms of exclusion and those related to disability. This list is by no means exhaustive, but it is suggestive of the need to address marginalities at the very site(s) of their occurrences, that is in customary practices, laws, codes, markets and ethico-political traditions of our society. In doing so, it provides new vantage points for social critique and policy-making. The discourses on marginality and marginalisation of individual or group therefore hold relevance in a country like India, having myriad diversities based on region, language, culture, race, class, caste, gender, sex, religion, etc.

Our endeavour through this volume is to capture both the structural and experiential dimensions of marginality, without posing its problems and paradoxes solely in terms of established binaries of power-powerless; inside-outside; self-group. The analytical lens that we purport to adopt is to view marginal subjectivities not in essentialist terms but in terms of 'becoming' through encounters with collective entities of the State, civil society, market and law, which serve to transform experiences of suffering, impoverishment and exclusions into narratives of struggle, resistance and quest for dignity and justice, both passive and active. Unpacking the discourse on marginality is therefore imperative for examining the nature of relation that it sets up with the normative ideals in a democracy such as ours. Notionally, the scope and practice of marginality in the Indian context has to be necessarily expanded from the twin notions of purity and pollution workable in the context of caste society to one of exclusion, discriminations and restrictions produced out of the intersection of caste, religion, state and the market. The paper contributors endowed with various disciplinary trainings seek to critically reflect on the concept of 'marginality' by raising some uncomfortable questions and provisionally addressing them in the spirit of what Foucault called the 'ethic of discomfort'.

At a *first* level, by considering marginality in its broad and rich sense—e.g. the marginality of an idea, of a scholarly topic or theme of research, of a methodology or way of thinking, 'marginal knowledges', cultures and schools of thought—one of the major aims of this book is precisely to articulate, as far as it is possible, a conceptualisation of what marginality is, how it is perceived, constructed and deconstructed, and of the role it plays in the dynamic of knowledge creation across humanistic disciplines. We are reviving the ideological positions, epistemic options

and thematic choices that are available to us on marginal knowledge. It largely delves with conceptual and analytical value or theoretical-conceptual underpinnings. At a *second* level, as an extension of the above referred premises, we realise at the empirical setting to challenge and complement the dominant (centre-based) paradigms in social sciences and humanities, precisely by making the case that the categories of 'margins' ('marginal', 'peripheral', 'minor', 'non-canonical') and 'centre' ('mainstream', 'canonical', 'major') are always relative, flexible and, above all, context-dependent. Finally, at a *third* level, we like to address the context of social movements, legislation and successes therein for necessary redressal towards equitable society.

This edited volume brings to light the principal ways of thinking about marginalities which primarily consists of the focus on normative principles of justice (legal order) as envisioned by the Indian constitution. Revisiting the contentious issue of marginality is crucial in order to ascertain: firstly, the nature and range of epistemic and visceral violence against the marginalised, secondly, whether the existing enactments and knowledge systems for combating marginalisation address embedded hierarchies and social inequalities, and thirdly, how at the level of knowledge and State practices, these principles have been kept apart from the subjective notions and experiences that individuals and groups have in relation to their marginalities and injustices. This book also discusses the various forms of social and economic exclusion (discrimination and marginalisation) that persist in contemporary India, and how they may be remedied. The process of remedies is at organisational, state and civil society levels.

At the margins, we can explore identity as a process rather than a fixed entity, stressing the multiplicity of groups to which individuals or groups belong. The *feelings at the margins* offers a uniquely interdisciplinary take on the contemporary phenomenon of marginalisation in Indian subcontinent and its emotional impact on the marginal in our society. Sociological concern with the phenomena of marginalisation is not new, though the concern remains both important and relevant even today, as we are confronted with new forms of exclusions and marginalisation in the larger context of neoliberalism. The topic is widely debated in academia that led to opening up of new centres in India under rubric of exclusion and inclusion studies to concentrate on researches in this niche and substantive areas.

The paper by Partha Nath Mukherjee in delineating the theoretical trajectory of the concept of marginality and marginalisation goes on to argue how the terrain of marginality is firmly geared to the idea of justice. The paper brings in historical rootedness of the concept having its Western origin in '*Marginal Man*'. This has reference to the 'cultural marginality' affecting individual/group out of psychological/personality disorder or social disorganisation. But its usage does not fit India's marginality context as it is embedded in structural inequities. Legality or justice demands a way towards distributive justice or Gandhian principles of *Antyodaya* (later put into practice by Vinoba Bhave) or giving special consideration to the marginalised sections. But deliverance of justice may not be easy; therefore, civil society organisations, social movements, insurrectionary wars, etc. may act as agents of transformation.

1.1   Marginalities of Yore: Caste

The fact that the former untouchable castes continue to be subjected to various forms of discrimination, both by the wider society and by agencies of the state, is well-testified by numerous reports and surveys. Documenting these forms of discrimination is crucial in order to critique and challenge them, and also to enable the State to live up to its constitutional mandate. How do the ex-untouchables articulate alternative modes of collective action at the local level? How are the structurally defined roles of dalits redefined by social movements in neoliberal times? The accumulated indignations and deprivations of the marginalised are frequently manifested by their participation in organised social movements of diverse forms. In a bid to build more inclusive laws (and policies), these strategies have included advocacy for legislation and policy commitments. Sudeep Basu in his paper examines the trajectory of the marginalised Dalits, from a stigmatised subjectivity to enabling ones within this contemporary socio-political order. The very identity of being 'Dalit' is equated with untouchability or 'Harijan' (or son of God) and is subject to exclusion, deprivation, marginalisation and stigmatisation that get reinforced in social and cultural practices. Consequently, they are ghettoized, lack acceptance in the larger academic community, closure from markets in the peak hours, 'invisibility' or under-representation in media and popular culture, and are restricted to sanitary, scavenging, sewerage and toilet cleaning occupations. Of late, their critical voices have got encrypted through epithets, slogans and wordplay in the public spaces—streets, urban neighbourhoods, and in the institutional spaces. Even the new literary works or Dalit *Sahitya* depicts the richness of their life and reveals new forms of self-making. Suratha Kumar Malik analyses the first most popular and largest Dalit movements (2005–2008) for entry of the Dalits in Keradagada temple, Odisha, after fifty-eight years of India's independence. This protest movement arose out of their enhanced education and through their mobilisation against the 'rule of land' dictated by village power structure. It attained some success in terms of gaining entry to the temple but not the inner sanctum though. The movement was thwarted midway due to lack of unity, leadership and a strong organisation. It provided the backdrop for future Dalit struggles against oppression.

1.2   Development, Displacement and the Tribal Question

Bringing forth the everyday context and social processes serves to reflect the constant friction between generational ideas of justice, legality of the state, socialities and the practice of development. From taking over land by the state leading to displacement, to building oil and gas pipelines, constructing airports, laying railway tracks, cleaning cities and their consequent socio-economic effects on the excluded—the constitution of the development discourse is one which needs to

recombine and assess not only links between the narratives of development and the shifting patterns of entitlements and rights of the excluded over critical resources. The poor performance of upholding tribal rights is seen in terms of basic living standards. Impoverishment among tribals is due to insecurity of land tenure and usurpation of land by private interests and the state. While the constitution and other legislations aim to address the rights of scheduled tribes, other statutory laws and prerogatives of development often challenge and limit these rights. Clearly, tribal rights have been standing on thin ice since independence. Legitimate questions can therefore be asked and addressed through the course of our discussions as to what impact legislations and policy have had on tribal mode of life. There is also a need for reconceptualising the positioning of law in relation to the discourse on tribal identity and development. Pankaj Kumar's paper critically reflects on India's developmental policies of industrialisation, dam construction and initiation of mining projects leading to the process of displacement. The paper examines the displacement process of marginalised tribes from the project site of Jaduguda Uranium mining project and processing unit (UCIL) in Jharkhand. The displaced were forcefully stripped from their land and their livelihood, damaging their folk wisdom and folk culture to deal with their phenomenological world. Binu Sundas's paper on The State and the Autochthons: Development Induced Conflict captures the context in which the docile and nature loving Lepchas broke into an agitation against hydel power project initiated by the state. Their collective conscience awoke once felt that their livelihood and cultural heritage at Dzongu, in Sikkim, were endangered due to development projects. Arnab Roy Chowdhury in his paper debunks the dominant hegemonic narrative or official history of the Bengal's Naxalbari movements in 1967 and re-examines marginal spaces of exclusion that the movement created. In real terms, the pangs of hunger and helplessness of *adivasis* and Santhals that evoked primitive 'violence' was converted to voyeuristic show of blood and display of overt layers of violence guided by the ideological phantasm of Karl Marx and Mao Tse-tung. Anurima Mukherjee Basu in her paper critically evaluates the process of engagement and disengagement of the local communities in managing and conserving forest resources across different historical periods in India. This delicate balance between the local communities and the forest resources got strained when the commercial exploitation of the forest creeps in during colonial and early post-colonial period resulted in alienating the indigenous communities from their livelihood. But in post-1970s phase, increasing environmental awareness out of rapid deterioration of forest cover has sought restoration of the original nexus of maintenance of forest with the traditional community knowledge of the local communities. With this end in view, so to attain sustainability of forest cover, governmental policy initiatives like Social forestry or joint forest management are initiated in attempt to restore the balance between tribes and ecology. In Kipgen's work, which has been ethnographic in nature, the issues and problems that revolve around land laws and policies in Manipur have been examined and an explanation of why such positions have been imbibed among the tribal people affecting their political, economic and social development. Ruchira Das's paper reflects on the anxieties and paradoxes for the 'right kind' of formal

education among the migrant Santals hailing from Bihar, Jharkhand, and Orissa are settled in Santragachi, Kolkata, for more than three decades. This paper gets into generational discourses to understand the dilemmas between retention of indigenous 'Santhal' language/culture with that of market-oriented English education or choosing private schooling over government schools for their children. Nevertheless, the demand for English mode of education among them is on rise to attain social, cultural and economic capital so to attain upwardly mobile middle-class character. Thus, demand increases for state to frame suitable educational policies that are market-oriented and dynamic for uplifting marginalised tribal groups

1.3 Minority and Gendered Positions: An Intersectional Perspective

It is a truism that minorities remain excluded from the decision-making processes of Indian national life at various levels of governance with the consequence that constitutionally guaranteed rights are not implemented in practice. Further, the members of minority community are exposed to abuses perpetrated by private individuals with the criminal justice system failing in many instances to provide legal redress to minorities for abuses suffered. The focus of the discussion would be to show how the protective strategy of the state as it has evolved in the decades following the adoption of our constitution creates situations of marginality and disempowerment for the minorities and how this in turn produce incipient demands for justice. The predicament of women in relation to minority status further complicates received understanding of marginalities. The efficacy of a move from a protection-based strategy to a rights-based approach to less adverse forms of inclusion of minorities and gender in a democracy would be scrutinised. Esita Sur's paper depicts multilayered marginalised subjection of the Muslim women that are both metaphoric and real. Gendered marginality represented in popular stereotypical representation as 'veiled', 'entrenched by triple talaq', 'multiple marriages', etc., is further reinforced by popular discourses, other than their poor socio-economic condition or educational status, etc. consequently leading to their discrimination in private and public institutions. Their status becomes more vulnerable when state keeps a 'principled distance' from minorities and also refuses to intervene in the domain of personal law that makes way for religious preachers to define their destinies. As a case to the point, Shah Bano case and other microscopic progressive voices are silenced. Santanu Panda in his paper undertakes micro-level comparative anthropological study, to assess marginalisation among Muslims in terms of socio-economic and demographic parameters with that of lower castes Hindu, lower castes people inhabiting in a village (Delua), West Bengal. The findings are in contradiction to those of the prevalent notion affirming Muslim's marginalised status reflected in most macro-level studies. In this case, field view

reveals that the leftist political rule in Bengal was attentive to the needs of Muslim women, which made them politically conscious, economically active through self-help groups and socially 'unveiled' unlike that of low-caste Hindu women in above referred area.

Gender as a social construct disfavours women by rendering them marginalised from time immemorial. Its path towards empowerment encompasses a new horizon of challenges against subjection by men. Understanding of marginalised gendered position entails an exploration of the implications of factors such as patriarchy, knowledge discourses, State-run welfare programs, capitalism, class and religious minority status. It is imperative to identify the interactional perspectives which give meaning to equity claims. Asmita Bhattacharyya in her paper unravels gendered marginality in the upcoming global workplace, Software Industry in Kolkata, which is otherwise considered an egalitarian and non-discriminatory workspace. The feeling of marginalization in terms of salary, project and promotion among women techies operates covertly through gender stereotyping. The intersection of visible and invisible factors of gender, class, marital status, patriarchal ideologies and capital further creates exclusionary outcomes that debar women from the benefits of that sector. Shoma Choudhury in her paper goes beyond the structural understanding of marginality towards a more processual approach, where marginalisation is seen as created and recreated through everyday practices. The paper contextualises the experiences of women activists of the People's Science Movement in Kerala—the radical space—aiming at popularising science to the masses. This radical space also does not give the breather to the 'dominant' women— middle-class professionals—both as the participant and as the member of the within this social movement. The reason being that they have to negotiate the 'patriarchal structure' both at the private and the public sphere so to be part of the movement, therefore, they could not get away from their marginalised state. The account leaves them in a paradox as the movement working towards social transformation is expected to shed its patriarchal characteristic.

1.4 Embodied Marginalities

The 'other' category of marginalised population includes the disabled, the elderly and homosexuals have remained outside the dominant discourse of marginality. Retrieving their anecdotes and narratives is a means to institute a redressal mechanism for them. Working towards provisions for special privileges or protective discrimination and also by bringing in new laws so as to empower this segment are some of the means by which this can be achieved. Rekha Pande in her study brings in narratives of marginalised identity of '*third sex*' of LGBT (lesbian, gay, bisexual and transgender) group. She evocatively brings to light the traumatised everyday life situation of transgender sex workers in Hyderabad. The bisexual sex workers stand excluded due to their multivalent sex identities and also for not having any gender status in their social and cultural life, in economic life, in politics and in

decision-making processes, thus making them vulnerable to violence in their day-to-day life. Smita Verma's paper explores the social-cultural trajectory that makes the elderly to move out of their home to the institutionalised care settings or popularly known as old-age homes in contemporary India. To add to their ordeal, these old-age homes are not well-equipped to give them the needed comfort. The author captures narratives of pain, dilemmas, alienation and feeling of exclusion among the elderly of Lucknow city. Sadhna Gupta's paper underlines the reinstating human rights through legislation for the disabled in India. The disabled population are on rise both globally and in India, because the disabled are in consequent of biological and social factors. Legislation is often a culmination of collective voices or movements for actualising basic human rights, welfare and for deliverance of justice for the affected or marginalised groups. The paper reviews two notable legislation in India viz. Disabilities Act, 1995, and Disabilities Bill, 2016, aimed at empowering the disabled by ensuring their rights and entitlements, so to ensure effective inclusion of them in the society. Through this discussion, the author tries to prove that the legislation ensures that the human rights are not a myth for the disabled but a reality.

1.5   Political Geographies of Exclusion

The accumulated indignations and deprivations of the marginalised are frequently manifested by their participation in organised social movements of diverse forms. Significantly enough, the state and civil society initiatives to selectively co-opt and integrate collective mobilisation and the ideas generated out of it into the social development discourse have been one of the observable trends. How do the marginalised articulate alternative modes of collective action at certain geographical settings? In a bid to build more inclusive laws (and policies), these strategies have included advocacy for legislation and policy commitments, alongside public interest litigation, fact finding and other law reforms. Anindita Ghoshal in her paper puts forward the complex and marginalised state of migrant Chakmas refugees, denoted as 'stateless persons' and illegal migrants and are victim of repressive policies of the states. They were forcefully evicted by Pakistan and then by Bangladesh from their homeland at Chittagong Hill Tracts (CHT) in East Pakistan due to their non-Muslim and non-Bengali ethnic identity and also the evictors had commercial interest at CHT. The refugees took natural shelter, first in Arunachal Pradesh and then at Tripura, but here also they are trapped amidst the state-Centre binaries, faced local undercurrents and resentment from the domicile tribals. The states, the respective societies and the locals are responsible for their present complex marginalised state. Javaid Iqbal Bhat in his paper articulates the separatist or the resistance movements in Kashmir. He argues these movements representing marginal groups often do not take into account the role of historical memory of individual units, with the result they threaten to be unsuccessful. He uses the method of resistance in the film 'One Flew over the Cuckoo's Nest' to analyse the

problem of resistance in larger groups such as the World Social Forum, Democratic Students Union and the All Parties Hurriyat Conference. Just as the method of resistance used in the film comes to a tragic failure, so is the possibility of failure in these other larger groups because in all of them historical memory and its implications are ignored while cobbling up movements against dominant systems of power. He believes that resistance based on solidarity of marginal groups should factor in the pulls and pressures of historical memory in order to accomplish the proposed goals.

This volume on Marginalities in India is sure to attract not only scholars with a regional interest in the marginality thematic, but also researchers more broadly concerned with the interplay between stigma, marginality, capital, culture and emotion. Moreover, the book's vivid ethnographic case studies—detailing recurring acts of violence against communities based on their ethnicity, gender and religion— and discussions on significant socio-cultural and political developments in early twenty-first-century India will make it a valuable resource for scholars and students of social exclusion and activism.

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Chapter 2
Marginality, Marginalisation and the Idea of Justice

Partha Nath Mukherji

2.1 Preface

My first acquaintance with the term 'marginal', if I remember right, was way back in 1963. Professor S.C. Dube had come to our Department of Sociology, Patna University, on academic business. He was an iconic figure in our eyes. I was a fresh faculty entrant in the Postgraduate Department pursuing my Ph.D. on the Gramdan Sarvodaya movement. In the evening, he gave an inspiring, awesome, extempore lecture, in chaste and mellifluent Hindi—not a single word of English did he use. Enthralled, we heard him speak on *seemant manav*—the *marginal man*. Little do I recollect of the hour-long lecture, except that he spoke of 'manav' betwixt two cross-cutting cultures, and that I had felt proud to be one. A domiciled Bengali in Bihar, I felt proud and happy to be astride two cultures, participating in both with facility! Prof. Dube was quite familiar with the theory of the *marginal man* and chose to apply it to the indigenous context. He had included the integrative role of cultural marginality.

This paper will be largely **conceptual–theoretical** in nature. I will invite you to critically examine whether this enables you a more efficient understanding of the substantial areas of marginality and deprivation with which you are familiar.

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2.2   Marginality: Theoretical Foundations

Marginality is an adverse state or condition of existence of individuals/groups in a relation of subordination or inferiority to individuals/groups that are at the 'centre' or 'mainstream'. Marginality and centrality therefore go together for an understanding of each. *Marginalisation* is the *process* by which the condition of *marginalised* is reached. However, the conceptual–theoretical orientations of marginality and marginalisation vary; consequently, the foundations of corresponding theorisations vary accordingly. The difference between the two approaches is paradigmatic and can be identified: (a) conceptual and theoretical orientations that are rooted in *cultural* marginality and (b) those that are anchored in *structural* marginality. The former is identified with the tradition of the *marginal man*; the latter finds its elaboration in the *contradictions* embedded in the iniquitous societal system. The classification is not to suggest total absence of overlaps, but they are fundamentally different approaches. The former is psychologistic, inasmuch as the consequences of marginalisation are sought in how this is associated with the 'personality type' of the individual/group ranging from possible deleterious effects of personal and/or social disorganisation, *and* bursts of creativity and extraordinary leadership of marginal individuals/groups. The latter focuses on the *alienation* that could come about as a consequence conflicts arising out of the marginalised situation between the dominant and the aggrieved groups in opposition.

More recently, we are inundated with the concern for *social exclusion,* and the state is emphatic on making its policies of development *inclusive*.

At the initiative of the University Grants Commission, many universities have opened departments of inclusion and exclusion to concentrate on researches in this substantive area and to disseminate the problems associated with it. It is sometimes quite difficult to make out how the socially excluded are different from the marginalised. The Wikipedia brackets them as one and the same. Conceptual confusion prevails.

Structural marginality found expression in the Marxist paradigm roughly at the same time that issues of cultural marginality surfaced in the early decades of the twentieth century. The former had to do largely with internal contradictions in a society that produced conflict and change, while the latter was a product of the huge migrations that moved to centres of rapid capitalist development creating conditions of cultural conflicts. The origin of the *conceptualisation* of marginality took place in the context of cultural conflict in the form of the *marginal man* but found its application much beyond its paradigmatic origin.

The Marginal Man: Robert Ezra Park, among the pillars of the famous Chicago School of sociology, was the first to conceptualise the *marginal man* as early as in 1928. The social world in the West was transiting rapidly from the traditional to the urban–industrial–modern. The USA was witnessing a massive movement of populations both from overseas and internally. During and after the American Civil War (1861–1865), between 1860 and 1914 (World War I), the rural population

doubled when the urban increased sevenfold. From 1880 till 1914, some 20 million immigrants arrived in the USA, and many of these were rural peasants from southern Europe, who got ghettoised in the industrial urban centres. Park's conceptualisation of the *marginal man* takes place in these objective conditions (Goldberg 2012). He perceived the *marginal man* as:

> a cultural hybrid, a man living and sharing intimately in the cultural life and traditions of two distinct peoples; never quite willing to break, even if he were permitted to do so, with his past and his traditions, and not quite accepted, because of racial prejudice, in the new society in which he now sought to find a place. He was a man on the margin of two cultures and two societies, which never completely interpenetrated and fused (1928: 892 in Goldberg 2012; 2/9).

Almost a decade later in the introduction of the study by his student Everett V. Stonequist, *The marginal man*, he drew attention to the cultural conflict that the *marginal man* underwent following prolonged cultural contact that contributed to the emergence of the 'personality type'. He was fated 'to live in two societies and in two, not merely different but *antagonistic* cultures' (Stonequist [1937] 1965: 4–5; in Goldberg 2012; 2/9; italics added). Although the *marginal man* was a generalised concept, the Jewish immigrant was his archetype: 'The emancipated Jew was, and is, historically and typically', he observed, 'the *marginal man*, the first cosmopolite and citizen of the world' (Park 1928: 892; in Goldberg 2012; 2/9).

Archetype apart, the 'mixed-race individual 'was also included in the category, by Park, possibly under the influence of the African American sociologist, W.E.B. Du Bois, who wrote on the 'American Negro'. Over time, the concept got extended to include African Americans, and the Asian Americans. All these groups found themselves at 'the intersection of two worlds' (Goldberg 2012; 2/9).

Stonequist's formulation underlines the psychologistic fallout of the *marginal man* thesis:

> The *marginal man* is…poised in psychological uncertainty between two (or more) social worlds; reflecting in his soul the discords and harmonies, repulsions and attractions of these worlds, one of which is often 'dominant' over the other; within which membership is implicitly if not explicitly based upon birth and ancestry (race or nationality); and where exclusion removes the individual from a system of group relations (1937: 8; in Billison 32).

He observed that 'we experience at some point in our lives the kind of "dual personality associated with marginality"' (quoted by Billison 2005: 32).

Theorising the *marginal man* led to ambiguities. On the one hand, cultural marginality could lead to his 'mental conflict' and personal disorganisation, and consequently to, social disorganisation preventing his 'psychological integration'. On the other hand, this very simultaneous living in two worlds made the *marginal man* 'the individual with the wider horizon, the keener intelligence, the more detached and rational viewpoint', capable of becoming a creative agent (Park in Stonequist [1937] 1965: xvii–xviii; in Goldberg 2012; 3/9). Louis Wirth, also Park's student, extended Park's thesis by suggesting there was no inevitably about cultural conflict leading to personal disorganisation and delinquency. On the contrary, 'far from becoming a criminal, [he] may develop into a prophet, a reformer or

a political leader' (Wirth [1931] 1964: 241; in Goldberg 2012; 3/9). Numerous researches were carried out on the model of the *marginal man* in the area of race and ethnic relations in the USA. The USA was trying to forge via the *marginal man*, the melting pot that would become typically American.

The shift from race and ethnic relations to gender relations began in the fifties. It was argued that 'the marginal woman [was] torn between rejection and acceptance of traditional roles and attributes' (Hacker 1951: 67–68; in Goldberg 2012). Allegations were made that 'the concept of the [*marginal man*] is intrinsically male' (Deegan 2002: 103; in Goldberg 2012; 4/9).

From the forties, Park's theory of the *marginal man* was extended to status dilemmas in occupational roles and professions. Its application found expression in the roles of the foreman, the chiropractor,[1] the druggist, the merchant-marine radio operator, the university dean of student personnel, the engineering technician, the integrative manager, the university labour educator and the academic general practitioner (Goldberg 2012; 4/9). Varieties of researches have taken off from the hypotheses generated by the Park–Stonequist framework.

The paradoxes of marginality stemming from the *marginal man* framework have been discussed and debated extensively. Rutledge Dennis points out that the paradox of 'dual marginality' lies not in the marginalised 'being outside the social sphere' as it is made out to be, but rather that 'they are both "outsiders as insiders" and "insiders as outsiders"'. Actually, there is no escape from the social sphere. They are just ignored 'because with power, position and status do not view [them] as important to recognise, except within limited economic, political or cultural boundaries' (Rutledge 2005: 4). Billson critiques, The *marginal man* as an 'omnibus term' a kind of *hold-all* category that admitted diverse forms of marginality, which 'by including everything includes nothing'. The term needs careful application after specification of relevant parameters (Billson 2005: 33).

The resilience of the *marginal man* concept in the USA can be attributed to the increasing multiculturality of the American society with prolonged culture contacts between diverse cultures and the scope for potential or actual culture conflicts. The marginalised are not necessarily at the bottom of the hierarchy of cultures but also refer to those who are sandwiched in between cultures. So too is it with articulation role structures. The concept had not caught the imagination of the non-western world until recently, and that too mostly within the fold of structural marginality. The concept of the *marginal man* is indigenous to the West, particularly the USA.

There are several difficulties with this omnibus concept. First, the condition of cultural marginality may produce personality types ranging from the delinquent to the creative genius, the reformer, the messiah; second, it is not clear what to make out of the Jew who is supposed to be the archetype of the *marginal man* combining positions of power and influence as reformers leaders and even prophets; the

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[1]Chiropractic is 'a system of complementary medicine based on the diagnosis and manipulative treatment of misalignments of the joints, especially those of the spinal column, which are held to cause other disorders by affecting the nerves, muscles, and organs' (Judyth Pearsall, [1998] *The New Oxford Dictionary of English*, Oxford. Clarendon Press, 320).

marginal are not necessarily economically impoverished, but culturally discriminated; marginalisation is a process that suggests downward mobility, but this does not come out clear; third, marginality is not an absolute condition and there are degrees of marginality in a continuum; fourth, a group may be marginalised in the cultural domain and not in the others; finally, the *marginal man* tradition does not tie up with the structural realities of power, class, ethnicity and the rest.

2.2.1 Sources of Marginality: Structural Marginality

Contemporary concern is largely with structural marginality that does not stem from the Park–Stonequist framework. The intellectual foundations of this paradigm lie in the socialist tradition of contradiction, conflict, change and development. It is premised on the values of equality, freedom and justice. As Billson points out, structural marginality 'refers to the political, social and economic powerlessness of certain disenfranchised and or disadvantaged segments within society. It springs from the location in the socio-economic structures of society, rather than from cultural or social role dilemmas' (Billson 2005: 31). I have already pointed out the Marxist moorings of structural marginality; hence, there is no need to elaborate a fairly familiar terrain.

Research and theorisation must be relevant and methodologically rigorous. The hegemonisation of social sciences produced in the West can be well appreciated; after all, the sciences, whether natural or social, were institutionalised in the West. However, whatever is indigenous to the West need not be universal for the rest. In indigenising social sciences, theory and research (as opposed to their parochialisation) lies in the path of their universalisation. Whether it is marginalisation or social exclusion, I believe that the structural reality cannot be kept outside of the framework. Since these are manifest asymmetries or inequities in social relations, it is vastly important to introduce the elements of equality, freedom and justice as the core values. Can we capture the inequities in marginalisation and social exclusion effectively and efficiently?

2.2.1.1 An Alternative Framework: The Basic Structures

To be able to get a structural formulation of marginalisation, we need to articulate a relevant framework of basic structures of a social system. I have defined the social system as:

> a *system of social interaction* being constituted of interrelated and interpenetrating "parts" (or structures), such that changes in any one or more of these will/can have consequences for one or more or all of the others' (Mukherji 2013: 110).

A structural theoretical approach, Marxist or non-Marxist in orientation, entertains some notion of system and structures. The differences lie in how 'structures'

are conceived and in the manner in which the 'system' is constituted of its parts (structures), in their interrelationship. In the former, there is a differentiation in terms of basic and supra-structures; in the latter, in terms of variants of the Parsonian functional requisites: adaptive, goal-attainment, integrative and latency (AGIL) structures.

Whether it is marginality issuing from cultural *hierarchy*, or from contradictions within a *stratified* social system, the central structural reality common to both is that of *relations of asymmetries* in the societal system, with reference to which marginality is perceived and felt. *Freedom* and *equality* are the core values that underlie a *just* society that is always in the *becoming*, rather than in the *being*. These abstract values are difficult to concretise in structural terms.

Since there is no perfectly just society free from hierarchy, stratification, and consequently, relations of asymmetries (except in utopia), it is proposed that we describe a social (societal) system in terms of the structural *counter-concepts* of (social) discrimination, (class) exploitation, (political) oppression, gender discrimination and eco-environmental asymmetry. These are *domains* of relations of asymmetry. Understandably, the number of domains depends upon the social scientists' theoretical-analytical perception. I believe that the five domains are consistent with broader sociological tradition.

In our scheme, these constitute *domains* of social relations of asymmetry, and the social (societal) system is characterised by the *interrelation, interpenetration and intermeshing* of these domains. Together they form the *basic structures* of the social (societal) system. The whole system is always greater than the sum of its domains. Let me define these relations of asymmetries:

- *Discrimination* essentially conveys the context of *normatively* legitimated relations of asymmetry that are *internalised* generally from birth through family and childhood socialisation. This is the domain of primordial, ascriptive loyalties that provide major cultural anchorages on the basis of language, caste, race, religion, gender, creed, immigrants, etc. This is the *ethnic* domain.
- *Exploitation* is best applied in the context of unequal economic exchanges in the *normatively* defined role of the *market*, and in the *relations of production*. Both Weber and Marx are relevant in identifying the asymmetries. This is the *class* domain.
- *Oppression* has to do with the control and exercise of *power*. It defines the relationship between the dominant and the dominated. It also implies deliberate impediments created to obstruct access to power of the less privileged. This is the *power* domain.
- *Gender discrimination* refers to the iniquitous relationship between male and female in a system of gender relations.
- *Eco-environmental* asymmetry is basically the asymmetry between humankind in its relationship of exploitation of nature with differential consequences for the stratified and hierarchical population.

Logically, it can be inferred that processes leading to *reduction* in the asymmetries indicates: upward mobility, reduction in marginality, improvement in the life chances and overall increase in social development. As a corollary, the processes leading to *increases* in the asymmetries indicate just the opposites. In the real world, the dynamics are much more complex. These processes just don't happen by themselves. Embedded in these asymmetries are *contradictions* which trigger conflicts and changes. Although the term contradiction is widely used, it is difficult to come by a definition. I have formulated the following definition which views contradictions:

> as actual or potential oppositions arising out of differences that are socially perceived, sooner or later, and/or ideologically/theoretically constructed, having change/transformation (or resistance to change/transformation) consequences for the social system under reference (Mukherji 1999: 61).

The mere presence of contradictions in the asymmetries is not a sufficient condition for conflict. Contradictions can be non-antagonistic. Only when they become antagonistic do conditions for conflict and change come into existence. Besides, contradictions could be a complex of primary and secondary contradictions distributed over one or more of the domains at any given point of time. Conflict could be violent or non-violent and may or may not lead to social movements. Only when there is a group, existing or in the making, with a leadership that can articulate the injustices inherent in the contradictions with an ideology and programme of social mobilisation that a social movement comes into being with the ostensible objective of achieving or restoring justice. So long as contradictions remain non-antagonistic, the asymmetrical relations are perceived as existing in a situation of institutionalised complementarity or inequality.

If we apply this domainal framework to marginality and marginalisation, it becomes clear that marginality can be identified with respect to each of these domains. Park's *marginal man*, e.g. the archetype Jew, is centrally located in the ethnic domain. If this archetype is credited generally with producing leaders, reformers, prophets, and *not* delinquents, criminals and sick minds, then there is much more to it than her/his ethnic marginalisation. Who are the ones who are ethnically marginalised and suffering from personality disorganisation? The strength of this framework lies in compelling the researcher to locate the individual/group in more than a single domain to make an overall assessment the person's/group's overall marginal status. The domains, we will recall, are interrelated, interpenetrating and intermeshed; hence, there is a multi-'domainality' within which the marginalised are placed, which cannot be written off. There is a need to distinguish between a position of *cumulative* marginalisation and that of *selective* marginalisation and the scope for *de-marginalisation* and upward mobility.

Justice: Rawls and Sen

If cumulative marginality or social exclusion prevails among structurally and/or culturally marginalised groups, then justice requires that protective discrimination by the state offsets this situation of ossifying inequality by recourse to corrective distributive justice. It is important to visit the two outstanding philosophers John Rawls and Amartya Sen.

Rawls devises an ingenious method to arrive at the principles of justice objectively and unambiguously. He creates a hypothetical situation of the 'original position' in which members who gather to deliberate on the principles of justice are 'individuals conceived as free and equal moral persons'. They have access only to 'general information provided by natural science and social theory'. The rest is shrouded in a veil of ignorance'—they 'do not know their place in society, their class position, or social status, their fortune in the distribution of natural talents and abilities, their deeper aims and interests, or finally their psychological make-up. And to ensure fairness between generations…they do not know to which generation they belong and thus information about natural resources, the level of productive techniques and the like, is forbidden to them'(Rawls 1999a, b: 236–237).

The 'original position' in which the crucial deliberations take place is thus eliminated from all sources of unfairness or bias. Under this strictly contrived controlled situation, those deliberating are no longer in a position to frame the principles of justice in a manner that would subserve any interests of any member of the group. This will lead inevitably to unanimity in formulating the principles of justice 'fairly'—fairness is justice (Rawls 1999a, b: 237). The outcome of such deliberations is the two principles of justice in perpetuity. These are as follows:

1. 'each person engaged in an institution, or affected by it, has an equal right to the most extensive liberty compatible with a like liberty for all';
2. 'inequalities as defined by the institutional structures, or fostered by it, are arbitrary, *unless* it is reasonable to express that they will work to everyone's advantage, and provided, that the problem and others to which they attach, or from which they may be gained, are open to all' (Rawls 1999a, b: 133; emphasis added).

These two principles of justice feed into the shaping of the *basic structure of society* and its main institutions—the political constitution, and 'the principal economic and social institutions which together define a person's liberties and rights and affect his life-prospects, what he may expect to be and how well he may expect to fare' (Rawls 1999a, b: 134; emphasis added).

The *sources of inequality* lie in an initial higher class position, her gender status, or in the differential natural abilities and capabilities. The basic problem of distributive justice lies in these differential 'life-prospects' that come in the way of many individuals.

This prompts him to apply the 'difference principle' to state that 'these inequalities are just, if and only if, they are a part of the larger system in which they

work out to the advantage of the most unfortunate representative man' (Rawls 1999a, b: 138). The 'basic structure is just throughout when the advantage of the most fortunate, promote the well-being of the least fortunate…When the prospects of the least fortunate are as great as they can be' (Rawls 1999a, b: 138).

Rawls asserts that under a just constitutional democracy: (a) that which 'secures various liberties of equal citizenship', (b) upholds a 'legal order' consistent with the 'principle of legality', and, (c) in which 'liberty of conscience and freedom of thought are taken for granted', it is possible to arrange the institutions in accordance with the two principles of justice, within the framework that satisfies the 'difference principle'. For this to happen, a 'just procedure' for choosing between governments and 'enacting just legislation' should inform the political process (Rawls 1999a, b: 141).

In addition, *equality of opportunity*, in several senses, has to be present; namely, the government should provide for:

(a) 'equal educational opportunities for all either by subsidising the private schools or by operating a public school system';
(b) by enforcement of 'equality of opportunity in commercial ventures and in the free choice of occupation'; and
(c) by guaranteeing a 'social minimum' with the help of 'family allowances and special payments in times of unemployment, or by a negative income tax' (Rawls 1999a, b: 141). This does not happen on its own without 'policing business behavior and by preventing the establishment of barriers and restriction to the desirable positions and markets' (Rawls 1999a, b: 141).

The government, in other words, has to regulate its free economy. A comprehensive scheme of taxation is at the core of operationalising distributive justice—proportional expenditure tax, wealth and gift tax, and others for redistribution of national wealth.

As a *logical* construct, the theory of justice, in general, and its application to distributive justice within a plural democratic society are an admirable and outstanding contribution. The two principles of justice, especially the 'principle of difference', sound like an echo of Gandhi's 'antyodaya', where the change in the condition for betterment of the most deprived and marginalised is the litmus test of true inclusive development. The role of public reasoning between free and equal citizens, rationality and reasonableness guiding public deliberations, mark the maturity of democratic ethos, in upholding values of just institutions.

At the policy level, the principles of justice in tandem with the difference principle, is a remarkable contribution. None-the-less at the empirical level, it becomes difficult to relate and apply his theory of justice with ground realities. The whole array of just constitutional democracy, just basic structure, just procedure, just legal order are objectives to be pursued. This discomfort finds expression in Amartya Sen's idea of justice. He is critical of the 'hypothetical situation of primordial equality…where people's vested interests are not known to the people themselves' (Sen 2009: 10).

Sen, whose respect for Rawls is profound, identifies himself with a different philosophical school that included Adam Smith, the Marquis de Condorcet, Jeremy Bentham, Mary Wollstonecraft, Karl Marx, John Stuart Mill, among others. They engaged in realisation-based comparative studies, empirically grounded in actual institutions, actual behaviour and other influences. Rawls, in contrast, falls in the 'contractarian' school in the company of Thomas Hobbes, John Locke, Jean-Jacques Rousseau and Immanuel Kant who engaged in *transcendental institutionalisation* focused on 'transcendental identification of the ideal institutions' (Sen 2009: 6).

He argues for a different approach: 'we can have a strong sense of *injustice* on many different grounds, and yet not agree on one particular ground as being *the* dominant reason for being the diagnosis of injustice'. The problem is not how to make institutions perfectly just, rather, how justice could be advanced (Sen 2009: 2; emphasis added).

Marginality, Social Development and Justice

Marginality, whether cultural or structural, whether it emerges out of the ethnic asymmetries in the domain of social discrimination, or from structural marginality embedded in the asymmetry of class exploitation, or from powerlessness in the domain of oppression, or from patriarchic asymmetries of gender discrimination, or from a combination of one or more of these, it is freedom from injustice that is being sought on the core values of equality and freedom. Civil society organisations, social movements, insurrectionary wars and the like, it can be said, act as agents of change in response to conditions of deprivation and marginality. The condition faced by the marginalised seeks deliverance from injustice. Our concept of basic structures of the social system is based on the counter-concepts. Injustice too, in this sense is a counter-concept. What we can seek to do is advance justice by reducing injustice, rather than by its total elimination which is utopian.

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Part II
Marginalities of Yore: Caste

Chapter 3
Rethinking Dalit Marginality: Issues and Contestations

Sudeep Basu

3.1 Introduction

Marginality, its theoretical and experiential dimensions and its relationality with other associated terms such as exclusion, inclusion, oppression, and discrimination have heuristic value in allowing us to think through the specificities of the Dalit predicament. To grasp the contemporary social imagination of Dalit emancipations and emancipatory struggles requires that we come to full terms with the dehumanising totalising effects of the caste Hindu order not only at the bodily level but also at the intellectual and affective levels. "Examining the trajectory of a marginalised community, from its possible or an impossible move away from a stigmatised subjectivity, epitomised in the figure of the 'untouchable' to becoming active citizens can point to the enabling conditions and constitutive anomalies within our socio-political order" (Rao 2010: 1). An enquiry of this kind would also reveal the complexity of Dalit subject formation, one that is beset with failures, reversals and contradictions produced by caste radicals engagement with democratic politics and upper-caste power. The question why dalits continue to be afflicted by violence and marginalisation, of what Guru (2000) terms 'dalits from margin to margin' and how they confront it will be posed and deliberated upon through the course of this paper. The localised anti-Dalit violence and re-enactment of ritual humiliation underscore the continued salience of divisions between the political and the religio-ritual domains of social experience for Dalits. Situating Dalit struggles within the discursive and institutional contexts which recognise

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social/religious and political designations articulated within colonial and post-colonial realities is critical for an understanding of the ways in which Dalit politics and poetics plays itself out through time. 'The conditions under which the untouchable subject became Dalit are also critical for it was largely through the activism of Dalits that untouchability was secularised and politicised or that certain socio-religious practices were redefined as forms of civic and political exclusion' (Rao 2010: 4). Tracking the formation of the Dalit subject would involve moving between and across two registers, one the epistemology of caste and the other the existential life-worlds of the Dalits and the critique of the everyday life that emerge from within the experiential domains of stigmatised dalithood (Rao 2010: 9). Parallel to this effort will be an attempt to theorise the 'margin', of what constitutes the margins of caste.

3.2   Looking Back at Caste

Spurred by colonial experiences and ideas, members of the Mahar caste led a regional movement in the last decades of the nineteenth century which for the first time produced a political response to the association of untouchability with Hinduism. They did not demand Hindu inclusion but instead conceived the untouchable as non-Hindu and Dalit. The intellectual inspiration of this movement came from Jyotiba Phule from the non-Brahmin Mali caste who developed the earliest critique of caste and Brahmin religious domination. In his book, 'Gulamgiri', Phule invoked the exemplary structure of modern unfreedom, Atlantic world slavery, to reframe caste relations in idiom of exploitation and inequality rather than religious order. In 1920s, caste leaders notably Ambedkar were able to nationalise the dalit question, although a bid for separate representation failed in 1932. A purely dalit critique has attempted to redefine the social totality of caste as a form of historical violence crucial to the constitution of caste. Dumont's characterisation of caste society in terms of the purity–pollution opposition that subsumed politics under the sacral order, elided precisely this question of caste violence. To the extent that Dumont held that the separation of religion and politics and the subsumption of the latter under the former was an essential feature of Indian society, he replicated 'the colonial sleight of hand that rendered invisible the role of the British in disembedding caste from pre-colonial economic and political systems' (Ganguly 2005: 55). Dirks argues that Orientalist constructions of India's essence as devoid of the political and the anthropological positing of caste as foundational to Indian social formations (Dumont) have 'conspired to deny Indians their history and their historicity simultaneously; the potential subjectivity of Indian subjects was not suppressed outright but shifted to the cultural logic of reproduction implied by terms such as customs and tradition which in India meant caste' (Dirks 1992: 76). Early ethnographies of untouchable communities accepted the Dumontian opposition between Brahmin and untouchable and examined the partial integration of impure castes into the ritual hierarchy, thereby assuming the putative consent of the

untouchable communities to their own exclusion as well as lower castes' mimicry of the ranked relations between caste (Moffatt 1979). While such works focused on the social practice of distinction and discrimination, they equated power with the power of dominant castes' conception of social order. To maintain that 'the untouchable's stigma is inherited and irreversible', as Robert Deliege has argued, reveals 'a gap between the description of caste stigma at the level of practice and scholarly reproduction of upper-caste ideology as a descriptor of reality' (Rao 2010: 8). While this gap is a pointer to the politics of knowledge formation around caste as well as the anthropological limits of the political, it should not deflect our attention away from the practices of anti-caste theorising and thinking and its implications for alternative histories of political subject formation.

3.2.1 Dalit Paradigm

Dalit is a word for a community and an identity that are in the state of becoming. The term dalit literally means 'ground down,' 'broken to pieces,' and 'crushed'. To call oneself Dalit is 'to convert a negative description into a confrontational identity and to become a particular political subject for whom 'the terms of exclusion on which discrimination is premised are at once refused and reproduced in the demands for inclusion' (Deliege 1999: 3). It partakes of both a noun and a verb. Caste radical thought was forged around a critique of Brahminism as a historically located ideology that justified caste power in all its manifestations. Building upon Phule's interpretation of caste discrimination, and having sufficiently politicised the caste inequality question, Dalit-led movement during the interwar years pressed not only for separate political rights but also for conversion out of Hinduism. It was Dr. B.R. Ambedkar, the Dalit movement's most significant thinker who 'reconceived Dalit activism in terms of democratic thought and action' having profound implications. Ambedkar's radicalism took shape at a time when the language of equality, freedom and historical agency, legacies of colonisation presented political opportunities and new strategies with which to challenge marginalisation. He first used the term Dalit in his journal, Bahiskrit Bharat (Outcaste India) in 1928. For him, Dalit experience was one of deprivation, marginalisation and stigmatisation. The politics of naming can also reflect a deeper paradox of dalit politics in that 'it defines the historical social structures and practices of dispossession that experientially mark someone as Dalit and simultaneously identifies the Dalit as someone seeking to escape those structures' (Rao 2010: 16).

Recounting Dalit history from the perspective of the Dalit overturns the powerful Dumontian paradigm for understanding untouchability as the negative axis of the caste order. As untouchability is the constitutive outside to the ranked social relations and symbolic transactions between castes, the untouchable is dialectically related and opposed to the ritually pure Brahmin. The decisive move is the attempt

to convert this structural negativity into positive political content by focusing attention on experiential dimensions of untouchability in order to transcend it. Ambedkar's critical engagement with liberal democratic norms and practices produced new idioms for untouchability as a form of historic discrimination enabling redress through political measures such as franchise and affirmative action. Ultimately, the redefinition of untouchability via constitutional policy and legislative action transformed relations between Dalits, caste Hindus and the state in post-independence India. Legislation on caste included a new juridical category, the caste atrocity to apprehend and prevent anti-Dalit violence. The structuring aspect of dalit existence produced as a result of state efforts at amelioration is marked by the exacerbation of difference between dalits and the rest and 'a tension within a marginal Dalit identity doubly derived from stigmatised essence and state classification' (Rao 2010: 25). They reproduce vulnerability as a condition of possibility for continued protection and legal recognition. Once a form of social experience identified with tradition, religion and stigmatised labour, Dalit identity was redefined as a form of vulnerability that constituted grounds for political recognition. Modes of political recognition dependent on identification with Dalitness as a form of life have also enabled new practices of violation. Dalits continue to be burdened by a historical susceptibility to violence and marginalisation, despite the legal frameworks constructed to protect them. Dalit politics operating through a dynamic where stigma is constantly repeated reconstitutes caste sociality (cultural practices and social forms identified with Dalit life) which limits the political field suggesting the impossibility of doing justice to the dalit within existing forms of political redress and restitution. This prompts us to reconsider Dalit marginalisation in culturally specific terms, both material and symbolic.

3.2.2 Forms of Dalit Responses

Cultural marginalisation takes subtle forms even in contemporary contexts. 'In educational institutions, dalit students are normally assigned to dalit guides. In this case, both the guide and the student get ghettoised through mutual bracketing. Thus, dalit students are denied access to the larger teaching community. Similarly, dalit teachers are also denied access to general students who can benefit from their expertise' (Guru 2000: 112). The exclusion of dalit symbols is also psychological. The dalits are relegated to the margins in the print and electronic media and in computer technology. In the electronic media, dalits make only guest appearances on certain occasions such as October 14th, the anniversary day of Buddhist conversions. In Hindi movies, Dalit issues particularly those based on caste exploitation, atrocities and discrimination are completely ignored. The dalits and other poorer classes have a different, marginalised notion of time. They go to the market at the closure of the bazaar (Guru 2000: 112). Dalit women bear a double burden of

caste and gender-based inequality leading to their greater vulnerability to social exploitation and oppression (Shah 2006).

3.2.3 Question of Rehabilitation

The Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act were enacted in 1993 with the expressed intent of liberating manual scavengers from a life of indignity and degradation. Two decades on, the practice of manual scavenging, a reprehensible practice of gathering human excreta from dry toilets with bare hands, brooms or metal scrapers continues unabated. Central Monitoring Committee in their review of the situation by the end of 2010 observed that the Government of India all along viewed the issue of manual scavenging more as a problem of sanitation and not as a matter of restoring human dignity as a constitutional right. Faced with the onerous task of eradicating manual scavenging in all its forms by the end of 11th Plan period, the Government of India realised the need to amend the Manual Scavenging (Prohibition) Act, 1993 to ensure sharper definitions and greater accountability of public authorities entrusted with the task of realising the desired goal. The Dalits are always found to be gravitating towards sanitary work because of their historically constituted occupational status in caste society. Ironically, one of the Bombay-based Safai Kamgar Union leaders said, in the context of the Kargil conflict, 'Our job is never treated as important. It is always treated as despicable. But our job is as important as the soldiers fighting on the borders. In both the cases it is a question of protection. In the first case, it is the protection of the country and in the second case, it is the protection of the civil society. We fight to maintain the health of the society by maintaining hygiene in the society' (Maharashtra Times 6 October 1999).

The moot point is whether we see the question of rehabilitation as a labour/social justice question or whether we see it as a municipal public service question, the entry point is very critical. Manual scavenger means a person engaged in or employed for manually carrying human excreta, as per the 1993 Act. Manual scavenging is carried out in toilets built for public and private use. There are two ways in which this is done: By scavenging manually from the dry toilets with the help of broom, tin plate, stone, bamboo or tin basket, plastic bucket, tin boxes and disposing it off in a safe place designated for this purpose. The other way is to clean the sewage pits of the toilets manually. Mostly men do the work of cleaning sewage pits in the night or early morning. Women clean the dry toilets individually in homes and public places. This deplorable practice continues almost all over the country in varied forms as it evolved according to local needs and trends. For example, public toilets (dry toilets), especially those in south and west India, are mostly maintained by panchayats and municipalities. In Northern states, though one finds water flush toilets in public places, they often lack water and eventually function as dry toilets. In some states, the practice persists because of a feudal and

discriminatory mindset based on caste prejudices while in others, it is due to unavailability of sewer lines and the indifference of policy makers towards providing wet toilets. What kind of rehabilitation the manual scavengers seek? Can we expand the scope of the definition of sanitation workers? We should focus on the kind of practice of manual scavenging, railway line clearance and sewerage workers and widen this group. The path towards eradication and rehabilitation of those engaged in cleaning professions is a thorny one but it has to be acknowledged that there has been movement for sometime from within the community. People from within the community are emboldened due to the presence of the Safai Karmachari Andolan which conducted a survey in order to identify practices of manual scavenging and the existence of dry latrines in the country. The data provide a list of documented manual scavengers in 15 districts. The survey, however, does not provide any information on those who have been rehabilitated. The law has to provide the legitimacy for demolishing of dry latrines. Giving a task force a mandate and very importantly a limited mandate where it is not going on forever and allowing anyone who finds the dry latrines to report it to the task force can make a difference. We should have a combination of task force, community vigilante and penal provisions. There are certain kinds of information that has to be placed in the public domain immediately, and hence there should be reporting under this provision every year.

The manual labourer are often stigmatised and are regarded as drunkards, and there are a lot of myths about these workers. The dignity of the labours should be addressed. Education and employment are routes for their possible rehabilitation. We should demand that they should put into agencies that nurture their talents as good singers, dancers, drumbeaters, bodybuilders, kabaddi, driving and cooking. So they can be appointed as a chef in a good hotel or a licensed driver. They do not go for the license because they are 7th std. pass outs, which makes it difficult for them to pass driving tests. They have a vision, they know what they want. They are unable to put it words. There are considered objects of reform, rehabilitation, but we are not at all interested to know what they can give to us. Their strengths, talents, ethics and human values have to be taken into consideration. The manual labourer are often stigmatised and are regarded as drunkards, and there are a lot of myths about these workers. Education and employment are routes for their possible rehabilitation. We should demand that they should put into agencies that nurture their talents as good singers, dancers, drumbeaters, bodybuilders, kabaddi, driving and cooking. So they can be appointed as a chef in a good hotel or a licensed driver. They do not go for the license because they are 7th std. passes which makes it difficult for them to pass driving tests. They have a vision, they know what they want. They are unable to put it in words. There are considered objects of reform, rehabilitation, but we are not at all interested to know what they can give to us. Their strengths, talents, ethics and human values have to be taken into consideration. The rehabilitation process is about restoring dignity of work and identity. Policies have to be designed taking into account the needs, values and aspirations of Dalits.

3.3 Conclusions

The Dalit interpretations of continued caste oppression for long have re-signified spaces—streets, urban neighbourhoods, institutional spaces. New kind of politics was being enacted by the Dalit Panthers which brought Dalit's visibility. The use of epithets, slogans and wordplay became a defining characteristic of the Panthers. Panther polemics and violations gave rise to a new literary subject. Many Dalit Panther writers such as Dhale, Dhasal, Daya Pawar, and Arjun Dangle were identified with Dalit sahitya which not only depicted the richness of Dalit life but also revealed new forms of self-making. Dalit autobiographical writings, as Beth (2007) notes, 'transform an experience of pain into a narrative of resistance' often militant such as we see in Shankarrao Kharat's Taral Antaral. In Daya Pawar's novel, Baluta (The Share), the narrator, Dagdu Maruti Pawar characterises his story as a secret that must not be revealed to anyone. Begging for leftover food as baluta is a symbol of the Dalit's humiliation. Baluta acknowledges the dalit as the secret sharer of Indian society. It immediately implicates caste hindus who are part of the economy of humiliation and subjection. Omprakash Valmiki in his work 'Joothan: A Dalit's life' (2003) writes, 'I was kept out of extracurricular activities. On such occasions I stood on the margins like a spectator. During the annual functions of the school, when rehearsals were on for the play, I too wished for a role. But I always had to stand outside the door. The so-called descendants of the gods cannot understand the anguish of standing outside the door'. Elsewhere, Valmiki gives a detailed description of how members of the Chuhra community would preserve and eat the joothan during the rainy seasons. These narratives construct the Dalit in both universalistic terms as an individual endowed with reason, inherent dignity and Human Rights and in particularistic politico-cultural terms such as deprivation, exclusion and rights. The experience of marginality and marginalisation is utilised to create testimonies of caste-based oppression. Such testimonies purport to have the effect of generating emotions in the reader, through reclaiming the voice.

In an insightful discussion of indignities, Mohapatra (1998: 45) stated, 'the experiences of humiliation, fracture a shared world. When someone listens to the experiences of indignities to others, a connection is established between the listener and the sufferer, which in turn enables the shared world to re-emerge'. Notwithstanding the optimism in his statement, it gestures towards the need to have a sociology that attends to emotions which should not be sacrificed at the altar of objectivity. These life narratives depict not only the desperation and self-degradation which Dalit's low status give rise to but also how through acts of writing and thinking, and action, there arises new possibilities of being Dalit, one that develops a certain comportment towards the world, a poise, in which the self neither acquiesces to caste oppression, remaining unashamed, reverential towards ascetics such as Ravidas and Kabir (from low caste origin) equally Ramanuja, Madhavcharya, yet critical and not harking for revolutionary changes. In taking marginalities or violence as foundational and working through it, power is no longer seen as, from a

Dumontian perspective, 'entering surreptitiously back in' and encompassed by status. Power inheres in groups and can determine the capacity of castes or jatis to generate symbols in lived spaces creating discreteness and sociality.

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Chapter 4
Social Exclusion and the Mindscapes of Caste: A Study of Kendrapara District of Odisha

Suratha Kumar Malik

4.1 Introduction

After fifty-eight years of India's independence and constitutional guarantees, 'democracy and citizenship' remain a dream for the *dalits*[1] (Malik 2013: 11) of India in general and Odisha[2] in particular. The contemporary face of untouchability in Odisha nuanced in some respects, but blatant in others, remain a major challenge in the path of democratic citizenship (Malik 2013: 2). The nexus between State power on the one hand and the dominant-caste and class power in the other compounds the exclusion of *dalits* and treat as marginalised in the state of Odisha.

[1]*Dalit*: the oppressed, the word is used to refer socially and economically deprived masses (Ambedkar Memorial lectures, delivered by justice Krishna Iyer, V.R. in 16, 17 and 18 December, 1976, the Ambedkar Institute of Social Research and training New Delhi). Here, I use the term '*dalit*' in a limited sense in the context of Odisha which refers only to the 'scheduled castes' population, differentiating myself from the Panther's definition of '*dalit*' which includes all the downtrodden, i.e. SCs, STs, OBCs, women and minorities. For details, see *dalit* Panther's movement in Maharashtra and their Manifesto.

[2]Odisha is a State among the twenty-eight states in India. Its earlier name was 'Orissa' and it has changed as 'Odisha' and the state language as odia as per the Odisha Government's request to parliament and by an act of law, parliament passed the bill on April 2011 by 113th constitutional amendment. For details, see 113th constitutional amendment, 2011.

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The Odia society is a feudal and complex one dominated by the *Brahmins* and the upper-caste *Hindus*, and the non-caste *Hindus* (*dalits*) were always treated as slaves (Malik 2013: 2). The *Hindu* religion and *Dharma Sastras* nexus with the caste system put heavy inhibitions on the non-caste *Hindus*. Among the problems of untouchability and caste system in Odisha, the most important issue is that the *dalits* are not allowed to worship inside the temples even today (Malik 2013: 2). They have no right to practise their own religion, to enter the temple and to worship their god. The fundamental rights and constitutional guarantees are still remained far from the *dalits* in the State and are unable to access these laws or get implement in their favour.

In the State, the voice of the oppressed has been raised from time to time, but has suppressed by the State and dominant upper castes. Anti-caste and anti-*Brahmanic* consciousness have informed in Odia literature since the advent of Buddhism in Odisha, and more particularly during the period from the eighth to eleventh century. Though there were movements and protest-literatures from time to time, but were within the dominant fold of culture and religion. The State has not witnessed a single large unified movement on the part of *dalits*, despite all forms of caste atrocities and indignities. *Dalit* consciousness and movements against the upper castes' domination and prejudices are rare to be desired. Recently (2005–2008), the Keradagada temple entry movement has highlighted in the media as *dalits* in Kendrapara district of Odisha have asserted their religious and democratic rights with a large popular movement. The movement is unique as the first largest *dalit* temple entry movement in Odisha after fifty-eight years of India's independence. On the above premises, the research paper vividly examines the 'Keradagada temple entry movement' in Odisha, simultaneously providing an inquiry to the factors, hindrances and obstacles which negate larger unified *dalit* movements in the State, vis-à-vis the exclusion of *dalits* are concerned.

In Odisha, caste atrocities are common in everyday life not only to *dalit* people but also to *dalit* minister like Pramila Mallik, who is being denied to enter the 'Garvagriha' (sanctum sanctorum) of 'Akhndalamani'[3] (the local name of lord *Shiva*) temple in Bhadrak district of Odisha during her visit in 2009 (Dharitri 2009: 6). Similarly, *dalits* are still not allowed to enter the Jagannath temple at Keradagada in Kendrapara district of Odisha and many other places and localities. In Keradagada, the temple entry movement and protest of thousand *dalits* were highlighted by the media, where the State has not intervened and the administration have not done anything even after the High Court's order, in favour of the *dalits*.

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[3]The local name of 'lord shiva' and the temple is situated in the Bhadrak district of Odisha.

4.2 Theoretical Framework

Defining what is meant by the term 'exclusion' is far from straightforward. The main theoretical problem here is that exclusion is closely related to other concepts and frequently used to denote similar phenomena (e.g. poverty, inequality, inaccessibility, caste system). The meaning of one in relation to the other is thus fairly dependent on the context and regularly a matter of debate. There is hardly any consensus beyond the generally negative use of the term, its manifestations and its reproduction. Thus, so far a generally accepted understanding among scholars seems to point out exclusion being both a process and condition, one resulting from a combination of intertwined forms of social, economic and power inequalities and leading to disadvantage and systematic denial of individuals' or communities' rights, opportunities and resources. As a consequence, in addition to academic discussions there are also different political understandings of the term 'exclusion'.

A ground-breaking attempt to give order to the meaning of exclusion can be found in the work of Silver, where she explains exclusions from different theoretical perspectives, political ideologies and national discourses. Further, she looks at three conflicting paradigms within which social exclusions are embedded: solidarity, specialisation and monopoly. Each of the three paradigms are grounded in a different concept of integration and citizenship and attribute exclusions to different causes grounded in three main political philosophies: republicanism, liberalism and social democracy. In the *solidarity* paradigm, exclusion refers to a rupture of social ties in society. The paradigm is moral and cultural rather than economically focused. Here, according to the principle of solidarity, the State has the collective responsibility to repair this fragmentation through a third way between liberalism and socialism. In the *specialisation paradigm*, exclusion refers to the separation of functional spheres and economic division of labour, emphasising contractual exchanges between individual rights and obligations. The specialisation of functions permits individual liberties to move across boundaries and discrimination occurs whenever exclusion from the sphere of actions impedes full participation in social exchange of certain individuals or groups. In the *monopoly paradigm*, exclusion is a result of the creation of monopolies. 'Exclusion arises from the interplay of caste, class, status and of political power and serve the interests of the included' (Silver 1994: 27). Exclusion is combated through formal rights such as citizenship and extension of membership. Summarising Silvers' argument, it becomes clear that the conceptualisation of exclusion is not only an academic, theoretical exercise, but even more a political one. This is especially true for the European debate where exclusion became more widely used as a political concept than in other parts of the world.

The processes of inclusion and exclusion were features of all hierarchies, the discussion of inclusion and exclusion fed into efforts to define what might be called a social ontology, or the way that the existence and social positioning of groups in a

hierarchically structured society would be explained[4] (Benn 2000: 310). Such a social ontology has been described by Sibley as a landscape of exclusion; a form of social and philosophical geography that melds ideology with place, in an exercise of social, economic, and political power that invariably results in the forms of oppression, and in many instances, exploitation (Sibley 1995: 107).

This article begins with a theorisation of exclusion and marginality across time and place, such as closed institutions, i.e. the caste system. The article delves into what is described as the natural order of social exclusion that is caste system in India in general, and Odisha in particular. An altogether different type of exclusion society is a caste system, which relies less on geographical separation and more on social distance. At the root of India's exclusion society, are the untouchable castes whose marginal social position is owed to their relationship to impurities associated with death and organic pollution (Davies 2005: 4). Berreman held that 'caste systems—unlike bounded communities, inner cities, orphanages, leper colonies, asylums and prisons—are fundamental structures through which power and privilege are allocated via interdependent social classifications ordered by stratified and ranked divisions of labour'. 'However, in caste systems, place within the exclusion or inclusion hierarchy is ascribed at birth' (Silver and Miller 2003: 2). Such exclusion by ascription has an economic dimension also through the way in which untouchables are 'denied control of the means of production' (Davies 2005: 4). This results in the forms of deprivation and poverty that enforce dependence, deference and ultimately acceptance.

4.3 Methodology of the Study

The article is a part of the researcher's submitted M.Phil. dissertation and confined to village Keradagada of Kendrapara district regarding the issue of caste, untouchability and *dalit* temple entry movement in the said village of Odisha. The researcher have conducted an interview and have collected the data from *dalit* activists and *dalit* leaders, the administration, the *dalits* and the upper-caste people of Keradagada village of Kendrapara district in Odisha directly in the forms of questionnaire and have also depended on the existing secondary materials such as the newspapers and media reports. The fieldwork was conducted from 10 January 2011 to 25 January 2011. It covers the fieldwork of 1300 populations, and out of 1300 populations, the researcher has purposively selected 100 samples due to time constraint. Seventy samples are collected from seventy families including both the upper castes and *dalits* (thirty-five samples from each category) through direct interview in the forms of questionnaire. Twenty samples are collected among the village's eminent persons, the temple priests, members of the temple trust, social

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[4]Caste system is a different type of social exclusion where the ascriptive status (i.e. being *Brahmin* by birth as a social status in Indian society) is dominant over the achieved status (income or wealth by hard work and labour).

activists, leaders of the political parties, through an informal discussions and conversations. Ten samples are collected from the Revenue in charge of Keradagada who negotiates between the two groups, the police and administrators of Rajnagar block and the local political leaders (total ten samples having ten persons) in a very informal way of interview and discussions with the above issues.

4.4 The Temple Entry Movement in Keradagada

'Keradagada' village, in Kendrapara district of Odisha, has been focused in media after some *dalit* girls entered the *Jagannath* temple, followed by the upper castes' reaction.[5] 'The CNN-IBN T.V. channel brought out the news that Sakuntala Muduli, a *dalit* girl of village Keradagada under Rajnagar Police Station, Kendrapara District, was assaulted by some upper-caste *Hindus* and was also fined Rs. 1001 for entering the local temple of Lord *Jagannatha*' (CNN-IBN T.V. 2006: 06 November). After the TV report, almost all the local and national medias became active in using and publishing the issue.

4.4.1 The Movement in 2005

The *dalits* of Keredagada village in Kendrapara district of Odisha were not allowed to enter the 300-year-old *Jagannath* temple since the temple was built by the king of Kanika. *Dalits* were used to see the deity through the '*Naukana*' (*nine holes in the temple wall*).[6] The *dalit* movement for gaining entry into the temple had begun when four *dalit* girls were humiliated for entering the temple on 5 November 2005. Akshya Mallick, the local advocate and a member of *Bahujan Samaj Party* (BSP), came to the village and motivated the *dalit* families to raise the issue as religious exploitation and social discrimination. He filed a petition before the District Magistrate of Kendrapara on 3 December 2005, alleging that 17 *dalit* women were assaulted and canned by upper-caste Hindus while entering into the temple. The petition also said the lower-caste women were forced to collect sum of rupees 1001 as penalty from them, which was used for the subsequent purification of temple. The petitioner cited the Articles 14, 15 and 19 of the Indian Constitution, which grants the right to equality and the freedom of religion and faith. Several times, the

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[5]This temple is a local Jagannath temple at Keradagada in Kendrapara district of Odisha and pilgrims are rare to this temple. The local village people know each other by their castes, and when the *dalit* girls of the village enter the temple, the reaction from the upper caste came into force. Earlier, in this village, *dalits* were not allowed to enter the temple.

[6]An interview with the chief priest of the *Jagannath* temple at Keradagada, during the fieldwork in the village Keradagada, in Rajnagar blocks in the Kendrapara district of Odisha in 12 January 2011.

dalit boys and girls have attempted to enter the temple, for which they have been fined and punished several times in the past.[7] In 2005, *dalits* were prevented to enter the *Jagannath* temple at Keradagada in Kendrapara district. However, there were several attempts to enter the temple by the *dalits* at Keradagada in 2005.

The former King of Kanika, Rabindra Narayan Bhanj Deo,[8] referred the issue to the verdict of Puri *Mukti Mandap*[9] and the people of Rajnagar to decide on the right thing to do. 'After the fall of kingship in 1947, the so-called royal palace has lost its past glory and it is up to the people of Rajnagar and the *Mukti Mandap* of Puri to decide whether the *dalits* should entry to the temple. Kanika royal palace would respect the decision and obey it in both letter and spirit, King Bhanj Deo said' (Sambad 2006: 1). He urged both the *dalits* and upper-caste people of Rajnagar to sit together and discuss the issue and solve it amicably. Bhanj Deo, however, expressed his unhappiness over the politicisation of the issue and made it clear that the majority people's decision should be obeyed. He said 'the Constitutional provisions and the religious feelings are two different things and the issue should be solved with due respect to the age-old tradition and practices of the Keradagada temple.

The Kanika royal palace does not want to fall into controversy over the issue, we are working only as a caretaker of the temple and it is for the local people to decide what they want' (Sambad 2006: 1). Though Kanika *Raja* (king of Kanika) is playing a neutral role, but not in favour of the High Court order. He is the sole authority of the temple trust because the expense of the temple is bearing by the trust and the land of lord *Jagannath*, which was earlier donated by the 'Kanika *Raja*' (king of Kanika). Meanwhile, the king and the temple board has blamed Jajpur MP, Mohan Jena, as the conspirator of the whole issue and slammed him for his role in turning the issue into a controversy.[10] Countering this, 'Bhanj Deo' (now the Kanika king by tradition) has also sought political help from Aul royal palace led by MLA Pratap Keshri Deo, and his mother Sushree Devi, who is also a Rajya Sabha member representing Biju Janata Dal (BJD). Bhanj Deo has discussed the issue with Keshri Deo's family as the matter is headed for a hectic political debate in Kendrapara. As the temple itself is a prestige issue for the Kanika palace, the king consulted with the *dalits* that he is worried in the wake of the threat given by them, as well as the *Ambedkar-Lohia Vichar Manch* to enter into the temple on 19 November 2006. He urged the *dalits* to postpone the protest movement as the matter is pending with the *Mukti Mandap* of Puri. Member of Legislative Assembly

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[7]An interview with Sudarsan Gochhayat, during the fieldwork on village Keradagada, in Rajnagar blocks in the Kendrapara district of Odisha on 10 January 2011.

[8]The king was by tradition remained an important person to the temple trust, as his forefather founded the temple. He has an influential role in mitigating the temple entry issue by putting pressure over *dalits*. Data collected on my fieldwork on village Keradagada, in Rajnagar block in the Kendrapara district of Odisha in 10 January 2011.

[9]An apex body on deciding religious matters of *Hinduism*, Puri *Jagannath* temple.

[10]An interview with the members of the temple board, during the fieldwork in Keradagada on 20 January 2011.

(MLA) Pratap Keshri Deo said 'the temple has been run by a "private trust"[11] led by the Kanika palace and the palace has the right to allow or not to allow *dalits* into the temple. *Barahjew* temple at Aul (Kendrapara) and *Jagannath* temple at Puri has no problem with *dalits* entry but there has been a tradition in Keradagada since a very long time that *dalits* are not allowed to enter the temple, and he favoured to respect the old tradition'. MLA Pratap Keshri Deo also added that 'the matter is a personal issue of Kanika king, he should decide the right thing' (Dharitri 2006: 2).

The Kendrapara district administration finally got a sigh of relief when the Odisha High Court in a significant ruling declared that the 300-year-old *Jagannath* temple at Keradagada village was out of bounds for all, except for the temple priests and *sevayats*. A bench of the High Court comprising Justice I.M. Quddusi and Justice N. Prusty observed that nobody was allowed inside the temple except the priests and *sevayats* until the disposal of a petition it (the High Court) had received from the district administration. The Court, however, indicated that 'it was open to hear any affected party, but a large number of *dalits* were planning to forcibly enter the temple on November 26 after holding a convention, which was threatening to take the shape of a major caste conflict in the area, as the upper-caste people of the locality are opposing it' (Hindu 2006: 6).

The High Court order came in the wake of a petition filed by Kendrapara Sub-Collector Raghunath Padhi urging the Court to order for a status quo in view of an apparent law and order situation at the temple on that day. Mr. Padhi had petitioned the HC stating that the situation at Keradagada was turning volatile, in view of certain sections of people resisting the entry of *dalits* inside the temple. Tension was mounting in the area as over 2000 *dalits* under the banner of *Ambedkar-Lohia Vichar Manch* are planning to forcibly enter the temple on November 26, the Sub-Collector said in his petition. The High Court after admitting the prayer of the district administration has fixed the hearing of the case on 29 November 2006. It may be recalled here that the situation at Keradagada has been volatile for the last two years when some *dalit* women were restricted entry into the temple during the *Kartik Purnima* in 2005. A petition in this regard, filed by a local advocate seeking protection to *dalits* during the time of entering into the temple, is still pending in Odisha High Court.

4.4.2   The Movement in 2006

Again in 2006, *dalits* of village Keradagada organised under different *dalit* organisations and entered the temple. Upper-caste *Hindus* and the Raja of Kanika

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[11]The Keradagada temple trust is funding and maintaining by the Kanika king and controlled by him and a private board of members chosen by him from the upper castes.

opposed this move. Conflict was noticed between *Savarna*[12] and *Harijans*[13] of Keredagada under Rajnagar Police Station (Kendrapara) over entry of *dalits* into the *Jagannath* temple. Following this, the members of *Ambedkar-Lohia Vichar Manch* held a press meets on 1 November 2006 at Bhubaneswar. Besides, the *Savarnas* of the area held a meeting on 2 November 2006 and decided not to allow *Harijans* to enter inside the temple and also formed a committee named '*Savarna Surakhya Samiti*'. *Harijans* also have formed a Committee styled as '*Keradagada Mandir Pravesh Dalit Manch*'. After this kind of committee formation from both sides, different *dalit* organisations decided to enter the temple on 17 November 2006. The district administration prevented them from doing so in the name of law and order.

There was yet another attempt to enter the temple on 26 November 2006. The CPI-M decision was to take an active part in this movement in favour of *dalits*. Accordingly, the Kendrapara district committee of the CPI-M mobilised hundreds of people to take part in the temple entry movement organised by the *dalit* community people. The Communist Party of India (CPI-M) state committee also issued a press release announcing support for the *dalits* and their right to enter the temple. The CPI-M, *Kisan Sabha* and Agricultural Workers Union took an active part in the Keradagada movement. AIAWU (All India Association for Workers Union) Joint Secretary Sumit Chopra also participated in the movement and mobilisation along with the state leaders (People's Democracy 2007: 2). CPI-M State Secretary Janardan Pati also took part in Keradagada temple entry movement on 26 November 2006. The Odisha High Court directed the Kendrapara District Magistrate to furnish a report in a sealed cover about the steps initiated for the entry of *dalits* into the 300-year-old *Jagannath* temple at Keradagada.

After 26 November 2006, the Odisha High Court passed an order that all the *Hindus* could enter the *Jagannath* temple in Keradagada. A division bench of High Court comprising the then Chief Justice S.B. Ray and Justice M.M. Das had ordered that "all the *Hindus* irrespective of caste have rights to enter the temple under Article seventeen of the Indian Constitution and Section three of the 'Protection of Civil Rights Act, 1955" (Dharitri 2006: 2). The High Court had also directed the district administration to ensure law and order situation during the entry of *dalits* into the *Jagannath* temple at Keradagada (Dharitri 2006: 2).

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[12]The term refers to the upper castes in Odisha which includes *Brahmins*, *Kshatriyas* and *Vaishas* (with an interview with an upper-caste people, when he was using the term. Data collected on my fieldwork on village Keradagada, in Rajnagar block in the Kendrapara district of Odisha in 10 January 2011).

[13]In Odisha, people now using this derogatory term even now after the term was banned by an act of law as derogatory, during the interview with an upper-caste people, when he was using the term. Data collected through fieldwork on village Keradagada, in Rajnagar block in the Kendrapara district of Odisha in 10 January 2011.

While welcoming the High Court order, the CPI-M and the 'Ambedkar-Lohia Vichar Manch'[14] demanded that *dalits* must be allowed to enter the inner parts of the temples all over Odisha. The *dalits* were able to muster the courage to enter the temple following the order of the High Court, which said that 'any *Hindu*, irrespective of his caste, could enter any *Hindu* temple' (Dharitri 2006: 2). Finally, the *dalits* entered the age-old temple on 4 December 2006 with the High Court's order, after a prolonged two-year struggle and movement, with several attempts in different times in the last two years. The District Administration also allowed the same. *Dalits* entered the lord *Jagannath* temple of their village despite stiff opposition from the upper-caste *Hindus* of the area. The leaders of *Ambedkar-Lohia Vichar Manch*, which was spearheading the movement, were not present when the *dalit* men went inside the temple. The entry of the *dalits* into the 300-year-old temple was smooth and barrier-free. One platoon of policemen was on duty near the temple, when five *dalits* entered the temple and had '*darshan*'[15] of the deities around at 12.25 P.M. and senior officials of the administration were also present. However, tension started building up, when more and more *dalits* from Keredagada and nearby hamlets started visiting the temple and the priests left the shrine, resulting in non-performance of the rituals. The priests and servitors left the temple following instructions from the upper-caste people.

After the above issue, *Puja* and rituals were stopped by the temple priest. A meeting of both *Harijans* and *Savarnas* was held on 17 December 2006 in Keradagada Revenue In charge's office, near to the temple. RDC and CD of Cuttack, Collector and S.P. of Kendrapara, and about 20 others from *Savarna* side and Satrughna Mahalik from *Harijan* side attended the same.[16] After prolonged discussion, the members of *Savarna* suggested that the *Harijans* should have '*darshan*' from the gate near '*nine holes*' (*Naukana*) and the *Harijans* suggested having *darshan* at the first steps of the shrine. However, it was decided that an iron grill gate will be fixed near '*nine holes*' (earlier, the *nine holes* were in the outer wall of the temple boundary) and a wooden bar will also be fixed near the first step of the temple. It was decided that all the devotees irrespective of their caste will have '*darshan*'[17] from the *iron gate*. The upper castes and *dalits* have agreed not to go beyond a 'mutually agreed point'.[18] An iron grill has come up at the mutually agreed point where both communities are offering prayers. But beyond the iron grill, no one was allowed to go beyond the point inside the temple. Two new steel bars have fixed horizontally near the steps make things obvious that no one will be allowed to go beyond the steps to offer *Puja*. The High Court order was diluted and

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[14]*Ambedkar-Lohia Vichar Manch*, Keradagada, Kendrapara, Odisha. Raj Kishore Muduli is the youth leader of the organisation of Kendrapara branch.

[15]To see and worship the God.

[16]An interview with Sudarshan Mahalik. Data collected during the fieldwork on village Keradagada, in Rajnagar block in the Kendrapara district of Odisha in 13 January 2011.

[17]Seeing the god at the temple in different festive occasions.

[18]The place, the *iron gate* is fixed in the outer wall of the temple where both the communities agreed to see the lord, without entering inside the temple premises.

the vested interests of the upper castes were preserved, as their god remains puri-fied. *Puja*[19] and rituals in the temple started from 17 December 2006 after the decision.

Though the High Court order has prevented the upper-caste *Hindus* from making any retaliatory moves, the administration has not implemented the High Court order. This was in response of the Government plea for the maintenance of *status quo* for the preservation of law and order. But the order of the High Court was diluted by the State administration. The Government and the administration made an *iron gate* at the main door of the temple. Now neither the upper castes nor the *dalits* are allowed, except the priests to enter the '*Garbhagriha*' (sanctum sancto-rum), where the statues were installed. Now all the devotees have the *darshan* from a distance. When asked the *dalits*, why they agreed to the proposal? They said that 'they agreed to the proposal because the upper castes also not allowed to enter inside the temple. Earlier, they were allowed to enter and we were not, and now it's equal for all'.[20] When the upper-caste people were interviewed about the same question why they agreed to the proposal? They said that 'we want our god to remain pure and far from the touch of the lower castes, that's why we agreed to the proposal'.[21] *Dalits* no doubt entered en masse into the Keradagada *Jagannath* temple in Kendrapara district, but the '*sanctum sanctorum*' (the innermost chamber of the temple) still remains a 'no-entry zone' for the *dalits*. The upper castes forgot their right to enter into the inner temple where the lord resides, so that the *dalits* cannot step into the most sacred zone of the temple.

Mr. Akshaya Mallik again in his petition alleged that the authorities had violated the court order and did not allow *dalits* to enter the temple and instead erected an iron grill on the outer wall of the temple from where the *dalits* were allowed to worship the deity. He further said that the priests of the temple had refused to give '*Prasad*' to the *dalits* and were also not provided with '*dhanda*'[22] and '*paduka*'.[23] After the temple entry incident, even the priests do not take coconut directly from the hands of the *dalits* for the worship of the deities. The petitioner also alleged that many *dalits* in the area were socially ostracised by the upper-caste people and by the priests after their entry into the temple. When contacted, District Magistrate Kashinath Sahu said, 'The authorities demolished the *nine holes* on the outer wall of the temple and constructed an iron grill. The iron grill was constructed after both *dalits* and upper caste people of Keredagada agreed in a meeting in presence of the Revenue Divisional Commissioner (Central) Suresh Chandra Mohapatra and Deputy Inspector General of Police Santosh Upadhhaya on 17th December, 2006. There are

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[19]Worshiping of the lord.

[20]In an interview with Laxmidhar Malik (*dalit*) in the village Keradagada in Kendrapara district of Odisha, during the fieldwork in 16 January 2011.

[21]In an interview with Dhaneswar prusti (upper caste) in the village Keradagada in Kendrapara district of Odisha, during the fieldwork in 17 January 2011.

[22]*Dhanda* means the leaf of bel tree and tulsi plant placed in front of the god.

[23]*Paduka* means the water on which the wooden idol of the god bathed and placed for the devotees to drink and is the religious practice and belief of Hindus in Odisha.

no special privileges for upper castes. All communities will pray from a particular point. No one is allowed to enter the sanctum sanctorum' (Samaj 2006: 1). The President of *Odisha Mukti Morcha*,[24] and *dalit* leader Bhajaman Behera said, 'This *darshan* of the deities from behind the iron grill is not the solution. I refuse to accept the administration's arguments that both communities mutually agreed to abide by this. The authorities have imposed this decision on the *dalits*. If the upper castes have agreed to pray at a mutually agreed point, then it's designed to stop the *dalits* from entering into the sanctum sanctorum. This iron grill has to be removed and the High Court order, which allowed all *Hindus* to enter and worship at the Keradagada temple, has to be implemented in letter and spirit'.[25]

About 2000 *dalits* of Keradagada and its nearby villages in the coastal district of Kendrapara congregated at Aul, 30 km from Keradagada, to mark the 116th birth anniversary of Babasaheb Ambedkar, who championed the cause of the depressed classes in the country. Around 1000 of them threat to embraced *Buddhism* in the presence of leading state *dalit* leaders. Ashok Mallik (*dalit* leader and president of Republican Youth and Students Front (RPYSF)), Rajkishore Muduli (leader of *Ambedkar-Lohia Vichar Manch*, Keradagada), and Khirod Patra (the Secretary of Republican Youth and Students Front (RPYSF) said, 'The *dalits* will embrace *Buddhism* because; they were not allowed to enter the 300 years old *Jagannath* temple at Keradagada village'.[26]

> Ashok Mallik said "The *dalits* were earlier allowed to worship the deity at Keradagara through *nine holes* on the outer wall of the temple. After the court's direction, the administration closed the holes at the temple wall and built an iron grill, restricting everyone except the priests, from entering the 'sanctum sanctorum'. The *dalits* are unhappy over the local administration's move. It is an insult towards the *dalits* of Kendrapara and the administration's move has violated the High court's order which already directs the administration to facilitate for the entry of *dalits* to the temple. Accordingly, the local administration is not ready to help them and that is why *dalits* will convert to *Buddhism*".[27]

Some newspapers reported that more than thousands of *dalits* in Keradagada have converted to *Buddhism*. During his fieldwork, the researcher found that "no one from the *dalit* community has actually converted to *Buddhism* and they had just given a threat to the upper-caste *Hindus*, as they will convert themselves to *Buddhism* if the administration will not implement the High Court's order' and the

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[24]*Odisha Mukti Morcha,* a *dalit* political organisation in Odisha.

[25]An interview with the *dalit* leader. Data collected during the fieldwork on village keradagada, in Rajnagar block in the Kendrapara district of Odisha in 15 January 2011.

[26]An interview with Mr. Khirod Patra, the Secretary of Republican Youth and Students Front (RPYSF) at Jawaharlal Nehru University, on 25 December 2010, before going to the fieldwork. (Mr. Patra is now a Ph.D. scholar in the school of SIS, JNU, New Delhi.)

[27]An interview with Ashok Mallik, the president of Republican Youth and Students Front (RPYSF) during the fieldwork on 21 January 2011.

upper-caste *Hindus* will not allow the *dalits* to the temple".[28] A *Buddhist* monk Bhiku Biswabandhu from New Delhi laid the foundation stone for a *Buddhist* temple at Aul in the Kendrapara district on the occasion. It is needed to mention here that, as per the Odisha Freedom of Religion Act, 1967, a person has to file an affidavit before the district collector one month prior to changing his/her religion. In an interview to The *Hindustan Times*, the Kendrapara collector Kashinath Sahoo said 'According to me the Keradagada temple issue has been solved. Someone is unnecessarily trying to create tension in the area by threatening such conversion' (Hindustan Times 2007: 3).

The *dalits* in Keradagada claimed themselves *Hindus*, and they consider the temple and the god as their own, having a tradition of attachment with the deity and especially to *Hindu* religion for the past generations. That is why they did not convert to *Buddhism*, though they have just given a threat with the motivation of the local *dalit* leaders. It clearly shows the immense belief and faith of *dalits* in *Hindu* religion and tradition, where their consciousness diluted at the point of their faith in *Hindu* religion. After two years of prolonged movement and with the High Court's Order for *dalits* to entry the temple, still the *dalits* in Keradagada remain unable to enter the temple beyond the iron grill. Neither the *dalits* converted to *Buddhism*, nor able to enter the *Hindu* temple. The village power structure, feudal nature and caste system in Odisha remain unchanged, where the Law of the Land and the High Court order was diluted with the instruction of the upper castes. Neither the government nor the judiciary has been able to solve the Kendrapara problem, and untouchability still remains a problem in Odisha. After sixty-nine years of India's independence, the authorities of the upper castes are still prevalent in Odisha and the *Brahminical* caste system with the religious traditions is even today determining the 'Rule of Law'.

Navya Shastra,[29] the international *Hindu* reform organisation, lauds the *dalit* human rights groups for facilitating the entry of *dalit* devotees of lord *Jagannath* into the 300-year-old *Jagannath* temple located in Keradagada village of Kendrapara district in Odisha. The organisation stands firmly in solidarity with *dalits*, who have fought hard to assert their rights to enter *Hindu* temples, as provided to them by the Indian Constitution. To quote Mahatma Gandhi here, on

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[28] An interview with Gayadhar Majhi on 24 January 2011, during the fieldwork, on the question 'why the *dalits* just threatened to convert and actually not converted to *Buddhism*?

[29] The International *Hindu* reform organisation, which trying to unite the *Hindus* providing the untouchables a leap for their entry to Hindu temples, considering the later as a part of *Hindu* religion. If some shastras tolerated or encouraged caste-based social injustices, it rejects them and declares it is time to formulate a system of values consistent with the age in which we live (*yugadharma*). It proposes a New Year Resolution for Hinduism: Opening Temple Doors to all. Navya Shastra (or a comprehensive reinterpretation of existing Dharmashastras), proposing a more egalitarian configuration of *Hindu* society, be a beneficial template for affecting change. It believes shastric and social reform is important for several reasons. Chairman—Dr. Jaishree Gopal, Board of Advisors—Dr. Bala N. Aiyer, Vidyasagar V. V. Raman, Shri Rajarathina Bhattar (Priest Emeritus), Prof. Anantanand Rambachan, Prof. Sita Krishna Nambiar, Raviji (Trinidadand Tobago), Bhagwati Charan Bhatpare (India). http://shastras.org/.

the relevance of non-entry of *dalits* by upper-caste *Hindus*, he said, 'this great *Hindu* religion itself will perish in spite of its so called millions of followers, if it votaries persist in harboring the evil of untouchability' (Gandhi 1931: 372). In addition, *Navya Shastra* was not happy with the local administration for not implementing the Odisha High Court ruling that all *Hindus* may enter the temple. *Navya Shastra* has strongly condemned the subsequent decision of the temple priests and authorities to fix the *iron gate*. According to Jaishree Gopal, *Navya Shastra* Co-Chairman, 'The temple authorities should remember that Chaitanya Mahaprabhu, the greatest devotee of lord *Jagannath*, sought to end discrimination among *Hindus* on the basis of high and low castes, and taught that all devotees of lord *Jagannath* are equal' (Hindustan Times 2008: 4).

4.5 Conclusion

The paper shows that for the first time, the State 'Odisha' has witnessed a large temple entry movement by the *dalits* showing their agitation against the State administration and upper castes' exploitation and humiliation on *them* by denying their rights and freedom. There have been no unified *dalit* movements in Odisha, because *dalits* in Odisha are completely trapped within the larger *Hindu* identity (caste system, *Jagannath* culture and *Hindu* religion) with lack of social and political consciousness. Therefore, Odisha witnessed very few *dalit* movements and protests since colonial period which are small, scattered and disorganised.

The contemporary *dalit* movement in Keradagada is due to the rise of education, consciousness and mobilisation among *dalits* against the mindscape of caste system, untouchability where 'religion nexus with caste system determines the rule of law'. The rising *dalit* consciousness, in contemporary Odisha, is due to the mobilisation of political parties such as *Bahujan Samaj Party* (BSP), *Ambedkar-Lohia Vichar Manch*, the protest movements and the organisational activities of Odisha Republican Youth and Students Front (ORYSF) and other *dalit* organisations. Lack of unity, leadership, ideology and strong organisation are some of the causes for the failure of the movement where the *dalits* could not enter the temple.

The present Keradagada incident which made news for four years is the largest temple entry movement in the history of Odisha. It is for the first time in the coastal and the eastern part of Odisha witnessed a large protest movement agitating against the State administration and upper castes' exploitation on the denial of the rights and freedom to *dalits*. A larger *dalit* movement in the State has not gathered momentum yet. It is solely lack of consciousness, low socio-economic status, and lack of strong leadership on the part of *dalits* in the state which hindered and obstructed the movement. *Dalits* in Odisha are divided within themselves with sub-caste hierarchies. The *dalits* in the State need a common *dalit* ideology, strong *dalit* organisation and *dalit* icons as their ideals, and strong leadership with continuous agitation and consciousness along with practical activities in the whole of the State.

Dalits in Keradagada given a threat, but they have not converted to *Buddhism*, despite the fact that they were not allowed to the temple after their two years of prolonged struggle and movement. Even after the High Court's order, the *dalits* were not allowed to enter the temple. Neither the State nor the administration has taken step in this regard. Neither the government nor the judiciary has been able to solve the Kendrapara problem, and untouchability still remains a problem in Odisha. But the strange thing is that the *dalits* of Keradagada have stopped their movement and succumbed to the upper caste and administration's pressure. Another reason being they were politically, socially and economically weak to continue with the movement. Lack of finance to lead the movement, helplessness from their leaders and with a lot of pressure from the upper castes and the administration, led the *dalits* of Keradagada compelled to stop their movement midway. *Dalits* consider the movement as their victory, since neither the *dalits* nor the upper-caste *Hindus* are allowed inside the temple, and the *dalits* feel equal to the upper castes now. *Dalits* in Kendrapara do not want to convert to any other religion, as they see lord *Jagannath* as their god.

No movement fails completely. The movement arouses enormous *dalit* consciousness at different parts of the State and has a larger impact on the socio-political spectrum not only on the State but in the whole country as far as *dalits* are concerned. In different regions of the State, the *dalits*, who were excluded from their rights earlier, are now demanding and asserting their rights, after the Keradagada movement. However, slowly but steadily the *dalits* of Odisha are preparing for a large movement.

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Part III
Development, Displacement and the Tribal Question

Chapter 5
Displacement and Deprivation in Jharkhand

Pankaj Kumar

5.1   Introduction

Urbanisation, mining and infrastructure related projects are the biggest agents of displacement in India. They have an adverse impact on thousands of people as they deprive them of their livelihood, social and cultural system, and push them into poverty. People's responses against infrastructure in the post-colonial period have become one of the most prominent phenomena on the socio-cultural and political picture. The anti-infrastructure development movement comprising the displaced or mostly the tribal has got a boost by an active support from the diverse groups which created an atmosphere which is more receptive to the issue such as displacement and rehabilitation issue. The resistance against land acquisition in the post-independence period has been more organised, sustained and has had a profound influence on the entire discourse of displacement and rehabilitation. There have been people's resistances against a range of infrastructure development activities. But this paper limits itself to the progress and evolutions of protest against mining and infrastructure development activities in Jharkhand; here, one case study has been taken for discussion i.e. Uranium Corporation of India Limited (UCIL) mining project.

5.2   Displacement in India

After independence, with an objective to achieve rapid economic growth a good number of major developmental projects have been initiated and implemented by both central and state governments. These projects include construction of mega

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irrigation dams, power plants and industries mining operations. Though these developmental projects have provided irrigation to thirsty lands, energy for growing industries and brought about economic prosperity for the country, nonetheless these mega projects have caused forced displacement of millions of people to make the way for these projects. Among the people displaced by various developmental projects, a large number of people belong to scheduled tribe, scheduled caste and other backward communities who are always regarded as the poor and disadvantaged section of the society. India's Planning Commission, almost exclusively manned by economist, did not consider displacement as an issue. When given the over enthusiasm of the first charismatic prime minister (who occupied the office for 17 years) for technology-driven rapid development, labelled these huge projects as 'temple of modern India' (Oommen 2008: 77). The 'temple of modern India' has become 'temples of doom' for the uprooted people. In a socialist welfare state like ours, it is an irony that the benefits of development have not been shared by all section of society. In the developmental process, it is the displaced people, who share only pains of development, while some other people enjoy the gains. It is, in fact, profoundly contrary to the very goals of development.

5.2.1 Globalisation Phase

The role of the state has now changed and development is no longer its exclusive affairs. Under the growing impact of globalisation forces, the private sector is emerging as a major player in the development process in its own right, not dependent on licences from government agencies for undertaking industrial or business activities, as was the case earlier. Government in developing countries are even encouraging Indian Corporate Houses (ICHs) Multinational Corporations (MNCs) to invest in major national projects, and the World Bank and other multilateral development finance institutions are providing financial assistance to many private sector ventures.

5.3 Eminent Domain

The Land Acquisition Act of 1894 introduced the concept of the 'public domain'. The government could acquire land from private parties for public purposes or for a company. The agency vested with power to make the acquisition was the district collector. He is given the responsibility to survey the land required, establish the nature of the individual claims on it and settle any disputes amongst the existing right holder and any that may arise between the owners and the body acquiring the land, and award compensation. The landowners and right holders of the land to be acquired were to be compensated in cash. The collector had the initial power to make the award, but his award could be referred to the determination of the court,

provided an appeal was filed within six weeks of his award. There were provisions making the collector personally accountable for excessive awards, thus ensuring that he did not attempt to minimise appeals to the court by overly generous payments (Lobo and Kumar 2009: 16).

5.4 Approach to Displacement

There are many approaches to analyse the relationship between industrialisation, mining, dams and tribal society.

5.4.1 Development of Powerlessness

Displacement is primarily the consequence of the struggle for the control of the natural resources that as the forests, land, water and other products. It is a transition of these resources from being the life support system of the community and from an informal economy to individual and corporate ownership of the service of the whole community as such a balance had to be kept between human needs and environmental imperatives. Overutilisation of the natural resource is a consequence of these dynamics, thus rendering them non-renewable. Impoverishment of the communities that have depended on them is a logical outcome. What B.D. Sharma says about forests can be applied to all the resources i.e. a life support system to the tribal is only a raw material for the industrialist (Sharma 1977: 25).

Displacement is the result of this unequal struggle for the natural resources, between the powerful minority and the powerless majority. What matters in this process are not merely the numbers of person evacuated from their habitat but also perhaps above all, the type of communities affected? Most mines and a large numbers of dams and industrial projects are located in the high tribal concentration of western, eastern and central Indian states of Gujrat, Bihar, Madhya Pradesh, Chhattisgarh, West Bengal and Orissa. Displacement particularly for major dams and mines is primarily thought not exclusively, among these already marginalised sections.

The lack of rehabilitation and other consequences have to be situated within this context of the powerlessness of communities affected. To begin with rehabilitation, studies have shown by Hansda (1983: 22) that fewer than 25% of persons displaced by development projects are rehabilitated properly. Even if they were to rehabilitate, displacement would still remain a traumatic experience with serious psychological, physical and socio-cultural consequences. Psychological stress can be characterised by a number of responses such as the 'grieving for a lost home' syndrome, anxiety concerning the unknown future and a feeling of helplessness at one's inability to protect one's home and community from disruption. Physical consequences can be in term of illness and increase morbidity mortality rates during the transition period and may continue over a number of years following relocation. Socio-cultural stress

associated with compulsory relocation is that cessation of a range of economic, social and religious activities which are tied to the oustees old habitat or the breakdown of their community into fraction setting leaders against leaders.

5.4.2 Feminist Approach

The main slogan of the eco-feminist approach is that 'nature as the feminine principal'. Maria Mies, the noted eco-feminist thinker has called women's work in producing sustenance for the 'production of life' and views it as a truly productive relationship to nature, as women not only collected and consumed what grow in nature but they made things grow.

The organic process of growth shows that the women and nature work with each other in partnership creating a special relationship. In this perspective, Mies has summarised it in three ways: Firstly, women's interaction of nature with their own nature as well as the external environment was a reciprocal process. They conceived of their own bodies as being productive in the same way as they conceived of external nature being so. Secondly, although the appropriate nature is their appropriation, it does not constitute a relationship of dominance or property relation. And finally, as producers of new life, they also become the first substance producers and the inventors of the first productive economy (Maria Mies cited by Shiva 1997: 52).

Vandana Shiva, one of the supporters of feminist approach is of the view that women produce life not merely biologically but also through their social role in providing sustenance. All ecological societies of forest dwellers and peasants, whose life is organised on the principle of sustainability and the reproduction of life in all its richness, also embody the feminist principal (Shiva 1997: 52). Historically, however, when such societies have been colonised and broken up, the men have usually started to participate in life-destroying activities or have had to migrate; the women meanwhile usually continue to be linked to life and nature through their role as providers of sustenance, food and water. The privileged access of women to the sustaining principle thus has a historical and cultural but not on biological.

5.4.3 Marxist Approach

Analysis of the ecological problem from the standpoint of historical materialism leads us to conclude that to remove the ecological danger, we must abolish private property relations and class antagonism. For only then will it be possible to apply on global scale positive technological methods to eliminate antagonistic ecological contradictions. Hence, an economic system which is fundamentally based on private transactions rather than social ones is no longer appropriate and increasingly ineffective in managing this vital social good. The system is therefore in need of change.

The survival urges, the drive for profit are still prevalent in all capitalist enterprises, from small private farmers to gigantic industrial complex. The survival urge inevitably comes into conflict with the ecological requirement of society and in some cases with government policy and its attempt to satisfy these requirements. This should not be taken to mean that the socialist countries have solved all their ecological problems that environment protection is near perfect, and there are no difficulties of an objective or subjective nature.

5.5 Land Acquisition in Case of UCIL Mining Project

The persons selected for interview by the researcher are the people who are displaced due to construction of UCIL mining and the third tailing pond (Where waste uranium materials are dumping). It is worth noting here that Uranium Corporation of India Limited (UCIL) had begun uranium mining first at Jaduguda village with a population of 60 household (nearly about 250 people). Out of 60 household, 25 household settled at Dungridih. They were again displaced for construction of second tailing pond and later it extended its mining at Banduhurang with a population of 200 household (nearly about 900 people) and Bagjata with a population of 41 household (nearly about 150 people). UCIL had selected Chatikocha for constructing the third tailing pond which had a population of 75 household (nearly about 250 people). Accordingly, researcher has selected his samples for the study in the following manner: 200 household from Banduhurang uranium mining, 41 household from Bagjata uranium mining, 25 household from Dungridih and 75 household from Chatikocha. In other words, without opting for any particular sampling frame, researcher has included all the people who are displaced due to construction of UCIL mining and tailing ponds at Banduhurang, Bagjata, Dungridig and Chatikocha village. The small number of the displaced households in the selected locations made my task possible though difficult. It took nearly one year for me to collect data from displaced people from these four sites.

5.5.1 Land Acquisition Agency

It was found that in Jaduguda region, district land acquisition officer acquired land, and it was the district authority who distributed cash compensation among displaced people. After acquiring land from indigenous people, district administration handed over the land to UCIL project management.

Data in Table 5.1 give details about the legal ownership of land of the respondents. Out of 341 respondents, 111 (32.55%) are having title deeds (patta) of the land. Their lands are fertile where two crops are grown in a year. Most of the 'no response' category belongs to landless category; in most of the cases, people are living for three generations.

Table 5.1 Possession of entitlement deeds (patta) of land with respondents

Response	No. of person	Percentage
Yes	111	32.55
No	230	67.44
Total	341	100

Source Field work by author in 2012

Table 5.2 Compensation received by respondents

Response	No. of person	Percentage
Yes	210	61.58
No	131	38.41
Total	341	100

Source Field work by author in 2012

5.5.2 Compensation

Compensation is the most significant and central aspect in the study of rehabilitation of the displaced person. The problem of the estimation of compensation of the respondent's property both moveable and immoveable is the prime factor in the estimation of the compensation. The district land acquisition officer did the estimation of the compensation of the land. He took into consideration the total volume of land, fertility of land and type of land (wet or dry).

In response to a question about receiving compensation for their house, land and other assets, 210 (61.58%) of the respondents said 'yes' as they had received money, 131 (38.41%) replied in the negative, as they did not receive any compensation. Interestingly, 8% of those receiving the compensation had to pay bribes to get it. Compensation (includes money and jobs) is given only to those who have ownership right on the land, whereas who have problem in succession and inheritance they are compensated by money and not through job in UCIL (Table 5.2).

5.6 Stay After Displacement

Complete Rehabilitation was not done by UCIL management. Most of the displaced persons had no place to live, so some of them settled down at UCIL colony. UCIL management tried to resettle the displaced people at *Dhabone*, but it was not possible due to protest done by the local people. Original settlers of *Dhabone* were not ready to accept the displaced people. Table 5.3 indicates that out of 341 samples, 2 (0.58%) were residing in the UCIL colony, 289 (84.75%) preferred to dwell in some nearby village by purchasing land as local people did not object to it. Only 43 (12.60%) migrated to cities such as Jamshedpur and Chaiebasa and 7 (2.05%) were residing at any other place.

Table 5.3 Place of stay after displacement

Place	No. of persons	Percentage
UCIL colony	2	0.58
Nearby villages	289	84.75
Town	43	12.60
Any other	7	2.05
Total	341	100

Source Field work by author in 2012

5.7 Ethnic Backgrounds of Respondents

It appears from Table 5.4 that majority (87.37%) of the land oustees are from the scheduled tribe community, the rest (11.98%) belong to other backward classes (OBCs) category. Jaduguda comes under *Potka* block which is tribal dominated area, so researcher does not find general category and Scheduled Caste (SC) population.

5.7.1 Educational Level of Respondents

Majority of the respondents of the present study came from remote rural areas and tribal areas of Jharkhand where literacy rate still remains low. This may be one of the reasons for such a large number of illiterate respondents included in the study. The UCIL management claims that several measures are being adopted to enhance the educational level of the project affected person. But my field data clearly show that out of 341 heads of households selected for interview, 199 (58.35%) are totally illiterate, 15 (4.39%) respondents have education up to fifth standard, 98 (28.73%) respondents have education up to tenth standard, 10 (2.93%) respondents have

Table 5.4 Ethnic backgrounds of the respondents

Social categories	Ethnic groups	No. of persons	Percentage
STs	Santhal	159	46.62
	Ho	105	30.79
	Munda	30	8.79
	Kharya	4	1.17
	Mahali	2	0.58
	Total	300	87.37
OBCs	Lohar	9	2.63
	Das	3	0.87
	Sahu	15	4.39
	Gop	2	0.58
	Patro	12	3.51
	Total	41	11.98
All total		341	100

Source Field work by author in 2012

Table 5.5 Respondents' general education level

Educational level	No. of person	Percentage
Illiterate	199	58.35
Up to class 5	15	4.39
6–10	98	28.73
11–12	18	5.27
B.A.	10	2.93
MBBS	0	0
IIT	1	0.29
Total	341	100

Source Field work by author in 2012

graduation degree and one has professional degree. Table 5.5 shows the distribution of respondents on the basis of literacy. The state government has opened primary and middle school in Hindi medium under Sarva Shiksha Abhiyan (SSA), which is an effort to universalise elementary education by community-ownership of the school system. I also collected data from these schools.

The process of land acquisition in Jaduguda area poses several problems for the affected people. The sufferings of the affected people get further aggravated due to the lack of transparency and accountability of agencies responsible for resettlement. The factors that contribute to the feeling of helplessness include lack of transparency, partial and delayed information, weak efforts to ensure participation of affected communities and nonresponsiveness to grievances. With the result, several social and occupational changes occur in their social structure.

5.8 Impoverishment Risk of Displacement

There is now growing consensus in the literature on rehabilitation and resettlement that displacement processes lead to a decline in the standard of living of displaced people and it also heightens impoverishment. The Impoverishment Risk and Reconstruction (IRR) model, developed by social anthropologist Michael (Cernea 2000: 12), is a significant approach in displacement and resettlement research. It shows how displacement goes hand in hand with physical, social and economic exclusion which culminates in a broad range of impoverishment risk. Cernea has identified eight key risks which are landlessness, joblessness, homelessness, marginalisation, increased morbidity, food insecurity, loss of access to common property and social disarticulation. A brief narrative of each key impoverishment risk with its implications for the affected people is done below.

5.8.1 Landlessness

Land is the foundation on which rests a number of livelihood, productive systems and commercial activities. Once people lose their lands for project purpose, it becomes extremely difficult for them to own land again, for reasons that include scarcity of agricultural land for resettlement and inadequate compensation to replace the land loss. Landlessness brings about change in occupation, reduces ability to hold assets (like livestock) and lessens the food supply and resource base for securing other necessities. For those few who succeed in getting 'land for land', the average size of landholding decreases, the land quality changes for the worse and the livestock holding is reduced. Cerneaobserves that expropriation of land removes the main foundation upon which people's productive system, commercial activities and livelihoods are constructed. This is the principal form of decapitalisation and pauperisation of displaced people. Unless the land basis of people's productive systems is reconstructed elsewhere or replaced with steady income-generating employment, landlessness set in and the affected families become impoverished.

Table 5.6 shows the extent of landlessness among respondents before and after land acquisition in the Jaduguda uranium mining project. Among the respondents, 131 (38.41%) are landless after land acquisition, whereas the number of such people were only 27 (7.92%) before land acquisition. Interestingly, only 117 (34.31%) people could buy new land and continue to cultivate that even after land acquisition. Obviously, the percentage of cultivators were higher 221 (64.81%) before land acquisition. Among the land oustees, there are 46 (13.48%) people who were sharecroppers after land acquisition which was 75 (21.99%) before land acquisition. There are 28 (8.21%) land oustees who have taken land from others for cultivation on lease after land acquisition, earlier they were 8 (2.35%). Among the remaining displaced people, there are only 19 (5.57%) people who are tenant after land acquisition which was 10 (2.93%) before land acquisition. Therefore, it reveals that a significant number of people became landless after land acquisition as they could not utilised the compensation money to buy any land. Landlessness has its adverse impact not only in the economic sphere, but also in general lowering of the

Table 5.6 Distribution of respondents as per the nature of landownership

S. No.	Nature of landownership	Before displacement (%)	After displacement (%)
1	Landless	27 (7.92)	131 (38.41)
2	Cultivator	221 (64.81)	117 (34.31)
3	Sharecropper	75 (21.99)	46 (13.48)
4	Land on lease	8 (2.35)	28 (8.21)
5	Tenant	10 (2.93)	19 (5.57)
6	Total	341 (100)	341 (100)

Source Field work by author in 2012

social and political status in an agrarian society, as also in the mental state which handicaps the displaced people in their coping behaviour patterns.

5.8.2 Joblessness

When the landlord loses land, landless agricultural labourers working with them also lose their sources of income and employment to support their family. The small enterprisers, traditional artisans and wage labourers are also adversely affected. Tribal people staying around forests depend on shifting cultivation and forest produce collection. When forest land is also taken to build industry along with plain land, people lose their traditional rights over forests products apart from occasional work in agriculture. Competition with the host community in the new set-up forces the displaced people to take up non-traditional jobs in relocation sites. Evidences from Jaduguda uranium mining project show that initially there is a temporary increase in wage employment in the area, which is associated with project construction activities. But these options declined rapidly once manual task in the project came to an end. With its impoverishing effect, unemployment or underemployment among resettlers usually lasts a long time. Unemployment and underemployment push displaced people to seek options of seasonal migration and interstate migration including bonded or child labour for the minors. Lacking other income sources, more women, children and even adult men engage in large numbers in collecting firewood from forests which was situated near village before displacement.

5.8.3 Homelessness

Home refers to the place and habitat, which enshrines and enriches life. Its loss is tantamount to the loss of cultural space and identity, and hence, it ultimately leads to cultural impoverishment. Home gives a sense of belonging, social and psychological security and an assurance of togetherness. It also provides a psychological and more than that a spiritual attachment with ancestors. The feeling of oneness and attachment to birthplace and to kin members are found to be a binding force in social structure. Houses of tribal and backward communities are often shared by domestic animals. Livestock is a means of supplementary income to them. While a few better off displaced people could spend a sizable proportion of compensation money to construct house after relocation, tribal and other backward communities take more time to construct houses. This could also be due to the fact that tribals had to spend a large part of their day time collecting food from outside or working as labour. Hence, they use house only for cooking, storing and sleeping. In a broader cultural sense, loss of a family's individual home and the loss of a groups' cultural space tend to result in alienation and status deprivation. In Jaduguda region,

it has been found that loss of housing and shelter may be only temporary for many displaced people but for some homelessness remains a chronic condition.

5.8.4 Increased Morbidity and Mortality

Social stress, insecurity and psychological trauma associated with displacement lead to immediate deterioration in health standards. Unhygienic living conditions in relocation centre such as unsafe drinking water and poor sewerage give rise to chronic diarrhoea, cholera and even epidemics. When people are put up for a long time in camps that have poor and unhygienic conditions, diseases spread very rapidly. Among the groups most vulnerable are women, children and elderly. Involuntary resettlement leads to increased stress, both psychological and socio-cultural and also heightens morbidity and mortality. Hazards to health are a common experience for those being resettled and of those with whom they come in contact in the process of resettlement.

Table 5.7 shows that the more than forty percent of the inhabitants were using ponds, river and small stream water, and the rest 58.65% were using dug well water for drinking purpose before displacement. Now, 70.08% of displaced people are using UCIL supplied water, and rest about 30% are using dug well, stream and river water for drinking purpose.

5.8.5 Loss of Access to Common Property and Services

For poor people, particularly for the landless and asset less, loss of access to common property resources that belong to relocated communities (forest lands, water bodies, grazing lands etc.) results in significant deterioration in income and livelihood. Tribal people are those who mostly depend on such resources. Often these resources are lost when people are forced to relocate. Access to common property resources after displacement drastically deteriorated in Jaduguda region.

Table 5.7 Sources of safe drinking water

S. No.	Sources of drinking water	Before displacement (%)	After displacement (%)
1	Ponds	28 (8.21)	0 (0)
2	River	43 (12.60)	4 (1.17)
3	Small stream	70 (20.53)	28 (8.21)
4	Dug well	200 (58.65)	70 (20.53)
5	UCIL supplied water	0 (0)	239 (70.08)
	Total	341 (100)	341 (100)

Source Field work by author in 2012

Table 5.8 Loss of common property after displacement

Items	Worshiping place	Cremation ground	Forests and woodland	Fallow land	Grazing ground	Ponds	Well
Increased	4	31	36	50	9	19	28
Decreased	315	290	270	260	330	320	291
Cannot say	20	17	32	30	1	1	7
Remain same	2	3	3	1	1	1	15

Source Field work by author in 2012

The opinions of displaced people regarding availability of various common property resources in the places of resettlement as compared to old villages before land acquisition constitute an important dimension of my research. Most of the displaced people felt that common property resources in resettlement site are not sufficient and are lesser than what they had earlier in their villages. Table 5.8 shows that there is gross shortage of common land such as places of worship, cremation ground, forest and woodland, fallow land, razing ground, ponds and well. This clearly reveals the loss of common property in resettlement place. As compared to the negatives responses in Table 5.8, very few people hinted that common properties have either increased in the resettlement places or have remained the same as before. It may be added that quality of facilities such as irrigation and electricity have also worsened after displacement.

5.9   Changes in the Possession of Agriculture Assets

Among the surveyed 1530 population, a sample of 306 (20%) was taken for analysing the existence of agricultural equipments before and after the land acquisition. Field data suggest that there is a drastic reduction in the possession of agricultural equipments in Jaduguda. Generally, the number of items of each kind possessed by households is one to one or slighter higher.

Data cited in the Table 5.9 shows that the number of person not possessing any equipment increased from 20 to 57% since displacement. This means that due to loss of land, the oustees must have sold their agricultural equipments. Before land acquisition, the surveyed oustees in all possessed 2 tractors, 30 oil engine, 1 electric motor, 10 sprayers and 3 thrashers. After the land acquisition, this number has reduced except thrasher. Now, agricultural and mechanical devices are not necessary. The cart and plough which were owned by 91.5 and 94.77% of people, respectively, have got reduced to only 31.70 and 33.33%, respectively. It can therefore be concluded that displacement has led to reduction in the number of agricultural assets of the oustees leading to 'asset poverty' of the marginalised.

Table 5.9 Possession of agricultural equipments

S. No.	Category	Before land acquisition		After land acquisition	
		No. of person	Percentage	No. of person	Percentage
1	Nil	61	19.93	173	56.54
2	Tractor	2	0.65	1	0.33
3	Oil engine	30	9.80	27	8.82
4	Electric motor	1	0.33	0	0
5	Sprayer	10	3.27	7	2.29
6	Cart	280	91.50	97	31.70
7	Plough	290	94.77	102	33.33
8	Thrasher	3	0.98	3	0.98

Source Field work by author in 2012

5.10   Distribution of Formal Educational Activity

Displacement and rehabilitation often cause severe interruption in the functioning of schools and in child's access to education. For instance, in Chatikocha village, children from displaced families never returned to school, instead they became child labourer. The same is true about other villages. The chaos of relocation distracts parents from focusing on the concern of their children as they struggle to reconstruct their physical and productive environment.

Data in Table 5.10 indicate about the disruption of formal education among boys and girls. Out of 360 respondents, 92 (25.56%) left school due to economic hardship, 16 (4.44%) due to inconvenient distance of school, 51 (14.17%) could not go to school due to work at home, 65 (18.06%) work as child labour and 86 (23.89%) says that new place does not have school. Remaining 50 (13.89%) does not attained school mainly because of malnutrition and poor health. So, it can be concluded that dropout rates have become high due to acute poverty and deprivation which did not allow parents to send their children to school. The female child often has to drop out of school due to work at home in most of the oustee's families.

Table 5.10 Distribution of reasons for disruption of education

S. No.	Reasons for disruption of education	No. of person	Percentage
1	Economic hardship	92	25.56
2	Inconvenient distance of school	16	4.44
3	Could not go to school due to work at home	51	14.17
4	Increase in child labour	65	18.06
5	New place does not have school	86	23.89
6	Education affected due to poor health	17	4.72
7	Malnutrition	33	9.17
	Total	360	100

Source Field work by author in 2012

5.11   Degradation of Environment

For centuries, the indigenous people lived in harmony with their environment. They have developed a culture of affinity with the nature. The Ho and Santhal tribe get most of their food and other material, which they required, from the forests. Their life may be poor and hard, but because of their self-reliance, they have independence and dignity. They pride themselves that they are landowners, however small their holding may be. When the Ho and Santhal tribesmen of Chatikocha village were displaced from their environment, it destroyed their lifestyle and culture.

The large-scale mining in this region have caused severe damage to the land resource of the area. Vast area of rich forests and agricultural land belonging to the indigenous people has been laid waste due to mining and construction of tailing ponds. As a result, the flora and fauna of the region have been adversely affected. The pollution at Jadugura Uranium plant site is more threatening to people. They reported that crops repeatedly failed within 5 km^2 of the plant area and that the health of both human and animals were damaged due to the increased radiation level.

5.12   Tradition and Change

Displacement and rehabilitation have brought several changes in the Chatikocha social structure. Organisation of any society crucially involves the environment as important factor in determining the relationship between human beings and nature. The adaptations, which humans make in order to adjust to a particular environment, are clearly reflected in all the major institutions of the society. Resettlement significantly entailed a new life which is full of hardship for them. It is a struggle to adapt again to a new environment by improving new strategy to eke out basic means of survival. The displaced villagers face the most important problem in term of survival resources. In order to sustain themselves, they try to make changes in certain social relationship. These changes were made due to practical consideration. As they have been thrown into a new environment and social set-up where they find themselves exploited and marginalised. Displaced people faced several hardships. These ranged from practical problems such as lack of fuel, wood and water to interpersonal problems of conjugal adjustment and selection of partner for marriage.

Several cultural changes also took place such as dress pattern, hairstyle and use of cosmetics; these changes occurred due to contact with other people in new place. Their dependence on moneylender increases. They internalise a sense of helplessness and powerlessness because of their encounter with the powerful external world they are pushed into without adequate preparation. They also internalise the value system of the formal society that does not recognise their economic and culture, and begin to consider their own society and culture of little value. Such internalisation makes it impossible for them to rebuild their lives, leaves alone

improve their lifestyle. Their standard of living deteriorates, so do their social status and self-esteem. The physical conditions of the resettlement site, small landholdings or landlessness and lack of livelihood created a sense of alienation, anger and a feeling of helplessness among the displaced people due to their inability to change their situation.

In host villages though land was purchased by the displaced people but practically there were no kinsmen, mistrust or estrangement over resource sharing (especially common property resources and civic amenities) there harmony was difficult to achieve. Since villages are broken up, the sense of community feeling was lost. One is among strangers, who are hostile most of the time and see the newcomers as unwanted. Sometime, they are also harassed by the host population.

The comparison of the past with the present makes it apparent to the people that they have not regained their previous level of living and have on the whole lost in the process of development.

5.13   Present Situation of the Displaced People

Although UCIL management has given employment to the some adults of the affected families and deposited the amount in few people account for building houses, it has done nothing else. Rehabilitation is yet to take place but the work on building the third tailing pond has completed. Now, they are busy in raising boundary of tailing pond so that waste materials of pond would not mix with village stream. Some villagers were admitted to the UCIL hospital, which suffered due to mining in this region. The UCIL has not made any plan to provide job opportunities to the displaced persons who have lost their agriculture land, which is the main source of their livelihood. The outsiders take most of the better-paid jobs in the project. After the establishment of company, there has been a continuous increase of outsiders in the area as it is evident from the fact that tribal population in Jaduguda has been falling since 1981.

The indigenous people who lost their land due to displacement have been turned into cheap casual labourers. They are forced to do the most difficult, arduous and most dangerous jobs. Their living conditions are miserable. They live in tin sheds in the UCIL colony. The people are not facilitated with civic amenities, except the drinking water.

5.14   Institutional Responses to the People's Movement

The People's movements have undertaken always against the heavy odds. Similarly, the indigenous people's movement of Jaduguda is no way different. The indifferent attitude of the UCIL on the one hand and the lukewarm response by the institution on the other hand are the noteworthy instances in this regard.

5.14.1 State Government Responses

Alarmed by rising uranium mining sickness, the erstwhile Bihar state government has threatened to close down uranium mines, lifeline of India's nuclear programme. The state government wrote letter to Prime Minister Office in this regard. Bihar Government's tough stand is an upshot of a report submitted by standing committee of the state legislative which investigates the high incidence of radiation sickness around the uranium mines of Jaduguda in the mineral rich Chotanagpur plateau. The report has blamed the UCIL, which has been mining in Jaduguda since 1967, for leukaemia, tuberculosis, impotence and infertility among tribal living in the shadow of the mines. The worst affected are day labourers in the mines. Jabir Hussain, Bihar legislative council chairman (Prativedan 1998: 5), who headed the committee said that 'we will have no option but to close the UCIL mining operation if New Delhi refuses to meet the cost of shifting the tribals living around the mines and rehabilitating them elsewhere'. After the bifurcation of Bihar in November 2000, UCIL authority says that UCIL mining is situated in Jharkhand; hence, Bihar government cannot close it and now UCIL management is not ready to accept Jabir Hussain committee report.

Jharkhand government has given its official stand on rehabilitation issue. The Government is supporting the demand for land by displaced people. But the fact is that the government does not have enough land for distribution. But government considers its responsibility to somehow find the land for providing at least a homestead plot and a house to all landless displaced people. State government is trying its best for the welfare of the tribal, and people are well aware of it. But non-availability of land is a serious issue, and Jharkhand society has to address this problem jointly with a sense of urgency. The government alone cannot solve it; the judiciary and the executive too need to play their part.

Jharkhand's former Chief Minister Shibu Soren said that his government would soon come out with a favourable Rehabilitation and Resettlement (R&R) policy which would enable industrialists get land for projects while the land owners get their dues.

He said that his government was committed to industrial development but not at the cost of displacing poor people. 'It is our duty and responsibility to encourage industrial development. We promise to provide all facilities, including land and law and order, to those wishing to set up industries in Jharkhand, while we have plans to rehabilitate displaced villages by setting up new villages and ensuring compensation to the land owners along with providing employment according to their merit, and we are dedicated to development of the state and the state government is also committed to "well-being" of the displaced people across the state', Soren said. But he did not fulfil his promise as his government lost non-confidence motion in Jharkhand Bidhan Sabha.

5.14.2 Judicial Responses

In Chatikocha case, Jharkhand Adivasi Visthapit Berojgari Sangh (JAVBS) and Jharkhand's Organisation against Radiation (JOAR) approached the Ranchi Bench of Bihar High Court in mid-1996 seeking restrain of the UCIL authority from forcibly evicting the people and bulldozing their houses. The court, instead of giving a clear verdict, advised the people's representative and the district administration to enter into a composite dialogue and sort out the problems. The reason for which court could not give response was that right to property was no longer a fundamental right.

The constitution of India by Forty Four Amendment Act has deleted Article19 (1) (f) and 31, which guaranteed right to property, so as to remove it from the list of fundamental rights and reduce it to the category of simple constitutional right under Article 300A of the constitution. The only protection to the property owner, who is deprived of his property by state, is that he cannot be deprived of his property without authority of law. The law here means an Act of Parliament or State Legislature, a rule or a statutory order having the force of positive or state made law. He cannot be deprived of his property simply by an executive action.

Jaduguda has the only productive Uranium mine in India, which enables India to become a nuclear power. JOAR activists moved to the Supreme Court of India against Nuclear project, mainly against the inadequate rehabilitation and compensation, and the danger of radiation in Jaduguda region, 'The Public Interest Litigation (PIL), No. 188 of 1999, was filed by advocate B.I. Wadehra against the Union of India and others. The Supreme Court dismissed the PIL, on the basis of an affidavit by the Chairman of the Atomic Energy Commission stating that it had taken adequate steps to contain the radiation arising out of the uranium waste'. Though the project has so far survived the legal challenge, the project management and state government have been forced by court to significantly improve the social, environmental and health safeguards including the rehabilitation compensation.

5.14.3 UCIL Responses

Uranium Corporation of India Limited (UCIL) has a track record of adopting absolute safe and environment-friendly working practices in Uranium Mining and Processing activities. A full-fledged Environmental survey Laboratory cum Health Physics Unit—an independent body under the administrative control of Bhabha Atomic Research Centre (BARC) is in operation to carry out environmental and radiological surveillance in and around UCIL's units (UCIL 1998: 2). External gamma radiation, radon concentration, suspended particulate matters, airborne long-lived alpha activity and concentration of radio nuclides, uranium and radium, in surface and ground water, in soil and food items, etc. are monitored regularly.

A health survey was carried out in the area comprising eminent doctors from Tata Main Hospital (TMH), UCIL, State Government and radiological experts from BARC (UCIL 2009: 5). The consensus of the team was that the cases examined had congenial limb anomalies, diseases due to genetic abnormalities such as thalassemia major and retinitis pigmentosa, moderate to gross splenomegaly due to chronic malarial infection (as this is an hyper endemic area), malnutrition, post-encephalitic and post-head injury sequels. The team was convinced and unanimously agreed that the diseases pattern cannot be ascribed to radiation exposure in any of these cases.

5.15   Conclusion

In case of Jharkhand, massive displacement of population was induced by the central and state governments sponsored development projects during the post-colonial period. This has mostly affected the weaker and marginalised section of society. In the name of development the state snatched land and livelihood from a large section of people, mostly the marginalised and the tribals. The process of land acquisition by the state displaces people not only physically from their land, but also from their livelihood, culture and community life. In the process, they have been experiencing a series of unending insecurities inseparably linked with their displacement. Surprisingly, the state has taken land 'in the public interest' from the ordinary mass. Instead of empowering the ordinary citizens living in the peripheral region through its development projects, the state has disempowered them to a large extent. They have been marginalised and exclude further by the developmental process. With the globalisation of economy and its resultant primacy for the private capital and market, the people are being increasingly relegated to the background position. Their position is likely to worsen further in the absence of intervention of the state, civil society and the people.

In recent times, there is intense debate in the country on displacement, one aspect of which is a fairly widespread agreement that efforts should be made to minimise the possibilities of displacement. In particular, there is quite widespread support for the demand that the loss of fertile, irrigated farmland should be avoided except in perhaps the most unavoidable cases which will be decided by the central or the concerned state government. The process of displacement and rehabilitation itself needs to be more humane, and this is best achieved if it is planned and executed in consultation with the affected people. The formulation of suitable policies as also a development paradigm, that will minimise displacement, should be given top priority. The planning must be carried out judiciously so as to minimise the loss of fertile farmland. The tendency to grab extra land should be curbed and displacement for non-priority purposes should be strictly restricted. So government should practically demonstrate respect for the resettlement issue and recognise displaced people's voices, and it has to design pro-poor policies and poverty alleviation programme which can change the negative impact of displacement to a better future for the displaced people.

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Chapter 6
The State and the Autochthons: Development Induced Conflict

Binu Sundas

6.1 Introduction

Sikkim became the 22nd state of India in the year 1975. However, prior to it, Sikkim was an independent state, with the monarchy in place. Before being part of the Indian Union, it was a protectorate of India. The exploitation and subjugation of the subjects by the monarch led to awakening among some of the politically erudite elite class of the state for the need of democracy. This was followed by period of chaos and anomie in the state with political parties coming into existence and demanding for democratic form of government.

During that phase, Sikkim was characterised by underdevelopment due to the despotic rule of the monarch. Education was enjoyed only by the elite class of people who could afford to send their children to other parts of India as there were no avenues for higher education in the state. The situation in Sikkim changed dramatically after its merger with India and subsequent modernisation of the state started taking place.

After its merger with the Indian Union, Sikkim saw the fruits of modernity and development being part of its day to day life. As most of the people then were illiterate and few were efficient in carrying the administrative work, many were invited from other parts of India. With time, the subjects of Sikkim were gradually being trained in the requirements of the state. Policies of the state were changing with time. People from outside were not required in a mass as the earlier times for the activities of the state and with the recent phenomena of globalisation, privatisation and liberalisation, economic policies of the state also changed, whereby the private players were encouraged and invited to invest in the state, with the state giving patronage to them. Private companies have now become part and parcel of the Sikkimese society. Large dams, 'the temple of modern India', are being

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constructed and pharmaceutical companies are making Sikkim their new found destinations. As these endeavours of development requires specialised labour force, the relations of production has undergone tremendous change. This has alienated the locals from their resources and also from their cultural habitat. The social capital of the state is gradually being lost to those who do not belong to the state.

The construction of dams is envisaged only in terms of the revenue it brings to the state and the other concerns have been conveniently overlooked by the legislatures. The most pertinent concern has been the one which has afflicted the Lepcha population of the state, as these projects would displace them from their cradle of civilisation—Dzongu.[1] This sense of alienation and betrayal has brought them in direct confrontation with the state machinery and bureaucracy. This paper highlights how historically the indigenous people of the state have had to suffer at the hands of the 'other' and the state. Moreover, the paper looks also at the movement they undertook to safeguard their scared habitat from being disappearing under the garb of developmental projects. The paper is based on interviews with the activists of the movement residing in Gangtok and the residents of Dzongu.

6.2 Lepchas—The Autochthones of Sikkim

The Lepchas lived the areas of present day Sikkim, Bhutan, Nepal and Darjeeling District. They call themselves as 'Mutanchi Rongkup' meaning children of God and lived in Mayel Lyang—land of paradise. They lived in a state of primitive communism and derived their entire requirement from the forests and nature and in their lifeworld collectivism subordinated individualism. The concept of private property and hierarchy was absent among them and were guided by traditional authority. They had their own unadulterated cultural practices, rituals and belief system. However, all these have changed under different influences over the years. To understand these changes, therefore, it becomes salient for us to understand the historical evolution of the area.

6.3 Historical Processes of Marginalisation of Lepchas

There is no written history of the area and people prior to the coming of the Tibetans from the Kham province of Tibet and the formation of Namgyal dynasty in Sikkim. It is believed that all the written documents of the Lepchas were destroyed

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[1]Dzongu is a Lepcha reserve in North Sikkim protected by the proclamation dated 30 August 1956 of His Highness Sir Tashi Namgyal, the Maharaja of Sikkim and the Notification No. 3069/O.S. dates 24 March 1958 and issued by the Home Department, government of Sikkim. The protected status of Dzongu prohibits any transfer of land to outsiders or the entry of any outsider (including non-Dzongu resident Lepchas) from entering without valid permit.

and lost in the course of history, which left them only with the oral traditions, which says, that there existed a monarchy system where the king was selected through open competition (Gurung 2011: 31). The harmonious life of the Lepchas started to change when the Red Hat Sect of Buddhists were defeated by the Yellow Hat Sect in Tibet. This led to the flow of Tibetan migrants into Mayel Lyang and the subsequent out numbering of the autochthones by the Tibetans of Kham. Khye Bumsa an intelligent and far-sighted man was responsible for this. He contrived the innocent Lepchas into a friendship pact with the Tibetans. At a place called *Kavi*, the Tibetans, under the blood brotherhood ritual convinced the Lepchas of eternal friendship and persuaded them to accept the Tibetans as their kings. The Tibetans ascended the throne under the title of the Chogyal or the Dhrama Raja. Thus, the Namgyal established itself in Sikkim in 1642 and thus extended the Tibetan authority in the affairs of Sikkim. Further, this led to a large scale change in the social life of the Lepchas. The primitive communism among them was shattered and a hierarchical system was put in place. Tibetans were always higher than the Lepchas and the former's interest was always taken into consideration. In the meantime, Phuntsog Namgyal started to extend its territory by engaging in wars. Sikkim experienced its first territorial loss under the reign of Chodar Namgyal, the 3rd Chogyal, at the hands of the Bhutanese army in 1700 (Pradhan 2009: 79–80). '*The Bhutanese were constantly engaged in aggression on the frontier and there was a series of outrages in which property was destroyed, lives were taken, and many innocent persons were carried off in captivity*' (O'Malley 1989: 26).

At the same time, in Nepal, the Gorkhas were getting ambitious and expanding their territory and made skirmishes in Sikkim. This brought the British into the politics of the region. Sikkim featured into the British scheme of things as they wanted to enter Tibet. The British defeated the Gorkhas and signed the treaty of Segauli and some of the territory which the Gorkhas had annexed was restored to Sikkim. The treaty of Titaliya was also signed under which some territories were given to the British by the Raja of Sikkim. In 1835, Darjeeling was gifted by the Raja of Sikkim to the British to establish a sanatorium and was finally adopted in 1837 (Sundas 2011: 25). These historical events have had tremendous impact on the autochthones who were not at all exposed to the 'outside world'. Today, the conditions of the Lepchas reflect how these events have left their imprints on their society.

6.3.1 Impact on the Lepchas

Buddhism was imposed upon them by the Tibetans and conversion to the new religion started. Intermarriages between them also started. The British started the process of proselytisation among the Lepchas. A huge number of them converted to Christianity and from among them preachers were selected for further conversion of the Lepchas. This religious conversion dented their cultural and social capital. Once the British established themselves in the region, they started to develop the area and

Table 6.1 Population profile of the three communities of Sikkim

Year	Lepcha	Bhutia[a]	Nepali
1840	3010	1995	1995
1891	5762	4894	18,981
1909	6000	6000	5000
1931	13,060	11,070	36,105
1951	13,625	15,626	97,863
1961	14,847	36,577	88,916
1971	22,306	36,760	134,236
1981	22,147	21,548	192,295
1991	56,904	65,033	284,520

Source Complied from Gurung 2011
[a]Includes only Sikkimese Bhutias and not the Tibetan Bhutias

tea and cinchona plantation in Darjeeling was initiated, which required a lot of labour. Labour was brought from nearby Nepal and therefore the population dynamics of the area also started to change. The presence of the Nepalis increased many folds (Table 6.1).

The pure land of Lepchas was now inhabited by the Tibetans as well as the Gorkhas. The Lepchas were hesitant to leave their habitat and did not participate in the developmental process started by the British. Their habitat started becoming smaller and smaller as more and more migrated into the area and land for agricultural purpose was taken from the vicinity of the Lepcha habitat. Thus, it led to the shrinking of the Lepcha dominated land. The ritualistic practices and social solidarity among the Lepchas also started to diminish as conversion to Christianity started taking place frequently. The early converts started to propagate Christianity and they were also the preachers. So, in Sikkim, the Lepchas were influenced by Buddhism, Christianity and Hinduism and not many who practiced animism and the Lepcha ways of life were left. The coming of the British also brought alone with them the modern education, which focused on the 'scientific' rather than the indigenous knowledge. This led to the proliferation of English education and thereby led to further disintegration within the Lepcha community. The new generation is more or less ignorant about their tradition and culture especially in reference to language. Intermarriage among different communities led to the disappearance of Lepcha race. But the most important of all was the fact that with the coming of the British and the agricultural practices started by the Nepalis land became an important commodity. The Tibetans under the patronage of the monarchy already had land and when the Gorkhas came they also started acquiring land. They cleared the forest for the purpose of timber as well as for agricultural needs. The Lepcha who had never thought of land as a commodity had to rethink as they were pushed further inside the forest. This brought about the real change in the Lepcha society. Their collective consciousness which had held them together was shaken up, and they also started to lose their solidarity and started becoming more individualistic. Consequently, the community which was characterised by solidarity based on collective consciousness, individualism gained prominence and

collectivism was subordinated. Feudalism became the structure of the region. At around the same time, India gained independence from the British rule. Darjeeling and Kalimpong became part of the state of West Bengal. Sikkim was still an independent state and feudalism was more ingrained there.

Sikkim became part of India as its 22nd state only in 1975 whereby the process of modernisation started to take place. Sikkim always had the potential to produce hydel power. And the state wanted to harness this potential in the name of development. The state of Sikkim envisioned 32 dams out of which there were to be 17 in north Sikkim and six mega dams in Dzongu, the scared place of the Lepchas. By virtue of it being a scared place, the Rong people associated their identity and distinctiveness with Dzongu, as it was proclaimed to be a reserve proper for the Lepchas by the decree of the Queen's office. These projects are part of the larger design of the Government of India to construct dams in the entire north eastern states and generate electricity, denying the right to common property to the people and depriving them of the product. Generating hydroelectricity through dams and reservoir effectively destroys the biodiversity of the region as well as afflicts the cultural and social capital. Such endeavour impacts upon the population's means to livelihood and thereby renders many homeless. Most dams are constructed in remote hilly areas, mostly inhabited by the tribals and other weaker section of the society. Big dams inevitably displace a large number of people. People living in harmony with nature and environment are forced to relinquish their traditional way of life for the sake of state-sponsored 'development'.

When dams were commissioned to be built in Dzongu, people unanimously feared that their cradle of civilisation, identity and distinctiveness was in danger of being lost; therefore, all the Rongs came together and fought. They feared that their only symbol of culture and identity was being subjected to symbolic violence by the state. The fear of losing their only remaining cultural capital and symbol of existence led the Lepchas to come together and fight against the state. The Lachen families passed a unanimous resolution in their traditional Panchayat ('dzumsa') condemning the hydel project and refusing to give away their ancestral land (Arora 2007: 3452). The people in Sikkim were opposed to infrastructural development that was to be achieved at the cost of the loss of culture and identity (Pandit 2007: 31 cited in Arora 2008: 28). Such protests are not merely on the grounds of displacement but on the issues of cultural and ethnic traditions of the region that were rooted in the river Teesta and its environs (Arora 2007: 3451). Further, these projects would facilitate and encourage in-migration into Dzongu, which would put the sacredness of the place in peril and threaten the socio-cultural spheres of the people.

Meanwhile, in the nearby Darjeeling hills, the Gorkhas had established their hegemony as the largest group in terms of population and economy and were claiming their rights over the area by demanding for a separation from the state of West Bengal and the creation of Gorkhaland which further dented the existential crisis faced by the Lepchas. Therefore, the fight against the state government of Sikkim to stop the construction of dams in the Dzongu region was taken up by the Lepchas as their fight for survival and sustaining their cultural heritage. This

transformed the Lepchas from the position of 'class in itself' to 'class for itself' and acted together to safeguard their cultural identity from the hegemony of the state. This has now brought all the Lepchas of the region together and is still fighting against the construction of other dams as they are till now successful in stopping the construction of only three dams in the region.

6.3.1.1 The Conflict Between the Autochthones and the State

The origin of the conflict against the developmental agenda of the government can be traced to the formation of Affected Citizens of Teesta (ACT) by a group of seventeen Lepcha youth which proved to be formidable representatives for their scared habitat (Little 2010: 85) as well as an intimidating opponent to the state mechanism advocating the developmental project. However, the state government has attributed this to their failure on their part to raise awareness among the people before the hydel power projects were initiated and the resulting communication gap and absence of participation of local stakeholders (Gurung 2012: 254). The most pertinent reason for the conflict to evolve between the state and the Lepcha people has been the dominating character of the state towards its subjects, and the ignorance towards the rights given to the Lepchas with regards to the scared place of Dzongu from the time of the Namgyal, the relative deprivations perceived by the autochthones and the state's irresponsible attitude towards them led to the germination of this movement. The movement was carried out in a peaceful manner, nonviolence being its mantra. However, in its initial stages, the movement was unorganised and unstructured.

In the later phase nonetheless, the movement gained a certain structure and became organised and mobilisation of the people using different devices gradually gained impetus. As the Lepchas were in danger of being vanquished from the landscape they had nurtured for years, many came to join hands with the struggle carried forward by those directly affected by the construction of dams. Though the protest initially was confined to the areas where dams were being constructed, soon, it proliferated into different regions of Sikkim. The epicentre of the protest soon was shifted from Dzongu to Gangtok, the capital of Sikkim as the politicians and other authorities had deaf ears for their grievances. The movement was characterised by 760 days hunger strike carried on by the Lepcha youths. The Gandhian way of protest brought to them support from other quarters as well and was a challenge to the state's repressive apparatus as well. The network among the different groups of Lepchas from different places also fostered a pressure group and made their plight manifest among the officials.

Education and friendliness with the modern technology further helped the autochthones to further their cause. The use of modern means of technology such as blogs, websites, online media, television along with traditional touch of songs, graffiti are some of the effective tool through which ACT reached the bridged the gap they had with the outside world (Little 2009: 43) and subsequently helped them to bring their issue to the notice of the many other like-minded groups. This helped

them in garnering support from many nationally and internationally known activists of anti-dam movements. They were ably supported by Medha Pathkar and Sundarlal Bahuguna, and they stated that the construction of dams would be an impediment to the fragile ecology of the state.

One of the preeminent concerns to be taken into account is that the companies concerned hold no accountability towards the project and the people. The use of dynamites had disrupted the area and its compactness by threatening the sustainability of the numerous ancient monasteries of the region, which in turn threatened the holiness and sacredness of the region. The people were also not compensated accordingly but were given what was fit deem by the state and the companies without consulting the stakeholders. Only those locals who were in the payrolls of the companies were asked for opinions. ACT was genuinely concerned about the after effects of the construction of dams which was not in sync with the ecology of the area.

This led the ACT to proceed in a war footing and tried to mobilise all the resources they had. Each and every individual made a significant contribution to the movement. Those who were not in a position to go to the far away capital of the state contributed by keeping vigil of the area and the houses whose inhabitants had gone to Gangtok. They also took it upon themselves to make sure that the agitators in Gangtok did not go hungry; therefore, supplied most of the rations for those in Gangtok.

Initially, the women did not actively participate in the movement, but as the matter became serious, they were at the forefront of all the protest those were staged in the state capital. They even became violent when the situation demanded. In Singtam, a small town, hotels were booked for the activists coming from other parts to demonstrate in Dzongu. On the day of their visit, it was notified to them that all their bookings were cancelled by the hoteliers without furnishing any valid reasons. This lead to vandalism and the women were at the forefront. This led to many being put behind bars by the police. Instead of burring the spirit of the docile Lepchas, it encouraged more to become active members of the protest. Thus, the movement gained momentum and was successful in nullifying many projects.

6.4 Conclusion

The cost of modernisation can be seen in its explicit form in Sikkim. State-induced developmental project is affecting the traditional habitat and consequently have marginalised the Lepchas which has forced these docile and shy people to confront the state upfront. Lepcha movement has met a partial if not complete success in the fight for its scared landscape against the craze to modernise without being realistic. The revolution has started but the question is that do they have enough power to confront the forces of global economy and the state machinery to sustain and help in reviving and reclaiming the lost horizon and thereby sustain the identity of the vanishing autochthones.

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Chapter 7
'Revisiting Naxalbari': Narratives of Violence and Exclusions from the Marginal Spaces

Arnab Roy Chowdhury

7.1 Introduction

The dominant class achieves hegemony when it is able to win over the minds and hearts of the oppressed. When we speak in the language of the dominant class and we see through their eyes. That's when hegemony is achieved.

—Antonio Gramsci

This paper is not a dominant hegemonic narrative or official history of the Naxalbari movements (1967) in Bengal neither a chronological history of Naxalite movements in India; rather, it is a cultural-historical re-examination of various kinds of marginal spaces of exclusion that the movement created. In this paper, I revisit the movement events to unravel certain hidden, subtle as well as overt layers of violence and exclusions that were created during the movements mostly against the indigenous tribal participants. This paper demonstrates how the state, the Bengali *bhadralok* and the vanguard revolutionary party (CPI (M–L)) and its youth followers, manufactured a maze of symbolic and real, violent and exclusionary practices that sabotaged a movement originally initiated by the tribes, and changed its 'meaning' through 'cultural-ideological' masquerade called hegemony.

Here, I review and reinterpret different kinds and scales of 'terror' and 'violence' that occurred during the five years at the peak of the Naxalbari insurgency (1967–72). I provide a brief account and context of the Naxalite uprisings at the beginning and discuss the range of violence around 'Naxalism' in different contexts and for different reasons.

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The different kinds of apathy, violence and terrorism that took place in the context of the Naxalite movements had entirely different 'political and symbolic meanings' for the perpetrators (as well as the victims) according to their social positions and causes, ideas and interests—what emerged was not a pan-Naxalite identity, ideology or lifestyle but a range of violence, terror and 'marginal spaces of exclusion' of different kinds, magnitudes and 'rationality'.

The participants were fighting for not one reason but for a range of reasons that was contradictory at times. I argue that the Communist Party of India (Marxist–Leninist; CPI (M–L)) manoeuvered these subaltern movements and gave these an 'ideological thread' of revolution and an anti-statist tenor, which gave it a somewhat 'coherent' identity. The state in turn gave the collective name (a label) 'Naxalism' to all these events, processes, ideologies and actors to convert them and their revolutionary agency into the 'enemy of the state and public' and the 'Naxalite problem', or the 'law and order problem'. Paradoxically, by doing this, the state actually took the movement to a higher pedestal of 'symbolic warfare', i.e. warfare fought at the symbolic plane.

7.2 The Chain of 'Events'

A truth is solely constituted by rupturing with the order which supports it, never as an effect of that order. I have named this type of rupture which opens up truths 'the event'. Authentic philosophy begins, not in structural facts (cultural, linguistic, constitutional etc.), but uniquely in what takes place and what remains in the form of a strictly incalculable emergence.

—Alain Badiou

The Naxalbari uprisings took place between 1967 and 1972. The insurgency started in Naxalbari *thana elaka* (police station) in the countryside of the North Bengal region in 1967, when tea garden workers rebelled against the state. As a series of minor skirmishes started taking place—which precipitated in a significant incident in 1967—the Chinese Marxist Party announced it on the radio as an inauguration of revolution and named it 'Spring Thunder'. This upsurge was not sudden—there was a long history of communist-led mobilisations in this region connected with the *Tebhaga Andolan* of 1946 (Chattopadhyay 1986).[1] There had been churning within the Communist Part of India (CPI) from 1947, when India won independence, and subsequent breaks within the party. The Sino-Indian War of 1962 had brought about a major internal debate within the CPI on the characterisation of the 'stages' of the Indian revolution and related issues, such as the class relation of the Indian state, the alliance of classes in the Indian political economic

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[1]A militant campaign in rural Bengal in 1946 initiated by the CPI-led *Kisan Sabha* again the landlords urged peasants to demand and keep two-thirds of the harvest instead of half, as earlier.

context necessary to overthrow the state and the party line vis-á-vis international communism (Banerjee 2010).

The split between China and the erstwhile Soviet Union, which was slowly taking the form of a conflict, made the debate even more serious. Subsequently, the CPI split; the radicals formed the Communist Party of India-Marxists (CPI-M) in 1964. In some sense, the CPI (M) supported China; their party manifesto took the Maoist ideological path. The Chinese Cultural Revolution led by Mao Tse Dung inspired many radical communists worldwide, including Indian communists, as it served as a model of successful revolution. The radicals' chief concern was the success of the Indian revolution. These different dissenting voices within the CPI (M) came together to form the first All-India Co-ordination Committee of Communist Revolutionaries (AICCCR) in November 1967. The AICCR and the CPI (M) took different positions in their debate on the reasons for the failure of the 'Indian revolution'. In 1969, the AICCCR split from the party to form the Communist Party of India Marxist-Leninist (CPI (M–L)). While not all AICCR parties entered the CPI (M–L) fold, they were all in some way inspired by the thought of 'revolution'. Initially, the CPI (M), and then CPI (M–L) hardliners, accused the CPI of 'revisionism', which they felt was why the Indian revolution had not succeeded yet. While members of the CPI (M–L) and these offshoots may collectively be termed Naxalites, the CPI (M–L) took the leading role in this assemblage of parties and the Indian 'revolution' (Ray 1985: 83–84).

The ruling Congress party, wary about the 'Chinese-inspired' and conspired threats to Indian sovereignty, incarcerated in haste several communist party members. One of them, Charu Mazumdar, then a middle-ranking CPI (M) leader, wrote nine essays in prison, popularly known as 'Nine Deeds', which charted the Indian revolution's path and relation to international communism. Mazumdar considered the Soviet Union a principal revisionist force, an aid of US imperialism and an active conniver in their crime (Basu 2012).

After the fervour of the revolution ended in 1972, Naxalism was commemorated in Bengal with great sympathy and fervour in films and literature, which is hegemonised by the Bengali *bhadralok* (gentlemen). This literature reifies the 'Calcutta Jacobins' or the middle-class student perpetrators of ideological and terroristic violence, mainly from colleges like Presidency in the positions of main 'protagonists', 'ideologues' and 'leaders' but purges the participation of *Santhals* (a group of indigenous tribes who inhabit certain parts of present-day West Bengal, Bihar and Jharkhand).

But who were the Naxalites, really? Where were the Naxalites located 'conceptually' and figuratively? Were they the tribal subaltern guerrillas 'who did not speak to history' (Roy Chowdhury 2016: 3), or were they the students who perpetrated mindless, dogmatic ideological violence, or did the state define them as terrorists, so that it can deploy counter-insurgency and institutional violence to eliminate certain populations that it was not comfortable with?

Perhaps, the most important question is, why spectacular violence was required in any form? What purpose and whose purpose did it serve? And, most importantly, what was the symbolic and real 'meaning' of this violence for the perpetrators of

terror and the victims? In many cases, there were spirals of violence from both sides; after certain threshold, it became a chaos and it was difficult to distinguish the perpetrators from the victim. This paper highlights and points to those indistinguishable terrains of indeterminacy and violence.

7.3 The 'Helpless/Hopeless Violence' of the Primitive Rebels

> Under tyranny it is much easier to act than to think.
>
> —Hannah Arendt

A United Front (UF) coalition government (of 14 leftist political parties and 10 independents) came to power in West Bengal in 1967 after two decades of Congress rule. The coalition was led by a pro-Moscow CPI with the backing of a pro-Peking CPI (M). Many CPI (M) members participated in the Naxalite movement, which embarrassed the party. The CPI (M–L) believed that electoral and constitutional democracy is ultimately a big sham, as political power grew out of the 'barrels of a gun', or through a state monopoly over violence. In the same year, 1967, the Naxalite movements started as an agrarian discontent that precipitated in forms of 'peasant' unrest in the Naxalbari region of Darjeeling district. The CPI (M) was unhappy because many of its prominent members, such as Charu Mazumdar and Kanu Sanyal, had broken away from the party and played an important role in the movement (Bhattacharya 2012: 22–23; Paul 2015: 37).

But was the rural violence that Naxalite movements spawned, based upon the Maoist ideology of capturing the state for revolutionising it? Rather, it was due to their extreme marginalised conditions—living and livelihood was difficult due to ongoing 'tyranny' of extreme feudal exploitation—that the tribals participated in protest movements. It was a rebellion of the helpless, neglected and the 'hopeless'. They rebelled when pushed to the wall; these indigenous rebels were fighting the state on a symbolic plane, where they knew that their rebellion would be crushed. They fought the almighty state with primitive 'Neolithic arms' with bows and arrows and *tangi*s (traditional Santhal axe) in an unequal war on shifting grounds. It was an ultimate act of despair (partly suicidal) where they wanted to the state to make aware of their hapless condition. Arendt's (1969) critical analysis of an earlier era of student protest in the 1960s highlights that it is not youth power but powerlessness, which makes the young violence prone. The young indigenes in Bengal felt a collective sense of powerlessness and thought taking onto arms is the only way to resolve that condition of powerlessness, realising very well that it is the last resort of the 'weak'.

While the 1967 uprising was almost spontaneous, the Santhals participated in the Naxalite movements in huge numbers. From March to May 1967, *kisans* (farmers) and tribal guerrillas with bows and arrows and *tangi*s forcibly occupied land and started tilling them or claimed ownership symbolically by ploughing small parcels of land (Das 2014: 45).

As the movement progressed in rural areas, the *jotedars* (landlords) resisted the seizure of their land and property and were inevitably attacked by the people. A Santhal group armed with bows and arrows ambushed and killed Sonam Wangdi, a police inspector. The next day, when a police party visited the area to enquire into the death, about 600 Santhal tribals attacked the party with bows and arrows. The police party fired 23 rounds, which killed nine persons—six of them were women, children and babies (Duyker 1987: 10).

The Santhals came to play a leading role in the formative years of these movements. The Naxalite rebels made their mass base among Santhals mainly in Naxalbari, Midnapore and Birbhum. However, Santhal participation in Naxalite movements was not a unique phenomenon. Santhals have been resilient to *diku*s (outsiders) from pre-colonial times. The participation of tribal guerrillas is common in other revolutionary movements and rebellions. The Slav-Macedonians participated in the Greek civil war in the hope of an autonomous Macedonia. The *Tho* tribals participated in the Vietnamese war of independence. There are many other examples.

The subaltern terrain of the indigenous Santhals increasingly came under the looming shadow of the liberal, modern colonial and post-colonial state. The alien state system internally colonised their land, forest and water, and the British, *mahajan*s (moneylenders) and *jotedars* colonised their agriculture. The Green Revolution—through irrigation, pesticides, and high yield variety (HYV) crops—changed the social structure in the Bengal countryside, skewed benefits in favour of rich farmers and worsened structural inequality (such as in the difference in land-holding). By the 1960s, the Santhals were immensely impoverished (Joshi 2012, 2014).

After the Naxalbari incident, similar incidents started taking place in other parts of Bengal. In Midnapore, the CPI (M–L) started insurrectionary activities in 1969. Prominent Santhal leaders such as Lebachand Tudu and Gunadhar Murmu participated in this struggle. Violence began in the Gopiballavpur area in Midnapore from August 1969. Immediately after these incidents in August, a series of political 'assassinations' started taking place in Gopiballavpur and Debra. Landlords' houses were raided in adjacent villages in Singbhum (then in Bihar, and at present in Jharkhand). Initially, the central modality of this kind of violence was usually that Santhals confiscated the jotedars' stockpiles of grain and distributed them among the hungry population but not killing—although some jotedars were killed when they resisted the confiscation of their stockpiles. However, later, killings increased significantly as many landlords were murdered as a part of the CPI (M–L)'s premeditated 'annihilation campaign' (Duyker 1987: 12).

From November onwards, many peasants started forcibly harvesting paddy from selected farmlands and estates. About 40,000 peasants in Gopiballavpur came to seize crops. To control this situation, the government deployed paramilitary forces and the police in the area, who captured as many as 353 Naxalites and recovered 1,500 maunds (about 56 metric tonnes) of forcibly harvested paddy from them. At this time, disenchantment started emerging among indigenous CPI (M–L) activists; two of them—Purna Murmu and Hari Murmu—surrendered to the police in

December 1969. Facing this failure, Charu Mazumdar decided to abandon the 'mass line' of the party and said 'I do not want any more Gopiballavpur'. Immediately afterwards, an uprising of Naxalite movements began in Birbhum and continued over 1970–71. Gun-snatching incidents and sporadic violence occurred, and many Santhals carried weapons such as *bhojali*s (daggers), tangis and knives. A peasant committee was formed that snatched land from landlords and distributed them among the people. There were many people's courts that were organised to deliver instant justice (Panicker 1962: 43).

Although the Santhal participation in Naxalite movements was spontaneous, and they erupted in occasional violence and marched to the houses of jotedars and mahajans, most of the violence was consciously engineered by the CPI (M–L) leadership. Ultimately, the Santhals fought for specific concessions from established rulers whereas the CPI (M–L) fought for altogether new structures of rule (Mohanty 2015).

This is not to deny the importance of the notions 'class base' or 'class struggle' in the fight of the indigenes against the Jotedars. However, the idea of class struggle had an ethnic identity basis for the *adivasis* (indigenous people). The middle-class urban activists hardly understood that they embraced the Santhal life with great enthusiasm and good intentions, but could not penetrate the Santhal *Weltanschauung* (worldview) and *Lebenswelt* (life-world) (Habermas 1987: 87). These fractured understanding created untranslatability and incommensurability of discourses between the leaders and the led, and in the representation and translation of this discourse the essence of indigenous life, their voice and demand were lost (or sidelined), in the hegemonic left ideologies and ideas propagated mostly by the educated and radical Bengali *bhadralok* guerrillas.

The Santhals were inspired by their identity-oriented 'millenarian' mobilisations of the past, such as of Sidhu and Kanhu against the British. Their subaltern history of protest was against 'outsiders', who entered their indigenous terrain (that includes the Hindu Bengalis as well) and transmogrified their political, economic, cultural and familial world forever.

Their violence—which arose from poverty, oppression, hopelessness and misery —bordered on helplessness. Their 'situational violence' (for access to land, right to live in their own lands like a 'human being' without continuous interventions of 'outsiders') was clearly different from the CPI (M–L)'s 'ideological violence' and terror campaigns (Duyker 1987: 32).

7.4 The 'Terroristic/Ideological Violence' of the Calcutta Jacobins

> At a pinch, we can say that they did it, but we wished for it. If this is not taken into account the event loses any symbolic dimension.
>
> —Jean Baudrillard

The 'annihilation campaign' that Charu Mazumdar started after he abandoned his mass line of mobilisation certainly had great symbolic and political significance (Donner 2004: 3). No matter how much we despise the Naxalite terror and annihilation campaigns of the 1960s' Bengal, these formed the 'mother of all events' (Baudrillard 2002); the memory still haunts the Bengali psyche—a memory that is gory and violent but simultaneously a reminder of a characteristic counterfactual to the 'effeminate' label Bengalis are pejoratively given by other Indian communities that was in fact a colonial label (Sinha 1995).

The paradox of Naxalism was that a party of agrarian revolution became involved in large-scale urban terrorism. Ram (1971: 10) says that the Maoist movement degenerated largely into individual terrorism. Authors such as Das Gupta (1974: 21) point out that the CPI (M–L)'s urban targets were mainly policemen and CPI (M) party cadres, who do not qualify as 'class enemies'. The greatest myth in the peasant agrarian revolution that Charu Mazumdar propagated was that the Naxalite peasants fought for political power and not for land.

The expression 'line of annihilation' through 'urban guerrilla warfare' was formulated in an article in the CPI (M–L) mouthpiece *Liberation* in February 1970. This was inspired not only by Mao but also indirectly by *Minimanual of Urban Guerrilla Warfare*, a book written by Brazilian Marxist revolutionary Carlos Marighella (1970). To some extent, the violence of urban guerrilla warfare appealed to the psyche of the Bengali *Shakta* (the worshippers of Shakti and mother goddess Kali) religious tradition of violence and blood spilling (Bhattacharya 1994) and the tradition of armed anti-colonial movements.[2]

Initially, the idea was *gram diye shohor ghera*[3] through a people's war. Eventually, the underworld capitalised on street fighting and bomb-making became a lucrative trade. In 1970, Charu Mazumdar published an article titled 'Few Words about Guerrilla Action' in *Liberation*. It described in great detail how to form squads for guerrilla operations and conduct propaganda and achieved notoriety as a murder manual. The article advised activists to form squads of class enemy haters by whispering in their ears: 'How would it be if we killed such and such?' The person in question was to be killed in stealth, and the squads were to disappear into their hideouts, to return when everything is settled. This practice would then gain popularity among the poor. Mazumdar famously said 'he who has not dipped his hand in the blood of class enemies can hardly be called a communist' (Mazumdar 1970: 4).

In a way, this text initiated the annihilation campaign that terrorised Calcutta. Statues of famous people were smashed in the name of 'cultural revolution'. On 3 March 1970, Naxalite youths attacked about seven cinema halls that were screening

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[2]In the book *Herbert* written by Nabarun Bhattacharya and later made into a film of same name by Sumon Mukherji; allude to this aspect of cultural adaptation of Marxism in Bengal. It will not be wrong to see the Bengali Marxism as a 'bricolage' of various quixotic cultural peculiarities and hybrid adaptations and should be studied in its own right.

[3]Mao's idea deployed in Chinese Revolution from 1966 to 1976, in which one of the central strategy was to encircle the city by agrarian revolutionary forces from the villages, defeat those and take those over.

the film *Prem Pujari* (Worshipper of Love) because it showed China in a bad light. CPI (M) leader Jyoti Basu (who would later become chief minister) was shot at in Patna. The bullet narrowly missed him. The perpetrators of terror in Calcutta were in some sense were like the Jacobins, who were most radical and ruthless of all political groups in French revolution who propagated direct violence and 'reign of terror'. Ray (1985: 216), however, says the Jacobins were implicit in their terror, whereas the Calcutta 'nihilists', in their intention to break with history, were explicit and raw in some sense. In their gruesome posturing, some of the Calcutta radicals actually dipped their hands in the blood of a dead class enemy (Ray 1985: 263).

How do I understand this violence? As Srinivasan (2003) mentions, a recent book on 'terrorism' Punjab written by a group of acclaimed scholars observes the supposed 'terrorist' inclination in young Sikhs under Bhindranwale is shown up for what it really was—*shaukiya*, that is 'for fun and adventure', the authors argue, was the reason many people interviewed gave for their taking to guns and violent acts. The access to arms only provided the powerless young men an 'entitlement to power'. The young boys were fascinated with modern weapons. Bearing arms provided a sense of being someone to reckon with, in competition with the highly trained and feared special security forces, sent out to capture them (Puri et al. 2008: 34).

7.5 The 'Vengeful/Jingoistic Violence' of the Counter-Insurgent State

> This terror is against terror—there is no longer any ideology behind it, we are far beyond ideology and politics now.
>
> —Jean Baudrillard

The army or the paramilitary found it difficult to fight the Naxalites and their urban guerrilla techniques, so Chief Minister Siddhartha Shankar Ray formed a 'resistance' group of criminals and anti-socials (like the present state-funded *Salwa Judum*[4] in Chhattisgarh). On the nights of 12 and 13 August 1971, the Baranagar–Cossipore area was cordoned off and a big state-led carnage was organised. The Congress cadre came in vehicles along with the police force and put up the list of over 150 young 'Naxalites' on the walls of the party office. Many say the CPM party members helped the Congress goons identify the Naxalite cadres (popularly known as the *Congsals*). The goons dragged young boys out from their homes to murder them mercilessly with knife, choppers and bullet throughout the night, and other Congress party members struck names off the list one by one. The bodies were thrown into the river Ganges, which was full with carcasses of 'Naxalites'. Many young 'Naxalites' were killed. Important Naxalite leaders like Saroj Datta

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[4]A state sponsored counter-insurgent militia in Chhattisgarh.

and Sushital Roy Chowdhury died in mysterious circumstances. Charu Mazumdar, who had long been ill, was arrested dramatically from a flat in East Calcutta taking a clue from courier delivery services. His death was announced 11 days later from 'heart failure'. Further, in 200 days, the police killed another 202 youths in Calcutta in 'fake encounters', who were said to have been resisting arrest or trying to escape.

One of such victims, Shambhunath Shah, lived to tell the horrific stories of these encounters. Shah was captured and brutally tortured in jails to know the whereabouts of his accomplices, which he said he did not know. He was then handcuffed and driven to the Salt Lake area of the city. The car was stopped in a lonely area, and he was asked to walk out of the car. As he did, the policeman fired three shots, only one of which wounded Shah. Since he did not die, he was taken to another place on the bank of the Ganges, where three shots were fired at him. Two shots wounded him. He lost consciousness but did not die. Then, he was taken to a third place and shot once more, and then taken to a hospital to die. When the police visited the hospital the next day to dispose of Shah's body, they found a surgery had saved Shah's life. Ironically, they had to write a report to say that Shah was wounded in an encounter.

On 18 September 1971, *Frontier* published this:

> More than 150 boys were butchered within two days—the Friday and Saturday. Others who were not young had also to die. Lest there be any mistake, a list containing the names of the boys killed was hung up on improvised scaffolding on Kutighat Road, the main road connecting the Baranagar police station with the other parts. There were hour-to-hour additions to the list, and the list covered only a part of the whole area of operations. The list ran to more than 60 names on Friday alone, and enlisting the dead was discontinued as the dead were lost count of.

By October 1972, 30,000 criminals had been organised in 16,000 Congress resistance groups in West Bengal to cleanse the state of Naxalites; 12,000 of these groups were in Kolkata alone (Bonner 1990: 263). Four to five thousand Naxalite youths were killed in fake encounters under the watch of Chief Minister Ray and of the Congress (Bonner 1990: 264). After Ray had established his 'killing machine' image in Bengal, he was made the governor of Punjab (1986–1989) to control the *Khalistan* insurgency there.

In one of his books, writer Sandipan Chattopadhyay writes about the silence and connivance of the Left in this genocide. One night, a young Naxalite was hiding in a tree in the backyard of his home. When his blood-soaked slippers fell from the tree, the hunting party of Congress and Left party members trained torch light on him, dragged him down from the tree and killed him in his family's presence (Chattopadhyay 2005: 67).

From 1967 to 1972, the police introduced different technologies of torture to interrogate Naxalites, which reflect the bestiality and pathology of the state coercive apparatus. These technologies of torture became the 'norm' that was applied later on the political prisoners during Indian state Emergency from 1975 to 1977. Here are a few examples of the different kinds of torture the police used on the Naxalites.

The Submarine: The prisoner is immersed in water or urine, until he is almost drowned.

The Telephone: Sharp blows are given to the ear simultaneously, causing great pain and, many times, rupture of the eardrum.

The Roller: The prisoner is made to lie on a bench with his head dangling at one end and his mouth on a scaffold. A long, heavy, wooden ruler is placed on his legs and two policemen sit on either end or roll it up and down the thighs. It causes excruciating pain and sometimes causes ligaments to snap and bones to crack.

There were other forms of torture, like ripping off nails and torturing genitalia. These new technologies of tortures became a norm during the Emergency years. In 1972, 25,000 people were arrested under the Maintenance of Internal Security Act (MISA) or the Defence of India Act, which allows the state to detain anyone it suspects for a year in two separate terms of six months each without any charge (Bonner 1990: 265–66).

The extremely careful ways of designing and using these torture programmes to mutilate and play with the body of the victim shows the psychopathology of the coercive apparatus of the state. The constant killings and rapes habituated them to this violence and gave them perverse, sadomasochistic pleasure. For them, the reality and the simulation were no more different; rather, the reality of a victim's death brought them simulation-like entertainment and pleasure from their distance. What happens when reality becomes the simulacrum? Violence comes so easily with steely mechanical coldness and perfect precision (Baudrillard 1994, 2002, 2008).

As Nandy says (2012) 'in such a scenario, there is de facto not that much difference in the tactics used by the state or its enemies to achieve spectacular violent ends, even though de jure, one is deemed legitimate and the other not. In such a context, terror and "terrorism" is simply determined by the direction of violence not its distinctive quantum or content or what others do to the sovereign nation-state and not vice versa'. When you see the state from so close, you can see how the state internally splinters into psychoanalytical processes and dirty little psychic fragments (Chomsky 2002).[5]

7.6 The 'Epistemic/Symbolic Violence' of the Hegemonic *Bhadralok*

> The unrecognised contradiction within a position, that valorises the concrete experience of the oppressed, while being so uncritical about the historical role of the intellectual, is maintained by a verbal slippage.
>
> —Gayatri Chakravorty Spivak

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[5]It is useful to connect it to a more recent context. After 9/11, as Chomsky most cynically remarked, global terrorism has become defined by what others do to the USA while the latter's own reprehensible record of the use of violence against civilian populations in Afghanistan, Egypt and now Iraq is seen as 'low intensity warfare'.

The Naxalbari period of terror is seen as a prelude to the intense state repression of the Emergency. This event has a special place in the Bengali urban middle-class psyche. The mention of Naxalbari to them brings forth a mixed and ambiguous response. Naxalbari events spurred a range of representations in the field of culture. A genre of literature that deals exclusively with the 'events', 'processes' and stories of Naxalite movements emerged in Bengal and is known as Naxal *sahitya* or Naxalite literature (Donner 2004: 101; Ganguly 2013: 53).

It also constitutes of autobiographical accounts and personal experience of 'Naxalbari times'. A great many popular *jatra* and *natok* (plays) and films have been made on these issues. Mrinal Sen, by far one of the most radical realist filmmakers in Bengal, directed a number of films dealing with these issues either directly or indirectly, such as *Kolkata Ekattor* (Calcutta 71) and *Padatik* (The Guerrilla Fighter). Another famous filmmaker Buddhadeb Dasgupta made *Grihajuddha* (Civil War) and *Andhi Gali* (Blind Lane). Govind Nihalani directed *Hazaaar Chaurasi Ki Ma* (Mother of 1084), based on a book written by Mahashweta Devi. More recently, Goutam Ghosh directed *Kaalbela* (Difficult Times). All these are brilliantly made films that capture the political turmoil of the city and urban middle-class activists.

These educated protagonists of the Naxalite movies are portrayed as the 'heroic losers', for whom cine-goers sympathise—along with the directors. We do not see any Santhal, Munda, Rajbanshi or Oraon adivasi depicted in these films as the main actors; at best, they are the 'sidekicks' (like the Red Indian sidekicks of Hollywood cowboy genre films). The educated *modhyabitta* (middle class) *bhadralok* Jacobins effaced the tribal guerrilla agency of the subaltern Santhals by appropriating folk cultures into elitist high culture through the mediation of 'cultural capital' (another shameless *sanskritik* masquerade). This was probably the greatest symbolic, cultural and epistemic violence done to the insurgency (Foucault 1966: 70; Chakravorty Spivak 1988).

In this sense, the 'Naxalite insurgency did not take place' (please see Baudrillard 1991)—because it really did not take place the way Bengali popular media, novels, films and television soaps (and to some extent social scientific studies) simulate it. In our enjoyment of the representation, we forget the distinction between 'images', 'representation' and actual 'events' (Poster 1988). Most of these films suffer from 'silences' and non-representations of the Santhal rebels (and women) who actually participated in these movements (Sinha Roy 2009; Roy 2012).[6] These well-made films nonetheless perpetuate the elitist myth that most of the Naxalites were urban middle-class students from prestigious colleges of Calcutta (mostly Presidency). The cute-looking *bhadralok babus* (gentlemen from elite families) and their erotically charged, immature and infantile misadventures and romanticism of *bonduk bonduk khela* (playing with guns) and sleeping with ideologically inspired women

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[6]Some of these representations also sidelined the role of women in these movements that only recent studies unravel.

(i.e. usually shown in great detail in Naxalite films) captivate our imagination and we start believing they were the 'real', 'heroic' Naxalite Don Juans.

Moreover, the urban middle-class youth were more 'visible' in their spectacular violence of 'urban guerrilla warfare' in the city and in their public speeches. The police started counter-insurgency operations in the cities—which the media covered —was more visible than in the villages, which the media covered little—if at all. To my knowledge, no film or biopic yet depicts adivasi participation in these movements or the life of leaders like Jangal Saontal or Gunadhar Murmu. The recollections and memories of these movements by the urban middle class in Calcutta (now Kolkata) also suffer from the same melancholic romanticism and selective amnesia. Thus forever excluding the indigenous and subaltern voices to the marginal spaces, those are created and are rife with violent practices which are physical, structural, symbolic, cultural and epistemic in nature. Not only the 'subaltern cannot speak' (Chakravorty Spivak 1988), but their recessive discourses thus are pushed to the 'margin of the margin' (Chaudhuri et al. 2000), which we create through our everyday practices and are rarely comprehended or captured by mainstream (that includes social scientific) discourses.

I will not conclude, because there is nothing to conclude when the hegemonic cultural misappropriation goes on (slowly but with great certainty) in prolonged pace without any pause. Instead, I will end this paper with a coda.

7.7   Coda

I read a rather small news item in *The Telegraph* (Dutta 2006: 3) that sent a chill of terror down my spine. It said that Siddhartha Shankar Ray had offered to campaign for former Naxalite leader Ashim Chatterjee, contesting on a Trinamool Congress ticket from Beliaghata constituency. Ray said that he has 'high respect' for the Naxalites and is helping his friend Mamata Banerjee to fight the Left Front, since he was not any longer a Congress member. This news item created in my mind an almost simulacrum-like image of terror, a terror both real and symbolic. This is politics—where the butcher of the Naxalites suddenly changes colour to support a Naxalite 'revisionist'. For Left radicals, this was almost equal to blasphemy. In Chatterjee's constituency Beliaghata, not everybody had forgotten the Left murders of the 1970s. Azizul Haque, who formed the second central committee of CPI (M–L) along with Nishith Bhattacharya after they broke away from Charu Mazumdar, says poignantly: 'S.S. Ray's police came and shot seven youths in cold blood. Then the constables tried to wash away the bloodstains but the stains remained. Ashim Chatterjee is now coming into finish the job, with broom in hand. The eyes of the dead and the martyred are watching'.

As Nandy says (2012) 'if you adopt your enemy's main technology of political intervention—terror you, gradually begin to resemble your enemy. Ultimately, there is no difference between the two sides. So even when terrorism formally ends, scars remain. The society gets permanently brutalised'. The Bengali society and

politics that eventually emerged through this violence still bears those scars clearly. The later Left Front led violence in Nandigram and Singur in fact clearly demonstrates this psychopathological legacy of the state and the 'party society' (Bhattacharya 2011) alike.

However, nothing is 'personal' here—not even the gory murder, enmity, violence and terror that we saw. It is all for the sake (and in the name) of 'ideology, party, society and the proletariat masses'. And whatever we saw was a spectacular voyeuristic show of blood, symbolism, and shameless passionate nights of orgy and sadomasochism between ideologues and the state. Probably, the only thing real here was the pangs of hunger of *adivasis* and Santhals and their helplessness that led them to some primitive 'violence'. Their primitive and incapacitate violence was probably the only legitimate one that can be 'rationalised'. Everything else was simulacra, simulation, madness and surpluses of sexual energy, violent orgy and pornographic representation of power—all guided by the ideological phantasm of Karl Marx and Mao Tse Dung.

Once violence started representing an 'oppositional' discourse of power and counter-power, it all became 'symbolic', raised higher from its material roots and hence acquiring the status of 'political'. Politics inherently creates these simulacra-like images, where at a certain point of time it is difficult to distinguish the 'image' from the 'reality'. It just becomes a war of imposition of world views, not only a real 'war' but also a war of 'positions' (Gramsci 1982), and discourses.

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Chapter 8
Local Communities in Forest Management: An Evaluation

Anurima Mukherjee Basu

8.1 Introduction

Management of renewable natural resources, like forests, can be under different property regimes. The options range from exclusive government control to private property regimes and community-managed resources in the form of common property resources (CPRs). Forest management systems in India have evolved over time from an exclusive state 'command and control' system in the colonial period to more participatory systems prevalent today, wherein community and private rights over forest resources and lands is now recognised. Starting from the establishment of the highly centralised forest administration in the nineteenth century, to Social Forestry in the 1970s to Joint Forest Management (JFM) (since 1988), community involvement in forest management has increased over time.

The paper is based on a critical analysis of forest management policies and systems in India with special reference to the role and responsibilities of local communities, who reside within or near forest areas and are largely dependent on forest resources for daily subsistence. The review draws on literature that has documented forest management policies and practices in India, from pre-colonial times to the present. The paper argues that the primary focus of official forest management policies has always been to protect forests for their commercial use, with very little concern for the livelihood and development needs of local communities. This has resulted in breakdown of indigenous forest management practices and alienation of local communities from forests. As a consequence, recent policies of forest management in partnership with local communities have yielded mixed results. A historical review of forest management policies will improve our

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understanding of the relationship between local communities and forests and help in formulating appropriate institutional structures for its management.

Section 8.2 discusses the challenges in forest management, which has to balance the competing uses of forests and its multiple users. Section 8.3 is a historical review of forest management systems prevalent in India, from pre-colonial period to the present, with a discussion on the role of local communities in forest management in each of those periods. Section 8.4 summarises the discussion by highlighting the changing role of local communities in forest management and its implications for policy to formulate appropriate institutions of management.

8.2 The Challenge of Forest Management—Competing Users of Forest and Its Resources

Forests generate multiple benefits simultaneously, and the benefits accrue to different groups with varied levels of stakes and interests in forest. It helps in maintaining a balanced environment, preserving biodiversity, and provides environmental services beyond its boundaries, in terms of erosion control, flood control, conservation of water, soil moisture and stabilisation of local climate. Forests also provide the means of sustenance, food, fuel, fodder and raw material for human use. Thus, beneficiaries of forests range from the local community dependent on its resources for daily sustenance to the global community who benefit from economic and ecological functions that have implications for climate change and world economy (Lele 2011: 96). The many uses and functions of forests make them a very complex natural resource system. Decisions about one aspect have repercussions for all other benefits and users. The major challenge in management of forests entails balancing the needs of the various users and their competing interests.

In the context of India, one can distinguish between the following groups of users who have a stake in the forest and its resources (Webb 2008: 23; Nadkarni et al. 1989: 20):

- *The local community*, i.e. those who live in the forest region and depend on forest resources for their livelihood and sustenance. Their rights over forests are often claimed for customary and historical reasons.
- *Commercial and industrial interests of the larger economy*—industries dependent on forest resources, i.e. paper and pulp, construction. Their use of forest resources is aided by government policies.
- *The State or the Government*—forest is a major source of revenue and resources for the government. The government has the challenging task of reconciling short-term commercial interests with long-term interests of conservation and the twin objectives of regulating as well as accommodating the use of forest resources by local community in the face of pressures of the larger economy.

The competing demands of each of these users in the forest space and its resources result in contestations, and conflicts arise when the interests of one group gets precedence over others. Often it is the government, which dominates most of the decisions, being the most powerful actor. The government through its policies and laws lays down the rules governing the use and management of forests and specifies the roles and responsibilities of the different users. Section 8.3 traces the evolution of forest management policies and systems in India, while also analysing the changing role and responsibilities of local communities and its implications for forest management.

8.3 Local Communities in Forest Management in India

The close relationship between forests and local communities residing in it dates back to centuries; as is evident from the historical accounts of Indian epics (Mahabharata and Ramayana) and other mythological stories. As one of the main users of forests, local communities have always had a major stake in forest management. Their involvement and role have however changed over time, from being protectors and worshippers of forests, and they have been gradually alienated from forests. Forest management practices in India have undergone significant changes owing to historical and political reasons, that have influenced the way local communities have been engaged in managing forest resources. This review has considered the following periods: (i) pre-colonial period, (ii) colonial period (1757–1947), (iii) early independence period (1947–1980), and (iv) current period (1980s onward). The policies and practices of forest management in India has seen important shifts corresponding to these periods. The review tries to trace the changing role of local communities in forest management in this time period.

(a) **Pre-colonial period**: Historical evidence shows that throughout history, prior to the British rule in India, forests were treated as a source of resources and, at the same time, forests were worshipped (Ghosal 2011: 108). Forest was an important source of subsistence for majority of the population who depended on it for fodder, fuel, food, articles for daily use. Burning of forests and cultivating select patches in turn, using forest resources for daily use as implements, fuel, fodder and food were common practice in this period. Such practice did not have much impact on the forests or forest-dependent people as very little forest was destroyed. People worshipped forests, which served as a safe abode and took care to protect and conserve its valuable resources:

> in ancient times forests were regarded as abodes of spiritual solace and the concept of preserving forests and wild life developed around the 'ashrams' (hermitages) of the sages. These forest based ashrams propagated 'AranyaSanskriti' or a forest culture and human understanding of the fundamental ecological utility of forest ecosystems and their economic importance (Rawat 1991, cited in Ghosal 2011: 108).

Evidence of practices of forest management and protection is found in Kautilya'sArthashastra (350 BC–283 BC), which has a detailed legal classification of forests according to its type and use.[1] Forests were reserved for procuring forest produce, game forests for rulers, and forests were also donated to eminent Brahmans. Separate forest tracts were reserved for the use of common people. The Arthashastra describes the King as the absolute authority over forests. It describes a well-established system for guarding, extracting and managing forest produce, with a Superintendent of Forest Produce, responsible to collect timber and other products of forests.[2] He was also to start productive works in forests and fix adequate fines and compensations for people who caused damage to productive forests. Forest products were classified according to their use as strong timber, rope-making material, leaf yielding, medicines, poisons, etc. The Superintendent was also responsible for setting up of *manufactories* to prepare commodities from forest produce and make it available for use by people.

Even during the Mauryan (321 BC–184 BC) and Gupta (280–550 AD) period, the Kings had a well-organised Forest Department for the management of forest and forest products, which used to take initiatives to increase forest cover and forest products (Ghosal 2011: 109). During the Mughal rule, few forests were earmarked as restricted areas for general public to ensure a good hunting environment for Mughal emperors; however, a large number of people (mostly indigenous tribal communities) used to live in or around forest areas depending entirely on forest products for livelihood and subsistence. There were no restrictions on forest and forest products collection for forest people during the Mughal period apart from forests reserved for hunting for rulers (Ghosal 2011: 110).

Even during the mid-eighteenth century, various types of users would draw on the forest resources, from villagers in neighbouring villages who would regularly collect grass, thatch, firewood, fish, etc., to armies of kings who would depend on forests for supporting their garrison (Guha 1999: 56). Kings and their armies would

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[1]The Arthashastra gave a legal classification of forests and identifies the following three types of forests as (Ghosal 2011: 109):

- Forests donated to eminent Brahmans for sóma plantation, for religious learning and for the performance of penance.
- Reserved forests for hunting, which were of two types:

  – earmarked only for the king mainly for purposes of hunting and
  – game forest open to all members of the general public, on the extreme limit of the country.

- Reserve forest for procuring all kinds of forest produce: one or several forests to be especially reserved for the purpose.

Along with the above classification, it also specifies that the King shall make provision for pasture grounds on uncultivable tracts. It also advocated for separation of wild tracts from timber forests. The Arthashastra also propagated the concept of *abhayaranya* (inner sanctuaries), which corresponds very closely to the concept of national parks as is prevalent now (Singh 1994: 5).

[2]*Arthasástra* of Kautilya, Chapter XVII, "The Superintendent of Forest Produce" in Book II, "The Duties of Government Superintendents" accessed on 20 June 2012 at http://www.sdstate.edu/projectsouthasia/upload/Book-I-Concerning-Discipline.pdf.

collect taxes and fees from users of forests in their jurisdiction and sometimes collected forest products also in kind.[3]

A usual practice among the kings was to maintain reserved meadows, known as *kurans,* which was to reserve some meadow land by excluding other users from it. Often the superior fields with the best grass yield were selected as *kurans* by the kings and kept aside to meet the fodder and wood needs of the army, which often passed through the area (Guha 1999: 59). Most of these reserved meadows were taken over by the Conservator of Forests in the mid-nineteenth century. Dietrich Brandis,[4] the founder of the Indian Forest Service, in his writings had also referred to the forest reserves maintained by kings, which served as hunting preserves of the nobility and ensured supply of fodder and timber for the local people.

Thus, in the pre-colonial period, a well-established system of forest management and governance existed in India under the kings, who had laid down rules for access to forests and forest resources and penalties for violation of rules. Most Kings also had forest administration under them that overlook maintenance of forests. However, access of general public to forests was not altogether banned. Forests were especially earmarked for the use of local communities dependent on forests, and sometimes, the king would collect tax (mostly in kind) from the users of the resources. In fact, forests in India, before the colonial period, were not under the exclusive control of rulers or kings. Much of the forest areas were managed by the people who lived near or inside the forests and depended on it for their daily needs (Ghosal 2011; Poffenberger and Singh 1996).

Dietrich Brandis documented the traditional systems of forest management in India in 1897 and referred to these as '*traditional system of forest preservation'* and '*illustrations of indigenous Indian forestry*' (Guha 1996: 88). He had discovered sacred woodlands in nearly all provinces of British India towards the end of the nineteenth century—from the *Devarakadus* of Coorg to sacred groves in Mewar (Guha 1996: 89). It was mostly village communities that protected the forest groves which they designated sacred. A large number of people (mostly indigenous tribal communities) used to live in or around forest areas depending entirely on forest products and protect and manage the forests following laws of access evolved traditionally (Ghosal 2011: 110). These people believed themselves to be the actual owners of forest with rights to use forest products for their subsistence purposes.

Evidently, until the British colonial period, there existed different patterns of forest management practices in India, depending on the ownership of the forest

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[3]Guha (1999: 56) cites the case of Anjanvel, a subdivision on the west coast of Maharashtra, where peasant households in the villages had to supply the kings' garrison with thatching grass, palm-leaf raincoats and other products which had to be extracted from the forest. Herdsmen who would seasonally bring their buffaloes to graze in Anjanvel had to deliver specified quantity of butter to the Kings' army annually. Such annually recurring demands necessitated maintenance of the grasslands and the forest on which these communities were dependent.

[4]**Dietrich Brandis** (31 March 1824–29 May 1907) was a German forester who worked with the British Imperial Forestry Service (IFS) in colonial India. He is considered the father of tropical forestry.

lands. Kings controlled forest areas within their kingdoms and had laid down systems for managing and access to forest resources for local communities. At the same time, local communities living within forests owned and managed its resources through indigenous laws evolved traditionally and held sacred by them.

> …..rulers from the Ashoka period, through the Gupta and Mughal periods, often left forest dwellers in peace, concentrating their political aspirations on the fertile agricultural plains and the more populous villages, towns and cities"..and.. "…yet, if the rulers made excessive demands in tribal forest areas, they often met with guerilla resistance… (Poffenberger and Singh 1996: 58).

Another significant characteristic of this period was that the market for forest produce had not yet developed in India, in the sense that the use of forest resources was mainly for local populations (Nadkarni et al. 1989: 22). Demand and consequent forces of the larger economy on the forests and its resources were negligible. Only some exceptional items of forest produce were considered scarce and had a good demand and market (ivory, sandal, etc.). Otherwise, forest resources were considered abundant and a free gift of nature. It is important to take note that however there existed well-established systems of managing forests and forest resources in the country much before the arrival of the British.

(b) **Colonial Period**: The colonial period marked the beginning of deforestation in India and the alienation of local communities from forest and its management. During the early period (i.e. before 1857), the East India Company indiscriminately used forest products to increase its revenue. They had little intention to protect and manage Indian forests and forest products. The East India Company plundered the forests and its resources to meet the need for timber for constructing railway tracks, developing ship building industries, making furniture, providing a continuous supply of firewood and for the exportation of timber to Britain (Ghosal 2011: 110). The forests were thus linked to the demands of the larger economy, and this put immense pressure on the forest resources. The exploitation of the forests in the initial colonial period was not supervised at all. Poffenberger and Singh (1996: 58) state that during the early colonial period, "*forests were increasingly viewed as an asset of the state with great commercial potential…* (however) *during that period no public agency was in a position to monitor or regulate its use.*" They identify this period as the first period of accelerated deforestation in India.

The East India Company paid little attention to managing forests, however, in order to retain their control over forests and ensure a steady supply of resources; restrictions were imposed on access of local people to forests and its resources. Such regulations were in effect much before an official Forest Act and Forest Department was in place. The East India Company imposed restrictions on the practice of *cumri* cultivation by the local people; which involved forest burning in 1848 in Uttara Kannada (Nadkarni et al. 1989: 40). Forests began to be controlled by the East India Company purely for commercial interests, and local people were considered a threat. Local peoples' access to forests was restricted through rules and

laws, while forests continued to be exploited to meet the demands of the Company and British economy (Poffenberger and Singh 1996: 58). Forests with valuable timber (such as teak, sandalwood) were reserved for use by the Company, and more species of trees were increasingly being reserved. More restrictions were imposed on local use as commercial interests in forest resources increased with time, giving rise to discontent among local population dependent on forests. The competing demands of the local users, vis-à-vis the demands of the East India Company for the larger economy, led to conflicts as the local users were increasingly restricted from using forest resources.

After the transfer of power from the East India Company to the British government (1857), significant steps for forest preservation and management were taken. The British government established a system for management of forests mainly to regulate local use and ensure regeneration of commercially more valuable forest produce (Saxena 1997: 2). The compulsions of the colonial state were to generate revenue and meet imperial demands for raw materials. Thus, its approach to forest management was directed at commercial exploitation of the forest resources. The colonial government established a forest management system which helped them to increase control over forest resources of India. A separate Forest Department was established in 1864, with Dietrich Brandis, a German expert in forestry as the first Inspector General of forests.[5] To achieve control over Indian forest resources (mainly timber), the British government had to restrict local inhabitants' rights by implementing strict rules and regulations. The Government used legislative powers to control large tracts of forests and impose restrictions on local use. The first legislation was the Government Forest Act, 1865, which empowered the Government to declare any forest as government property. The Act established the state monopoly over forests. The process of reserving certain species of trees by the British had started earlier in the East India Company period. This process was extended to classify forests as reserved and protected areas, and large-scale surveys of forest areas were initiated across the country. Rules and acts were designed to curb local use of forest resources for subsistence needs of the people residing inside or nearby forest areas.

The Indian Forest Act of 1865 was replaced with the Indian Forest Act of 1878, which formalised the classification of forests as Reserved Forests, Protected Forests and introduced another category—the Village Forests. The new law was more comprehensive and imposed more stringent restrictions on local use of forest resources. The Government had absolute ownership over Reserved Forests. Local communities were banned from using resources from Reserved Forests and had limited access to Protected Forests, subject to restrictions imposed by the Government from time to time. They had rights to resources only from the Village Forests, which they used for grazing, fuel, fodder, etc. The reserved forests were

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[5]The British at this time did not have expertise in forestry science, and Germany was the leading European nation in forest management (Guha 1996: 88). In fact, British India was one of the first countries in the world with a national forest service.

rich in timber, whereas the less productive areas were earmarked as village forests. The colonial government brought more and more forest lands under the reserved category throughout the country and established a centralised system of forest management, with very less regard for the traditional forest management systems prevalent in India prior to the colonial period. During the 1880s and 1890s, the forest department began a concerted effort to demarcate forest lands with the greatest commercial potential. An estimate shows that, as a result of the forest settlement work carried out by the colonial government between 1870 and 1900, almost 69% of the total forests in India were under the reserved category (Nadkarni et al. 1989: 43).

The colonial government initiated 'scientific' forestry mainly through the preparation of working plans for forests. Working plans were being prepared in some places since 1885, but they took concrete shape and were implemented more extensively only since the early twentieth century. Working plans were developed by the Forest Department following a systematic method of survey and based on scientific knowledge of forestry. The basic objective of the working plans was to ensure the best possible return from the existing stock and to improve the stock for future rotations. The colonial government gradually took over large tracts of forests which were earlier under the control of local communities and obstructed their entry into the forests. Restrictions were imposed on lopping and grazing rights, rights to non-timber forest products and extension of cultivation, and the department strengthened the number of official forest guards. In Almora district of Kumaon region, between 1910 and 1917, the government transferred 2500 km^2 of forests to the Imperial Forest Department (Agrawal 2000: 59). In Dhule district of Maharashtra, the forest department introduced a ticket system in 1877, which allowed only ticket-holders to enter the forests and cut wood (Guha 1999: 69). The forests were transformed into mere sources of revenue for the British government, and forest communities were termed as 'intruders' and 'aliens over state property' (Ghate 2008).

The immediate result of such centralisation management of forests was the alienation of the local communities from forest protection and management. The long-term outcomes of this process of centralisation of forest management were, loss of incentive for long-term community management and unregulated encroachment on state forests (Webb 2008: 27). The traditional institutions of community forest management were stripped of their access, management and use rights. This resulted in conflicts between government agencies and local communities dependent on forest resources.

Across the country, local communities dependent on forests for subsistence opposed the official rules. Rebellions against colonial forestry are reported across the country extending over several villages, and the rebels were mostly the illiterate peasants and tribals. Forceful implementation of scientific forest policy stimulated indigenous forest dwellers to collect forest products (particularly food, fodder and firewood) illegally, ignoring the British Forest Department's rules and regulations (Ghosal 2011: 112). The traditional systems of forest management broke down in many areas as local people were not allowed to manage forests. But their

dependence on forest resources continued, and as a result, they started exploiting forest resources illegally. In some parts of the country, local communities organised themselves and were successful in influencing government policies to accommodate their needs and in some instances could gain some control back over the forests. Like in Almora and Kumaon in the Himalaya region, consistent protests by the villagers against the state control of forests led to the enactment of the Forest Council Rules of 1931, which gave village communities some control in managing forests for their subsistence needs (Agrawal 2000: 60).

The policy of the British government was to give concessions and relax restrictions wherever it suited them, and also to prevent public resentment from getting out of control. Such relaxation in restrictions was allowed since the 1920s, but the firm control of the Forest Department also prevailed over forests; thus, protest movements continued with concessions being granted as and where necessary. In some places, the local community through sustained protest could get some concessions for local use of forest, but where they could not, they started illegally exploiting the resources. The effect of the colonial policies on forest management practices can be summarised in terms of (i) emergence or strengthening of community-based forest management institutions in some parts of the country that were granted concessions by the British government and (ii) indiscriminate exploitation of forests by local people, who lost rights over forest resources due to restrictions imposed by the colonial government. Thus, community-based forest management system existed and evolved only in select patches of the country, in response to colonial forestry.

(c) **Post-independence period**: Commercial exploitation of forests continued even in post-independent India, with support from the newly formed Government, which adopted most of the colonial policies. Demand for timber from the paper and pulp industries, demand for poles for the spread of electrification across the country, increase in cultivation, forest area taken over by major industries and hydroelectric projects are some of the reasons identified for rapid depletion of forest cover in the country during this period (Poffenberger and Singh 1996: 60). Forests continued to be centrally managed by the Government, with little consideration for the people living within or near forest areas. Ancestral rights and usufructs agreements granted earlier by the colonial government were considered to be generous concessions and privileges, and government policies emphasised on the need to 'tighten concessions and privileges' granted to rural populations in the interest of the nation (Poffenberger and Singh 1996: 61).

The National Forest Policy of 1952 emphasised on industrial and commercial needs and labelled local needs as secondary to 'national' interest (Saxena 1997: 5; Singhal 2008: 6). Across the country, the forest department increased their control over forest resources by establishing 'depots', where local people could receive supplies of fuelwood, grass, etc., for their daily needs at subsidised rates. This practice did not allow local communities to manage and harvest forest products themselves and further alienated them from forests. However, local communities

could not be completely eliminated from using forest resources. The flip side of the increasing state control over forests was that local communities no longer had incentives to maintain forests and perceived it as a state responsibility. A study of the forest regions in two districts of Western Ghats, Uttara Kannada and Shimoga in Karnataka, found that forests under local access were in a relatively higher state of degradation (Nadkarni et al. 1989: 162). Local communities continued to illegally collect forest produce and turned into poachers. The gulf between foresters and local people grew leading to intense confrontation and conflicts (Palit 1998: 212).

Mc Kean (2000: 35) points out instances in India, Nepal and sub-Saharan Africa, where transfer of property rights from traditional user groups to the government converted owner-protectors into poachers and aggravated resource depletion. Increased state control over forests resulted in competition among the users/user groups to extract as much short-term benefit from the resource as possible. Nadkarni et al. (1989: 72) note that denudation of the unreserved forest areas was more as compared to the reserved forests in their study area in Uttara Kannada. Such denudation is the effect of indiscriminate exploitation of forest resources by local people. Further, with rapid depletion of the unreserved forests, people are forced to look for resources in the reserved forest areas, thus leading to depletion of forest cover in the reserved areas as well. The emphasis of the government policies on commercial exploitation of forests to meet the needs of the national economy continued till the 1970s.

(d) *1980s onwards*: The period since 1970s is marked by a shift in the government's approach to conservation of forests and its resources through some important legislations. This period is marked by an increasing environmental awareness in the country, largely owing to the rapid deterioration of forest areas. During the 1970s, several community-based environment movements took place, protesting against official policies and commercial exploitation of forests by the Government and private enterprises. Conflicts and confrontation between protectors and local users is nothing new in the history of forestry. However what marked the difference of these protest movements over earlier periods was that, this was based on an environmental consciousness of the local communities; as against the earlier movements which were mainly to get more access and benefits from the forests (Nadkarni et al. 1989: 82; Poffenberger et al. 1996: 34). The Chipko movement in the Uttar Pradesh hills, Appiko movement in Uttara Kannada, and Naga and Mizo revolts in the north-east are examples. Need was felt to involve local communities in managing and protecting forests, and in many parts, local communities themselves took control over forest areas and started maintaining those, often without any formal support from the government (Sarap and Sarangi 2009; Sarkar 2008).

In Orissa, many communities began protecting forests themselves from the 1970s in response to increasing pressure on the forests of the region and deforestation. By the late 1980s about three to four thousand communities had established control over approximately 10% of the state's forests (Poffenberger et al.

1996: 34). Similar instances are also noted in West Bengal, Gujarat and Bihar. But most of these were community-led movements to protect forests and received very little support from the government, except in the case of West Bengal, where some forest officials involved the local communities in forest protection activities in return for share in forest produce.

The first official support for community involvement in forest management is usually traced to the programme of Social Forestry in the fifth five-year plan 1974–1979 (Vira 1999: 255). The Social Forestry programme emphasised 'people's forestry' and had two main components: farm forestry targeted at private land-holders and communal woodlots to be established on various categories of public and community land. In most of the states where Social Forestry was introduced, the most successful component was farm forestry, which was plantations on private lands. Very few states could achieve targets for community woodlots. Moreover, community forestry was restricted to village and other uncultivated government lands, excluding forest land (Vira 1999: 257). Most of the land earmarked for community woodlots was already in a degraded condition, and the official inability to involve the local communities in the programme are some of the reasons for the poor performance of the Social Forestry programmes.

It was not until the late 1980s that community management of forests received widespread support from national and state governments. On August 1988, the government of Orissa passed the nation's first forest policy resolution endorsing community management of forests. Many other states followed. The endorsement by the Central Government came in the form of a policy circular in 1990 that formally adopted a participatory forest management model in Joint Forest Management (JFM) Programme. JFM is a principal element of forest management strategy in India, which recognises and legitimises local community efforts at forest management. Its primary focus is on protection and conservation of forests and its resources, in partnership with the people.

JFM has shown mixed results, and in many places, the local institutions for forest protection have broken down. In studying JFM institutions, researchers have highlighted the issue of unequal power relationships inherent in partnerships between the state and community institutions and inherent imbalance of power within communities themselves (Sarin 1996: 170). The 'jointness in JFM' as Lele (1998: 2) states has to be ideally between (i) the individual villagers into a 'community of forest users' and (ii) this community so formed and the state (represented by the FD officials). However, both of these relationships are tenuous due to a number of factors as evident from empirical studies conducted in different parts of the country.

The terms and conditions of access, share of benefits, rates of sale and procurement are entirely decided by the government, and the participating communities have very little role in the decision-making process. Sarkar (2008: 16) observes that in the case of *kendu,* a forest produce of high economic value, the forest communities are simply acting as 'collectors' and 'price takers', and it is the state marketing corporations and licensed traders/societies working under the state forest department that decides the rate and policies. Faust (1998) in a study of JFM in

villages of Surat district in Gujarat finds that there is little participation of villagers in the JFM committees and the Forest Department staff have developed a patron–client relationship with local community groups, providing employment, land and infrastructure investments, biogas plants, and fruit trees in return for cooperation.

A study of van panchayats in Uttaranchal concludes that van panchayats have steadily lost control of their incomes and management systems; thus, the forests under them has degraded over time (Balooni et al. 2007: 1451). The reasons identified in the study for the failure of the community institutions are as follows: (i) heterogeneity among stakeholders, which has adversely affected collective action; (ii) increasing population and market pressure; (iii) disenchantment among stakeholders, i.e. van panchayat members, owing to the meagre share of the benefits accruing to them; (iv) erosion of enforcement regulations, due to tacit under-standing among stakeholders to ignore offences as everyone benefits; and finally (v) socio-economic changes in the village society. Lele (1998: 7) also points out that due to increased penetration of markets in rural areas and integration of villages to the larger economy, the traditional sense of 'community' has declined in rural India. Thus, the assumption of a homogenous village community on which the success of JFM rests is itself flawed.

Sarkar (2008) in her study of van panchayats in 45 villages of central Himalayas finds that in spite of the existence of favourable conditions for successful outcomes of collective action, the forests under the van panchayats as well as the state-controlled forests have degraded over the years. She points out that local communities are indifferent to the administrative jurisdiction of forests, while extracting resources, thus resulting in degradation of both types of forests. The study found that collective rule violation in the villages was common, and the villagers are unaware about the long-term ecological implications of their actions. The study reveals that both government- and community-managed institutions are eroding due to unprecedented pressure on the resource base. The dependence of local people on forests is very high as very few alternatives in terms of livelihood and other resources have been offered to them. She finds that community rules are liable to dissolve under continuous pressure of population growth.

The findings of most of these studies show that traditional systems of community forest management have broken down due to their alienation from forests for a long time. Also, other factors such as change in the rural community and rural society, erosion of community structures, low regard for community rules and regulations, increased population pressure on resources and low incentives for protecting forests are responsible for degradation of community institutions managing forests (Lele 1998; Balooni et al. 2007).

8.4   Conclusion

Forest management policies and practices over time have gradually isolated local communities from forest management and eroded the traditional, community knowledge and structures for forest management. Thus, current approaches of forest management in partnership with local communities have yielded mixed results. Programmes, like the JFM, are formulated on the assumption that local communities are cohesive units, willing to take over protection and management of forests and that all members of the community have strong conservationist approach and interest in protection of forests (Lele 1998: 2). This assumption is faulty, as pointed out by several studies. Moreover, during the colonial period, community forestry was successfully practiced only in some areas where the British had given concessions and special permissions. However, when JFM was initiated, it applied the same rules across the country, without considering the history of community management of forests. Even in places that had a tradition of forest management by local communities, over time institutions and rules are withering, due to increasing pressure of population, their livelihood and sustenance needs.

The current official policy on forest management is vacillating between a conservationist and populist approach. Conservationists give overriding priority to sustainable management, often neglecting livelihood needs of the people dependent on forests. Whereas populists call for handing over management of forests to people, ignoring conservation. As Lele (1998: 1–2) crucially remarks, '*the current system is a patchwork of full state control (Reserve Forests, Sanctuaries and National Parks) in certain areas and open-access in others (what are typically classified as Protected or Unclassed Forests): systems wherein the local users are either at loggerheads with the state in the former or with each other in the latter.*' The official policy for protected areas is one of denial of existence of human populations within the reserved forests, whereas human settlements are present in virtually all pockets of forests across the country.

The concern is no longer whether forests are to be exclusively managed by the state/government or the local community. 'Pure state management' through centralised mechanisms have caused much harm to forests and its resources. Also 'pure community management', in the absence of regulation, does not work. What is required is a system of forest management involving both state and local actors, with roles and responsibilities clearly defined according to their interests and incentives in the forest resources. The role for the state/government in the management of forests is mainly to address the need for a coordinated and centralised management system. The state has a facilitating role in reducing transaction and institution costs of coordination among user groups and other stakeholders, sharing of relevant information about the resource, its availability across the user groups, sharing of specialised knowledge and learning among researchers, government agencies and communities (Grafton 2000: 514).

There is little chance of protecting forests and its resources without the involvement of local communities. However, the absence of any regulation on local

communities may lead to degradation of forests, and in the absence of any community institution, the degradation would be faster. Local communities have to be recognised as active participants in the management of forests on which they depend. The Tiger Task Force Report (2005), which is a telling commentary on the state of management of forests, calls for the emergence of an 'Indian model of conservation' that takes into consideration the protection of forests and wildlife, and also the livelihood and developmental needs of the people living within and around forests. Forest management policies need to recognise the dependence of local communities on forest resources and make them active agents of conservation. The focus of forest management has to be on maintaining and regenerating forests keeping in mind the livelihood and sustenance needs of the population.

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Chapter 9
Land Laws, Ownership and Tribal Identity: The Manipur Experience

Ngamjahao Kipgen

9.1 Introduction

Land and identity issues have seriously impacted and fuelled ethnic unrest in the north-east region of India. There has been a dialectical relationship between land and identity in the hills of Manipur beginning from the colonial and continues in the post-colonial period. The colonial and post-colonial states are external actors that have not only restructured the sociopolitical structure but also fail to accommodate the existing land laws and ownership systems of the hill-tribal people. It was the British, who had first tried to separate the individual from the community in terms of land relationship (see Dasgupta 1991). This chapter argues that the marginalisation of the hill peoples of Manipur was deeply rooted in history and geography. Such mode of imposition of alien governance/administration and policies towards the tribal communities has continued till today and marginalises them. The current debate on land laws is imperative because it invites to reflect on the nature of state's land laws, governance and the experience of democracy for a majority of the tribal people in India's north-east state of Manipur.

Land, particularly for the tribals, has remained as the single most important physical possession. Land as a territory plays an important role in shaping the cultural and ethnic identity. Their mode of livelihood has led them to develop a symbiotic relationship with their environment and also evolve culture, customs, practices and social control mechanism meant to ensure their sustainable use (Fernandes 2003: 246). Generally, tribal economic systems are focused on their traditional land use systems, particularly agriculture and forestry mainly associated with subsistence cultivation and household consumption. For instance, the land use system in the hill areas in Manipur is regulated by the customary, traditional land

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usage and management system of each tribe for generations (Shimray 2008: 92). In a sense, tribals' way of life is intrinsically linked with the environmental and ecological situation of the areas.

The hill-valley divide is a unique phenomenon in the state of Manipur and the north-east region in general (see Kipgen and Roy Chowdhury 2016). However, it must be noted that this divide is not just limited to territorial divide. Karlsson rightly observes this phenomenon in north-east and says 'Perhaps the most significant divide that marks the region today is that between the plains and the hills. Majority of the plains people dominates the hills people' (Karlsson 2011: 28). Not surprisingly all socio-economic, cultural and political development or non-development trajectories are seen through the prism of this divide (Suan 2009: 264). In the context of Manipur, the non-tribal Hindu Meiteis (valley dwellers) enjoy the upper-hand in the politics of the state as they constitute a dominant majority in population. Such dominant regime constantly sought to consolidate its control over local resources, socio-economic and political realm has marginalised the hill-tribal communities. In recent times, such covert agendas often faced sustained opposition from hill people based on their awareness of the challenges to their ownership of resources. In the name of development, there have been consistent attempts for the alienation of tribal lands. For instance, the renewed attempt on the part of the Manipur state to pass the Manipur Land Revenue and Land Reforms (MLR&LR) Act, 1960, is one such issue which has time and again reopened hostilities and resentment among different ethnic groups in the state. The struggles against the dominance of larger and more powerful ethnic groups have been a trend in Manipur (Shimray 2001: 3675).

On 31 August 2015, the tribal communities in Churachandpur (southern hill district) took to the streets protesting against the three controversial bills passed unanimously by the Manipur Legislative Assembly. They are: (1) The Protection of Manipur People Bill, 2015; (2) the Manipur Land Revenue and Land Reforms (Seventh Amendment) Bill, 2015; and (3) the Manipur Shops and Establishments (Second Amendment) Bill, 2015. The staunch opposition against the three bills passed by the State Assembly has resulted in the death of nine people in Churachandpur, with the bodies still lying in state.[1] One of the main concerns in the agitation against the three 'anti-tribal bills' passed by the Manipur Legislative Assembly is the one that has to do with the Manipur Land Revenue and Land Reforms Act, 1960, that is the MLR&LR (Seventh Amendment) Bill, 2015. The main opposition to this bill is the idea of land grabs by the valley dwellers and the state's hegemony through forceful intrusion to the land resources of the tribal people and infringement of their customary rights (Kipgen 2017: 506).

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[1]See 'A Manipur town refuses to bury its dead, demanding tribal rights', http://www.hindustantimes.com/india/a-manipur-town-refuses-to-bury-its-dead-demanding-tribal-rights/story-3BJOoWCmBRHu1rFMqjYfJJ.html.

9.2 Spatial Pattern: Ethno-demographic Profile

Manipur, one of the borderland states in Northeast India has a total area of 22,329 km^2. The landmass of Manipur constitutes 0.68% of the geographical area and 0.19% of the population of India. The state lies between latitudes 23.80°N to 25.68°N and longitudes 93.03°E to 94.78°E. The population of Manipur comprises three major ethnic groups: the Meiteis of the valley, and the Nagas and Kukis of the surrounding hills. The people of both valley and hill areas are predominantly Mongoloid and speak the Tibeto–Burman languages (Grierson 2001: 6). Geographically, Manipur has two distinct divisions—it is nine-tenths hills and one-tenth plains (Das 1995: 48). Five of the state's nine districts—Ukhrul, Tamenglong, Churachandpur, Chandel and Senapati are predominantly inhabited by the Schedule Tribes (STs) and the Meiteis are concentrated in the four valley districts—Imphal East, Imphal West, Thoubal and Bishnupur.

There is a sharp divide between the hills (tribals) and valley (non-tribal Hindus) in the state. Prior to the Manipur Merger Agreement of 1949, the valley of Manipur was under the ruled of monarchical system.[2] In contrast, tribals in the hills have their own system of governance which was based on their traditional institution and customary laws. The Meiteis occupy the most productive and fertile agricultural tracts, and also on account of their historical association with Manipur's former monarchic state, they occupy a dominant position in the state's economic, administrative and political structures. There are 33 government-recognised tribal communities in Manipur that constitute over 35% of the total population. The tribal areas are scarcely populated with a density of 44 people per km^2. whereas the valley's population density is 631 people per km^2 (2011 census). Land and forests remains the basic resources for subsistence in the hills. Land and forests-used system was maintained through the chiefs or village councils, and *jhumming*[3] was the main system of agricultural practice. Majority of the hill tribes have converted to Christianity beginning from the nineteenth century.

9.3 Tribal Land System in Manipur: An Overview

As discuss, land constitutes the most essential element in the tribal society. Anthropologist Malinowski (1965: 319) had mentioned that '(L) and must be conceived in a more comprehensive manner. It is the relationship of man to soil in the widest sense… in so far as it is laid down in native law and customs'. Jose

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[2]According to *Cheitharol Kumpaba* (Royal chronicle), the Meiteis had 74 kings referred to as Ningthou between 33 A.D. and 1891 A.D.

[3]Shifting cultivation, commonly known by many names, such as swidden agriculture, slash and burn agriculture, and *jhum* agriculture. It involves the cultivation of an area for a short period, often only a year, after which it is abandoned for several years.

(1986) further observes that there is a deep spiritual relationship between indigenous peoples and their land. This relationship is the basis of their existence and their beliefs. Customs, traditions and culture are embedded in it. The political economy of land and rituals associated with *jhumming* shapes the tribal cultural identity. The land use system is linked with the concept of lineage and village community land utilisation. The ownership of land rests with a particular lineage though all villagers have usufruct rights. The traditional knowledge system and social history are connected to the land they live in.

The attachment to land is not entirely due to its economic importance. Territory plays an important role in shaping cultural and ethnic identity. The territorial orientation relates to the environment in terms of control over the territorial resources. The idea of territory is embedded to the tribal's lives. Morris and Marsh (1988: 27) argue that 'Territoriality is such a deeply ingrained aspect of human life that we tend to assume that it is something we have acquired during our evolution'. Usually, the tribal village land and territory are demarcated by streams, rivulets, ridges or stone. The tribal village includes settlement area, community and natural resources, i.e. land and forest within the given village territory. Within the given village ecosystem, the values, belief and cultural practices are regulated by their traditional institution. The villagers nurture the ecosystem and explore the full potentialities of their environment in order to sustain themselves within the given village territory.

In Manipur, there exists a line of difference in the way traditional land ownership system functions for both the Kuki and Naga tribal groups. Each system has its own enforcement mechanisms as well as codification of rules and norms. The term 'ownership' encompasses such questions as to who has the rights to use a particular plot of land, who exercises control and who has legal claims to certain portions of village land and forests. Generally, in the hill areas the community, not the state, owns most of the land. However, in some places private plots of land and forests as well as encroachment of common property (not sanctioned by customary law) are prevalent.

The Naga land use system in the village can be broadly categorised into three divisions: (i) community land and clan's land, (ii) forests and (ii) village settlement area. Another type categorisation of village land use system is given by Ruivah in Tangkhul Naga society. According to Ruivah's classification, the village land could be categorised as: (i) village settlement area; (ii) Woodland, the nearest forest to the village settlement area; (iii) *jhum* land; (iv) public or village community land; and (v) sedentary terraced paddy fields (1987: 54–64).

Broadly, there are two types of ownership of land in the Naga village. The rights over land are of two types: those that belong to individual households and those that belong to the community. In fact, these two types of ownership are intrinsically linked with the two systems of cultivation. Generally, in the case of shifting cultivation land is collectively owned, but in terrace cultivation, the land is owned by the individual households. Hungyo (1987) and Ruivah (1987) maintained that each Naga village headman has his own definite village territory. In other words, the village chief is the nominal owner of the whole village land. Theoretically, the

headman of the village owns the land in his name. But in practice, land is held by the village community as a whole.

For the Kuki groups, it is the village chief who is the custodian of the village land. In the traditional landholding system, the objective bases of the authority and legitimacy of the Kuki chiefs are rooted in land and forest resources (Ray 1990: 44). The chief is endowed with '…the rights of management of community resources and in the exercise of this, he is authorised by tradition' (Roy Burman 1992: 275). According to Ashok Kumar Ray, the chiefs have their own customary court, the traditional law enforcing body. It is the village's highest body of law and has its own constitution in the form of traditional customary laws handed down orally for generations (1990: 38). The chiefship system is woven around the concept of reciprocal privileges and obligations of the chief towards his villagers.[4] The chief is obliged to provide the villagers security, settle disputes and well-being. The chief and his village council also make rules regarding forest and land use. The land is distributed to the villagers according to the size of the family for cultivation and for making homesteads.

To put it succinctly, the tribal groups of Manipur have different forms of land ownership and management system. They continue to uphold their land use and ownership system based on their customary laws. Thus, traditional law and customs continue to be the basis of administration in the hill areas. Neither during the colonial period nor in the post-independence period there exist any specific land laws for the hill areas. This shows that the landholding pattern and its distribution and management has been governed by traditional institutions for generations.

9.4   Colonial Laws Enact to Conserve/Protect Forest Resources

Prior to the colonial intervention in Manipur, the state forests and its resources were not touched by scientific methods and land revenue systems. Mention may be made that systematic forest policies were drawn up in 1855 when the then Governor General Dalhousie issued a memorandum on forest conservation (Kulkarni 1987: 2143). Under the Forest Act of 1878, forests were classified as: (1) reserved, (2) protected and (3) village forests (Kulkarni 1987: 2143). The Manipur state forest management under the colonial government had begun from 1891 to 92.[5] Maxwell, the then Political Agent of Manipur, declared the forests in the valley as 'State

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[4]Though the Naga and the Kuki occupy the same ecological niche, Naga villages have a *gaonbura*, who is democratically elected head. He is more of a caretaker or a supervisor of the village land for a specific period. However, the Kuki chiefs are agnatic and have overriding power in the village land and each village is an independent political unit. In terms of succession and inheritance, the Kukis follow the primogeniture system.

[5]Administrative Report of Manipur State (1891–92), Imphal: Manipur State Archives, p. 9.

Forest Reserve' forests in 1895.[6] Under these laws, forests in the hills were classified into three categories: village reserved forests, state reserved forests and open reserved forests. Since then, the forests were reserved and managed under a certain scheme of forest conservancy so also exploited under specific rules and regulations under State Forest Reserve.

The colonial rule brought changes in the hill areas that they were not only deprived of the facilities of earning but were also made to buy the resources from their own land. They were made to buy the monopoly right of village resources from their own land. Furthermore, the prices at which hill men might sell the forest produce were also fixed. With the enactment of the Indian Forest Act, 1927, the people in Manipur gradually lost their indigenous rights over their own forestland. This was an attempt to regulate the rights of the people over forestland and forest produce as the government gradually increased its control by strengthening the forest department (Kulkarni 1987: 2143).

The next policy imposed on the hill people was the National Forest Policy. Though the traditional rights of the tribals were no longer recognised as rights, the British Forest Policy of 1894 had provisions for 'rights and privileges'. The National Forest Policy in 1952 diluted this further. They were now called 'rights and concessions'. Now, the tendency is to treat them merely as 'concessions' (Roy Burman 1992: 143). The impact of the policies is still evident in many Kuki villages, which incorporated the land laws of the national forest policies into the local laws.

For instance, the Kuki villages pertain to two areas: (1) the Protected Forest Area, known as *ujok*, where trees are preserved and cutting of wood is not allowed. Violations of such laws are dealt with stringent penalty. The penalty is finalised according to the norms prescribed by the customary law. The verdict of the customary court is supreme in cases pertaining to non-conformity to local forest laws. (2) The second type is the open reserve area, where activities like *jhum* cultivation, hunting, grazing and firewood collection are allowed. Villagers are allowed access to firewood, hunt wild animals, graze livestock; new settlers are allowed to cut wood, and jhum cultivation is allowed.

9.4.1 Colonial Laws and Its Ramifications

After the Anglo–Manipur war of 1891, the hill areas were brought under British rule and the hill administration was assigned solely to the political agent (Kipgen 2009: 332). The colonial officials adopted a paternalistic attitude towards the hill people, which was merely confined to the formal recognition of tribal chiefs. Nothing was done to improve the living conditions of the people (Dena 2006: 3). The British government recognised the chief's rights over the hills within the jurisdiction of the village. The document issued by the subdivision officers or

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[6]Administrative Report of Manipur State (1891–92), Imphal: Manipur State Archives, p. III.

district magistrates was considered equivalent to the *patta* in the valley (Gangte and Singh 2010: 132). In 1893, the hill areas were divided for the first time into five subdivisions, namely Mao, Ukhrul, Tamenglong, Tengnoupal and Churachandpur (Kshetri 2006: 4).

The topographical separation of Manipur into valley and hills suited the British to exercise their policy of 'divide and rule'. The political agent J. Shakespeare (1905–07) deliberately excluded the hill territory and justified that 'the hill tribes are not Manipuris and have entirely different customs and languages' (Dena 2006: 3). Under the Constitution Act of 1935 or the Government of India Act of 1935, the central government brought states that still had relations with local governments into direct relation with the Government of India. Under this Act, the state was to be administered by the governor of Assam in his personal capacity as an agent of the crown. The letter no. F544–P/36, dated 1 April 1937 authorised the political agent—under Section 287 of the act—to discharge functions of the crown in relations with Manipur state hitherto performed by the governor in Council of Assam (cited in Reid 1997: 95).

Mention may be made here that after the Anglo-Kuki war (1917–19), also known as Kuki Rebellion or Kuki War of Independence, there were serious changes in the hill administration of Manipur. The administration of the hill areas was placed under the president of the Manipur state durbar, who was to administer them on behalf of the maharaja. There was, however, little interference in the village administration. Most of the disputes, except certain heinous offences against the state, were settled according to the traditional local customs (Kshetri 2006: 5). Subsequently, the British introduced certain innovative measures for consolidation of powers and better administration of Manipur, heralding the dawn of a modern system of administration.

These measures were: (1) Manipur's boundary was defined and well demarcated. (2) State durbar for administration of the hill areas surrounding the valley of Imphal was continued, but there were improvements to the system. (3) The Governor of Assam was made the appellate authority in the event of differences between the maharajah and the durbar. This measure eventually led to the removal of the hill areas from the maharaja's jurisdiction. (4) Three administrative subdivisional headquarters were set up (Gangte and Singh 2010: 152–53). (5) The president of the durbar became responsible for the administration of the entire hill areas of Manipur state on behalf of the maharaja (Das 1989: 12). (6) A separate budget was set aside for the administration of the hill areas for the first time. (7) The village administration remained unchanged. Most disputes, except certain heinous offences against the state, were settled in accordance with tribal customs (Kshetri 2006: 5).

The demand for responsible government gained momentum in Manipur during the 1940s. Pearson, the president of the state durbar, advised the maharaja that a separate hill administrative regulation was necessary for political reform (Dena 2006: 4). Therefore, the Manipur State Interim Council was formed on the eve of independence. Out of the seven members of the councils selected by the maharaja, two were hill representatives and one of them was put in charge of the hill areas. This was the first time the hill people were given the chance to participate in the management of their own affairs (Kshetri 2006: 6).

9.5   The Manipur Land Laws and Contest over Tribal Land

The history of land laws in Manipur such as Manipur Land Revenue and Land Reform Act (MLR&LR) dates back to pre-independence period. With the absorption of Manipur under the hands of the British Empire in 1891, the colonialist introduced a new land system in the region. However, this new land system was limited to the valley areas only. With the passing of the Indian Independence Act in 1947, Manipur became independent along with the other princely states of India (Kshetri 2006: 6). Subsequently, the Assam Land and Revenue Regulation (AL&RR) 1886 was introduced in 1947 as the Manipur State Hill People's Regulation (MSHPR), Act 1947. The MSHPR was subsequently replaced by the MLR&LR Act, 1960, which extends to the whole of Manipur 'except the hill areas thereof' (Shimray 2008: 92). With the passing of the Indian Independence Act in 1947, Manipur became independent along with the other princely states of India (Kshetri 2006: 6).

The Manipur Hill Peoples (Administration) Regulation Act, 1947, reduced many tribal chiefs of smaller villages, with less than 20 taxpaying houses to unrecognised chiefs. Subsequent to this, under the Manipur (Village Authority in Hill Areas) Act, 1956, attempts were made to reduce the chief to an ex-officio chairman of the village authority. The subdivisional magistrate exercises control over the village authorities, but ultimate control is with the commissioner. While the act indirectly recognised the role of the traditional village administration, it is silent on financial powers of the village authorities and the village courts (Haokip 2009: 313). Yet again, the Manipur Hill Areas (Acquisition of Chiefs' Rights) Act, 1967, introduced in the Manipur Legislative Assembly in 1966 also attempted to acquire the rights and privileges of the chiefs (Haokip 2009: 314). As a result, Village Authority (VA) was formed in each village having 20 or more taxpaying houses usually nominated the members of the village council in accordance with the traditional and customary laws. However, the final authority in appointment and constitution was vested in the subdivisional officer (Ray 1990: 89).

The MLR&LR Act, 1960, was applied throughout the Imphal Valley and in some parts of the hill areas where a land survey was conducted (Gangte and Singh 2010: 132). As per the provision of this act, all lands including forests, mines and minerals are state property. The MLR&LR Act, 1960, was an Act to consolidate and amend the law relating to land revenue in the then Union Territory of Manipur and to provide certain measures of land reforms. Though this Act was for the whole of the Union Territory of Manipur, the Hill areas were exempted from the purview of this Act. Section 1(2) of the MLR&LR, 1960, categorically stated: 'it extends to the whole of the Union Territory of Manipur except the hill areas thereof'. The original provision of the Act was not only defective, it also allowed the prevailing land ownership system in the hill areas unchanged. Quite naturally, in the hill areas there was no impact of the land reform measures as such. Rather this Act provided a major impetus to perpetuate their present land ownership system with all its

maladies. It was only in 1975 that an amendment was made in this Act in line with the changing socio-economic scenario of the country. Section 1(3) of the Manipur Land Revenue and Land Reforms (Amendment) Act, 1975, empowered the State Government to extend, by notification in the official gazette, the whole or any part of this Act to any of the hill areas of Manipur as also might be specified in such notification.

According to Section 2(1) of the MLR&LR Act, 'hill area' means such areas in the hill tracts of the state of Manipur as State Government may by notification in the Official Gazette. In spite of this legal enactment, the Act has not been implemented in the hill areas of Manipur. What can be drawn from here is that the hill areas in the present-day State of Manipur were administered separately from colonial times.

For protecting tribal lands, various sections were inserted in the law so as to protect and safeguard them. Some of them are Section 2 under the Act which says 'it extends to the whole of the State except the hill areas thereof', and Section 158 which restricts the transfer of land from tribal to non-tribal. However, with the repeated amendments made over the years, these protective clauses are swipe off and so are the protections of tribals curtailed. Thus, the bone of contention comes with the Sixth and Seventh Amendment Bill coming into force. The Sixth Amendment Bill intends to remove the word 'except hill areas thereof' which implies that the Act will be made absolute for the whole of Manipur including the hill areas and the Seventh Amendment Bill 1992 seeking to remove the restriction 'provision of land transfer from tribal to non-tribal and control of *jhum* cultivation in hill areas'. Another attempt was also made to restrict new settlement in tribal areas even by the tribals themselves under Section 158C of the Act.

However, the law has been implemented in some parts of the hill areas. This was possible because according to the definition of the state, the hill districts do not automatically become the hill areas. Thus, villages lying in the foothills are fit to be under the law and thus MLR&LR Act has been extended by declaring such villages as plain areas (within the hill district) by notification in the official Gazette (Devi 2006: 87). For instance, the act is extended to 89 villages of Churachandpur district in 1962, vide notification no.142/12/60, dated 22-2-1962; 14 villages in Sadar Hills of Senapati district, vide notification no. 138/4/64, dated 25-2-1965; and 14 villages in Khoupum Valley of Tamenglong district, vide notification no. 3/12/83, dated 14-11-1987 (Devi 2006: 87; Dena 2009: 2). Similarly, in the Churachandpur subdivision, 225 villages were recognised as hill areas while in the remaining 89 villages of Churachandpur, the act was extended vide notification 142/12/60-M, 22 February 1962 (Das 1989: 30). In recent years, the deputy commissioners of the hill districts have pointed out that due to non-extension of the Act in the hill areas, they are unable to take up survey work there. They also faced resistance from the village chiefs (Das 1989: 30). Currently, the Manipur state is in a dire motivation to implement the legislation in the entire hill areas or across the state.

Following this, it is pertinent to note the massive support the state receives for the implementation of the legislation particularly from the valley people. For instance, the Manipur Land Reforms and Land Revenue Act (MLR&LR) Demand

Committee was set up solely for putting pressure on the state for the implementation of the law. On its public meeting organised by the committed on 22 October 2011, various valley-based intellectuals, government servants, bureaucrats and civil society groups such as the United Committee Manipur (UCM) have vociferously pushed to implement the law. In the meeting itself, R. K. Ranendrajit is quoted saying that 'a civil war may break out in Manipur if the MLR&LR Act is not enforced uniformly all over Manipur'.[7] Thus, with the strong backing it received, the Manipur state government is quite confident that it will be able to pass and enforce the legislation in the coming years.

J.N. Das points out the negative implications of this Act to a village named Saikot in Churachandpur district. The Chief and the villagers who have enjoyed full rights over land and other natural resources since the colonial days are now turned into illegal 'encroachers' as per Section 14 and 15 of the said Act which states that 'a person in a tribal village can be treated as trespasser or encroacher if he does not apply for allotment of the land which he possessed or occupied for generations without any hitch' (1989: 53–59). Thus, all the occupants, even those whose families had come when the village was being established were regarded as possessors of vacant government land. Villages under the MLR&LR Act were subjected to dual taxation. They had to pay both the Hill house Tax as well as the land revenue, meant for the valley population.

What is most interesting is the fact that the chief of the village equally has to pay premium for obtaining allotment of the land which he had customarily owned and cultivated for years together failing which the chief would himself become an encroacher. Even the chief had to pay a premium for land allotment.[8] The tribes who had been living even before the framing of land laws and who owned land on the basis of the traditional and customary laws are now turned into 'encroachers' and deprived of their land. The laws are anti-tribal and against the traditional tribal land use.

Apart from this, there are cases of illegal maintenance of land records of tribal villages. The hill district land records are being maintained and its revenue collected by the neighbouring valley district while those villages are regularly paying Hill house Tax to their concern hill district. This in fact is the reason for the problem of overlapping of 2011 census along with the distortion of District Boundary. Furthermore, the forcible inclusion of 15 villages of hill districts in the Zilla Parishad and Gram Panchayat constituencies was another means by which the state Government intrudes into the hill areas. All these factors have widened the already hill-valley divide and intensified the already bitter relations between the valley and hill populace.

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[7] 'Public Meet Dissects MLR&LR Act', *The Sangai Express*, Imphal: October 23, 2011. http://www.thesangaiexpress.com/10028-public-meet-dissects-mlr-lr-act/. Accessed 2 October 2015.

[8] Das (1989: 54) stated 'the present chief now possesses allotment *patta* (no 100/2) and pays land revenue at Rs. 4, Rs. 22 for his homestead (receipt no 36 BK No 63, 26 April 1979) besides paying house-tax at Rs. 6 per year'.

9.5.1   Manipur's New Land Use Policy (NLUP), 2014, and Tribals' Dissention

Yet again, the state Government of Manipur has initiated a New Land Use Policy, 2014 (NLUP, Manipur), with the objective of inclusive development through effective land resource development and livelihood of the people. According to this policy (NLUP 2014), 'Shifting or jhum cultivation and unregulated land use system has caused much destruction to both forests and productivity of the land. Jhum cultivation has been a major force for environmental degradation in the hills. NLUP aims at changing the practices of both jhum and non-jhum cultivation in the hill areas and nudge towards better and sustainable land use system both in the hills and valley areas of the state' (Government of Manipur 2014: 7). Some commentators interpret the policy as a political ploy of dominant communities to subdue the rights of minority communities. Given the situation of Manipur, development track records in the state are marred by high exclusivity and state repression on hill communities for promoting development inclusiveness and effectiveness. Another emphasis of the policy to delegitimise the age-old traditional agriculture practice is born out of exclusive processes and due to reinforcement of alien perception of land use system in Manipur (*The Sangai Express* 2014: 3).

It may be noted here that the implications of losing *jhum* lands are severe for indigenous communities, as it could result in the loss of food security, loss of rights over traditional lands—settled cultivation or sedentarisation of farming which may be an unviable practice in the hilly tracts. Its final result will be the impoverishment of many tribal communities. Tribal communities in Manipur have traditional practices—through ritual and ceremonies to protect their forest and conserve biodiversity manage by the community. The NLUP, 2014, does not mention of such unique role of communities in sustainable management of their land and forest resources. The new policy is a clear push for privatisation of communities land and forest and to alienate them from their survival sources.

The NLUP while advocating for a radical shift in land management for enhancing productivity and market competitiveness, failed to advocate for a radical shift to review and end pursuance of large-scale unsustainable development processes and associated land grabbing in Manipur, and thus, will defeat the basic objectives of the policy itself. A strong consideration of land as just economic and productive asset, as pursued in the NLUP, will only led to monetisation and disrespect of the customary rights over land and resources.

The Manipur government's NLUP, 2014, aimed at improving productivity and minimising pressure on land resources, has been strongly opposed by United Naga Council (UNC). The organisation claims that the policy will deprive the state's tribals of their land rights.[9] The Kuki Inpi (apex body of the Kuki tribes) expressed that by bringing in this policy, the government is harping on forced acquisition of

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[9]'UNC slams Manipur's land use policy', http://timesofindia.indiatimes.com/city/guwahati/UNC-slams-Manipurs-land-use-policy/articleshow/37888086.cms. Accessed 18 Ocotober 2015.

land as in the carrot and stick policy. The Kuki Inpi further contends, 'These policies are all in contravention with our cultural and traditional set up'.[10] Similarly, several tribal bodies hold the view that it is premature to abolish the traditional institution of landholding without first providing constitutional safeguard.

9.5.2 Agitation Against Uniform Land Policy and Demand for Separate Autonomy

The MLR&LR Act generated a lot of dissent and the agitation against the uniform land policy was one of them.[11] On 29 July 2010, the Committee on Protection of Tribal Areas in Manipur (COPTAM) and Churachandpur District Students Union (CDSU) called a 12-hour-long total bandh in the tribal areas of Manipur. Some of the main reasons of discontentment were overlapping census operations 2011, redrawing of district boundaries and improper maintenance of tribal land records and dual taxation of the hill tribes. The Manipur Remote Sensing Application Centre (MARSAC) redraws the maps of the five hill districts. Many tribal villages in close proximity were merged with the valley districts. For instance, out of 14 villages within the revenue jurisdiction of Imphal West under Lamshang subdivision, 10 were also included in the Sadar Hills (Kangpokpi) according to the Hill house Tax payment records of the hill department. The COPTAM demanded the rectification of overlapping district boundaries in the census operation. It also wants maintenance of land records in the respective hill districts and collection of land revenues thereof by the hill districts concerned and initiation of constitutional protection of the Manipur tribal areas as is accorded in all tribal areas of Northeast India.[12] Subsequently, bandhs and strikes were frequent as a part of safeguarding and assertion of the traditional land rights of the hill tribes.

One of the debates in the public domain within Manipur remains—Can the Sixth Schedule help resolve the conflicts centred on land and forest resources? The Sixth

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[10]'Kukis to oppose Manipur Govt's New Land Use Policy', http://www.tntmagazine.in/kukis-to-oppose-manipur-govts-new-land-use-policy/. Accessed 20 November 2014.

[11]'Opposition Demands Uniform Land Law; Land Survey to be done in both the hills and plains; uniform land law essential: Devendra'. *Hueiyen News Service*, Imphal: July 30, 2010. http://www.e-pao.net/GP.asp?src=1..310710.jul10. Accessed 2 October 2015.

[12]*Memorandum* submitted to the Chief Minister, Manipur on overlapping Census Operation, 2011 by Churachandpur District Students Union (CDSU) Steering Committee. Available at: http://coptam.wordpress.com/2010/08/27/statecabinet-to-discuss-census-overlapping/. Accessed 5 July 2015.

Schedule[13] has the dual aim of providing for 'self-rule' as well as 'integration into the mainstream-dominant social order'. It allows for the formation of autonomous district councils run by people from within the tribal communities. However, Manipur is still under the Manipur Hill Areas District Council Act (1971) and district councils in the state are not entrusted with any judicial and legislative powers. These councils were not put under the Sixth Schedule and were completely dependent on the state government and have few executive powers and minimal financial powers (Dena 2006: 8). They are not even empowered to mobilise sources of income. The elected district councils were superseded, and their administration was entrusted to district officials. The Act also empowers the District Commissioner to suspend or modify any decision and function of the councils.

The Hill Areas Committee (HAC)[14] of the Manipur State Assembly passed a resolution in 1974 recommending the replacement of district councils by the Sixth Schedule. The demand for the extension of the Sixth Schedule to the hills of Manipur was raised in a meeting of the Hill Areas Committee in March 1978. From the 1980s, this demand has gained momentum and one memorandum after another was submitted by various tribal organisations to the chief minister, the union home minister and the Prime Minister (Dena 2006). Two successive state governments in 1991 and 1992 echoed and the state government sent this demand and recommendations to the centre. However, the issue still remains pending with the Government of India (Ray and Kamkhenthang 1997: 243–55).

The administration of hill areas had been locked within the dominant structure of Meitei elites to enhance state authority. It conformed to the statement of Hassan, when he says 'state power vested in an exclusivist Meitei elites severely reduced the state's legitimacy in the eyes of the minority tribal communities in the state' (2006: 14). The opposition by the Meiteis for the extension of Sixth Schedule provision in tribal areas displays the politics of denial by the dominant community.

As discussed, control over territory and land is related to the issue of identity and territoriality. Mention may be made that the Kuki chiefs had tried to preserve their territorial integrity during the British colonial period from the beginning of the Kuki rebellion of 1917–1919 (see Bhadra 1975). In the post-independence India, the Kuki National Assembly (KNA) demand a separate Kuki state where the Kukis

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[13]The Sixth Schedule was introduced in the hill districts of Assam after Independence. Under this Schedule, autonomous tribal councils could be formed in tribal areas and governed by their own self-governing institutions. Areas under this Schedule were to have separate elections, their own customary patterns of land tenures and, among other things, a council fund for which they could raise resources. In Manipur too, district councils were formed under the Manipur District Councils Act of 1971, in the hill districts.

[14]Article 371 (C) of the Indian Constitution provides a special provision for the legislation and the administration of the hill areas of Manipur in the form of HACs. According to the Manipur Legislative Assembly (Hill Area Committee) Order 1972, 'the hill area' means the areas that are specified in the first schedule of the order. The Hill Area Committee (HAC) during the last forty years has unfortunately shown that it has failed to act as an effective measure to protect the interest of the hill people. One of the reasons behind this is that the tribal areas of Manipur are included in the scheduled areas but not covered by the tribal areas of the Sixth Schedule.

would enjoy autonomy and be able to look after their needs within the Union of India and submitted a memorandum to the Government of India in 1960 (Kuki National Assembly 1960: 20–21). The KNA further asserted that the demanded state would enable a space for Kuki minorities which would secure their lives and properties and ensure their due share of development. Thus, the KNA have endorsed their demand for a Kuki state since the 1960s. The 1980s has witnessed another phase of political movements spearheaded by the Kuki armed groups for creation of a separate autonomy. The Kuki armed groups under the umbrella of Kuki National Organisation (KNO) and the United People's Front (UPF) have signed a cease fire agreement since 1 August 2005 and several rounds of political dialogue are going on till now. Similarly, the Naga groups under the aegis of United Naga Council (UNC) are also demanding an alternate arrangement from the Government of Manipur for the Naga people.

9.6   Conclusion

For tribals in Manipur, the post-colonial regime has turned out to be more repressive in comparison with colonial regime. The Government of Manipur has passed many acts which encroach on local customary laws and practices. The attempt of the state Government to implement the law across the entire hills has been met with stiff opposition from various tribal organisations. State manoeuvring of this nature, however, is stoutly resisted by the hill people as 'alien' and anti-thetical to their cherished traditional institutions and worldview (Suan 2009: 264). As discussed, various civil societies, human rights organisations, student bodies and tribal activists are in line of opposing it. The COPTAM is one such body formed to oppose the move of the state. However, at the present situation, the Manipur state is committed to passing the legislation and implementing it across the entire state. Thus, the hill people are opposing the law that treats the hills and valleys as homogenous or entails the enactment of a uniform law applicable to both the valley and the hills which undermine their historical and customary rights over their land and other natural resources.

The recommendation of Justice M Hidayatullah that land belongs to the community and individual simultaneously must be taken into consideration while appraising land relations and planning land reforms in the tribal areas of Northeast India (cited in Dasgupta 1991: 27) is relevant in this debate. Moreover, it must be equally remembered that there is no restriction of settlement of non-tribals, including migrants from mainland India in the hill areas. This is so because very often, pronounced statement came from the apologist that while the tribals are allowed to settle in the valley districts, the Meiteis or the non-tribals are not allowed to settle in the hill districts. However, there is no such law which restricts or prohibits the settlement of non-tribals or the Meiteis in the hill districts. There are number of Meitei settlements in Churachandpur district alone which is also found in other districts like Chandel and Senapati (Sadar Hills).

As Fernandes (n.d.) rightly argues 'The change of the law is only one step in it but it is essential. One has to begin by recognising their customary law as basic to their identity formation. The law has then to be updated instead of being replaced by another system that can weaken them as a community'. Given the symbiotic relationship with the land, the community views the resultant conflicts as defence of its culture, identity and livelihood. Therefore, the umbilical connection and relationship that the tribal have with land need to be acknowledged. To conclude, since the MLR&LR Act is entirely framed for the valley district of Manipur, the application of it in the hills areas in its present form is bound to create further sociopolitical turmoil.

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Chapter 10
Migrant Tribe in a Globalising City: Educational Views, Aspirations and Choices of the Santals in Kolkata

Ruchira Das

10.1 Introduction

'With the increasing domination of the hegemonic metadiscourse, neo-liberalism across the world, education has become one of the most significant areas of contest and struggle' (Kumar 2010: 100). In the context of India, Kumar (2010) finds that issues concerning education are largely isolated from being part of the governmental policies and has no place in the political priorities of the state. Issues of feasibility and viability dominate the discourse of education even though countries poorer and/or bigger than India have dealt with their educational concerns in a much better way. Ironically, in the neo-liberal era, there seem a rising growth rate of Indian economy yet the state fails to contribute anything substantive to the education sector. The state is still short of basic resources and remains in a perpetual state of neglect (Kumar 2010: 101).

Kumar (2010) further argues that 'while education is available today in the market like any other commodity for sale and purchase, the purchasing power is increasingly getting concentrated within a small section of population alienating the majority from the basic education facilities' (Kumar 2010: 103). Quality education seems no longer the concern of the state. Those who want to avail it have to approach the high-fee-charging private schools that will equip them to the art of serving the market. This whole scenario is rightly explained by Zygmant Bauman when he says that 'it is no longer the colonization of the private by the public, rather it is the private which is colonizing the public' (cited in Kumar 2010: 100).

One of the obvious impact of such development is the ambiguity that is created among the marginalised sections of the society especially the Scheduled Tribes and the Scheduled Castes with regard to formal education and the issues that determine

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its nature and status. Education that is primarily seen as path to upward mobility, if it fails to provide that, a sense of disenchantment seeps into the psyche of the marginalised that further gets reflected in their relapsing into dropouts or illiteracy leaving them remain on the fringes of the society. According to Noronha and Sampson (2001: 5235), in the contemporary times access to schools in the urban areas or in the mega cities is only through private schools. It is the poorly monitored government schools that have paved a path for burgeoning of private schools. Hence, one finds that even the marginalised sections who are dependent on government schools for their children's education are presently in such poor state that they are shifting their choices towards high-fee-charging private schools if they see little possibility to afford it for their children.

It is in this background that the chapter attempts to capture the varying notions, aspirations and choices of the migrant Santals,[1] across two generations with regard to formal education as residents of the globalising city of Kolkata for more than three decades. This chapter is divided into three parts. The first part talks about what it means to acquire formal education for the migrant Santals living in a mega city. The second part discusses the choices and the views with regard to formal schooling in the market driven era. Finally, the third part reflects on the relevance of language choices that is crucial in the neo-liberal age to reinforce the instrumental value of their education.

10.2 Methodology

The methodology undertaken entails an empirically grounded exploratory/ qualitative study on the migrant Santals who have shifted from different parts of West Bengal and the neighbouring states of Jharkhand, Bihar and Orissa and have settled in the city of Kolkata for more than 35 years. A total of forty families were selected as samples for the study where three generations were living together under the same roof and with the third generation in their primary stages of schooling. The aim is to have a comparative perception and views across generations, mainly the older generations, say the first and second generations. The participant Santals are chosen on the basis of 'expedient selection'.[2] Data obtained across two generations are through in-depth interviews and informal discussions. The third generation was

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[1]The migrant tribe has attained a *'nimnomoddhobitto'* meaning lower middle-class or 'lower white collar class identity' (Ganguly and Scrase 2004: 175) in more than three decades of their settlement in Santragachi. However, in the acquisition of an occupational status and a class identity across the two generations, education has been a very important contributing factor.

[2]Freebody discusses that 'expedient selection is the procedure in which the sample respondents are selected on the basis of their availability and their suitability for the inquiry perhaps because they are interested, are engaged in relevant activities, show characteristics of interest to the study or perceive problems relevant to the terms of the study' (Freebody 2003: 78).

not interviewed as the focus was mainly to understand how families strategise the educational choices for their children going for primary schooling.

Santragachi,[3] the area of study, where the Santals have settled post-migration since more than three decades, falls under the Howrah division of West Bengal located on the west bank of the river Hooghly. It is about 7 km away from the main city of Kolkata, but falls within the spatial limits of Greater Kolkata city region. In the early twentieth century, Santragachi was a village which became an urban settlement over the years commensurate with the growth of the city of Kolkata, triggered by the process of migration from rural hinterlands and into the urban metropolitan cities. In anticipation of change in life and livelihoods, about 1300 Santal families[4] made Santragachi their home ever since the 1960s. Migrant Santal families have been living in different localities of Nayabaj Adarshapally, Railway colony, Satashi, Dharsha, Dharsha Dakinpally and Sundarpara. Each of these localities is spread within a walking distance of 10–15 minutes across the settlement of Santragachi (Government of West Bengal 2012: 3–4).

10.3   Acquiring/Understanding Formal Education

The Santals of Santragachi seek and view education as a means to find a status or a position in the modern, globalising city of Kolkata. However, there is no unanimity across generations in terms of the role that education plays in their everyday life as residents of a metropolis. There lies the dilemma. The first generation Santals expressed a deep sense of alienation and cultural loss negotiating formal learning as well as having the responsibility to pass on the traditions and indigenous knowledge of their community to the younger generations.

The first-generation migrants believe that education in the city perpetuates inequalities and divides their community into two groups, 'traditional/ethnic' and 'modern/urban'. First generation respondents feel that they acquire formal education with the hope that it would empower them, but it actually perpetuates the culture and values of the dominant and is responsible for what they are and how they are perceived by the dominant society in the city. However, many among the Santal respondents want to see education as a means to resist the patronising/

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[3]Santragachi is part of the Howrah Municipal Corporation and has come to aggregate some of the smaller neighbourhoods such as Ramrajatala, Jagacha, Buxarah, Unsani, Garhpa to form substantially larger area of Santragachi (Government of West Bengal 2012: 8). This extended locality of Santragachi became the destination for many migrants and specifically tribal migrants from different parts of West Bengal and the neighbouring states of Jharkhand, Bihar and Odisha to explore their fortunes and opportunities which they assume would come their way and would subsequently mitigate the disadvantage and deprivation of their native lands.

[4]Same number of migrant families was also found to be settled as per the Santragachi police station records, which the researcher accessed during her fieldwork.

hegemonic attitudes of the Bengali bhadralok of Kolkata.[5] Interestingly, for the second generation, education is a significant aspect of their lives as acquiring it enhances and retains their class status in the city. Education is also crucial for destigmatising them and increases their respect and acceptability among the dominant bhadralok community in the city.

Contradictory views across the two generations are reflected through the study. To begin with, the first generation as beneficiaries of formal education did not have much faith in the methods adopted by the modern education system. This was evident in their responses. They want formal education but in the way they think shall help them stay rooted in their native values and practices, and at the same time, help fetch them a decent/standard job.

Kanailal Mandi, the headman of Santragachi, stated that just as schools recognise Bengali culture in the curriculum and practices, they must recognise Santali culture as well so that their children can acquire modern education while realising and retaining the values and traditions of their community.

Another first-generation Santal, H.D. Hembrom, discussing the significance of formal education said:

> School curriculum and the history text books should talk about the contributions of the Santals which is the largest adivasi community in West Bengal while talking about the dominant groups. The Santal rebellion should be part of the curriculum so that the Santal learners can take pride in their Santal leaders, Sidhu and Kanu, who have made significant contributions to national life against the British Raj. Also the study of nature, an intrinsic part of Santal life, is completely missing in the city schools. I feel that Santal learners should at least know the flora and fauna around their school and locality so that they are able to realise the importance of nature in their culture.

For Mandi and Hembrom, the kind of education provided currently in the schools is not benefiting their community as it does not take care of their social context. In fact, they felt that the arrangements in the schools are such that they create barriers and leave no scope for the Santal learners to know about their community. For Mandi and Hembrom, educational exposure is important to be in a position not only to compete with the dominant groups in the job market, but also to ensure that Santal children are able to cherish their long-established *'adi'* values and practices. Hampton (1995) argues that western education is hostile to native people in content and structure. Thus, it must be 'straightforwardly realised that education as currently practiced is cultural genocide' (cited in Maina 1997: 301). In other words, it seeks to brainwash the native child, substituting non-native for native knowledge, values and identity.

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[5]Mukherjee (1975) describes bhadralok as the upper-caste, educated Bengali gentlemen who emerged as a new social group in the late eighteenth century in Bengal. They were the first to get access to urban professional occupations (cited in Ganguly-Scrase and Scrase 2004: 10–12). For Ganguly-Scrase and Scrase (2004), in Bengal, bhadralok is a term that is multivalent but above all means a group of 'respectable people' who are considered distinct from the other groups of Bengal because of their refined behaviour and cultivated tastes, which is not necessarily due to substantial wealth and power. They are, in the Weberian sense, a status group which in contemporary Bengal is not coterminous with caste or class (Ganguly-Scrase and Scrase 2004: 10–12).

Further, most of the first-generation Santals felt that what was taught in their native village school was not related to their social context and therefore led many Santali children to drop out of the school. The disaffection and disjuncture between the home and the school continue and even widen within the city spaces. In the city, the education process does not include them. Santals often acquire the label of being an 'adivasi', 'junglee', etc., in the school and in the occupations subsequently.

Thus, the foregoing perceptions of the first-generation Santals on the significance of formal education and its role reflect their paradoxical state of mind. On the one hand, they feel that education is crucial for upholding/asserting their identity amidst the dominant bhadralok community, and on the other, there is a belief that it is the educational spaces that are perpetuating their miseries further by influencing their internal cultural being.

The second generation, however, poses a different view with regard to importance of formal education in their lives. According to them, formal education not only provides them a respectable job and a good standard of living, it also strengthens their self-esteem and empowers them in such a way so that they are able to negotiate their position vis a vis the dominant bhadralok. Also, it will enable their community to lead a life of dignity in the city. However, like that of the first-generation respondents, the second generation also views that attaining formal education is a symbol of acquiring a class status in the city, but at the same time they did not want their Santali culture to wither away completely under its influence.

Perceptions of the second-generation respondents also brought forth the view that formal education shall not be set aside and discouraged in their quest for commitment to community values and sentiments. For them, it is irrational to negate formal education for native values. Thus, despite the best intension of second-generation parents favouring formal education, it is observed that joint family values of the male head (from first generation) as ultimate decision maker in all matters including education are yet to change within their community. Even though it does not overrule the fact that over the years, differences of opinions on many occasions occurred with their second generation. It is the non-negotiable imposition of traditions impacting children's education that has been a bone of contention between the second generation and their elders.

Pratim Hasda, concerned about the matter, commented,

> My children could not attend school for a long time when the whole family visited our native place for attending some special occasions. Their studies were affected, yet I had no choice. After coming back we ensured that children should give extra effort to cover up the gap. Yet, at times coping after a long break in the mid- academic session becomes quite difficult. I love my cultural practices but children's education must be a priority in this age. I do respect my Santal identity but maintaining community tradition should not be to such an extent that it affects children's education.

However, the second-generation parents admitted that there is a wide gap between the home and the school. The parents of children going to the government school as well as the private school confessed that what is taught there has no relevance in their everyday life. At times, children feel completely lost about what is taught in school unlike their Bengali counterparts. There is a huge difference

between what is taught by the family and the community and what is being taught in the school, creating a state of quandary within the minds of children. This hampers effective participation of Santal children in schools.

Further, parents sending their children to government schools informed that their children have experienced differential treatment from the teachers because of their tribal background. Their non-participation in the class is interpreted as lack of motivation in studies by the teacher. However, parents of children going to private schools stated that teachers showed no bias towards their children, but the class-room transaction is such that there appear little efforts to draw linkages between the content of the lessons in the textbooks and the experiences of their 'adi' socio-cultural life.

Thus, the notions of education among the first and the second-generation parents depicted their conflicting dual identity.[6] On the one hand, they wanted their children to be like the Bengali bhadralok children in terms of the language they speak, the way they behave and the way they perform in class. On the other hand, they also wanted the school to create spaces that can enable children coming from the tribal community to respect and preserve their distinct cultural values.

Maina's (1997) views on First Nations cultures of Canada are relevant in this context. She stated that the culture of the people of the First Nations, like all other cultures, is dynamic and continuously evolving. According to her, cultural beliefs and practices are continuously being reshaped through changing environmental circumstances and interactions with other cultures. She further argues, schools should therefore, have the responsibility of validating both traditional and con-temporary cultures of their students. It becomes problematic when First Nations cultures are presented in the classroom as static and unaffected by time. It is the continuity of a living culture that is important, not the preservation of a frozen museum specimen. 'What the schools should do instead is to recognise and acknowledge those traditional and contemporary cultural contributions which First Nations people have made in shaping the larger Canadian multicultural society' (Maina 1997: 295).

Bourdieu's (1973) perspective further validates this situation. He states that the role of the education system is to reproduce the culture of the dominant classes. The dominant culture is actually the 'cultural capital' based on wealth and power, which is unequally distributed within the class structure. Students who belong to the dominant class find themselves in a familiar environment as they are conditioned into the culture and have been socialised with the skill and knowledge internal to the educational system. Students belonging to the dominated class find themselves alienated in the school environment. This explains why class differences play a vital

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[6]The term 'dual identity' is used by Ogbu (2008) in the context of African Americans. He stated that American blacks felt comfortable developing linguistic styles, social behaviour and academic skills like the dominant. At the same time, these skills were developed without erasing the cultural identity they enjoyed in their home and community environments. This is what is explained as development of dual identity among the African Americans. There is accommodation without assimilation successfully (Ogbu 2008: 376).

role in influencing the educational attainments of the children where it is the children coming from the deprived sections of the society who suffer the most due to the lack of inbuilt advantage of the dominant home culture that has the key to unlock the messages transmitted in the schools. Thus even though children of the deprived communities enter the school with an aim to acquire education, ultimately their patterns of culture and socialisation prevent them from entering the world of knowledge through education and even if they seek to enter it, lack of cultural capital blocks the way (Bourdieu 1973: 203–204).

10.4 Educational Choices in the Market Era

First-generation migrants stated that their family shifted to the city much later they moved. Most of them said that when their families shifted to the city, they were still in blue collar jobs having low income and struggling to get into stable, government jobs, their aspiration to come to the city. Nevertheless, by the time their families moved with them most of them had at least managed to get a 'pucca' roof acco-modation for themselves so that their family members could be in a position to stay with them. Shifting of their spouses and children to the city, the migrants men-tioned, reduced their tension of sending money every month back to the village, to fulfil their families' basic needs. However, it is noted that they have continued sending money, even though in reduced amount to their aged parents in the village. The data about the migrants' familial condition are important to highlight in order to understand what determines their choice of schooling for their children.

Respondents of the first generation said that the culture of going to private schools was still not popular at the time of their arrival and settlement in the city, unlike today. So there was no choice in selecting schools for their children, namely the second-generation Santals. Government schools were the only option at that time. In fact, their financial situation was such that they could not even think of sending children to the popular government schools located in Howrah, a few kilometres away from Santragachi. About 75% of the first generation stated that some financial help was provided by the Santal associations of Santragachi for the education of their children, but it was not enough to send them to the reputed English medium government schools. Thus, most of the first-generation respon-dents had sent their children to the nearby Bengali medium government schools. However, 25% of the respondents (10 out of a total of 40 respondents) who had an agricultural income to support their earning in the city said that they were able to afford the admission of their children to English medium government schools. Respondents also felt that, for a better career, learning English was very important even though they stated that quality of education in Bengali medium government schools was equally good compared to those that are there today.

In their choice of schooling for their children, 25% of the first-generation migrants thus seem to have provided the necessary financial support for facilitating a further upward mobility opening up prospects for them to achieve a class position

through 'high-status jobs', which would require marketable skills available 'only' in English medium schools. The choice of schooling among these Santal migrants showed an aspiration for achieving a prestigious social status that can help them escape their stigmatised identity. Here, class is conceptualised not in the Marxian sense that is based on ownership and means of production but in the Weberian sense of becoming status groups acquiring certain skills and styles of life.

Nevertheless, the child's gender also influenced the choice of schooling. Those parents who could afford sending their children to English medium schools mostly sent their sons to those schools. The daughters were admitted to the Bengali medium government schools within Santragachi to ensure their 'safety and security'. However, most of the first-generation respondents said that even if they wanted to they were not in a position to send their children to English medium schools as the fees were comparatively higher than that of the government schools. Also, transportation cost was a factor as the schools were in Howrah which was far from Santragachi.

Among the second generation, Santals with an exposure to the urban-metropolitan life and who have been educated in the city were—unlike their older generation—clear about the kind of schools they would prefer to send their children to. A majority of second-generation Santal parents preferred sending their children to private schools. Out of a total of 82 children in all the 40 families covered, 57% went to the nearby government schools, out of which a majority (65%) went to English medium government schools and the remaining (35%) went to Bengali medium government schools to avoid travel inconveniences and also because the fees are nominal in comparison to that of the private schools.

About 43% of children went to English medium private schools as the parents believed that sending children to private schools is the need of the globalising age even though these schools were far from Santragachi. However, mostly the boys rather than the girls were sent to the private schools. The justification offered by the parents was that girls, even if they are educated and work, will be married off in future, while the boys contribute further to the socio-economic status enhancement of the family. Thus, gender equality is yet to be an integral part of the Santal community's so-called claims to be an egalitarian society possessing a modern class identity.

A generational change has been therefore observed in the kind of school attended by the Santals of Santragachi. While both the first and the second generations are educated in government schools, so far the third generation is concerned there seems to be a clear shift from government to private schools. In the globalising city of Kolkata with the mushrooming of private schools, which promise good quality, English education, second-generation Santal parents are found to prefer private schools over government-run schools. However, those sending children to private schools and those to the government signifies their social status and economic affordability. Thus, the city context invokes class characteristics much more than anything else so far as the school choices are concerned.

Parents do engage in the discourses of public versus private schooling and try to justify one over the other. First generation respondent, Bolohori Soren noted that he is aware of the reality that the government has not been performing well its task of improving the quality and conditions of its schools. Yet he has faith in the government schools because the 'answerability' and moral pressure for educating specially the disadvantaged groups like the Santals are much higher on the government in comparison to private trusts runned schools. Soren expressed the view that he failed to understand why their second generation is keen on sending their children to newly started private schools which are of lower quality than the long-established government schools in Santragachi. For him, acquiring education in private schools did not necessarily mean that learning is better there. In fact, he felt that through attractive advertising on televisions and colourful hoardings in Santragachi during the admission time, the private schools attract parents. But that is their profit-making agenda, which according to Soren, their younger generation are not able to understand.

Sridam Hasda does not believe that money can buy education or that those who are meritorious can be only from those who have money. He, in a way, provides a critique of privatisation of education and its effects on the schooling of Santali children.

> I cannot believe that money can actually 'buy' education and only those are meritorious who have money. If we can 'buy' education by sending our children to private schools, that day is not far when these schools will turn out to be big business houses, selling education. I know government schools are in poor condition and we cannot stop Santal parents from sending their children to private schools. But private schools should be under the government, otherwise education will no longer reach all but to only a handful who can 'buy' it. The conditions of the government schools are such that if a day comes when all government schools are closed down, only those who are rich and have the capability to give big donations to private schools will be able to acquire education.

Sarada Prasad Kisku sends his children to a government school and, visibly, he is not happy with what goes on there. According to him,

> Government school teachers are doing more politics than the actual political leaders. They are supporters of political parties and are their cadre. We find cadre in the governing body, school committee, teachers' associations and hence education has taken a back-foot. Teachers are busy with their political commitments, classes do not happen regularly and even if they happen they are taken by para teachers who come and go and therefore are neither familiar with the class nor with what is taught.

This opinion of Kisku summarises the happenings in West Bengal, which has been successively ruled by the Left Front government, which is now replaced by the Trinamool Congress. The politicisation and unionisation of teachers along political lines had happened during the Left government and is now replaced by the shifting of loyalty of these unions and their members to the ruling Trinamool Congress. The effect of such politicisation is clear, namely the teaching and learning in the government schools remains a great casualty.

On the other hand, those who are sending their children to private schools do have their reasons for doing so. Manoj Hembrom, who is sending both his sons to a private school, is of the view that teachers in government schools do not teach.

They do not complete their syllabus in time. Having permanent jobs and having no threat to lose it, increase their tendency to do no work. In private schools, the environment is very different. There is respect for merit and there is an efficient work culture. Besides the activities that develops the scholastic abilities within children, private schools also take care of the overall personality development of children. This kind of vision is lacking in the government schools. Hence, Hembrom preferred to send his children to a private school over a government school. Like him, majority of the respondents (47%), who are sending their children to private schools, held similar views. Parents sending their children to such schools also revealed that government school teachers do discriminate against children from marginal groups. Parents say that they have not experienced discrimination by private school teachers.

Contrary to what most parents felt, Shelly Hembrom, a state government employee, narrating her experience with a private school teacher noted that any kind of open differentiation is not prevalent in the private school practices, but the bias is evident in the subtle attitudes of private school teachers towards *'adibasi'* groups like Santals. In a parent–teacher meeting, Shelly narrated that one of her daughter's teacher, close to her, said that she dislikes staying in Santragachi and would soon like to shift to the main city even if she had to cover quite a distance to come to school. The reason she gave was that her house is in the Railway colony where considerable number of Santal families reside. She believed that Santals are uncultured and dirty people. They are yet to learn how to speak, behave and live in a 'bhadra' or civilised society. She wanted to move out of the place as she never wanted her own children to grow up in such an unfavourable environment.

However, when Shelly mentioned to her that she too was a Santal, the teacher was shocked. She was not ready to believe that she was a Santal as she knew Shelly to be a state government employee and, for the teacher, her ways of talking and behaving was too 'bhadra' to be a Santal. Shelly said that the teacher apologised to her but added that what she wanted to convey through this experience of hers was that sending a child to a private school in no way meant that teachers do not hold any prejudice against the marginals. She stated that teachers might not openly express their biases for the children from the disadvantaged groups, unlike the government school teachers, but the prejudices are very much at play in their minds. Yet Shelly is of the belief that private schools are better than the government schools in terms of quality of education they provide to children and therefore she chose to send her daughter to a private school because there is conducive teaching-learning environment, which is very important for success in education.

The above narration reminds one of Bourdieu's emphasis on the functioning of the school and its role as a socially conservative force. Bourdieu stated that 'teachers are the products of a system that aims to transmit aristocratic culture, and are likely to adopt its values with greater ardour in proportion to the degree to which they own it in their own academic and social success' (Bourdieu 1966: 38–39).

Therefore, it is unavoidable even at the unconscious level for them not to bring to practice the values of the milieu they come from or to which they now belong to, i.e. the school, teaching and assessing their pupils. In education, underprivileged-class children are judged according to the values of the aristocratic classes which many

teachers owe to their social origin or which they willingly adopt when they enter into the aristocratic profession of teaching (Bourdieu 1966: 38–39).

However, interestingly, Kartik Hasda's reason for sending his children to a private school was because of his critical take on the reservation policy as for him it reinforced further inequalities instead of overcoming it. He stated,

> There is no reservation for STs in private schools. I am not against reservation but I definitely feel that reservation in government schools increases the differentiation between Santal and Bengali students all the more. Such benefit weakens the competitive skills of the children which is the need of this age. As children grow up knowing that they have reservation benefit, the desire to compete decreases as they develop the attitude that reservation will anyway get them education and job. Reservation is important but for those who are poor and are in the villages. Reservation should not be for the middle class parents like us who are living in the city and who can provide our children the support to compete with the other dominant groups and attain a position in the society.

Despite being a beneficiary of the reservation policy, Hasda chose to send his children to private school inspite of his financial constraints as he could understand that after a few years the situation would be such that even Santals will increasingly opt for private sector jobs that have no reservation benefits over government jobs. Hasda therefore wanted to prepare his children for that. Another reason being, government school teachers do not support children from backward communities in their studies out of anger that they possess the reservation facility and can therefore avail education and jobs easily.

Anxieties of the second generation with regard to the choice of school can be justified through Ball and Vincent's (2001) work. According to him, middle-class parents often speak about the increased competition and the risk in education and the labour market for their children in comparison to their own experiences. This leads to an increased emphasis of middle-class parents being choosers for the 'right' kind of education. In fact, middle-class parents' uncertainties about the initial stages of education are further reinforced by doubts about the effectiveness of state schooling and reports of failing schools, declining standards and inadequate teachers (cited in Ball and Vincent 2001: 183).

The foregoing discussion depicts a clear difference of opinions on privatisation and its impact on education across generations. The first generation is yet to lose their faith in government system of education whereas the second generation wants to move ahead with the demands of the time by favouring education of children in private educational institutions.

10.5 Language Choices for the 'Right' Kind of Education

A major influence of urban life and the class status on the lives of Santals is the impact of the dominant languages, English and Bengali. The first-generation respondents admit that English is essential for professional success and the regional language Bengali is essential for wider social interactions in Kolkata. They agree

that with a command over English and Bengali they can attain relatively higher status in the city. At the same time, most of the first-generation respondents also expressed the urgent need to dilute the influence of school over children which forces them to only speak, learn and articulate in English or Bengali. This is unacceptable to the respondents as they felt that if the above situation continues, the learners will forget their own Santali language that is central to their community's ways of knowing and understanding the world.

For Mohan Tudu, indeed, schooling provides the platform and access to new languages equipping the Santal learners to face the changing world. There is no doubt that English is crucial for global exposure and learning Bengali is equally important for maintaining a social life in the city. But, according to them, the Santal learners cannot relate to unknown languages like English and Bengali at least in their primary stage of schooling which damages their confidence and demotivates them to such an extent that even if they are able to complete their education, they are not prepared to take on the competitive world. Hence, Tudu, questioning the value of such formal education, argued that Santal learners should be educated in the language they are most comfortable with, namely their mother tongue, even while learning the dominant languages of English and Bengali.

However, with regard to the impact of dominant languages, contrary to the responses of the first generation, the second generation felt that mother tongue is important but to the extent they are able to converse at home and with the community in the locality. The respondents felt that English is important for acquiring quality education and high-status jobs and learning Bengali is a necessity for wider intermixing. Living in a locality amidst Bengalis and school life among Bengali teachers and classmates, respondents felt that there is definitely a need to learn English and Bengali. Most parents said that their children could for once forego learning Santali, if they want to but they cannot afford to forego learning Bengali. For, they would then never be able to communicate with their Bengali classmates or Bengali children in the locality; nor would they be able to participate in their activities. To avoid differential treatment, be it in the locality or in the schools, parents wanted their children to be proficient in English and Bengali even if not in Santali.

Nevertheless, parents conveyed that besides speaking at home, their children did speak Santali in the locality while playing with friends or in school with children from the Santal community. Otherwise, they communicated in Bengali with the rest. This is what in Ogbu's (2008) explanation is differentiating between when to speak 'public language' and when to speak 'private language'. The former language is the 'proper language', i.e. the language of the whites and the latter is the language of the blacks. Thus, there is 'code switching' as per the need of the situation (Ogbu 2008: 115).

So far education in Santali language is concerned, unlike their older generation, most of the younger-generation respondents noted that there is zero market value of Santali. Almost 100% of them felt that without attaining proficiency in English, their children would never be able to keep pace with the changing world in the city.

According to Subhamay Hembrom,

> No matter how much I give importance to my mother tongue the reality is that one feels disabled without knowing English in the city. Not knowing English is the biggest humiliation one can face as neither can one talk confidently amidst those who are fluent in English nor can one get a prestigious job. Poor English in the interviews even for government jobs, leave aside private ones, will end all the opportunities for us to get established in life. I was from a Bengali medium school but had I not taken English coaching classes I would never have been able to face the interview and get a government job.

Thus, the second generation believes that devaluing formal learning for not being able to acquire education in their mother tongue is impractical thinking. Instead, it can only result in blocking their way to achieve a culturally and economically high place in the society through education. However, Utpal Soren holds the left government of West Bengal responsible for their community's poor exposure to English education despite living in the city for years. He noted that there has been a clear agenda on the part of the government to reject teaching of English language in government schools. He argued,

> Being a government high school teacher I understand the reason. Politics of the left government is very clear. Government schools have lost their quality; children who remain in the schools are largely the children of the SCs and STs whose capability to send their children to English medium private schools is less than the Bengali families. Most of our children in Santragachi also go to government schools. Not encouraging teaching of English in these schools means children of the backward communities like us will be far behind in the race.

Soren further observed that when they were in their young age, about two decades ago, the decision taken by the left government to boycott English as a compulsory language from the primary level in all government schools of West Bengal was a big blow to the urban families for whom English was important to achieve higher social status in the society. Though the ban was removed after about 10 years from the time it was declared, the damage was already done. The consequence has been that, till date, the foundation is so weak that even teachers of the English medium government schools are not able to teach in English as they are products of the same education system which completely discourages English in schools. Utpal Soren commented that the circumstances worsened to such an extent that English is explained in Bengali in the English medium schools. With this kind of training in English, he is doubtful whether his own children going to government English medium schools will ever be able to learn English. In fact, he said that though he is a teacher of a government school, the situation is such that he is thinking of shifting his children to private English medium schools. Otherwise, his children will fall behind and will not be able to live up to the competition for prestigious jobs and attain a high status in the society.

Parimal Hembrom, another concerned parent from the second generation, stated that the agenda with which the left government banned English in government schools was to maintain and revive the importance of Bengali in schools. But for a Santal learner, there is no difference between English and Bengali. Both are unfamiliar languages for them. So if the choice is between Bengali and English,

they rather prefer to learn English than Bengali as English will help them get good jobs and status in the city.

Hembrom observed,

> During my parents' or my time, English was banned in government schools hence we were bound to be educated in Bengali and unconsciously be a part of the Bengali protection agenda as at that time getting educated was important for us. But now why should we be a part of the Bengali protecting agenda any longer as Bengali is not our mother tongue.

Hence, language concerns are the key to Hembrom's decision to send his children to private English medium schools for a secure future. Ganguly-Scrase and Scrase argued, 'a hegemonic project of colonial India, English became the language of the educated middle class, essential for professional employment and their cultural capital' (2004: 132). Fernandes's work on India's new middle class also justifies a similar view. According to Fernandes, English is associated with the rise of a new middle class. 'Command over English represents a form of cultural capital of middle class identity since the possession of such language skills can be transformed into social and economic capital in the labour market. Language in this context is not merely a transparent medium for the expression of pre-defined class identity. Rather, the distinctiveness of this middle class identity is constituted by language' (2006: 69). She further argues that 'self-identification as middle class in the English public sphere marks this identity with a distinction that simultaneously distances this group from indigenous social strata' (Fernandes 2006: 70). Hence unlike the first generation, the second generation was found leaning towards the market logic and preferring such choice of schools and languages that may help them acquire and maintain social class in a globalising city.

Ball and Vincent (2001) further state that social class-related patterns are interlinked to educational outcomes and hence provided the strategies to acquire elements of consumer culture and symbolic capital through which the middle-class groups preserve their family positional advantages. They discuss two distinct categories, choice and voice. So far as choice is concerned, middle-class parents are familiar and comfortable with the operation of the state education system as they are advantaged by it. But the market offers certain kinds of cultural and social capital whose benefits are unevenly distributed across the population. The possession of the capital in choice making enables certain social groups to maintain or alter their position in the social structure…Voice on the other hand means the ways in which parents convey and express their views and opinions to the school once the school choice is made. This is because they see education as a key determinant of their child's future (cited in Ball and Vincent 2001: 185).

This is the reason why Santal parents while they agree that there is a need to maintain their cultural and linguistic identity yet they opt for English medium education as they are driven by the ideologies of market era. Parents understand the importance of such education for their children to make achievements of a level that can reproduce their class advantages.

10.6   Conclusion

In sum, the chapter highlights the educational world views of the Santali community of Santragachi. For this, middle-class tribal community educational attainment seems one of the key aspects that not only defines their social standing for 'high' economic pursuits but also retains/sustains their middle-class character in the city. However, while it presents the dilemmas within the community, it also shows a clear contradiction of opinions, choices and aspirations across the generations with regard to formal education. The first-generation Santal migrants with their state-oriented class values are yet to lose faith in government system of education. The second-generation Santals on the contrary has imbibed market-oriented class values and aspires to move with the demands of the time by preferring education in private schools over state-run schools for the third generation who are at their primary stage of schooling. This chapter thus reflects the anxieties and paradox among the Santals of Santragachi on their concerns for the 'right kind' of formal education. While the first generation seeks education to maintain their 'Santaliness' and assert/glorify their community identity. The second generation values the instrumental significance of education to acquire and retain their class identity in the city.

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Part IV
Minority and Gendered Positions: An Intersectional Perspective

Chapter 11
The Marginal Locations of Muslim Women on Various Sites in India

Esita Sur

11.1 Introduction

The question of marginality is far from a novel topic. Moreover, locating Muslim women's[1] marginality question in the popular development discourse is not an easy task. The concept of marginality is multidimensional. The Webster Dictionary defines 'Marginal' pertaining to a margin situated on the border or edge. Marginality can also be defined in terms of social exclusion from a dominant social order, and it forms an institutionalised system of material and symbolic exchange. However, marginality is best understood as the state or series of situations between social exclusion and social integration (Nigam 2004). Dominant discourses[2] on Muslim women in India have attempted to define and locate their marginal location in terms of the socio-economic backwardness (read: lack of education, poverty, lack of employment opportunities and their invisibility in labour force, etc.). The Sachar

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[1]Muslim women in India should not be considered as a homogenous entity. Differences in their experiences are shaped by their location in class, region and family as well. Educational attainment and employment opportunities or lack of it are also important indicators to shape their experiences. Therefore, the issue of heterogeneity needs to be mentioned. However, for the theoretical requirement, I am addressing the equality question of Muslim women by considering them as a category.

[2]The category of discourse refers to historically specific systems of meaning which form the identities of subjects and objects. Meanings are always dependent upon a socially constructed system of rules and significant differences. The concept of discourse has also been extended to a wider range of social practices and phenomena. Foucault has discussed about the ways discursive practices form the objects and subjects of *discursive formations*. Discourses are thus practices, which systematically form the objects, which we speak. It also raises questions about the historical construction of systems and the exclusion of human subjectivity and agency from the social world (Howarth 2002: 20–22).

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Committee Report (2006) had highlighted the varied dimensions of marginality of Muslim community (Sachar 2006: 20–25). Muslim women as the member of the minority community suffer from all the symptoms of backwardness. However, the popular discourses rarely stereotype Muslim women as 'less educated' or 'unemployed' rather concentrating more on their 'veiled', 'victim' or 'passive' images. There is no denial of the established fact that the marginal location of Muslim women in the mainstream society has been integrally associated with overall socio-economic backwardness of the community, and the policies of the derelict Indian state as well. However, in the case of Muslim women, what needs to be argued is that it is not only the state of marginality constitutes the core of their lived experiences but also the very state of marginalisation itself goes through a process of construction involving a wide range of factors and agents in power structures. It becomes possible by constructing a context with deliberation and purpose of creating one's identity. Therefore, the marginal location of Muslim women in our society can also be viewed in the politics of representation of identities and knowledge production. For example, in dominant discourses metaphors[3] such as 'talaq', 'hijab' and 'burqa',[4] 'fatwa' have played a quite significant role to stereotype their identities as 'passive' 'fragile' and so on. The politics of representation lies in the fact that it is not only Muslim women but the women from other communities also lack access to education and employment and are prone to several challenges. Mahua Sarkar argues that Muslim women had already been established discursively as backward and hence incapable of progressive thinking (Sarkar 2008: 178–81).

It is because of the fact that these metaphors have been perceived in a negative sense, which signals the victimhood of these women and reinforces their marginality in popular discourses. For example, observing *purdah* or *burqa* (veiling) has closely been associated with cultural pressure but it may not always be oppressive in nature. The practice may also be an expression of cultural identity and a choice too. In the same manner, the practice of triple *talaq* may be relevant for a particular section of the community, but in reality it stigmatises the entire community and projects the victimhood of Muslim women. The reference to the issue of declaring *fatwas* by the religious leaders also portrays the community as conservative especially for women but the presence of a microscopic liberal progressive section within the community and their voices hardly have received attention in dominant discourses. This sort of representation of identities and bodies of knowledge on Muslim women and the community tags them as marginal and

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[3]A metaphor is a figure of speech that describes a subject by asserting that it is, on some point of comparison, the same as another otherwise unrelated object. Metaphor is a type of analogy and is closely related to other rhetorical figures of speech that achieve their effects via association, comparison or resemblance.

[4]*Hijab* and *burqa* are two different kinds of clothing that are available to Islamic women. A *hijab* or *burqa* actually refers to the rules of covering up. However, in the usual everyday context, the word is used to refer to a scarf, which covers the head. A burqa, on the other hand, is a loose outer garment that covers the whole body head-to-toe (Engineer 2013: 173).

reproduces their victimhood in several discourses. Therefore, this entire process has ignited an enquiry to what extent the marginality question of Muslim women has been constructed by these dominant social forces.

   In this venture, rather than addressing the question of rights and gender justice, the paper will try to highlight the complexities inherent in the construction process of the marginality question of Muslim women in India. Therefore, the argument of the paper is that gendered marginality not only results from the socio-economic and political policies as well as conditions but also exists in various discourses, representations and bodies of knowledge that are being constructed and generated about Muslim women in India. Therefore, the paper will try to locate various sites and discourses where the marginality questions of Muslim women have been constructed.

11.2   Community and Marginalisation: On Politics of Representation

Dominant discourses[5] on Muslim community have represented them as a homogenous community spelled with a capital C. It not only upholds the ideals of unity and common experience of marginality but also generates stereotypes. For example, Hindu nationalists have always levelled the community as 'terrorists', anti-nationals', 'suspicious' and Muslim males are labelled as 'husbands of four wives' and many of these stereotyping are more political creations and as far away from the reality as possible. However, the overall impact of this on the Muslim community is grave. It impacts their psyche and confidence to assert their rights (Shaban 2012: 7–11). This sort of representation overlooks the fact that they are deeply divided on the lines of caste, class and gender. Even on the women question, the community is divided. Moreover, this homogeneous representation seems to be problematic for these women as well. At the one hand, the hegemonic representation of the community as 'backward' or 'conservative' tends to fix women's identity in larger society, on the other it also overlooks the internal conflicts on the women's question within the community. The *conservative*, *progressive*, and *fundamentalists* groups within the community have conflicting standpoints on women's rights in Islam. In India, the yardstick of defining an Islamic group or school as *conservative* depends not only on their unwillingness to accept Western values but also on their firm stand to accept women's rights, already guaranteed within the Islamic framework. Moreover, the fundamentalists are those who always

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[5]Dominant discourses also include discourse analysis. It incorporates a wide range of linguistic and non-linguistic material-speeches, reports, manifestos, historical events, interviews, policies, ideas, even organisations and institutions—as 'texts' or 'writings' that enable the subjects to experience the world of objects, words, and practices.

dodge to change their views on women's rights. Several schools such as Hanafi, Maliki, Safai'i, Hanbali support men's right to triple *talaq (talaq* in one sitting), and polygamy as these are part of religion. The conservative interpretations also justify wife beating and impose several restrictions on women in the name of religion. Moreover, their perceptions and interpretations on women's role in society are based on rigid demarcation between men and women. On the contrary, the progressiveness of an Islamic group in India cannot be defined in terms of their inclination for western values; rather progressive groups uphold the gender—just nature of Islam—which gives them extra mileage to fight for women's rights. The progressives such as late Ashgar Ali Engineer have always argued that women's rights are embedded in Islam but the patriarchal society has taken away rights from women. The progressive groups have not only relentlessly challenged the conservative interpretations but also exhorted for reinterpretations of the Quranic verses (Engineer 1994: 10–11). However, in reality, the progressive voices hardly get represented in larger society and the conservative sections within the community mainly handle the women's question. It has also been argued that Muslim women are discursively[6] represented as backward, victimised, silenced and eventually invisible has undergirded the construction of other identity categories and the politics of representation is based on difference among women rather than identity as crucial for understanding gender oppression and marginality. It also highlights the ways in which gender and racially defined community and class ideologies worked simultaneously to deny even middle class Muslim women the limited visibility (Sarkar 2008: 20–24). Zoya Hasan and Ritu Menon have pointed out that recent interventions on Muslim women in post-colonial India are caught up in misconceptions that usually leave Muslim women invisible (Hasan and Menon 2004: 7–8). Two sets of misunderstandings seem to plague discussions of Muslim women: the tendency to see Muslims, particularly Muslim women as a monolithic category; and the overwhelming importance attached Islam, especially the Muslim personal law in defining Muslim women's status (Hasan and Menon 2004: 9–13). The making of the *category* of Muslim in India has been typically influenced by popular discourses, which are characterised by attitudes prevalent in the larger social milieu about the conservatism and ingrained backwardness of the community. The marginal status of Muslim women has also closely associated with stereotypes, entrenched by triple *talaq*, multiple marriages and purdah. Such stereotypes in both popular and academic are further reinforced by the systematic scholarship and information on the unequal access to resources and opportunities experienced by different groups of women in India today. It is also important to

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[6]Discourse can be defined as entity, which is composed of sequences, signs and relations among objects, subjects and statements. It is the generation of the concept of the conversation within all modalities and contexts. It signifies the totality of codified language used in a given field of intellectual enquiry and of social practice. Therefore, discursive production means the production and prevalence of a particular knowledge by the dominant groups in society (Howarth 2002: 20–25).

highlight that the stereotyped images of the Muslim community colour the understanding about the community and affect even the policies formulated for them. Stereotypes also cause discrimination in the labour market as well as public and private institutions (Shaban 2012: 12–15).

11.3   Religion and Culture: Constructing Women's Marginality Through Knowledge Production

Muslim community is considered to be the *community of interpretations*. Being the minority community adds on a huge responsibility on their part to protect identity and culture, and women's identity is not beyond the monopoly of community. Therefore, women's role and status cannot be comprehended bypassing the purview of religious and cultural discourses. These are the sites which have been reproducing and reinforcing their marginality within the community through interpretations of the Quranic verses which ultimately result in knowledge production. This knowledge production is not at all free from the dynamics of power. The essence of patriarchy and the interests of male-dominated society have always shaped women's rights in society. Women's rights in marriage, divorce, property in Islam have been interpreted by different schools such as *Hanibal*, *Malikh* from different angles. Asghar Ali Engineer said that Islam is an egalitarian religion but the interpretation of verses has subverted Muslim women's rights (Engineer 1994: 8–11).

The art of interpretation is not free from the influence of patriarchal society and culture. Certain verses relating to polygamy, triple *talaq*, veiling, and wife beating constitute the core of the Muslim Personal law and not free from the politics of interpretations. It is important to take a holistic or 'contextual' approach to the analysis of women's question in Muslim society. It is a way of clarifying the meaning of a text by interpreting it historically, and this method revolves around the text, the author and the context (McNabb 2004: 30–32). While discussing about the impact of Muslim personal laws on the lives of Muslim women, it can be illustrated by taking up the question of the polygamy and divorce. It has been said that Muslim men can have wives up to four. However, it is important to say that polygamy has been permitted by the Quran in a concrete social context in order to do justice to the weak and it is subjected to the condition that equality of treatment would be ensured. It is very clear from the wordings of the Prophet on polygamy that in order to ensure justice to the orphans, war-widows Muslim men can have four wives (Ahmed 2011: 20–22). Another issue, which constitutes the core of Muslim personal law, is divorce or triple *talaq*. According to a precept of the Prophet, divorce is condemned as the most reprehensible of all things permitted. There is nothing more displeasing to God than divorce. The right to dissolve a

marriage is given to the husband as well as the wife. Women have to observe '*Iddat*'[7] for three months to ascertain paternity. The Quran does not permit any outsider to separate a couple who want to live together even if one of them has a physical defect, though this can be a legitimate cause for divorce. The Quran emphasises that divorce should not be a hasty impulsive act but should be finalised only after a period of waiting during which time the couple is counselled and given a chance to rethink on the decision. *Talaq* is a procedure that can be initiated by the husband alone without the consent of his wife. Besides, the exercise of *talaq* is extrajudicial and in no way subject to external check. Technically, therefore, the power of the husband to divorce is absolute. *Talaq* may be pronounced in a number of ways, e.g., (1) *Ahsan* (2) *Hasan* (3) *Bid' ah*.

The *Ahsan* form of *talaq* is *Talaq-I-Sunna*. The repudiation does not take place at a single sitting nor can it take place during menstruation. *Iddat* is observed during the period following menstruation that is *tuhr* or the purity period. Two arbitrators from both sides are appointed to bring about reconciliation. During the *iddah* period, the marriage is not dissolved. If reconciliation takes place, the marriage is saved and no *nikah* is needed. In *Ahsan talaq* even after the third pronouncement of *talaq*, after the '*iddah* period, the marriage is revocable. The man can remarry his divorced wife. This practice is in accordance with the teaching of the Quran and according to *Sunna* Rules. Both Sunni and Shia schools approve of *talaq-a-ahsan*. The *Hasan* form is *talaq-a-Sunna* but is not as commonly accepted as *talaq-a-ahsan*. The man is supposed to pronounce *talaq* during the successive periods of purity or *tuhr*. A couple can live together as husband and wife if the husband so desires before he pronounces the third *talaq*. On the third *talaq*, the marriage is dissolved and the *talaq* is irrevocable. Therefore, he cannot remarry her. If she wants to remarry, she has to perform *Halala*, i.e., marry another man, consummate the marriage, consequently dissolve it, and only then remarry her divorced husband. Prophets and Caliph Ali condemn this process of *halala*. All Shia and Sunni schools of thought have approved of *Talaq-a-Hasan*. Since it is not irrevocable, it is not very popular; yet, the Hanbali Sunni School gives it more importance than to other types of *talaq*. *Talaq-a-Bidah* is a form of divorce, which is severely criticised since it goes against the rules laid down by the Quran. However, the *Sunna* approves it. In this form of *talaq* the husband unilaterally, without the consent or knowledge of the wife, pronounces *talaq*. Husband can pronounce *Talaq* once or three times simultaneously, without paying attention to the fact whether wife is in a state of *thur*. The Prophet did clearly not approve of this form of divorce (Baxamusa 1994: 110–112).

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[7]Iddat has been defined as the waiting period for a widow or divorced. In *Sharia* terminology, it is the waiting period for a woman when her *Nikah* (marriage) with a man is no more extant for one reason or the other, the waiting period means that after the cessation of *Nikkah* (*marriage*), the woman has to restrain herself for another *Nikah* (marriage) till the prescribed period is over (Engineer 1991: 9–10).

Apart from this, women's right to inheritance has also been violated in practice. As for property, movable or immovable, generally very few Muslim women work and earn (though this trend is increasing among educated middle and upper-middle class women). Islam does not prohibit them from working at all. The Quran allows her to earn. She has the right to own property in her own right. Thus, Islam recognises her individuality and her being as a legal entity. In Islam, there is no concept that she has to confine herself to domestic duties alone. This clearly shows that bringing up children is not her responsibility alone but is a joint one. The husband is equally obliged to arrange for rearing children. However, in traditional society a man usually expects his wife to confine herself to domestic duties and disapproves of her working in order to earn. It is only in some enlightened families where she is allowed to work. Therefore, the way Islam ensures rights to women and the way it has been interpreted shows huge difference. It is quite clear that the status of women has deteriorated because the legal interpretations have always remained subject to patriarchal influences (Engineer 1995: 118–122). And this art of interpretations has created the core of marginality from within. It is worth mentioning that Muslim women's location in minority community also shapes their experiences. Their minority community identity not only marginalises them within the community but also makes their citizen identity as secondary. Even their access to the government institutions becomes restricted due to their community identity. Therefore, it is not easy to understand their marginality in terms of socio-economic indicators rather power dynamics within the community constructs the marginality question of Muslim women in India.

11.4 State and Political Leadership: Constructing Marginality and Muslim Women as 'Other'

Revisiting the marginal locations of Muslim women will remain incomplete without reviewing the role of the political leadership and the state to construct the marginality of Muslim women as 'other'. The Indian state has always represented its own claim on Muslim women's marginality. Since Independence, the Indian state has tried to protect the identity and culture of the minority groups by not intervening into their private domain, especially in personal laws. This is one of the reasons, which has given rise to the self-legislating Muslim community where religious leaders had played a significant role to define Muslim identity. The application of the law is often a complex matter, and the interpretation of the *Sharia* is the monopoly of *ulemas*. Through these principal mechanisms, Ulemas and mullahs maintain control over Islamic Society. Here, the purpose is not to blame the state but to understand the puzzle for which women fail to access laws and justice

and become marginal. This was visible in Shah Bano Case (1986).[8] While all other Indian women may claim the legal right to spousal support after divorce, Muslim women may not. While other women criminally prosecute their husbands for bigamy, Muslim women may not. According to the Sharia Act, a divorced Muslim woman is entitled to a reasonable and fair provision of maintenance within the period of *Iddat*; two years of maintenance for her children; mehr and all the properties given to her by her relatives, friends' husband and husband's relatives. If she does not get it at the time of divorce then she can apply to the Magistrate to direct her husband to follow the order. In response to this, Shah Bano, 65-year-old woman filed a case against her husband and the Supreme Court granted her appeal for lifelong maintenance from her husband.

Nevertheless, this judgement was not a simple one rather opened the floodgates of debates and discussions on the tricky relationship between gender, community and the state. In response to the *Shah Bano* case and the subsequent legislation, Muslim community leaders split broadly into two camps. Conservative leaders considered the judgment as an attack to Muslim identity as well as Muslim personal law. The progressive leaders felt that the Supreme Court judgement was in accordance with the basic tenents of Islam, and thus it was not an intrusion in Muslim personal law. Although they did not agree with everything the judgment said, they supported the substantive conclusion: that Muslim man should provide adequate maintenance for destitute, divorced women beyond the period of *Iddat*. The scholar on the Constitution, Granville Austin has argued that conservative opposition was imbued with not only ideological factors but also economic and political factors. The judgement, if it stood, threatened not only the sacred text of Islam but economic interests of Muslim men who might otherwise be faced with maintenance payment to ex-wives. Additionally, the political interests of the conservative Muslim leadership were threatened as well. If personal laws were codified, the religious leaders would lose their power to interpret the Quran. To soothe ruffled feelings, the Rajiv Gandhi Government enacted the Muslim Women (Protection of Rights on Divorce) Bill, 1986. This bill explicitly excluded Muslim women from the right to maintenance available under the CrPC (Hasan 2000: 279–285).

The government's response to this judgement was also very crucial as it rests on the need to provide protection of minority identity defined in terms of religious and

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[8]According to Sharia Act (1937), Muslim women cannot demand lifelong maintenance after talaq. It is generally supported on the ground of minority community identity, religion and culture. In 1986, when Shah Bano went to the Supreme Court for demanding her lifelong maintenance, it gave rise to a clash between the collective rights of the community and individual rights and identity. The Supreme Court gave its verdict in favour of Shah Bano. However, Muslim fundamentalists protested this move vehemently on the ground that any change in Sharia Act by the state is against the identity of Muslim community. So the *Shah Bano* case (1986) shows that women's claim to equal rights is treated as a betrayal to community, the culture and the religion. In addition, the Indian state very consciously institutionalises gender inequality in personal laws on the ground of minority identity and culture (Hasan 2000: 265–269).

cultural terms. The government argued that it was against imposing a single pattern on all. The government argued in favour of differentiated criteria of citizenship as against universalistic criteria. It is important to mention that differentiated citizenship is mainly concerned with the intergroup equality, not with intragroup equality. That is why it leaves many structures of discrimination untouched. The government also asserted that the impetus for change must come from within the Muslim community. Therefore, the government championed community rights, which gives priority to community's self-defining and self-determining character (Jayal 2002: 20–25). Indian state very deliberately never intervened in the private sphere of minority community. It is not only because of preserving their culture and identity but also of maintaining its own vote bank. It was quite clear in Shah Bano case (1986). The state could not guarantee the right to maintenance after divorce because the Muslim fundamentalists perceived it as an intrusion into their culture and religion. Muslim religious leaders and *ulemas* issued a *fatwa* (proclamation) that guaranteeing maintenance right was against the teachings of Islam. Within a few months, the whole issue took the form of communal agitation claiming that Islam was in danger. Modern Indian state intervened in the religion of the majority community through Hindu Code Bill but it has never intervened in the religion of minority. There are two problems behind this issue. The first is that the Indian interpretation of secularism was defined in such a way that Indian state devised policies premises on a 'principled distance' between the government and religion. The second is the conflict between the claims of cultural communities and women's rights of equal citizenship. The state never tried to reform Muslim personal law not only for guaranteeing citizenship rights to all communities but also the political leadership realised that respecting religious sensibilities was more important.

In post-colonial India, the role of the state to create minority identity is unavoidable. The state did this not only by maintaining a 'principled distance' from minorities but also by refusing to intervene in the domain of personal law. The modern state has become the institution through which personal laws have to be negotiated, and gender has become the site on which they were negotiated. In the 1980s, the state had an important role in cementing a particular perception of the Muslim community as inherently conservative, resistant to reform and oppressive of women's rights by accepting the conservative position on this issue (Williams 2012:89–90). The progressive interpretation would have granted greater rights of maintenance to women within the framework of Islam. In this case, the role of the state was critical in sanctioning one set of views as representing the view of all even most Indian Muslims. In addition, far from protecting and enabling the dissident, vulnerable voices within the Muslim community, the state sanctioned and authorised the voices of and an androcentric interpretation of the Muslim personal law of maintenance. Instead of responding to the socio-economic marginality of Muslim community, the state has constructed its own version of marginality for Muslim women.

11.5   Demand of Muslim Personal Law Reform from Muslim Women in Recent Times

The struggle for Muslim personal law reform has a long history in India. Debates and Discussions on this issue have taken a new course after the BMMA (Bharatiya Muslim Mahila Andolan), a Muslim women's group in Mumbai had published their report titled *Seeking Justice Within Family: A National Study on Muslim Women's Views on Reforms in Muslim Personal Law* (2015), and voiced their demands regarding the banning of *tin talaq* (unilateral divorce in one setting). The BMMA's position on banning *tin talaq* is: this practice is unIslamic, as Prophet Mohammad has considered it as sinful act, and it is not mentioned in the Quran. According to the BMMA, there is no discrimination between men and women in the eyes of Allah, and the practice of *tin talaq* in one setting verbally as well as non-verbally through sms letter and email cannot be justified on any ground, especially in a secular and democratic country such as India. It has also been mentioned that *mullahs* and *ulemas* in fact relate it to the politics of misinterpretation of religion. In recent times, *Shayara Bano*'s (2016) petition in the Supreme Court for banning *tin talaq* (divorce) has again brought up the issues of gender discriminations in personal laws and women's rights in the community. Women's struggle for personal law reform by challenging the conservative interpretations of Islam from within also exhibits the presence of gendered critique and resistance, which can be developed from a subaltern position—the position of Muslim women. The voice from within can emerge without negating the culture and religion rather asking for a more sensitive approach to women's rights. However, this demand of reform from within has its own challenges.

11.6   Conclusion

The paper in conclusion highlights that the state of marginality is not only embedded in socio-economic conditions but also in their representation of identities in several discourses and bodies of knowledge. It can either be generated by the state institutions or religious authority of the community, which ultimately results in producing discourses on the marginality of Muslim women. The dominant instrument of alienating Muslims from mainstream Indian society is through the construction of their identities as 'other'. This politics behind the representation of 'other' constructs their identity, which ultimately impacts the 'equity' issues. The discrimination in and exclusion from government-run welfare programmes for employment and political representation, in effect, has led to the collective alienation and deprivation of the community. This at the end of the day impacts the status of Muslim women at the socio-economic level as well as at various sites including discourses and bodies of knowledge.

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Chapter 12
Reassessing the Socio-economic Condition Among Muslim and Hindus: Comparative Accounts

Santanu Panda

12.1 Background

An attempt has been made in this article to measure the degree of marginalisation of Muslims in terms of social and economic parameters. Additionally, a comparison has also been made regarding the demographic and socio-economic aspects among the Muslim and Hindu lower castes. In this empirical and field-based study, we have first made an attempt to collect quantitative and qualitative data on the demographic, economic and educational aspects of a group of Muslims in a village in Paschim Medinipur district.

At the second level, along with the data on Muslims, we have also collected similar kinds of data from a group of Hindus belonging to scheduled caste category living in the same village. At the third level, we have attempted a comparative study of the Muslims and Hindus to see the degree of marginalisation of the Muslims compared to the Hindu caste groups.[1]

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[1]The data had been collected in connection with an ICSSR project.

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12.2   Methodology/Methods

The data for this article have been collected by the author as a research investigator in an ICSSR project sponsored by the Department of Sociology, Delhi University. The project is entitled 'The Muslim outcasts of West Bengal' for which the author conducted intensive anthropological fieldwork during June 2013 to September 2013 and January to March 2014 in the selected village. Data were collected after obtaining the necessary approval from the panchayat member and community leader as well as informed them about the objectives of the study before the commencement of survey.

The fieldwork for this research was carried out from a micro-level perspective by using traditional anthropological methods such as census, participant observation, collection case studies and focus group discussion that have been collected. Data on the demographic, economic, age-at-marriage, house type, family type and political and sociocultural dimensions of the selected settlement were collected. The quantitative data, collected for this research, have been analysed by using simple descriptive methods (e.g. frequency distribution tables, bar graphs and histograms) with the help of Microsoft Excel programme. The qualitative data have been analysed through descriptions supported by some representative case studies.

The primary data for the research have been collected from one hundred and eighty nine (189) Muslim's and one hundred and twenty two (122) Hindu's households, and the total population are 1007 and 673, respectively. For the data collection in each household, separate census, interview and case study were conducted in suitable places which were convenient for the respondents. Near about half an hour was taken for the completion of the schedules for one family. Before introducing questionnaires, the families were informed about the purpose of the study, and after this introduction, the actual data collection procedure began and the required information was collected.

According to Sachar Committee Report (2006), Muslims were socially and economically marginalised in India. From this report, we have also found that Muslims were deprived from government jobs and various educational facilities in the country. Under this background, we have made an attempt to empirically test the major conclusion of the Sachar Committee Report in regard to the marginalisation of the Muslims in a village in West Bengal by comparing them with the Hindus living under similar set of socio-economic and geographical conditions.

12.3   Settlement Pattern

The name of the village is Delua (J.L. No. 156) which is located on the northern side of Vidyasagar University campus under the jurisdiction of Kankabati Gram Panchayat in the Midnapore Sadar Subdivision of Paschim Medinipur district.

Map 12.1 Satellite image map of the area showing the Delua village downloaded from Google Earth. *Source* Downloaded by author from Google maps

Delua is a real village (see Map 12.1), and our study is not a typical anthropological village study. It is a policy-focused micro-level socio-economic survey having wider implications.

The village is spread over a wide area, and the houses are built on elevated land (*dangajami*). The village map shows a cluster type of settlement pattern, and the Muslim and the Hindu households are distributed in two distinct areas of the village. The black zigzag line on the map is drawn to show the Muslim and the Hindu settlements in the village. The upper portion of the line contains the Muslim houses, while in the lower portion live the Hindus (see Map 12.2), although in reality there is no natural or man-made demarcation between Hindu and Muslim inhabited areas. The Hindu houses are clustered on the south-western side of the village, while the Muslim houses are distributed over the north-eastern side. Both the Muslim and the Hindu inhabitants of the village recognised the distinct clusters of houses as Hindu and Muslim *paras* (neighbourhood). Most of the agricultural land is, however, located on the eastern side of the village, and interestingly, these lands are located at higher elevation than the lands where the houses of Delua are constructed. These high lands are also known as *dangajami* and require heavy rainfall for cultivation. Both Muslim and Hindu families of Delua have lands in the south-eastern part of the village. It was observed that the houses in the Muslim *para* are more compactly located than the houses of the Hindu *para*. The main road as well as the lanes and bye-lanes within the village is unmetalled (*moramrasta* by local parlance). The majority of the houses have mud walls with roofs thatched with straw. There are some houses with brick walls with asbestos roofs. Interestingly, a good number of Muslim houses in the village have cemented brick walls and roofs
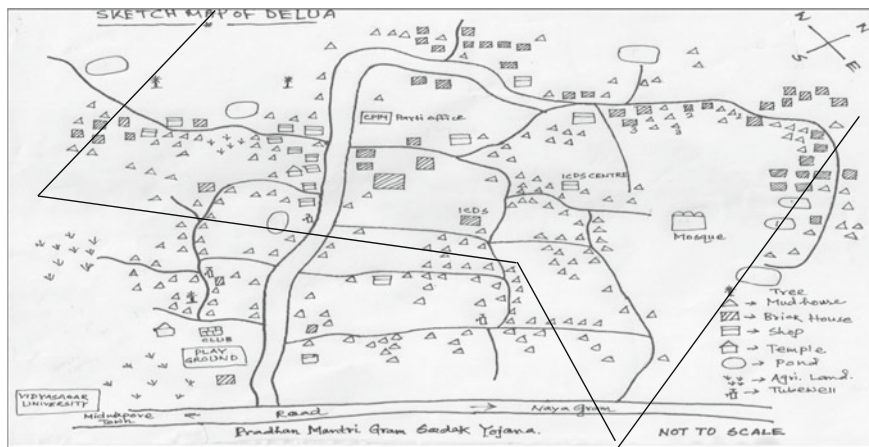
Map 12.2 Village sketch map of Delua. *Source* The author's sketch this map himself during fieldwork, 2013 and map

(*pucca* house). On enquiry, it was found that many of the Muslims of the village are skilled masons and they have built their own houses at a lower cost by using their own labour and skill.

12.4 Comparison Between the Muslims and Hindus of Delua

Micro-level comparative studies of demographic and socio-economic conditions of the Muslim and Hindu populations in India are not found in the sociological and social anthropological literature. There are some comparative studies of these two religious communities based on macro-level data, like National Sample Surveys. For example, an article published in *Economic and Political Weekly* compared the demographic and socio-economic differentials among the Hindus and Muslims of India based on NSS data across different states of the country (Shariff 1995: 2947–2953). Another published study, which dealt with the demographic and socio-economic conditions of Muslims in the state of West Bengal and compared it with the Hindus and other communities, also worked out with census figures not below the district level (Hossain 2012: 2222–2863; Dasgupta 2009: 91–96). On the other hand, the studies which were conducted exclusively on the demographic and socio-economic condition of the Muslims made comparative statements like 'After six decades of independence, Muslims in West Bengal are lagging behind other community in terms of socio-economic condition and political representation' without making any quantitative study on the 'other community' (Mainuddin 2011: 132). In one recent study done on literacy and work participation rate among the

Muslim women in Uttar Pradesh, where religion-wise gender differentials in literacy rate at the state level is computed from the 2001 Census (Siddiqui et al. 2011: 305–325). There are again studies on the problems of classification of Muslim OBCs in West Bengal, which made no attempt to compare the problems with the Hindu OBCs, let alone presentation of empirical data from the field (Moinuddin 2003: 4905–4907).

Comparative micro-level empirical studies based on fieldwork on the socio-economic and demographic aspects of the Muslim and Hindu communities in India have not been found in the literature. This study is a modest attempt to make a comparative assessment of the Muslims and Hindus living in a village of Paschim (West) Medinipur district through anthropological fieldwork. In this micro-level empirical study, a comparison between these two communities are made to look into the similarities and differences in the demographic, economic and social conditions of the Muslims and Hindus of a village under the wider context of the overall marginalisation of the Muslims in India as depicted in the Sachar Committee Report. The empirical findings of this field-based study are arranged in three sections, viz. (i) demography, (ii) economic condition and (iii) education. Comparative accounts of the two communities are narrated in these sections by using quantitative and qualitative data collected from the field.

12.4.1 Demographic Contour

12.4.1.1 The Demographic Profile of the Muslims and Hindus of Delua

The population composition of the village shows that the Muslims constitute the larger segment of the village (60%) and the number of Muslim households is also more than 60% of the total village population (Table 12.1). A comparison of the household size of the two religious communities reveals a relative predominance of small households ranging between 1 and 4 persons among the Hindus, although the mean household size of both the communities does not show any marked difference. However, in the larger household size categories (5–6, 7–8, 8 and above), we have found a predominance of the Muslims (Table 12.2).

The age–sex composition tables (Tables 12.3, 12.4 and 12.5; Figs. 12.1 and 12.2) and the population pyramids of the two communities show broad base

Table 12.1 Community-wise population and households of the village

Name of the community	No. of household	Total population
Hindu	122 (39.23)	673 (40.06)
Muslim	189 (60.77)	1007 (59.94)
311 (100.00)		1680 (100.00)

Figures in parentheses represent percentages
Source Author's field data from Jan, 2013

Table 12.2 Household size of the Muslims and Hindus of Delua

Size category	No. of Muslim households	Mean household size = 5.4	No. of Hindu households	Mean household size = 5.5
1–2	07 (3.70)		05 (4.09)	
3–4	70 (37.03)		50 (40.98)	
5–6	72 (38.09)		45 (36.88)	
7–8	26 (13.75)		16 (13.11)	
8+	14 (7.40)		06 (4.92)	
Total	189		122	

Figures in parentheses represent percentages
Source Author's field data from Jan, 2013

Table 12.3 Age–sex composition of the Muslims of Delua

Age group	Male	Female	Total
0–4	[15.38] 54 (8.02)	[8.69] 28 (4.16)	82 (12.18)
5–9	[7.40] 26 (3.86)	[13.97] 45 (6.68)	71 (10.55)
10–14	[10.83] 38 (5.65)	[9.94] 32 (4.75)	70 (10.40)
15–19	[12.54] 44 (6.54)	[9.00] 29 (4.30)	73 (10.85)
20–24	[6.27] 22 (3.26)	[9.00] 29 (4.30)	51 (7.58)
25–29	[6.84] 24 (3.56)	[8.38] 27 (4.01)	51 (7.58)
30–34	[7.12] 25 (3.71)	[8.38] 27 (4.010	52 (7.73)
35–39	[7.69] 27 (4.01)	[4.96] 16 (2.37)	43 (6.39)
40–44	[5.41] 19 (2.82)	[7.45] 24 (3.56)	43 (6.39)
45–49	[4.56] 16 (2.37)	[3.72] 12 (1.78)	28 (4.16)
50–54	[4.56] 16 (2.37)	[4.03] 13 (1.93)	29 (4.31)
55–59	[3.13] 11 (1.63)	[3.10] 10 (1.48)	21 (3.12)
60–64	[3.13] 11 (1.63)	[4.03] 13 (1.93)	24 (3.57)
65–69	[1.42] 05 (0.74)	[3.41]11(1.63)	16 (2.38)
70–74	[2.56] 09 (1.33)	[0.93] 03 (0.44)	12 (1.78)
75–79	[0.85] 03 (0.44)	[0.31] 01 (0.14)	04 (0.59)
80+	[0.28] 01 (0.14)	[0.62] 02 (0.29)	03 (0.45)
Total	[100] 351 (52.15)	[100] 322 (47.85)	673 (40.06)

[] Represents the percentage of total population of each community
() Represents the percentage of total population. *Sex ratio* Female/male × 1000,
322/351 × 1000 = 917.37
Source Author's field data from Jan, 2013

indicating growing populations, although in the old age groups the Muslim women are greater in number than their Hindu counterpart. Contrary to popular belief, the comparative child–woman ratio of the two communities reveals a higher fertility rate of the Hindu women. The comparative sex ratios of the two communities also show that in all the age groups, there are more Muslim women than men compared to the Hindus, except for the age groups 0–14 and 60 and above. On the other hand,

Table 12.4 Age–sex composition of the Hindus of Delua

Age group	Male	Female	Total
0–4	[13.26] 66 (6.65)	[9.36] 47 (4.67)	113 (11.22)
5–9	[11.48] 58 (5.75)	[10.95] 55 (5.46)	113 (11.22)
10–14	[14.65] 74 (7.35)	[13.54] 68 (6.75)	142 (14.10)
15–19	[8.32] 42 (4.17)	[12.15] 61 (6.05)	103 (10.23)
20–24	[8.11] 41 (4.07)	[9.16] 46 (4.56)	87 (8.64)
25–29	[8.95] 30 (2.98)	[7.96] 40 (3.97)	70 (6.95)
30–34	[6.13] 31 (3.07)	[8.36] 42 (4.17)	73 (7.25)
35–39	[8.32] 42 (4.17)	[7.57] 38 (3.77)	80 (7.94)
40–44	[6.13] 31 (3.07)	[3.78] 19 (1.88)	50 (4.96)
45–49	[4.36] 22 (2.18)	[5.97] 30 (2.98)	52 (5.16)
50–54	[3.96] 20 (1.98)	[2.29] 12 (1.19)	32 (3.18)
55–59	[2.57] 13 (1.29)	[1.79] 09 (0.89)	22 (2.18)
60–64	[3.16] 16 (1.58)	[3.18] 16 (1.58)	32 (3.18)
65–69	[1.18] 06 (0.59)	[1.19] 06 (0.59)	12 (1.19)
70–74	[1.58] 08 (0.79)	[1.19] 06 (0.59)	14 (1.39)
75–79	[0.39] 02 (0.19)	00	02 (0.20)
80+	[0.59] 03 (0.29)	[1.39] 07 (0.69)	10 (0.99)
Total	[100] 505 (50.15)	[100] 502 (49.85)	1007 (59.94)

[] Represents the percentage of total population of each community
() Represents the percentage of total population. *Sex ratio* Female/male × 1000
502/505 × 1000 = 994.06
Source Author's field data from Jan, 2013

Table 12.5 Comparative sex ratios of the Muslims and Hindus of Delua

Age group	Hindu	Muslim
0–14	889.83	858.58
15–29	944.44	1300.88
30–44	943.66	951.92
45–59	813.95	1472.73
60+	1034.48	1000
Total	917.37	994.06

Sex ratio formula used: F/M × 1000
Source Author's field data from Jan, 2013
Child–woman ratio of Muslims: 45.93, child–woman ratio of Hindus: 53.94
Formula used: Children between 0 and 4/women between 15 and 44 × 1000

the age groups in which the Hindus show more women than men. The overall sex ratio of the Muslims is more in favour towards the weaker sex than the Hindu segment of the village population.
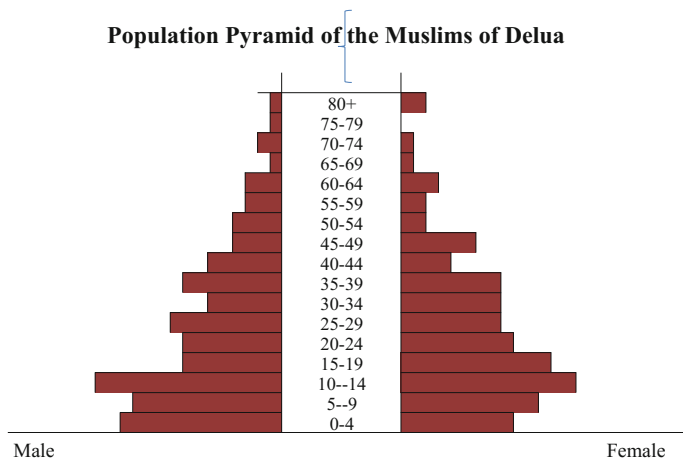
Population Pyramid of the Muslims of Delua

Fig. 12.1 Population pyramid of the Muslims of Delua. *Source* Author' field data from Jan, 2013

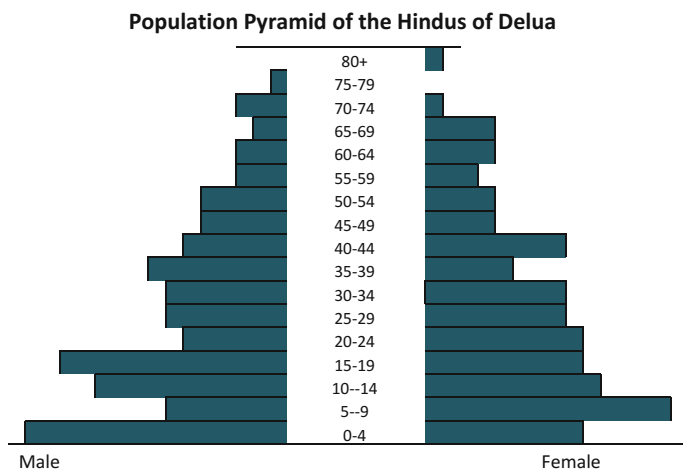**Population Pyramid of the Hindus of Delua**

Fig. 12.2 Population pyramid of the Hindus of Delua. *Source* Author's field data from Jan, 2013

The family composition of the village shows the overall predominance of nuclear families (61.41%), although there are a sizeable number of joint families (33%) among both communities. Comparatively, the percentages of joint and nuclear family among the Muslims are higher than the Hindus. Nuclear family with accretion is also higher among the Muslims.

The comparative percentage figures for age-at-marriage show that more Hindu women were married at the youngest age group than their Muslim counterparts. In general, the percentage figures reveal that in the higher age-at-marriage groups there are more Muslim women than their Hindu sisters. And this also happened in case of men (Tables 12.6 and 12.7).

Table 12.6 Family type

Family type	Muslim	Hindu	Total
Nuclear	[56.08] 106 (34.08)	[69.67] 85 (27.33)	191 (61.41)
Vertically extended joint family	[28.87] 47 (15.11)	[21.31] 26 (8.36)	73 (23.47)
Horizontally extended joint family	[12.17] 23 (7.39)	[5.73] 07 (2.25)	30 (9.65)
Nuclear family with accretion	[6.89] 13 (4.18)	[3.27] 04 (1.28)	17 (5.47)
Total	189 (60.77)	122 (39.23)	311 (100.00)

[] Represents the column percentage
() Represents the total household percentage
Source Author's field data from Jan, 2013

Table 12.7 Age-at-marriage of Muslims and Hindus in Delua village

Age-at-marriage	No. of individuals			
	Muslim		Hindu	
	Male	Female	Male	Female
10–14		16 (7.17)		26 (18.06)
15–19	10 (4.35)	78 (34.98)	32 (20.38)	45 (31.25)
20–24	86 (37.39)	73 (32.74)	54 (34.39)	38 (26.39)
25–29	80 (34.78)	30 (13.45)	36 (22.93)	22 (15.28)
30–34	34 (14.78)	26 (11.66)	26 (16.56)	11 (7.64)
35+	20 (8.70)	00	09 (5.73)	02 (1.38)
Total	230 (100.00)	223 (100.00)	157 (99.99)	144 (100.00)

Figures in parentheses represent percentages
Source Author's field data from Jan, 2013

12.4.2 Economic Condition

12.4.2.1 Subsistence Pattern of Both Communities

The subsistence pattern of the two communities shows considerable variation; there are more owner cultivators among the Hindus, while the Muslims were found to be engaged more in non-agricultural skilled jobs (masons) in the unorganised sector. These persons are economically in better position than other persons of the village. More Hindus were found to be engaged as non-agricultural day labourer than their Muslim counterpart.

We have observed that the majority of the individuals (45.62%) are engaged in non-agricultural labour. A substantial number of individuals were found to be

engaged in forest produce collection to earn their livelihood among both communities. More Muslim was found to be engaged as a rickshaw puller. The comparative scenario of house type of the two communities reveals the following facts. The Muslims have been able to build more pucca houses than the Hindus. More Muslim houses (both kaccha and pucca) have asbestos and tin roofs than the Hindu houses. Only in cases of kaccha houses thatched with straw, the percentage of Hindu households is slightly lower than the Muslims, although the difference is not very great. Overall, the Muslims of Delua have been able to live in better houses than their Hindu counterpart (Tables 12.8, 12.9 and 12.10).

From Tables 12.11 and 12.12, we have found that out of the total households only 98 (31.51%) households have own agricultural land and rest 213 (68.49%) households have no agricultural land. Out of 189 Muslim households, 136 (71.96% out of 189) households have no agricultural land and 53 (28.04%) households have some amount of own agricultural land. Only 16% have 0.5–1.00 acres land, and 0.96% has more than 2 acres of land. Out of 122 Hindu households, 77 (63.11% out of 122) are landless, while 45 (36.89%) have some amount of own agricultural

Table 12.8 Subsistence pattern of Muslim

Owner cultivator	Non-agricultural day labourer	Rickshaw puller	Minor forest produce collector	Mason	Total
36 (9.81)	146 (39.78)	29 (7.90)	81 (22.07)	75 (20.43)	367

Figures in parentheses represent percentages
Source Author's field data from Jan, 2013

Table 12.9 Subsistence pattern of Hindus

Owner cultivator	Non-agricultural day labourer	Rickshaw puller	Minor forest produce collector	Mason	Total
31 (11.36)	146 (53.48)	2 (0.73)	78 (28.57)	16 (5.86)	273

Figures in parentheses represent percentages
Source Author's field data from Jan, 2013

Table 12.10 House type of the two communities

	Muslim	Hindu	Total
Kaccha with roof thatched with straw	[38.62] 73 (23.47)	[50.09] 66 (21.22)	139 (44.69)
Kaccha with asbestos/tin roof	[23.81] 45 (14.67)	[18.03] 22 (7.07)	67 (21.54)
Pucca including roof	[12.17] 23 (7.39)	[9.01] 11 (3.54)	34 (10.93)
Pucca with asbestos/tin roof	[25.39] 48 (15.43)	[18.85] 23 (7.39)	71 (22.83)
	189 (60.77)	122 (39.23)	311 (44.69)

Figures in parentheses represent percentages
Source Author's field data from Jan, 2013

Table 12.11 Community-wise landholding in Delua

Size category (in acres)	No. of families		Total
	Hindu	Muslim	
Landless	[63.11] 77 (24.76)	[71.96] 136 (43.73)	213 (68.49)
0.5–1.00	[29.51] 36 (11.57)	[26.45] 50 (16.07)	86 (27.65)
1.00–1.50	[3.28] 04 (1.29)	00	04 (1.29)
1.5–2.00	[2.46] 03 (0.96)	00	03 (0.96)
2.00+	[1.64] 02 (0.64)	[1.59] 03 (0.96)	05 (1.61)
Total	[100.00] 122 (39.23)	189 (60.77)	311 (100.00)

[] Represents the percentage of total household of each community
() Represents the percentage of total households
Source Author's field data from Jan, 2013

Table 12.12 Landholding Pattern

Community	Owner of agricultural land	Landless	Total
Hindu	[36.89] 45 (14.46)	[63.11] 77 (24.76)	122 (39.23)
Muslim	[28.04] 53 (17.04)	[71.96] 136 (43.73)	189 (60.77)
Total	98 (31.51)	213 (68.49)	311 (100.00)

[] Represents the percentage of total household of each community
() Represents the percentage of total households
Source Author's field data from Jan, 2013

land. Only 12% households have 0.5–1.00 acres of own agricultural land, and 0.64% households have more than 2 acres of agricultural land. In summary, in terms of own agricultural landholding, the condition of the Muslims is slightly better than the Hindus, although there is more landlessness among the Muslims.

12.4.3 Educational Scenario

From the Tables 12.13 and 12.14, we have found the overall literacy of the village is about 76%. The Muslims of the village show higher percentage of literates than the Hindus. The Muslims also show higher literacy percentage within their own religious group than the Hindus. The Muslim women show a considerably higher percentage of literates than their Hindu sisters. Among the all 586 literate women of the village, the Muslim women are 374, which is about 64%, while the corresponding figure of the Hindu women is much lower, i.e. 212 (36%) (Table 12.15).

In this village, 75.95% are literate and 24.05% are illiterate. Among the Muslims, 802 (79.64%) persons are literate and 20.36% are illiterate, whereas 70.43% Hindus are educated and 29.57% are uneducated.

From the above tables, it can be observed that the overall education level is better among the Muslims and the Hindus, but we have also found that six persons

Table 12.13 Literacy condition of Delua village

Community	Illiterate	Literate	Total
Hindu	[29.57] 199 (11.85)	[70.43] 474 (28.21)	673 (40.06)
Muslim	[20.36] 205 (12.20)	[79.64] 802 (47.74)	1007 (59.94)
Total	404 (24.05)	1276 (75.95)	1680 (100.00)

Figures in parentheses represent percentages
Source Author's field data from Jan, 2013

Table 12.14 Female literacy status of both communities

Community	Literate	Illiterate
Hindu	[36.18] 212 (12.62)	[46.12] 107 (6.37)
Muslim	[63.82] 374 (20.65)	[53.88] 125 (7.44)
Total	586 (34.88)	232 (13.80)

Figures in parentheses represent percentages
Source Author's field data from Jan, 2013

Table 12.15 Educational level of two communities in Delua village

	Muslim		Hindu	
Level of education	Male	Female	Male	Female
Illiterate	80 (7.94)	125 (12.41)	92 (13.67)	107 (15.90)
Can sign	40 (3.97)	49 (4.87)	27 (4.01)	40 (5.95)
I–IV	161 (15.99)	149 (14.80)	90 (13.37)	92 (13.67)
V–VIII	140 (13.90)	145 (14.40)	106 (15.75)	57 (8.47)
IX–XII	52 (5.16)	50 (4.97)	34 (5.05)	22 (3.27)
XII+	03 (0.30)	03 (0.30)	04 (0.59)	02 (0.29)
	230 (100.00)	223 (100.00)	157 (99.99)	144 (100.00)

Madrasa [male]: 10 (0.99)
Figures in parentheses represent percentages
Source Author's field data from Jan, 2013

have graduation degree in the Hindu community while in Muslims are only two. It is observed that primary and upper primary level education is completed most of the studied population. But we have also found maximum number of boys and girls have completed their higher secondary education in the Muslim community (Table 12.15).

From Figs. 12.3 and 12.4, we have found that each age group has more illiterate persons among the Hindu males than the Muslims. The educational level gradually falls down from lower age group to higher age group among the Muslim males, but in Hindus the age group-wise trend of educational level shows ups and downs. The secondary and higher secondary level education is much higher in age group 15–19 among Hindu males than the Muslim. But primary and upper primary level education is better condition in age groups 5–9 and 10–14 among Muslim male than the Hindu males (Figs. 12.5 and 12.6).
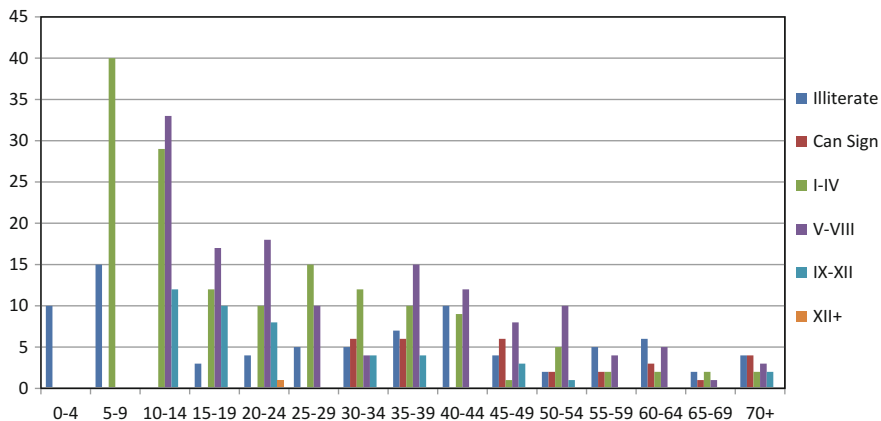
Fig. 12.3 Age group-wise educational level of Muslim males. *Source* Author's field data from Jan, 2013
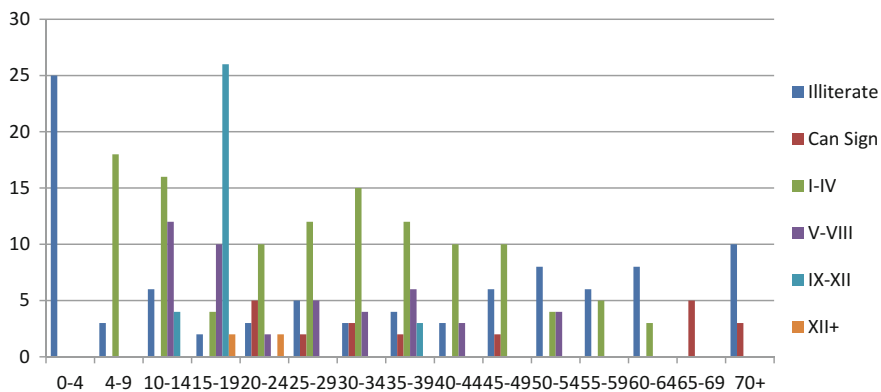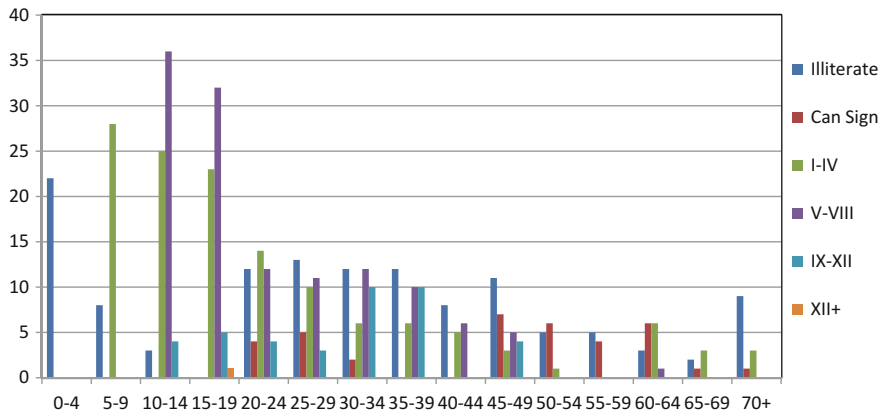

Fig. 12.4 Age group-wise educational level of Hindu males. *Source* Author's field data from Jan, 2013

The literacy condition of the Muslim females was much better than their Hindu counterpart. We find primary level of education among the Muslim women in all the age groups, whereas among the Hindu women we do not find any primary level educated individual in the age groups 55–59, 60–64, 65–69 and 70+, which clearly indicates the higher level of consciousness among the Muslim women in having school level education at least in the primary level. The secondary and higher secondary levels of education among the women also show a better picture for the Muslims than the Hindus.

Fig. 12.5 Age group-wise educational level of Muslim females. *Source* Author's field data from Jan, 2013
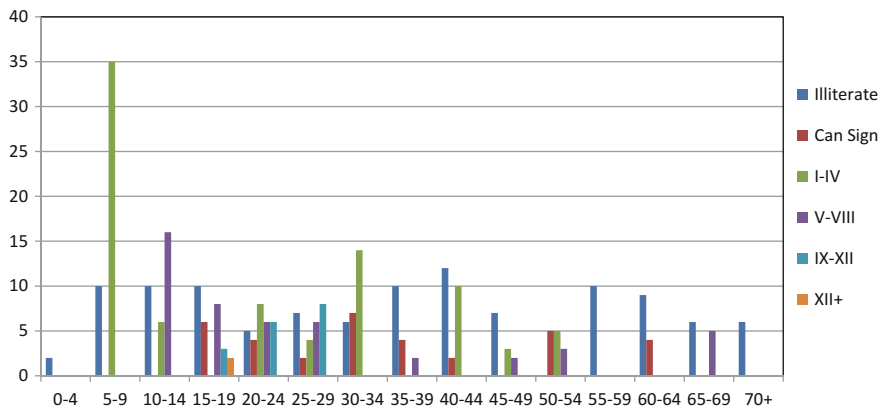

Fig. 12.6 Age group-wise educational level of Hindu females. *Source* Author's field data from Jan, 2013

12.5 Observation from the Field

The Muslim women were found to be more aware and conscious about the health and education of their children and pregnant women. They were also found to be more responsive about the political scenario of the area than their Hindu counter-part; they were very much outspoken and fluently spoke to me and answered my queries during the fieldwork. The reason behind the higher level of consciousness among the Muslims was political. This village is still CPI (M) dominated, and during my fieldwork, I have found that the panchayat member is also a CPI (M) man under the Trinamul-ruled state of West Bengal. During the rule of the left-front

government, the left parties formed a number of women organisations (Mahila Samitis), Self-Help Groups (SHG) and Muslim woman development groups. The left parties were more attentive to the Muslim women owing to their greater participation in the meetings, and the activities of the Muslim women development organisation might have helped to raise the level of consciousness of the Muslim women. The Hindu women on the other hand were found to be less interested to participate in political activities. I did not find any Muslim women under *purdah*. They were, however, found to use a black veil (*burkah*) when they moved out of the village in the town. The Hindu women on the other hand were found to be very shy and unaware of many basic facts about their own house and village (Panda and Guha 2015)

Another interesting fact which I observed during my field survey was the nature of communication among the Muslim villagers. When I moved from one Muslim household to another, I found that the news of my entry had already been spread to the new household. In some cases, the family members called up neighbours to their houses to answer my survey queries. This kind of intra-household neighbourhood-level communication was not found among the Hindu families. The Hindus often expressed a kind of aloofness regarding the whereabouts of their neighbouring families. On the whole, the sense of in-group feeling and solidarity was found to be much stronger among the Muslims than their Hindu neighbours.

12.6   In Lieu of a Conclusion

The survey and field observations revealed that the study of a single village we should not reach general conclusions the Muslim are not marginalised. This micro-level study revealed that there are concrete empirical situations in which the Muslims may show better conditions of living particularly when compared with a marginalised scheduled caste Hindu community. Our search in the literature on the socio-demographic, economic and literacy condition of the Muslims revealed that there is a virtual absence of micro-level comparative study of the Muslim and Hindu communities in India. Whenever comparative studies were done, they were based on macro-level census and large-scale survey data. The Muslims of Delua village do not seem to be marginalised than their scheduled caste neighbours of the same village. The typical image of economically, educationally and socially marginalised Muslim does not emerge from our micro-level field study.

My fieldwork further revealed that the Muslims were more open to disclose their socio-economic conditions than the Hindus. Furthermore, the Muslim women were found to be more aware and cooperative than their Hindu counterparts; they were very much outspoken and fluently spoke to the author and promptly answered his queries. Most interestingly, the Muslims of this village were found to be in a better position in terms of their house type, economic and occupational conditions, educational level and landholding pattern than the Hindus who belonged to the scheduled caste category.

The typical image of Muslim women giving birth to more children and living under *purdah* and *burkah* obeying the commands of men also does not emerge from our field study. On the contrary, the Muslims of Delua live in better houses; they are better educated than the Hindu neighbours and politically more conscious and advance. The Muslim women were also found to be smarter, open and vocal than their Hindu sisters.

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Chapter 13
Unmasking the Masked Gendered Sociability: A Case of the Indian Software Industry

Asmita Bhattacharyya

13.1 Introduction

The late twentieth century witnessed a wide explorations of the marginality studies for those who are in the 'margins' by virtue of their primordial identities of caste, class, race, gender etc. This field has gradually evolved by subsuming new frontiers of marginalised groups. The term 'marginality' is synonymously related to conditions of social exclusion or deprivation or discrimination or segregation of individuals and groups for availing themselves of certain opportunities in the field of economy, politics, culture and social domain.

The present discourse discusses 'gender' as a causal factor of marginalisation by which the 'other sex' discriminated against men by means of subjection, social exclusion and differential gender-biased treatments. The denomination of 'gender' for women bears semblance with norms of femininity, involving compliance to patriarchy is widely prevalent even in contemporary times. The new configurations of women's identity and practices are also affected by the gender hierarchies. Furthermore, the issues concerning marginal position of women in the labour market, where they encounter gendered division of labour, job segregation by sex, unequal wages, etc., have not lost their relevance even today. This paper situates the paradoxical contexts between empowerment versus disempowerment and opportunities vs opposition faced by women workforce in the neo-liberal workplace conditions. It further interrogates the dichotomous context between the core and the periphery, the dominant and the subjugated, the privileged and the less-privileged,

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the self and the other and the vociferous and the voiceless among the technocrats in their gendered interpersonal relationship in this newly emerged egalitarian workplace. This research engages with the women-centred methodological standpoint by articulating life experiences of the women technocrats and to learn their so far unheard voices. This study captures 'live' experience of the 'privileged class' of women software professionals in a neo-globalised egalitarian workplace. The study reveals intersection of visible and invisible factors for gender, class, marital status, patriarchal ideologies and capitalistic motives that explains the prevalent system of gendered subjugation in the workplace under reference. The context of understanding of the present scenario demands looking back as to how women were treated in early historical periods.

13.1.1 Looking Back to Women's Status in the Society

The western classical treatises in 'The Subjection of Women' and 'The Second Sex' authored by J.S. Mill and Simone De Beauvoir, respectively, along with other feminist writers have observed that women are subjected to subjection of men conferring upon them unequal status in comparison with men. Likewise, Indian writers such as Malavika Karlekar, Sudhir Kakar, Katharina Poggendorf and Partha Chatterjee[1] have corroborated the fact that women's situation in the East was largely secondary to that of men. History of India witnessed confinement of women to private sphere, which is distinctly a separate space from that of men having specific and mutually exclusive roles. Thus, the above observations serve as pointers to the fact that women are being treated unequal in relation to men from time immemorial. The waves of feminist movements have emancipated women by raising them from the state of subjection to asserting their rights equal to those of men. Aftermath of these movements paved the way for women to participate in the job market. Their involvement in the public space capacitated their economic role as also communitarian roles by moving away from the confinement of private sphere. Their participation in the labour market has empowered them to earn their living, carve out their own identity and also getting liberated from their exclusive confinement in the

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[1]Poggendorf and Kakar (2001: 126–27, 131) pointed out that during the pre-independence era, gender identity of Indian middle-class women was based on their affairs centring round their homes and their identity mainly derived from men. During the material period, Chatterjee (2001: 119–21) identifies prevalence of two separate spheres for men and women being demarcated, respectively, by 'bahir/ghar' or 'material/spiritual' arenas. This segregation is validated by prevailing patriarchal ideology. Furthermore, Karlekar (1991: 103–04, 113) observed that modernisation in women was initiated through education like 'stri-skisha' but within home domain and in seclusion from the public sphere. It was meant to uphold feminine values rather than questioning the existing hierarchy. Finally, Kakar (1978: 117, 120) poignantly explains hierarchised structure based on sex constructs the mental plane of an individual and is imbibed through socialisation process. In consequence, women derive their secondary identities from their very childhood times from the process.

private domain. However, participation of women in the labour market has not immuned them from various forms of gendered biasness prevailing in the workplace. Gradual movement of women for getting away from exclusive confinement of home domain to their participation in the outside world of job market has redefined the 'cultural belief' regarding women and work.

Our present study contextualises the new tech-order—an offshoot of new global order—that produces a flexible work-order susceptible to more infusion of women in this sector. Before we proceed with the situational analysis of the female professionals of contemporary times in their hi-tech workplace as our central theme of the study, we briefly highlight the following theoretical underpinnings to understand gender dynamics in labour market.

13.2 Gender Dynamics in Labour Market: Theoretical Frame

Walby theorises that women's participation in the labour market pertains to a shift away from the earlier patriarchal strategy of women's exclusion from the public space to that of segregation strategy within the labour market environs. Segregation strategy involves separating women in lower rung positions having lesser pay package, fewer promotional opportunity, etc., than that of men within the labour market. It leads to feminisation or overconcentration of women in certain segments (Walby 1991: 53). Sylvia and Chant (1993: 167) advocated marginalisation thesis for situating women in the labour market of developing countries. The marginalisation theory delineates following conditions: (a) exclusion from employment or from certain types of jobs; (b) confinement to marginal occupations, industries or sectors; (c) segregation and feminisation in certain type of jobs evidenced from predominance of women; and (d) occupational differentiation out of economic inequality in terms of wages, fringe benefits, etc., along with their working conditions. Margaret Mead impinges on biological-cultural-psychological (genes-culture-mind) explanation to decipher logic behind stereotypical image projections in the minds of the people, rendering marginalised status to women. It is the genes that create the physiological difference between the sexes, whereas cultural background shapes the perceptions and behavioural predispositions that define male and female roles by building synoptic connections in the brain. The assimilated forces of biology and culture combine together in a unique fashion in the mind so that the process further modifies the brain circuits and cultural perceptions. By this process, a sex stereotype is formed in men who play a patriarchal role in the practical world (Mead 2001: xxi). Keller observed that men choose science as the subject of study since it is hard, objective and rational, whereas women prefer non-natural subjects, which are considered soft and subjective. This kind of reflection is the outpour of stereotypical image. Stereotypical image is the predominant reason to drive away women from the practice of science (Keller 1985: 77).

These feminist theoretical perspectives unmask the reason behind the existence of exclusionary strategies to keep away women from the labour market or in the peripheral positions in it. Even though there is gradual increase of women as the equal participants with their men counterpart in the public spaces, yet they deem to work largely as a peripheral workforce in the workplace. Moreover, during the preceding eras, women were even debarred from pursuing the practice of science and technology, leave alone embarking on jobs as technocrats in the technological sectors.

The newly emerged Information Technology Sector is an offshoot of new-globalised economic order and intends to follow the global workplace ideology of equality in participation. The workplace emulates the principles of 'equal opportunity to all' irrespective of sex at the workplace. In short, the concerned industry appears attempting to elevate itself to an egalitarian workplace with prevalent culture bearing a symmetry with the global workplace as a part of its business imperative. The rationale behind our selection of IT industry, as our study site, lies in prevalence of many gender-sensitive policies and various incentives on offer to make women more inclusive in this industry (NASSCOM 2008; NASSCOM and Mercer 2009; Rothboeck et al. 2001). Interestingly, this sector largely constitutes the 'privileged class' category of workforce (Shanker 2008: 185), and thus our present study situates anecdotes of these women technocrats, largely belonging to privileged class.

This new situation poses new research questions as to whether the new workplace is free from the existence of any discrepancy-based gender considerations? or whether women techies[2] experience any marginalised position in the workplace? This paper previews pre-globalised scenarios of women in the labour market in general with those of the post-liberalised era especially in relation to women in software industry at the global and national levels. On evaluating the outcome of previous research, the present empirical work develops a closer and clearer insight into the existence of gender in equation, if any, within the software industry in Kolkata. To unmask the reality behind gender-equalitarian workplace and to unravel the operational dynamics of gender (if any) operating within the industry are the two basic purposes of the study.

13.3   Studies on Gender and Labour Market: A Preview

Preview related to previous studies on gender and labour market explores various dimensions of marginality experienced by women workers in the labour market. This section captures changing discourse of their social position in the labour

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[2]Techies, referred to in this text, stand for technocrats working in IT firms. Lexical meaning of 'techie' is a technician who is highly proficient and enthusiastic about some technical field (especially computing) vide http://www.thefreedictionary.com/techie.

market workplace between pre-liberalised era to that of post-liberalised epoch especially in relation to software industry in the undernoted section.

13.3.1 Pre-liberalised Labour Market and Women Workforce

Kanter in 1970 considered bureaucratised formal large corporations of the USA as the area of her study and found that women were deployed in a segregated position at the workplace. They were concentrated at the lower rung jobs such as service personnel, clerks and secretaries in these corporations and were excluded from men-dominated managerial jobs. The exclusionary practices were embedded within the organisational culture of the corporations in the name of management ethics, objectifying masculine dominance through attribution of gender stereotypical image and fostering male networking in almost all levels of such corporations. Only a few women, who raised themselves in managerial positions, represent only as 'tokens' and were subject to gender stereotyping (Kanter 1977: 6, 18, 22). On the other extreme end, Kabeer noticed that the migrant Bangladeshi women engaged in informal garment industry in Britain experienced double closure. They used to face dual closure in the workplace in terms of race, education and skills differences on the one hand, and on the other hand their participation gets constraint due to their gender identity (Kabeer 2001: 36, 318).

Boserup observed that in case of Asia, Africa and Latin America, women were segregated in feminised specialised jobs such as teachers, social workers, nurses and such other allied medical services or as clerks at the lower level of hierarchy (Boserup 1970: 125, 140). Sylvia and Chant (1993: 168–69, 179) revealed that in developing countries, women were mostly recruited for traditional, low-technology-driven areas and lesser dynamic labour-intensive sectors such as textile production, garment-making, food processing and assembling industries of electronics goods, while men were engaged in technology-intensive modern industrial sectors. The predominant factors for such gender-based job stereotypes influence not only employees' attitude but also that of the employers and the state, whereas the subsidiary factors such as age, marital status, requisite skills, education, support from male members of the family and women's domestic role explain their recruitment, retention, segregation or marginalisation in the male-dominated work areas.

Looking into the Indian context specifically, Standing (1991: 60, 63) produced an anthropological account on 144 households in Calcutta during early 1970s. She found women were employed mainly in semi-skilled jobs and subjected to gender stereotypical identity. Government of India's first landmark report of 1974, based on macro-level empirical investigation, highlighted women's participation in economic activities related to education and health sectors, which were bloated with gendered relation. In these workplaces, educated middle-class group of women

were engaged in low-skilled and low-paid jobs. Even with emergence of new industries such as engineering, electronics and pharmaceuticals, during the post-independent times, the situation remains unaltered with their confinement to work in selected pockets like processes involving dexterity of fingers or repetitive and monotonous nature of jobs (GOI 1974: 209–10). Another report also pointed out that much change has not happened in women's position in the new emerging sectors offering specialised jobs as they lacked necessary training and skills to grab them. Moreover, lack of bargaining power restrained them to achieve their upward mobility at the workplaces (GOI 2002: 198).

13.3.2   Women in Post-liberalised Global Software Industry

Rowbotham (1995: 43) identified the existence of sexual division of labour in software industry sector. It is infested by male-dominated capitalism and mired by male prejudices and attitudes, having entrenched even within the families, educational institutions and of work. Giao (1995: 205, 214) conducted a study on software industry in Brazil and found that women contribute to 'soft technical skills', dealing with communication and interaction tasks, while men do their bit in hard skills. Software industry sector perceived to be gendered with low-skilled and low-paid jobs with exclusion to techno-scientific occupations. Likewise, Wajcman et al. (2007: 19) studied software industry in Vietnam during 2004 and found that there also women are mostly concentrated in jobs involving low-skilled works (debugging/coding and testing), while men occupy majorly high-skilled jobs (specification and design phases) resulting in variation in pay packages, training facilities and promotional scopes for women employees. The key factor for gender segregation is due to employers' perceptions for difference in skill possession between men and women and their suitability for particular type of works. Such notion arises out of ideological and social constructions rather than technical competency possessed by the concerned male or female employee.

In India, Anthony and Gayatri (2008: 298) observed that women are in majority in information technology enabled sector (ITES), where the end-user and low-skilled jobs are done. These jobs relate to word processing, data entry, banking, insurance, finance, printing, publishing, etc.; only a few percentage of women are in the managerial position or in job roles of maintenance or work as design personnel in network operating systems in software industry. Rothboeck et al. (2001: 34) studied 143 Information Technology (IT) professionals in Bangalore and found the evidence of gendering of work in this industry. There is over-representation of women software professionals at the entry level of low-skilled jobs of programming, testing etc., but they are under-represented in the higher level of managerial jobs such as architecture and consulting project management compared to men. High-intensity work pressure at the workplace in middle- and upper-rung positions and domestic responsibilities in the home front render women employees difficult to

sustain themselves in this industry. Ilavarasan (2006: 46, 49) rightly raises the question: 'Are opportunities equal for women in the IT workplace?' To find out the answer, he undertakes a quantitative study based on a sample size of 114 respondents from two software firms in Bangalore. He finds out that gendering in software work is not due to any form of discrimination or marginalisation at the workplace rather it is due to lesser supply of women workers at the base level being constrained by their domestic obligations. Upadhya (2006: 8–9) studied the causes of marginalisation of women engineers in software industry in Bangalore through qualitative case studies. Gender stereotypes and domestic responsibilities bar them from participating in informal networking, not putting in longer hours at the workplace, or willing to take up on-site jobs by married women—in contrast to unmarried women or men—and consequently hampering their career growth prospects or promotions. Most married women prefer to stick to low-end jobs of testing, programming or quality assurance segments having the scope of almost regular work hours. They do so even at the cost of career growth, forgoing the chance of going abroad and even by accepting lower pay package. Kelkar and Nathan (2002: 430), however, noticed the existence of biased gender relations at the workplace. Shanker (2008: 190, 203–04) also corroborated gender demarcation and gender differential in access, recruitment, foreign assignment and finally in sustaining or retrenchment in IT sector in Bangalore despite its professed motto of equal opportunity for all. The gender inequality at the workplace is conspicuous by the presence of fewer women in decision-making domain. Kelkar et al. (2002: 65, 76, 81) studied ITES/IT industries located in Bangalore and Delhi. They observed that the familial barriers are chief reasons behind the inability of women techies to spend long hours or the late-night hours in the workplace. Incapability to build networks, lack of mentor support and, above all, deficiency in bargaining power affect their career advancement to higher positions. Consequently, they stagnate to lower rung positions involving often repetitive, boring and stressful work schedules.

The above research findings uphold the existence of gendered relation at the workplace. The fact is evidenced by scant presence of women at the higher position, whereas the vast majority of them are languishing in a segmented position during both the pre-globalised and post-globalised periods. In-depth surveys of literatures in software industry confirm the fact that gender-based marginalisation exist very much within this workplace like that of previous era.

The previewed literatures of the industry discussed here define our pathways to explore the ways in which gender-based marginality operates in the Indian software industry, having specificity in relation to industries located in Kolkata. The operational indicators are designed in such a way that the existence of discrepancy as felt by women techies in terms of discrepant salary and perks, withholding allocation from challenging projects and less promotional opportunities *vis-a-vis* their male counterparts get duly reflected. The objective of this study is, thus, to explore the ways in which discrepancies that operate in terms of above mentioned criteria vis-a-vis men in the software industries.

13.4   Data and Method

The empirical study was based on face-to-face interview of 250 women software professionals across different sizes (large, medium and small-sized firms)[3] of software firms in Kolkata. The respondents were selected by 'snow-ball method' and interviewed in face-to-face mode. Both the open- and close-ended data were drawn from the field. The close-ended data were tabulated to find level of significance of association between variables, whereas the open-ended data were collated and synthesised in the form of pattern analysis structured in a way to compile the responses from respondents' perspective or the *emic* view, which was further corroborated by researcher's viewpoint or the *etic* view subsumed from the field. Both quantitative and qualitative data were used to strengthen our understanding of the field. Triangulation of quantitative and qualitative data was amalgamated to unravel the internal dynamics of gender relation at the workplace in a holistic way.

13.5   'Pull of Women' Towards Software Industry[4]

The post-globalised era—during the late twentieth century—promulgated a new socio-economic order which is facilitated by the spread of new information communication technology (ICT). The expansion of ICT generated a new far-reaching work atmosphere-involving disembodied technology, virtualised economic activities and working in a networked organisation—having its world-wide coverage and repercussion. This new economic order, according Beck, supports temporal and spatial flexibility of work context. Consequently, the boundaries between work and non-work diminish to a wafer-thin dividing line in this new economic form. The environ and context of this new economy is quite contrary to its preceding form of economy, i.e. old economy which is largely characterised by standardised working hours, labour contract and work site (Beck 1998: 142).

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[3]Software firms, chosen as samples, are selected from the list of IT/ITES companies registered with STPI, West Bengal, for the financial year 2009–2010, having their annual turnover and total workforce strength duly recorded and maintained by the IT department, Govt. of West Bengal. Based on annual turnover for the financial year of 2009–2010, all the 47 software firms are stratified into large-sized (above 100 crores of annual turnover or more), mid-sized (between 20 and 100 crores of annual turnover) and small-sized firms (annual turnover below Rs. 20 crores).

[4]The companies which produce software products collectively included into the fold of 'software industry'and comprise companies or company divisions which earn the majority of their revenues from the sales of software consultancy services or software packages (Heeks 1996: 28).

Software industry owns distinction of mirroring the typecast of global workplace, where largely egalitarian principles are followed. Further to it, NASSCOM[5] report (2008) asserted that commitment towards gender inclusiveness in IT sector is a professed ideology of the industry. Gender inclusivity remains a business imperative to foster a 'culture of inclusion' for infusing organisational agility, innovation, success and bringing qualities such as empathy and emotional intelligence in the decision-making process by empowering women to a leadership role. To this end in view, it would constitute a fairly non-discriminatory workforce with special provision for security, safe workplace, scope of re-entry, flexible working policies, child care provision such as crèche and, above all, deterrent measures being in place against sexual harassment, etc., towards accommodating the special needs of women. NASSCOM-Mercer's subsequent follow-up report conforms the rationale behind the motto of gender inclusivity to achieve economic growth as well as social justice to women workforce as the same is considered a critical enabling factor for the continued growth of the industry. It attempts to be gender neutral by providing equal opportunities to men and women in the recruitment and promotion aspects (NASSCOM-Mercer 2009: 5).

Besides this professed motto, our field investigation sets to explore the reasons behind women respondents' preference to jobs in IT industry over other core industries. Information technology sector provides attractive incentives to women to enable it to become a women-friendly workplace. Provision for flexi-hour working, pick and drop facility, policies against sexual harassment, opportunity for lateral entry after a pause for marriage or childbirth and relocation facilities with job transfers to husband's location are some of the allurements for female job seekers. The industry being knowledge-based, capabilities are valued over any other ascribed criteria. It, further, provides an in-house white collar job of sedentary nature, involving less physical exertion that suits well with women. IT industries are usually located in urban and metropolitan settings in almost all cities across India near hometown of majority employees. The industry delivers a bonus opportunity of travelling abroad on on-site deputation to visit the clients' sites in different countries offering an invaluable international exposure. It also offers a good salary package and increments based on performance. These are some of the strong points that have attracted women towards this sector. The benefits available in the industry have acted as strong motivating factors for 'pulling' women in this industry, but their ways of sustenance in the industry is our point of our research enquiry.

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[5]NASSCOM (National Association of Software and Services Companies) is a trade association of Indian Information Technology (IT) and Business Process Outsourcing (BPO) industry. NASSCOM is a non-profit organisation, which was established in 1988. It facilitates business and trade in software and services and encourages the advancement of research in software technology (refer https://en.wikipedia.org/wiki/NASSCOM).

Table 13.1 Discrepancy with male colleagues by marital status of respondent

Discrepancy with male colleagues	Marital status		Total
	Unmarried No. (%)	Ever married No. (%)	No. (%)
Yes	32 (34.8)	82 (51.9)	114 (45.6)
No	60 (65.2)	76 (48.1)	136 (54.4)
Total	92 (100.0)	158 (100.0)	250 (100.0)
Chi-square value: 6.867, *df* = 1, *p* = 0.009			

Table 13.2 Discrepancy with male colleagues by marital status of respondent

Discrepancy in salary	Marital status		
	Unmarried No. (%)	Ever married No. (%)	Total No. (%)
Yes	12 (13.0)	20 (12.7)	32 (12.8)
No[a]	20 (21.7)	62 (39.2)	82 (32.8)
Not applicable[b]	60 (65.2)	76 (48.1)	136 (54.4)
Total	92 (100.0)	158 (100.0)	250 (100.0)
Chi square value: 8.568, *df* = 2, *p* = 0.014			

Discrepancy in perks	Marital status		
	Unmarried No. (%)	Ever married No. (%)	Total No. (%)
Yes	6 (6.5)	14 (8.9)	20 (8.0)
No	26 (28.3)	68 (43.0)	94 (37.6)
Not applicable	60 (65.2)	76 (48.1)	136 (54.4)
Total	92 (100.0)	158 (100.0)	250 (100.0)
Chi square value: 6.906, *df* = 2, *p* = 0.032			

Discrepancy in allocating challenging project	Marital status		
	Unmarried No. (%)	Ever married No. (%)	Total No. (%)
Yes	13 (14.1)	53 (33.5)	66 (26.4)
No	19 (20.7)	29 (18.4)	48 (19.2)
Not applicable	60 (65.2)	76 (48.1)	136 (54.4)
Total	92 (100.0)	158 (100.0)	250 (100.0)
Chi square value: 11.592, *df* = 2, *p* = 0.003			

Discrepancy in promotion	Marital status		
	Unmarried No. (%)	Ever married No. (%)	Total No. (%)
Yes	26 (28.3)	56 (35.4)	82 (32.8)
No	5 (5.4)	26 (16.5)	31 (12.4)
Not applicable	61 (66.3)	76 (48.1)	137 (54.8)
Total	92 (100.0)	158 (100.0)	250 (100.0)
Chi square value: 10.125, *df* = 2, *p* = 0.006			

[a]'No' implies discrepancy not with the particular factor but with other factors
[b]'Not Applicable' responses are those who did not face any male discrepancy of any forms

13.6   Level of Significance and Discrepant Variables

The field data in quantitative terms reveal marital status of women employees is significantly related to discrepancy faced by them in comparison with their male counterpart (vide Table 13.1). Data incorporated in the undernoted tables are drawn from close-ended objective-type question-answer mode elicited from female respondents and analysed using SPSS software.

In terms of numeric percentage, married women feel more discrepant than their unmarried women colleagues (see Table 13.1), whereas Table 13.2 shows significant relation exists between marital status of women respondents and discrepancy experienced by them in relation to salary, perks, assignment of challenging projects and promotional opportunities.

This tabular information is supported by the subjective narratives of the respondents as we see below. These subjective anecdotes are analysed from both *emic* and *etic* perspectives. By examining the case studies narrated by the respondents, attempts have been made to capture 'what', 'why' and 'how' factors of discrimination relegating them to marginal position at the workplace.

13.7   Subjective Experience of Discrepancies: '*Emic*' View

Subjective experience of discrepancy faced by the women respondents, irrespective of marital status articulated in three main issues, viz. on salary and perks, allocation of challenging projects and promotional scope for them in comparison with men.

13.7.1   '*Dependency Status*' Typecast for Salary and Perks

Differences in salary and perks of women professionals in comparison with their male counterparts are significantly related to women's marital status (vide Table 13.2). The variance is implicitly projected through stereotypical typecast of women workers by being treated as 'dependent' members of the family. They are supposed to rely on either to their husbands or to their fathers. Such prejudices act as a barrier when they try to seek higher salary and perks. Jobs for women are perceived to offer mental satisfaction for them, and the money earned are mainly spent for eating out and on lifestyle items. Further, it is largely assumed that marriage is more prioritised than career for them. As a result, earning of money is considered comparatively less important to them as it is believed that they can manage with lesser money than men. On the contrary, money is presumed to be important to a man as he needs to support wife and his family. Dichotomous typecast considers status of women as secondary bread earners while that of men as the principal bread earners. A widely circulated connotation in the industry goes that 'Job is luxury for women but necessity for men'. Consequently, at the time of promotion, men get an extra

edge over women with the justification that they need to earn extra to support their family. Moreover, men are in a position to bargain for increased salary. In common parlance that goes in the industry as 'Men bargain, women accept'.

13.7.2 'Inflexibility' Typecast Versus Challenging Project

Women professionals are stereotyped largely as the 'inflexible workforce'. They often refuse transfers or are unwilling to go on-site or try to skip late-night stay in contrast to men workforce. Thus, men, on the other hand, are considered to be a 'flexible workforce'. Frequent refusals of the long-term on-site assignments or transfers to a remote location may lead to losing out of opportunities for acquiring challenging projects. The very attitude of frequent refusal to mobility acts as an obstacle in the bargaining process for promotion as well. The main reason to such 'inflexibility' of women employees is generally attributed to their security concern for women employees and family responsibilities for married ones. IT culture demands a bunch of flexible workers—who can stay long hours in office, are promptly agreeable to mobility at any place and at any point of time, ready to work in the weekends and even till nights—especially during the critical period of 24×7 support—seem to be compatible with male temperament. Married women and working mothers often become vulnerable to and victims of such stereotypes. Consequently, they stand marginalised for the projects that demand working in the night shift and at remote places. During the team re-sizing, such employees are cut short of the projects as they are believed to have time constraints. They are even marginalised from being assigned challenging projects. Many a time, the boss talks of a project, as a part of formality only, when it is already decided in favour of male colleagues. This non-allocation of challenging projects relegates them to marginalised positions as it affects their career appraisal for promotion. Excerpts of a married woman 'techie' decodes her experience of marginality at the workplace, despite having put her best efforts, is as under.

Case[6] #1: Chhaya, a 29-year-old married woman professional, working in a big firm narrates her experience as to how she is marginalised. Like many women, she works till 11 pm in the night by compromising her family time. When an on-site opportunity comes or a critical period of project delivery arrives for her to grab, she is reminded of her family responsibilities by her boss and she is not considered for the said purposes. Lucrative offers, thus, get missed. She tells with anguish that her services till late night are not recognised at all and she gets sidelined at the critical opportunity juncture.

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[6]The cases depicted in the text are the observations made by different concerned respondents. The names quoted as the respondents' names in the relevant cases are actually pseudo-names with a view to maintaining ethicality and confidentiality.

13.7.3 Non-participation in 'Informal Networking' Versus Promotion

Generalised view is that 'greasing the boss' is an integral determinant for promotion and informal networking acts as a medium for it. Informal networking is formed during off-time cigarette smoking, tea breaks, eating out, get-together occasions or in the weekend boos (Friday nights) mainly with male colleagues and bosses. It provides an opportunity to meet high-profile personnel for establishing good rapport as also exchanging good gestures and information with the peers. During such a session, work-related gossips and industry-related important information such as exploring on-site opportunities are shared and a lot of promotional prospects are decided. This informal clique enhances accessibility to the boss. *'Visibility'* increased thereby helps at the time of promotion. This private contact opens up a lot of promotional opportunities as some information is privately passed through such informal networking.

Women usually limit their partaking of these informal networking which is often dominated by male groups well supported by their numerical majority. Women normally prefer to maintain a measured distance of typical boss–subordinate relationship in such public gatherings where smoking and drinking take place. As a result, they are unable to build informal networks. A female project manager of a MNC comments, 'women not being a part of this '*Muri* and *Beedi*' session,[7] are losing out a lot of things such as the 'insider information' from the prevailing system of networking'. During the appraisal phase, good ratings are usually assigned to the male folk as they form the most 'visible' category of professionals in front of their bosses. Frequent informal agenda of networking fortified by men's voice enhances their bargaining power than women. It makes them to stand in good stead in this crucial juncture. The spill-over effect results in development of lobby/office politics which influences the appraisal prospects for future promotion.

An excerpt of a working mother, narrated below, depicts her ordeal as to how she suffered low rating given to her by her male boss, feels marginalised during her promotional phase.

Case #2: Supti, a 34-year-old mother, usually leaves office by 6 pm as she needs to release her child-caretaker. She recounts that during the time of appraisal, she bargains for her promotion by stating the fact that she has complied with all the project deadlines on time. The boss counteracts by saying 'What more have you done, when guys doing night shifts and long working hours? Those putting hard labour and extra efforts only deserve promotion'. The bosses normally have the habit of finding 'weaknesses in women's works rather than delving into their strengths'. She concludes that men are preferred due to their flexibility of being mobile to any locations including on-site allocations.

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[7]'*Muri* and *beedi*' session is a typical contextual recess in Bengali culture that includes having tea, cigarette and light grain food generally during work-breaks in the nearby tea shops.

Table 13.3 Meeting colleagues during recess by marital status of respondent

Meeting colleagues during recess	Marital status		Total
	Unmarried No. (%)	Ever married No. (%)	No. (%)
Frequent[a]	54 (58.7)	66 (41.8)	120 (48.0)
Not very frequent[b]	38 (41.3)	92 (58.2)	130 (52.0)
Total	92 (100.0)	158 (100.0)	250 (100.0)
Chi square value: 6.672, $df = 1$, $p = 0.010$			

[a]Frequent: Three times in a week to once in a week
[b]Not very frequent: Twice or once in a month to hardly any

Furthermore, it is observed that women respondents are also involved in informal networking among themselves during frequent tea breaks they take within the office hours but not beyond that. The frequency of such participation is dependent on their marital status as the unmarried frequents more than that of the married ones. It is evidenced from Table 13.3, showing a significant association between frequent participation in informal networking by women with that of their marital status. The married ones constrained by familial responsibilities, so they try to utilise every bit of time saved from their office to spend with their families unlike that of their unmarried or male counterpart. The content of discussions among participating women employees during networking revolves round mainly on the 'work content' and 'office gossip' while 'others' category includes those who talk about fashion, food, world events, etc.—discussion of which, however, is the least extent. The respondents feel that gossips help in relieving stress and tension. Thus, the tea breaks in between works are important to them to have some alleviating effect from their stressful nature of work.

13.8   Alternative View Against Discrepancy

'Other view' constituting women personnel in minority in the industry is of the view that the industry is largely performance-driven and they do not admit the existence of discrepancy between the opposite sexes at the workplace. They also believe that differential treatment against women, if any, varies from one project to another and from one project lead to the next one. These women are of the view that it is the working mothers who often misuse and take advantage of the situation.

Case #3: Soumi, a 32-year-old unmarried software professional serving in a multinational company, feels that women being sincere and organised, they are preferred for the projects. As a project manager is responsible for the successful completion of the project works, he counts and values most the capability of the concerned worker irrespective of sex considerations.

13.9 Interpretative Analysis: *Etic View*

Substantial exodus of 'new genre of women technocrats' in software industry has redefined traditional cultural beliefs for women and their work. They get sufficiently empowered, by their own rights, to break into the technological sector, which is so far considered as a non-traditional sector. By engaging themselves in this sector, they have attempted to look beyond women-specific stereotyped segregated jobs in traditional domains. In short, the change in cultural belief has liberated women from their exclusive confinement in the home front and has, further, enabled them to look for jobs beyond the age-old women-specific ones. Female technocrats get into the industry by equipping themselves with requisite degrees in science or technological subjects. The prevalent notion on these subjects has been regarded as male oriented, as they are objective and rational in character. Subsequently, these subjects are, further, considered to have been bereft of emotional and humanistic traits and hence, hard for women to pursue them. Consequently, there has been very less representation of women in technological jobs. The employed women technocrats in the software industry, a non-traditional sector, have negotiated many unconventional workplace norms such as long working hours extending till late-night/odd hours, work demand constant mobility, adapting themselves to work in the male-dominated industry with colleagues and bosses mostly comprising of men. Employment in such jobs has, undoubtedly, empowered women and has given them their own distinct identity through ricocheting cultural belief of gender and work. Similarly, the software industry has offered many incentives to facilitate women to work under its fold. It has provided conducive office environment along with white-collared jobs suited to women employees. These gender-sensitive congenial environs executed by this industry, in view, of the professed principle of equal opportunity to all and to promote inclusive growth for women at all levels in accordance with its motto of following the best global management practices. As a result, a significant number of women prefer to join this sector rather than the core engineering industries.

Contrary to this, it is observed that women techies employed in this industry for prolonged period feel disenchanted and find themselves subtly marginalised in being victims of disparity in the dispensation of salary and perks, allocation of challenging projects and, above all, with squeezed promotional opportunities in comparison with their contemporary male colleagues. Such discrepancies culminate into vent-up griefs or outburst of frustration among the women workforce among themselves in the precincts of industry area. The end effect results in leaving substantive female employees to be disgruntled of being marginalised but silently bear themselves within the industry.

Although women's inclusion in the industry is, more or less, gender neutral, yet bracketing women in the 'other' category segment in the workplace is indicative of exclusionary traits still glaring in the industry. Micro-level mechanism of exclusionary techniques connects macro-level patriarchal ideology of dominance practiced in an implied manner. Key to patriarchal relation is the interplay of

differentiation through discourses of masculinities (aggressiveness, diplomacy, quick action, flexibility, mobility, etc.) and feminine attributes (emotion, dependence, passivity, immobility, inflexibility, etc.) have been made naturalised. Derivatives suggest that the patriarchal structure, depicting the broader cultural pattern, is reflected in the concerned roles. Men are virtually placed at the upper helm, while women are relegated to subordinate role positions. These exclusionary practices work, in a subvert way, through the process of gender stereotypes and gender typecast. These largely act as 'social construct' in the industry concerned. The resultant effect coagulates in disparity against female employees in the form of discriminative compensation package and perks, poor assignment of challenging projects and, finally, scant promotional approval.

Nature and form of marginality in software industry apparently differs from that of other industries or workplaces of the bygone era. Gender marginalisation at that time has been more explicit. In software industry, biased gender relations are practised, in a subtle manner. Attribution of gender stereotypes results in biased and discriminating distribution of prevailing opportunities to the weaker sex. Portrayal of sex-based discrepancies is rooted in the cultural and ideological beliefs sedimented during the socialisation process. The processed outcome usually gets deeply embedded in the human psyche. This deep rooted psychological entrenchment in an individual leads to typical gender practices even in one's unconscious state of mind. Such outflows are often expressed in binaries in terms of men/women, independency/dependency, flexibility/inflexibility, married/unmarried and visibility/invisibility in the minds of the professionals, who are important constituents of this new type of workplace. This explains the apparent reason behind the differential treatment meted out for pay and perks, chance of getting allocation for challenging projects or obtaintion of promotional lift between two different categories of sexes. The situation hurts most women techies' prospects in their career progression in IT industry. Dominance of patriarchal assertions coupled with male prejudices and followed by unending profit-yearning capitalistic activities by the industry is responsible for such a state of affairs.

Capitalistic organisational work culture is basically a pro-male oriented and envisages 'performance-driven', warranting frequent physical or virtual mobility and high flexibility and requiring alertness for 24×7 during the critical delivery period. Rising up to such a situation largely favours male professionals than their female counterpart. Admittedly, nature of work requirement for the industry demands a bunch of flexible and mobile people. Flexibility and mobility appear synonymous to men than women techies, especially the married. The reason being Indian women professionals normally prefer their gender identity associated primarily with their family than that at work. Non-amenability to immobility and inflexibility mostly drive women techies to turn as fixed-time workers even at the cost of segmenting themselves to lower hierarchialised job positions with lower pay package and fewer promotional avenues. Consequently, feminisation in certain job segments is seen. In nutshell, there are three prominent intersectional factors which explain marginalised position of women in this sector. These include firstly, the patriarchal ideological standpoint shaping male prejudices among the professionals,

secondly, boundless profit-seeking behaviour of capitalists corroborating pro-male-oriented work culture and lastly, women professionals' prioritisation to their families over the work. The resultant effect deprives them of workplace opportunities and makes them to sediment in low rung positions which ultimately affect their career growth. As a result, the industry gets dominated by men with substantial numerical majority. Arisen circumstances overturn the projected principle of egalitarianism at the workplace that gets masked by gender sociability—both at the organisational as well as workers' levels. The gamut of sequences depicts both visible and invisible intersections of gender identity, class, marital status, patriarchal ideologies and capitalistic motive—that interplay gendered relation at work in the neo-labour market. Interactional analysis shows a discourse about gendered marginalisation defining the post-globalised workplace.

Gender dynamics at the new software industry in India have been working at two levels: To trace the equality axis of increasing assertion for individual rights, agencies, identity, etc., while the other intersecting axis being the ascribed identities of gender, class, patriarchy—both of which operate within this new workplace. It is evidenced from the study that ascribed identities and capitalistic interest interlock to become the norms that governs gendered interpersonal relation between men and women in the Indian software industry. These structures are not external to their lives but are actually embedded in the ways they work, live, behave and think.

13.10   Concluding Remarks

Gender parity at the workplace, more specifically in egalitarian Information Technology Sector provisioning equal opportunity policy in recruitment and promotion, is still a Utopian dream. Occupational gender equality may be possible only if women and men have the same opportunities to obtain professional credentials and occupational training, and these are to be distributed in proper proportion across the workplaces, job titles, occupations and hierarchical positions. Though the sector has generated more women participation in the recent past, yet their rise to the promotional ladder is masked by gendered sociability, making the workplace gendered. New industries have the potential to alter gender equations but, by and large, work environment tends to mirror embedded dominant ideologies of the larger society that puts 'comparative disadvantage' of women from that of men. From the above fact, it is evident that women, especially the married ones experience discrepancy vis-a-vis their male colleagues significantly, in respect of salary, getting challenging projects and promotions. This kind of discrepancy played in a subtle way by stereotypical portrayal of them as the 'dependent member' when women seek hike in salary or perks; tagged as 'inflexible workforce' while refusing to allocate challenging projects and for being 'invisible in informal networking' hampers promotion in comparison with men colleagues. The tangible outcome of it is to render them to the marginalised position that is largely gendered and stereotyped. These stereotyped images are socially constructed perceptions that define

men as possessing more agility and capability, which act subtly in obstructing their women counterpart in actualising their agencies in the workplace. Persistence of biased gender relation arising out of multilevel intersectional factors of gender, marital status, patriarchy and capitalism is responsible for creating exclusionary strategies that debar women from getting salary, perks, promotions and grabbing challenging projects, etc., at par with their male colleagues of equal status. The end result is that fewer women are represented at the top level of the industry. Majority of them continue to languish the spell of glass ceiling and in feminised jobs by being concentrated in lower strata of jobs such as programming, human resource management, quality assurance roles, etc., in the industry.

Conceptually, gender is conterminous with asymmetry between the sexes. Preoccupation with inequalities is evident at many levels and is explicated in terms of an overarching category of patriarchy. This patriarchal relations or gendered relations are neither homogeneous nor unitary in nature. It varies across time, space and group location within the same society. But the content of this relation gets restructured with agential potentialities of women engaging in patriarchal structures. Herein, the empowerment or agential potentialities veer its way to disempowering structures that has subjected women for many years and the change or otherwise is explicated in this study. The early theories of patriarchy emphasised on female subordination giving away little room for an active female subject. While, the later theories have questioned constitution of such gender identity and subject formation have raised one to assert agency. The theoretical essence of this study lies in deciphering the interaction between the live experiences of the women professionals and socially structured institutional arrangements and processes in justifying the gender issues based on division of labour. Marginal position faced by women in the labour market, job segregation by sex, wage discrepancy, etc., illuminate the subject domain of intersectional feminist theory. Thus, the neo-liberal workplace has set new conditions of work which poses new challenges and dilemma in the minds of the workforce. It is torn between liberalism and patriarchal mindset or empowerment and constraints hold relevance now. Motto of inclusive development and egalitarian makeshift arrangement still remains a distant reality because of overbearing gendered mindset. Hopefully, the perceptible change is in the offing with more women participation in the new workplace having prospects of keeping gender inequality at bay will surely to thrive in near future.

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Chapter 14
Negotiating Marginality: Women Activists in the People's Science Movement, Kerala

Shoma Choudhury Lahiri

> To be in the margin is to be part of the whole but outside the main body.
>
> —Bell Hooks

14.1 Introduction

Sociological concern with the phenomena of marginalisation is not new, though the concern remains both important and relevant even today, as we are confronted with new forms of exclusions and marginalisation. In fact in the context of neoliberalism along with celebratory stories of India's economic growth and the phenomenal rise of India's middle classes, we are also reminded that a substantial portion of India's billions still continue to live on the margins, and they suffer and struggle as a result of economic liberalisation. Marginality and social exclusion therefore appear to be inherent in the way modern societies are organised. Though margins may appear distant and far removed as spaces, it is perhaps important to have a close look at the processes and experience of marginalisation at the heart of modern middle-class existence, to see how marginalities are created in seemingly stable and prosperous contexts, in innocuous and yet persistent ways, to perpetuate hierarchy and dominance. The central idea of marginality research today is not to classify or describe people as 'strangers' or 'marginals' 'but to depict social processes responsible for marginalisation, exclusion and liminal position' (Bankovskaya 2014: 95).

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This article attempts to document and analyse the experience of 'dominant' women and their gradual marginalisation as activists within a social movement in contemporary Kerala. The social movement under consideration here, known as the *janakeeya sastra prasthanam* or the people's science movement, has been in existence in Kerala since the early 1960s, working with the avowed aim of harnessing 'science for social revolution'. With a membership of about 48,000, the movement has attempted to shape the cultural processes and politics in the state during the 1970s and after, with its manifold social and political interventions. It is argued here that marginality as an experience is not only structural, as it is dominantly understood and articulated, but also processual in character.

14.1.1 Understanding Marginality

In sociology, the concept of marginality can be traced back to Robert Ezra Park's idea of the 'marginal man' in the early twentieth century. Writing within the context of the concerns of the Chicago School, Park posited a relationship between the emergence of modern city life and its attendant complexities caused by migration, mobility and anonymity of human beings leading to a sense of liminality and marginality between different cultural life worlds (Weisberger 1992: 430). Marginalisation has been seen as occurring at individual, community and global levels, though these multiple levels are not watertight compartments (Dasgupta 2012: xvii). Material deprivation is generally highlighted as the most common reason for marginalisation, though other factors such as discrimination based on caste, ethnic divisions and population displacement are now regarded as important causes too.

Marginality has also been understood as a location, not merely as a site of deprivation but as a site of resistance and radical possibility (Hooks 1990: 206). Hooks makes a distinction between marginality which is imposed by oppressive structures and marginality as a location that one chooses to inhabit and occupy. Those who come to occupy such spaces do so through suffering and pain and struggle. Hence, marginal locations are to be cherished, as it transforms us individually and collectively and gives us 'a new location from which to articulate our sense of the world' (Hooks 1990: 209). In fact in another context, which has involved studying the state, an anthropology of margins and the study of the processes and practices embedded therein offer a unique perspective. It suggests that 'such margins are a necessary entailment of the state much as the exception is a necessary component to the rule' (Das and Poole 2004: 4), and this is not because it reflects exotic practices. Thus, a look at the margins is imperative for it gives us an insight and an understanding of the larger social structure. More recent efforts demonstrate (Gorringe et al. 2016: xxii) how the inclusion of marginal actors into democratic politics is often a complex and problematic exercise in the Indian context, leading to even paradoxical outcomes in the process of empowerment and institutionalisation of their rights.

This article examines the narratives of educated, largely upper-caste, middle-class women who are part of a progressive movement, but whose experiences as activists reflect their marginal status numerically, socially and politically within the people's science movement. The purpose of focussing on middle-class women is to draw our attention to the fault lines within stable, prosperous and developed contexts, to highlight the prevalence of subtle forms of marginalisation and negotiations in the everyday lives of the activists and of the social movement at large. The attempt is to engage with 'subjugated knowledges' of women, as 'knowledges that have been disqualified as inadequate to their task or insufficiently elaborated' (Foucault 1980 cited in Roy 2012: 6), especially in political contexts where women find themselves, normatively excluded, historically. After all, as Dasgupta (2012: xvii) reiterates, that any initiative to understand the dynamics of marginalisation would be complete without listening to the voices of the marginalised.

14.2 Women and the Kerala Model

The Kerala model of development has always been hailed because of its high indicators of social development, achieved despite low levels of per capita income and economic development. In development literature, Kerala compares with the developed nations with regard to its levels of literacy, favourable sex ratio, life expectancy, infant and maternal mortality rates and such other indices. This developmental 'paradox' of contemporary Kerala has been an enduring fact, 'shaping the common sense about Kerala and also powerfully determining the self-formation of the people of the state particularly the women' (Sreekumar 2009: 66).

Interestingly enough though women have been at the centre of Kerala's development in the sense that many of the indices such as low maternal and infant mortality, higher levels of female literacy, a favourable sex ratio, relatively higher life expectancy of women as compared to men and the adoption of appropriate family planning practices leading to a small family norm are factors that concern women, yet women 'form yet another outlier group that has remained invisible within the dominant narratives' on Kerala (Ravi Raman 2011: 13). The gains of the Kerala model did not guarantee equal citizenship rights for all. 'Of the included groups women remained marginal to the leftist political society and the women's question was posed as a developmental and not political question' (Devika and Thampi 2012: xxxii). This has been articulated as Kerala's 'gender paradox'—women's low participation in politics and the public sphere despite high human development' (Erwer 2003: 130).

In recent years, crime against women has increased manifold, and there is increasing evidence of a gradual and creeping attitude of son preference among

people in Kerala[1] which will eventually offset the advantage that women enjoy due to a favourable sex ratio in the state in the long run. The prevalence of high rates of dowry and domestic violence in families, the entrenched notions regarding women's employment, restricted mobility and a constrained experience of individuation (Devika and Mukherjee 2011: 107) make the experience of modern Malayali women worthy of interrogation. Thus, women make the story of the Kerala model appear different and also provide the justification behind looking at the status of women in a relatively developed context.

14.3   On the People's Science Movement

The People's Science Movement in Kerala, started by the *Kerala Sastra Sahitya Parishad* (henceforth KSSP or the Parishad), consisted of a group of scientists, science teachers and science writers who came together in the early 1960s 'to take science to the masses'. Since all existing scientific knowledge was available only in English and was largely inaccessible to the masses, they decided to popularise science in Malayalam, the vernacular language of the state. The initial attempt was through the printed word. They undertook translations of well-known articles, speeches, sections from science books, etc., and tried to publish them in the popular vernacular magazines of the day. But science writing was not popular in those days, and hence, the journals and magazines were reluctant to publish them. This was another reason for this group to start three magazines for the children (named Eureka), for the youth (called *Sastra Keralam*, which literally means the Science of Kerala) and for the public in general (known as *Sastragathi*, which means the direction of science) through their own publishing unit. Gradually as the group realised the importance of the spoken word, it tried to organise public lectures on scientific issues and hold exhibitions on themes such as science and war. Gradually, the Parishad grew in number, almost all the districts came to have offices, which have now become the district headquarters of the KSSP.

In the early 70s, the attempt was to intervene in formal education and bring about changes in the way science was taught in schools. This entailed opening science clubs in schools, training the teachers to use the science kits provided by the government in class, promoting use of the library, devising several informal, play way methods of learning which would encourage the spirit of enquiry among the students and urge them 'to do' the experiments in the syllabus by themselves, and not 'learn' them 'by rote'. The educational interventions attracted a number of teachers within their fold, the Parishad grew steadily. Though the school became a site of their interventions, their conception of education did not remain limited to it. The most recent intervention in this field was the institution of an independent

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[1]Refer Kerala Mental Health Survey 2002 cited in Devika and Mukherjee 2011.

Peoples' Commission under the Chairmanship of Dr. Ashok Mitra, to evaluate the system of formal education in the state.

Around the late 70s and early 80s, the Parishad spearheaded the agitation against the Silent Valley Hydroelectric Project in Kerala which would have led to the submergence of thousands of acres of tropical rainforests, housing valuable plant and animal species and disturbed the ecological balance of the region. Health became one of its major concerns in the mid-80s when it undertook several con-scientisation campaigns and a study on the relationship between health and development in the state. In the late 80s, the KSSP was involved in initiating and coordinating the literacy campaign of the National Literacy Mission, which went on to make one of the districts fully literate. The Left Front government, which was in power, undertook the campaign at a larger level in order to make the state of Kerala wholly literate.

The next major intervention and probably the most extensive one so far has been in the area of local-level planning which began as a post-literacy endeavour at the Kalliassery village in Kannur district of Kerala in the early 1990s. In this experi-ment, the KSSP tried to bring together several scientific, research, planning and government institutions to participate in mapping local-level resources to undertake 'planning from below'. The passing of the 73rd and 74th Constitutional Amendments which asked for the devolution of power to the local administrative bodies (in India, we have the Panchayat Raj system as a form of local self-government) in 1993–94 also made the task of decentralisation easier. Because of the novelty, uniqueness and relative success of the experiment, it became an agenda of the Left Front government, which came to power in Kerala in the mid-90s. The government relied considerably on the resources and expertise of the Parishad, which drew from its experiences at Kalliassery to collaborate and inter-vene at the grass-roots level all over the state and even in other parts of the country. This experiment also marked a major shift in the strategy and tenor of the move-ment and in its modes of intervention. The activists of the movement today are found to concentrate their efforts at different levels, in advisory capacity to the government departments and institutions, at the panchayat level, in attempts to revive the organisation's units at local levels, in undertaking independent studies, documenting and publishing reports, in training and conscientisation programmes wherever their expertise is required.

14.4 Negotiating Marginality

The people's science movement is predominantly characterised by a male presence. Women have always constituted a small minority. In a movement which claims to have nearly 50,000 members on its rolls, women members would not be more than a 1000 or so, though even fewer than this are really active at the local level. Every year just like other organised groups in Kerala, the movement goes on a mem-bership drive right upwards from its unit level, which results in such inflated

figures. Even its claims of having such a large membership is belied, because the core members who constitute the backbone of the movement are those who work at the zilla level and they number not more than about 1000. This is so because it has been the policy of the movement that those active at the local level are 'brought up' to the zilla level, given more responsibility, and hence find themselves more visible than the other activists at the unit level.

Activism in Parishad being of a voluntary nature, often entails involvement that brings with it different levels of compromises and negotiations primarily at home, and at workplace because it makes demands on the activists' time and energy. Men as well as women who are active in the public sphere, and whose presence is as a result visible, manage to be so, because they are able to make time for the movement's activities such as meetings, participation in events, dissemination and conscientisation programmes, and training programmes. Participation in such activities reflects an attitude towards social activism which is again gendered.

In this context, I would recall a comment which was directed at me when I was doing my fieldwork in Kerala. I had had a period of prolonged stay for about eight months in the villages, and then again I had gone back for another stint after a gap of six months. An elderly woman, who mistook me for an activist, since I was always seen with one, commented:

> How long are you going to walk these paths my dear? Don't you want to get a life?

In other words 'getting a life' here indicates getting married and settling down into family life and giving up 'roaming around here and there', that is the primary role in which a woman is expected to find fulfilment. On the contrary for the men in Kerala, being involved in the public sphere is almost a considered to be akin to social responsibility, a natural propensity. The public sphere in Kerala is constituted of an organised presence of religious and civil society groups, associations and collectivities which create and reinforce a sense of community. Therefore, in the words of a male activist, *'Social involvement gives men a sense of fulfillment', and 'what better way than to get involved with the Parishad and its activities.'* Concomitantly, a woman's place is at home and this is articulated indirectly, when men take pride as they say, '*our women send us out to do social activism (samuhiya pravartanam) while they stay at home*.' Thus, there is a clear divide between the public and private sphere with the former domain predominantly being the purview of men while the latter, i.e. the private domain being inhabited by women. In fact by their own admission in many meetings organised by the Parishad, till recently women who were involved in social work or in public life faced a lot of indirect criticism (for neglecting their household duties), resistance and even negative propaganda in their everyday life. This also partly explains the relative paucity of women in political movements, which still is a domain marked by a dominant and substantial presence of men. In another context, in an attempt to document and retrieve the voices of women in Naxalbari movement, Srila Roy (2012) says that 'the entry and presence of marginalised subjects like women in male dominated spaces does not make them more inclusive, on the contrary, women remain 'matter out of place' and often internalise their own difference in modes of complicity and denial' (Roy 2012: 11).

The only legitimate form of participation in which women find relatively easy acceptance in public sphere in Kerala is paid work. In addition, the responsibility of housework, including childcare and rearing children, attending to the elderly or the sick and even to be the sole breadwinner in the context of large scale migration of men to the Middle East, solely rests on them. Under such circumstances social activism merely adds to their burden!

Voluntary participation in social movements like the one under consideration, which takes them away from home for long hours often involves great costs. Organising an activity in one's locality, involving 'people' in the activity, ensuring their participation in the programme and following up to sustain their interest by organising subsequent activities and programmes are often time taking and require long and continuous process of intervention over time. As mentioned earlier, a consistent and successful engagement at the local level led to activists being given more responsibility and acquiring more visibility at the higher levels of the movement. But many a time it is seen that though capable and committed, women have had to give up their position because of pressures of different kinds. Women activists in the movement said that even when there is no direct pressure to quit, they internalise a sense of guilt which arises because of their inability to perform their role and the responsibilities associated with it. In other words, they feel that their primary responsibility is towards their family and children, all other roles, responsibilities and expectations appear to be secondary. In a recent study of women political representatives in Kerala after they started holding public office as a result of 33% reservation of seats, Devika and Thampi (2012) find that in local governance as much as in politics, 'the espousal of conservative family ideals appears to be more necessary for women aspirants' 'success', 'the reiteration of these norms appeared to be an essential condition for acceptability in public' (p. 189).

Here, I recall the experiences of Shyama (name changed), a primary school teacher who came from a 'Parishad family'. This family was known in the locality for its commitment and dedication to the Parishad and its activities because Shyama's husband and all three younger brothers-in-law were Parishad activists, with varying levels of participation in their programmes. As her two children grew up a little, even she could start going for meetings and programmes. In fact her family context was conducive for her taking on an active role in the Parishad. She was noticed by her co-activists who wanted her to take an active role at the district level, and subsequently, she even went up to the level of the State Committee in the Parishad. In one of our informal discussions, she recalled with a sense of pride and disappointment.

> You know, I went up to the State Committee level a few years back. I have worked with M. P and Dr. Eqbal. But that same year my younger son, who was then barely 4 years old, fell seriously ill. He had malaria and he suffered from high fever for days together. At that time I was not there at home, I had to travel very often to different districts as members in the State Committee often do and I would be away for days. My mother-in-law looked after my son, but for how long? I gave up my position, somehow I feel (and even some people around also do) that had I not gone away so often, my son would have had better health.

For a primary school teacher like Shyama, working with the likes of famous activists like Dr. M.P. Parameswaran, a nuclear scientist and the founder of the movement, and Dr. Eqbal, a medical doctor who came to be known for various social interventions in the field of health in the state, was a prestigious and a memorable learning experience. But the socialisation of women in our society is such that Shyama felt that the primary responsibility for her was towards the family. Though her family was relatively 'more progressive' than other families in the locality which enabled her to get an exposure and even participate freely in the world of social activism, the feeling of empowerment that comes from an exposure to knowledge and association is short-lived, and it remains incomplete. It is structured both by the everyday experiences of women as well as by the patriarchal 'structure' of which they are a part and which is in turn internalised by the women participants themselves.

Similarly women activists recount that experiences at the workplace also shape their experiences of activism. Most of the women activists in the science movement are school teachers, in addition there are a few doctors, engineers, lawyers, a few work in the government departments and so on. In order to participate in the Parishad's activities, they have to take leave from their office or workplace. At the local level, most of the time the activities of the movement are organised in the evening to ensure participation, but when the movement aims at interacting with the public through *kala jathas*, organising protests or holding seminars, workshops and public lectures, it usually is a day-long affair. Such programmes depend upon the participation of the activists at the local level and on the presence of activists from the higher levels of the movement for their success. Many a time women activists serving at the level of the State Committee have found that they are not able to participate in Parishad's activities due to constraints posed at their place of work. This reflects the structure of power embodied in rules and regulations in modern, rational legal institutions in our society.

Shanthi (name changed) is an activist who has been with the KSSP for the last 30 years. She retired from a public sector unit in Kerala. Her husband, an active trade unionist used to work at Trivandrum for a long part of his career. As an activist, Shanthi has served at various levels in Parishad. Because women activists were rare in the 70s and 80s, the District Committee valued her presence and expected her to undertake responsibilities of different kinds. She recollects,

> I have tried to extend myself to Parishad in all possible ways, but I did have a job to do. Sometimes that has posed problems. I have had to take leave, go without pay and sometimes incur the displeasure of my boss who did not want me to participate in Parishad's activities always. During such instances I did not go, but at other times I finished the responsibility given to me at my office and then went, or extended my work hours to finish the task given so that I could participate in Parishad's activities at a later date. At least it is a government job and I won't lose it easily.

Economic independence gives women both autonomy and choice, which are considered to be important aspects of empowerment but again this choice is not unlimited or cannot be exercised always. Participation in the case of formal politics

and holding a public office for example, if elected as a representative of the people, allows an arrangement whereby an extended period of leave from one's profession can be sought, but participation in social movements especially where it is voluntary and does not result in a direct involvement with political power, negotiations of various kinds are involved. Moreover for educated and economically independent middle-class women empowerment in one aspect of life may not translate into choices in other aspects of life. In fact sometimes empowerment may result out a bargain. Shanthi's attempts to work harder than usual by finishing the tasks and responsibilities given to her beforehand or by extending her work hours can be looked upon as strategies through which she tries to secure the good will of those who matter in the structures of power, so that her participation and involvement in other voluntary activities like that of the KSSP may be made relatively easy!

14.4.1 Producing Subjectivities

This section looks at the movement's perception of women and the ways in which it reaches out to women as a constituency. An aspect of the science movement which is the cause of both defensiveness and anxiety is the presence of very few active women activists. This has led to recurring discussions on how to involve women in social transformation. Although I refer to the term 'movement' here in singular homogenous terms, it actually speaks in several voices. This will be especially evident in discussions about women's participation.

Clearly male activists in movement felt that women as a category need intervention. But what is way to intervene was the issue?

'*We have to instill the habit of reading in them. This would lead to an inculcation of ideas and then we can expect them to get involved in action,*' said an activist. '*The middle class is less informed, they read specific magazines which do not have any information content.*' '*We can transform their questions in such a way that it provides awareness and insight*', said another activist. A third activist was of the opinion that '*We should be able to handle their problems. During the 'saksharata abhiyan' (literacy movement) we asked them what they needed and in many areas toilets were installed…. Similarly we should be able to see what the environment at home is and then bring them to talk about the needs of the society.*'

This method of intervention is inspired by the experiences of the literacy movement in Kerala where classes used to be organised by local activists within a household in a neighbourhood in the evenings to get the maximum participation of women and the elderly. Social and interpersonal relations were used to reach out to the people at large and create a social pressure for literacy. Activists in the science movement feel that the same method can be used to bring more women into the movement. Another activist said, '*awareness can be created if they can be made to associate with cultural organisations.*' Another suggestion for bringing them into the movement is '*to take up the issue of health as an entry point into their problems. Here the issue of prohibition of liquor could give us an opportunity to raise*

many other related questions.' But a note of caution was struck, as evident in the words of another activist, '*we have to be careful about the fact that women cannot be turned against the men of the household, then it would lead to the break-up of families*.' This was of course was not desirable.

While at one level there is a defensiveness within the movement that the women activists of the KSSP are largely from the middle class, and that working class women are very few, the attempt is to turn its gaze away from the middle class and concentrate all energies towards seeking the participation of women of the working class. There is little attempt at being self-critical or looking into the reasons as to why even the middle-class women are so few in number within the movement or towards looking inside the home and addressing the question of the skewed division of labour within middle-class households. Even when health issues are thought of as an entry point into the household, it starts with the issue of prohibition of consumption of liquor which is primarily a practice that men in rural Kerala indulge in and does not affect the health of the woman whom the movement hopes to include. While the need for inculcating reading habits are being articulated, what remains unexamined is whether the men in turn would share the strenuous household work that usually engaged the women. The imperatives of social transformation makes the movement blind enough so as not to take a careful look at relations of power that structure the lives of men and women within the family reflected in the organisation of work within the household. It is quite ironical that while the activists are exhorted to use their interpersonal and the 'familial relations' as a method of intervention in society, the domain of the familial relations and the structure that governs these relations remains uninterrogated. In fact, there is a cautionary note that emphasises the reverse, and that is, the family and the relation between the husband and wife that forms the bulwark of familial relations should not be disturbed! In this manner, the middle-class values of family life, duty, morality and well-being are upheld. In perceiving that it is the woman who needs intervention and not men, the movement creates the subjectivities of its middle-class women participants in terms of a lack, a capability yet unrealised, which can be transformed through acts of conscientisation and reform, orienting them towards a world of ideas that would eventually turn direct their activism in society.

There are quite a few other instances where the women's question is margin-alised due to organisational imperatives, or instances when women activists feel that the movement silences them by ignoring what they think should be part of the women's question and imposes its own definition on them. In other words, even while the movement talks about the need to bring women into its fold, it creates a framework within which 'its' women activists require to fit in or conform. In an interview with a relatively young, educated woman who studied in Jawaharlal Nehru University, I was told that

> I grew up with the Parishad in Kerala. My father was a member of the CPI (M). Naturally when I wanted to form a unit here in Delhi, many were supportive and interested. I was mainly interested in Parishad's environmental interventions but after a few meetings, some young men who tried to monopolise and control the unit here told us that as women we

should be discussing women's issues! We need not be so concerned with other issues. I soon walked out. Many others also left along with me, though I carry the values of the Parishad with me.

Conformity creates acceptance within the community while non-conformity creates a gradual marginalisation within the movement. The movement is yet to shed its patriarchal nature even as it works towards social transformation, and this results in the marginal presence of women.

14.5 Conclusion

In sociology, though marginalisation is generally understood as a condition created by social structure, the article argues for the importance of a processual approach. It takes a close look at the developed contexts where subtle forms of exclusions and marginalisation exist and tries to demonstrate how marginalisation is created and recreated through processes and practices. Democratisation is not achieved by mere inclusion or representation. Understanding how marginal actors like women are subtly excluded even in progressive and radical spaces gives us an insight into the constraints of democratisation at work in relatively developed contexts.

Further, a movement, its ideas and its interventions have to be understood in the context in which they emerge. C. Wright Mills had said that we cannot understand the biography of an individual without connecting it to the larger history of a given society. This is true not merely about individuals but also about social movements and the sociocultural processes that shape them. No social and cultural fact can be understood without giving due recognition to its 'context'. The experiences of women in social movements like the people's science movement is a larger reflection of the mindset that prevails in Kerala society itself, but negotiations and resistances indicate that changes are imminent. The increasing political consciousness and participation of women in the People's Plan Campaign, following their reservation in the local bodies, has addressed the issue of the marginality of women in certain ways. In fact, it stands as a testimony to the ongoing processes of change in Kerala society.

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Part V
Embodied Marginalities
or New Marginalities

Chapter 15
Being Eunuch, the Violence Faced by Hijra's Involved in Sex Work—A Case Study

Rekha Pande

15.1 Introduction

The transgenders, known as Hijra's, in India have been one of the marginalised sections of society and have remained outside the dominant discourse of marginality. They suffer from the lack of continuity in their identity, lack of self-esteem, over emphasised and unwanted distinctiveness and injustice at every turn. They do not conform to conventional notions of male or female gender but combine or move between the two. Their vulnerabilities, frustrations and insecurities have been historically overlooked by mainstream society. Transgender people are excluded from effectively participating in social and cultural life, economy, politics and decision-making processes. A primary reason of the exclusion is perceived to be the lack of recognition of the gender status of Hijra's and other transgender people. As a consequence, transgender people face extreme discrimination in every field of life such as health, education, culture, employment and social acceptability. Often deprived of information and medical support, they fall prey to AIDS and other fatal diseases. The transgender community has been treated, until recently, as a legal nonentity in violation of Article 14, 15, 16 and 21 of the Constitution of India, which guarantees right of freedom, equality and right against exploitation and has been deprived of fundamental rights. The present paper focuses on the violence faced by the Hijra community involved in sex work, with a case

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study from Hyderabad to Secunderabad. We analyse the lives of fifty Hijra's involved in sex work and look at the physical, emotional and psychological violence faced by them in the day-to-day life. The focus of the paper is to summarise the various issues faced by Hijra's by using the social exclusion framework and highlight the relation between this exclusion and vulnerability. We conclude by showing how the Hijra identity is rooted in a multiplicity of social differences and that their sexual identities are fluid, shifting and multivalent, and that lived experiences and narratives of the Hijra's show that just being a eunuch is enough for the kind of violence that they face in their day-to-day lives.

Transgenders in India have existed for centuries. Yet, the onset of colonial modernity with its assertion of enlightenment categories has created new challenges for India's transgender communities. This has led to ambivalence about the number of transgenders in India and estimates vary. It is believed that an estimated 5–6 million eunuchs live in India (Nanda 1986: 35–54). Uttar Pradesh tops the list among 29 Indian states and seven Union Territories with 12,916 members, Bihar comes in second with 9,987 transgenders and rural Bengal ranks third with 9,868 members of the third gender (India Today 2015). According to the Times of India, India's most recent census yielded the first official count of transgender people, at more than 4.9 lakhs. Transgender activists in the country estimate this number to be six to seven times higher but were excited, especially, with the results in the 0–6-year-old population (Times of India, 30 May 2014). Census results say that 55,000 came from parents identifying their children as transgender, legally recognised by the Supreme Court in India as the third gender, traditionally called Hijra (Census 2011). The Supreme Court of India, in a landmark judgement on 15 April, 2014, has recognised the transgenders as the 'third gender'. The apex court asked the central government to treat transgenders as socially and economically backward community, entitled to reservations in educational and professional fields. The apex body also directed the central and state governments to devise social welfare schemes for third gender community and run a public awareness campaign to erase social stigma. The recent years have witnessed the establishment of Transgender Welfare Boards, but there are reports that this Board in Tamil Nadu which was hailed as a model by many states has been inactive (The Hindu, 15 October 2015).

15.2 Data Collection and Methodology

We planned our fieldwork step by step and this included, identifying subjects, making contacts and developing a rapport, setting up goals, choosing appropriate methodologies, designing research instruments and developing schedules and checklists followed this. Building rapport with the Hijra group in their houses and different places in Hyderabad and Secunderabad was done, and this was the most difficult task. Interviews were mainly done in Osmangunj and Koti in Hyderabad and Sitaphal Mandi and Bolarum in Secunderabad. Besides this, we also met some Hijra's near the railway stations in Secunderabad and Hyderabad. Working in

non-conventional settings and methods was beneficial to the researcher. The positive aspect was that no one had taken so much interest in the lives of the Hijra's, and they were very open about their lives and spoke to us freely and did not even mind it if we used their real names in our research. They were all illiterate and were certainly not going to read what we were writing, but they were curious as to why we were interested in their lives and what was it that we or they would get in return.

Looking at the details of the everyday life of the Hijra's helped to build up a better perspective. During the fieldwork, we intensely observed their day-to-day life which added to our information. Observing, questioning, listening, analysing, communicating, recording, creating, assessing, revising and editing were some of the methods used to collect the life stories. By observing and documenting cultural expressions of the Hijra's, from their family stories to community events we made a sketch of their life. Being 'outsiders' looking inside their own and 'others' cultures was very important. Being able to step back and look at cultural expressions as an outsider enhanced tolerance as well as observation skills. Participant observation methods were also employed to see these groups so that we could do a Qualitative Analysis and Case Study Analysis.

15.2.1   Sample Size

The study explores how sexuality and gender for Hijra's are intricately interconnected with crucial broader, contexts of everyday life, including religion, kinship, class and hierarchies of respect. Since it was difficult to build a good rapport and start interaction with them in this short span of time, twenty personal interviews and two group discussions were done with the Hijra's, and we had a sample size of 50. Snowball and purposive judgmental sampling was done. For data collection, we used the checklist, informal interviews and participatory approach.

15.2.2   Limitation of the Study

Carrying out the research in a very short span of time was a big limitation of the study. It took a long time to understand the 'body language' and the expression of the Hijra community at the beginning of our field study. Building the rapport was very difficult and time consuming. Since the sexual minority group are versatile and mixed group, it was difficult to figure out a way to understand Hijra's, *kothis*, *panthi*, cross-dresser, bisexuals, transsexuals and so on. It was difficult to distinguish the differences and the similarities that exist between the 'gay' culture, homosexuality and the Queer group of the Western discourse and Indian alternative sexuality group. In India, the unique expression on sexual identity, sexuality, has emerged from the past and continues to exist in the present and finds a lot of social acceptance and support through myths, stories and legends, and this became clear to us through our interviews.

15.3   Background

In India, transgender people include Hijra's, kinnars (eunuchs) , shiv-shaktis, jogappas, Sakhi, Jogtas and Aradhis. In fact, there are many who do not belong to any of the groups but are transgender persons individually. Transgender falls under the LGBT (lesbian, gay, bisexual and transgender) group. The term 'transgender people' is generally used to describe those who transgress social gender norms. Transgender or TG for short is often used as an umbrella term to signify individuals who defy rigid, binary gender constructions, and who express or present a breaking and/or blurring of culturally prevalent stereotypical gender roles. Transgender is the state of one's identity not matching ones assigned sex (Deanglo 2011: 10). Transgender refers to any or various kinds of variations in gender norms and expectations (Stryker 2008: 6).

Mrinalini Sinha has used the term, 'colonial masculinity', to describe the relational construction of British and Indian masculinity, along multiple axes of power and difference among or within the colonisers and the colonised, as well as between the colonisers and colonised (Sinha 1995: 1). The virile masculinities legitimised their colonisation which in turn proved their superior masculine prowess and the domination of British masculinity over Indian feminity. Interestingly, homosexuality was usually associated in colonial discourse with the martial races, not with effeminate Bengalis. Yet the colonisers perceived the figure of the Hijra as effeminate, sexually deviant and impotent as a figure of failed masculinity (Hinchy 2014: 275). The term Hijra was also used as an abuse or to berate enemies.

Transgender people may live full- or part-time in the gender role 'opposite' to their biological sex. In contemporary usage, 'transgender' has become a blanket term that is used to describe a wide range of identities and experiences, including but not limited to, pre-operative, post-operative and non-operative transsexual people (who strongly identify with the gender opposite to their biological sex), male and female 'cross-dressers' (sometimes referred to as 'transvestites', 'drag queens' or 'drag kings'); and men and women, regardless of sexual orientation, whose appearance or characteristics are perceived to be gender atypical. A male-to-female transgender person is referred to as 'transgender woman' and a female-to-male transgender person, as 'transgender man'.

Until recently, HIV programs in India included transgender women under the epidemiological and behavioural term—'men who have sex with men' (MSM), although many transgender people did not want to be included under that term. In addition to respecting the preferred term to be used by the transgender women, it is increasingly recognised that transgender people have unique needs and concerns, and that it is better to view them as a separate group that is not under the rubric of 'MSM'. Even the umbrella term 'transgender' may hide the complexity and diversity of the various subgroups of gender-variant people in India and may hinder development of subgroup-specific HIV prevention and care interventions, and policies. For example, some Hijra activists may prefer others calling them 'Hijra's'

and not to subsume Hijra's under the broader category 'transgender'. One reason for this is that they feel Hijra's have a long history, culture and tradition in India, which would not be evident or which might be overlooked when using the catch-all term 'transgender'.

Though some Hijra activists may also identify as 'transgender' for outsiders or in the global platform, they prefer the label 'transgender women' to be applied to those transgender women who are not part of the Hijra communities. However, some other Hijra/Aravani (Hijra's in Tamil Nadu) activists may identify as both 'Hijra's/Aravanis' and 'transgender woman'. Transgender people face multiple forms of oppression.

India has a history of people with a wide range of transgender-related identities, cultures and experiences. Hijra's were once a respected and accepted group in Indian culture. The Vedas, ancient Hindu texts, include eunuchs and characters with both male and female characteristics. They were believed to bring luck and provide special fertility powers. Among their spectators and audiences, they inspiring both reverence and fear, and play upon their own supposed impotence, evoking an almost Freudian subliminal castration anxiety. The transformation of one's biological sex as a source of supernatural powers echoes the magical features found in Hindu mythology. Evidence of Hijra's in South Asia is found in Vedic sources, where there is evidence in the '*Satapatha Brahamana*' of long-haired men, neither 'men nor women', who were used in rituals (Roscoe 1996: 296). Traces are also found in the *Mahabharata* where the hero Arjuna refuses the sexual advances of the celestial nymph Urvasi and is consequently punished to spend a year 'as a dancer and destitute of manhood and scorned as a eunuch'. Even in the Ramayana, there are traces of the Hijra's for when Ram went into the jungle to search for Sita his wife, he was followed by all the people from Ayodhya. He then asked them to leave, but people who were neither man nor woman refused to leave and continued to stay here and when Ram returned after fourteen years he still found them here (Nanda 1999: 13). In these texts, while the third gender is assigned low social status, in its alignment with ascetic sacrifice (by renouncing sex), it develops divine auspices. As Nanda (1986: 14) notes that Hijra's' 'sacred powers are contingent upon their asexuality'. The link between asceticism and self-castration is evoked in representations of the great Hindu dancing Lord Siva (of whom Arjuna is considered an embodiment). According to mythology, Siva ripped off his *linga* (phallus), and in so doing extended his power to the entire universe—a symbolic enactment of castration transformed into generativity; asceticism into eroticism; and destruction into beneficence (Doniger 1973: 90). Hindu Hijra's are said to derive religious sanction through Siva, and in particular, the worship of the mother goddess, embodied in Urvasi, but most prominently in Mata Bahuchara, who, as legend has it, cut off her breast, a self-sacrifice for her virtue as she was about to be attacked by thugs. Nanda argues that, the sanctity of this goddess is the source for Indian Hijra's claim for their special place in society and the traditional belief in their power to curse or confer blessings on male infants (1986: 14).

15.3.1 Understanding of Violence and Life of a Hijra

Violence is a common feature of many people's lives. As per definition, violence can be the exercise or intent of physical force usually affecting or intending to affect injuries, destruction or powerful untamed devastating force, an unjust, unwarranted or unlawful display with the purpose to inflict harm upon, damage or violate (Collins 2014).

The World Report on Violence and Health, (WRVH 2002), presents a typology of violence that, while not uniformly accepted, can be a useful way to understand the contexts in which violence occurs and the interactions between types of violence. This typology distinguishes four modes in which violence may be inflicted: physical; sexual; psychological attack; and deprivation. It further divides the general definition of violence into three sub-types according to the victim-perpetrator relationship. These include self-directed violence in which the perpetrator and the victim are the same individual and are subdivided into self-abuse and suicide. Interpersonal violence, between individuals, is subdivided into family and intimate partner violence and community violence. The former category includes child maltreatment; intimate partner violence; and elder abuse, while the latter is broken down into acquaintance and stranger violence and includes youth violence; assault by strangers; violence related to property crimes; and violence in workplaces and other institutions. Collective violence refers to violence committed by larger groups of individuals and can be subdivided into social, political and economic violence (WRVH 2002: 6). Yet another kind of violence which is not spoken about much is the structural violence. Structural violence, the concept of macro, system-level inequality and oppression, finds its root in the modernist discourse through the work of Johan Galtung, a Norwegian sociologist, mathematician and peace studies scholar. Galtung (1969: 170) defined structural violence as violence for which 'there is no such [personal or direct] actor'. Galtung distinguishes between violence created by a known person as *direct*, and that which occurs at the structural level when no distinct perpetuator can be established. A few years after publishing his initial works on structural violence, Galtung and Tord Höivik (1971: 173) extended their analysis and sought to develop a formulaic representation of violence's operationalisation. The authors created a typology of violence, and differentiate between 'violence that kills slowly, kills quickly, violence that is anonymous and violence that has an author'. This entry focuses on the various theories that have informed the concept of structural violence. Structural violence is the most basic or fundamental form of violence. It is expressive of the conditions of society, the structures of social order and the institutional arrangements of power that reproduce mass violations of personhood twenty-four hours a day, seven days a week. Such violence is accomplished in part through 'policies' of informal and formal denial of civil, criminal and basic human rights for all people. Although institutional and structural forms of violence may work hand in hand with each other, they may also be differentiated. When we consider the lives of the Hijra's, we see that just being a Hijra or a eunuch is enough for the kind of violence that they face in their

day-to-day lives and are harmed, violated and damaged. Besides this, the other kinds of violence including collective violence are also present in their day-to-day lives.

15.3.2 Exclusion and Marginalisation of the Hijra's

Adapting the social exclusion framework to Hijra's/TG women, one can understand how TG communities have been excluded from effectively participating in social and cultural life; economy; and politics and decision-making processes. They are excluded from families. Most families do not accept if their male child starts behaving in ways that are considered feminine or inappropriate to the expected gender role. Consequently, family members may threaten, scold or even assault their son/sibling from behaving or dressing-up like a girl or woman. Some parents may outright disown and evict their own child for crossing the prescribed gender norms of the society and for not fulfilling the roles expected from a male child. Parents may provide several reasons for doing so: bringing disgrace and shame to the family; diminished chances of their child getting married to a woman in the future and thus end of their generation (if they have only one male child); and perceived inability on the part of their child to take care of the family.

Thus, later transgender women may find it difficult even to claim their share of the property or inherit what would be lawfully theirs. Sometimes, the child or teenager may decide to run away from the family not able to tolerate the discrimination or not wanting to bring shame to one's family. Some of them may eventually find their way to Hijra communities (UNDP Report 2010: 8).

Though Indians tolerate, accept and respect a wide range of differences in cultures, religions, languages and customs, the same cannot be said about the Hijra's. There appears to be limited public knowledge and understanding of same-sex sexual orientation and people whose gender identity and expression are incongruent with their biological sex. Hence, by and large the Hijra's feel an exclusion from family and society in general. Hijra's/TG communities face a variety of social security issues. Since most Hijra's run away or are evicted from home, they do not expect support from their biological family in the long run. Subsequently, they face a lot of challenges especially when they are not in a position to earn (or have decreased earning capacity) due to health concerns, lack of employment opportunities or old age. There is no safe haven, an inclusive society for them to live, except in their own group.

The Hijra's also face discrimination in healthcare settings. Types of discrimination reported by Hijra's/TG communities in the healthcare settings include the following: deliberate use of male pronouns in addressing Hijra's; registering them as 'males' and admitting them in male wards; humiliation faced in having to stand in the male queue; verbal harassment by the hospital staff and patients; and lack of healthcare providers who are sensitive to or trained in providing treatment/care to

transgender people and even denial of medical services. Discrimination could be due to transgender status, sex work status or HIV status or a combination of these (UNDP Report 2010: 8).

An unknown but significant proportion of Hijra's/TG communities consume alcohol possibly to forget stress and depression that they face in their daily life. Hijra's provide several reasons justifying their alcohol consumption that range from the need to 'forget worries' (because there is no family support or no one cares about them) to managing rough clients in their sex work life. However, alcohol use is associated with the inability to use condoms or the insistence of their clients, not to use condoms and thus increase risk.

Many Hijra's are illiterate and consequently find it difficult to get jobs. Moreover, it is hard to find people who employ Hijra's/TG people. Some members of the society ridicule gender-variant people for being 'different', and they may even be hostile. Even from police, they face physical and verbal abuse, forced sex, extortion of money and materials and arrests on false allegations. Absence of protection from police means ruffians find Hijra's/TG people as easy targets for extorting money and as sexual objects. They are excluded from economic participation and have no job security.

The social welfare departments provide a variety of social welfare schemes for socially and economically disadvantaged groups. However, as mentioned earlier so far, no specific schemes are available for Hijra's except some rare cases of providing land for Aravanis in Tamil Nadu. Recently, the state government of Andhra Pradesh has ordered the Minority Welfare Department to consider 'Hijra's' as a minority and develop welfare schemes for them. Stringent and cumbersome procedures need for address proof, identity proof and income certificate all hinder even deserving people from making use of available schemes. Since they lack access to life and health insurance schemes, most Hijra's are not under any life or health insurance schemes due to lack of knowledge; inability to pay premiums; or not able to get enrolled in the schemes. Thus, most rely on the government hospitals in spite of the reality of the pervasive discrimination (UNDP report 2010: 11).

15.3.3 Lack of Options

One of the great challenges that these transgender people, especially youth, face is in coming to terms with one's own gender identity and/or gender expression which are opposite to that of the gender identity and gender role imposed on them on the basis of their biological sex. They face several issues such as, shame, fear and internalised transphobia, disclosure and coming out, adjusting, adapting or not adapting to social pressure to conform, fear of relationships or loss of relationships and self-imposed limitations on expression or aspirations. As Sikha[1] elaborates,

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[1]Sikha, Personal interview, Secunderabad, 28 April 2012.

'*We feel very depressed after getting bad, disrespectful behavior from different people. The new comers need more support and love in the time of transition. Since they come here by leaving their house, family members, they go into depression very easily. Very good counseling is needed to think positive. Unfortunately, we do not find support from the outside world and have to provide this ourselves. We all take care of the new comers as our sisters, sometimes they work under so much of pressure for earning money and sending money to home*' (28 April 2012).

The biggest violence for the Hijra's is the lack of options for their livelihood and seeing sex work as the only option. As Nayantara[2] said, '*We all are sex workers here and most of us get frustrated to be in sex trade but there is no other option for us. Our plight in the society does not allow us to do even small jobs like washing clothes, cleaning, and the household work. Many of us are addicted to different things like alcohol, smoking, just to ignore the customers*' (5 May 2012).

Shoba[3] tells us, '*Even a maid who comes to your house will get more sympathy from you and you will help her thinking she is poor but it is not the same for us. First, no one will allow us to enter their houses and we will never get any sympathy so what else options do we have except begging or* sex work?' (18 May 2013). Due to the lack of a proper job and financial security, the Hijra's are exposed to a lot of ridicule and must resort to begging. Rani[4] tells us, '*Many people think we are a nuisance and want to shoo us away. Even when we go to a marriage or at child birth they want to be done with us. Unlike other beggars who can evoke a sympathy, people are in awe of us and we are seen more as a nuisance. Hence while the other beggars may collect a lot of money we are not able to do so*' (15 May 2013).

Hijra's face discrimination in the healthcare settings. Often, healthcare providers rarely have the opportunity to understand the sexual diversities, and they do not have adequate knowledge about the health issues of sexual minorities. Thus, TG people face unique barriers when accessing public or private health services. Barriers in accessing HIV testing, antiretroviral treatment and sexual health services have been well documented. Among our 50 respondents, 47 were seriously ill. Most of the respondents are HIV+. All of them face STIs because of being in the sex trade.

The Head of the NGO, Hijra guru Arunamma[5] explains, '*Almost all the Hijra's are HIV+ in Hyderabad and Secunderabad. Our involvement with the sex trade industry plays a vital role here. Many of the Army and police people and the customers are not ready to use condoms. They harass us publicly sometimes just to have unprotected sex. The gang rapes on the Hijra's also are one of the main reasons to get affected by HIVA/IDS or STIs* (13 May 2012).

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[2]Nayantara, Personal interview, Secunderabad, 5 May 2012.

[3]Shoba, Personal interview, Secunderabad, 18 May 2013.

[4]Rani, Personal interview, Secunderabad, 15 May 2013.

[5]Arunamma, Hijra Guru, Personal interview, Secunderabad, 13 May 2012.

During the interviews with the Hijra's of Hyderabad, Kavitha[6] says, '*We need money to give our share to the guru, to sustain our family, for daily survival. If our customers ask for unsafe sex, we don't agree with that but we get beaten up. Last month six police found us with our customers and they had unsafe sex one after another with me and one of my friend, they did not pay any money to us. I was shivering in pain and anger. We went to the police station to lodge complaint against them saying that we were raped. But they asked how a 'Hijra' can be raped?*' (8 April 2012).

As Roopkumari[7] says, '*We face terrible situations without any health care. One of the Hijra had an accident in the old city while begging for alms but the organisation and activist could not admit her in the emergency care unit. We did not exist as human beings for them*' (24 August 2012).

15.3.4   Exclusion from Political Participation

The British enacted the Criminal Tribes Act, 1871, under which certain tribes and communities were considered to be 'addicted to the systematic commission of non-bail able offences'. These communities and tribes were perceived to be criminals by birth, with criminality being passed on from generation to generation. In 1897, the Criminal Tribes Act of 1871 was amended and under the provisions of this statute, 'a eunuch was deemed to include all members of the male sex who admit themselves or on medical inspection clearly appear to be impotent'.

In July 2009, the Delhi High Court ruled that consensual same-sex relations between adults in private cannot be criminalised. Soon after that judgement, appeals in the Indian Supreme Court objecting to the ruling were lodged but most of the Hijra's in Hyderabad and Secunderabad are not aware of this. The existing Hijra/TG organisations lack basic systems that are essential for effectively running an organisation. It is crucial that the capacity of these organisations be enhanced for effective community mobilisation and providing quality services. Multiple problems are faced by Hijra's/TG, which necessitate a variety of solutions and actions. While some actions require immediate implementation such as introducing Hijra/TG-specific social welfare schemes, some actions need to be taken on a long-term basis such as changing the negative attitude of the general public and increasing accurate knowledge about Hijra/TG communities. The required changes need to be reflected in policies and laws, attitude of the government, public and healthcare providers; and healthcare systems and practice.

Legal issues can be complex for people who change sex, as well as for those who are gender-variant. Legal issues include legal recognition of their gender identity, same-sex marriage, child adoption, inheritance, wills and trusts,

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[6]Kavitha, Personal interview, Hyderabad, 8 April 2012.

[7]Roopkumari, Personal interview, Hyderabad, 24 August 2012.

immigration status, employment discrimination and access to public and private health benefits. Especially, getting legal recognition of gender identity as a transgender woman is a complicated process. Lack of legal recognition has important consequences in getting government ration (food price subsidy) shop card, passport and bank account.

Transgender people now have the option to vote as a woman or 'other'. Sujatha[8] explains '*We don't have any legal rights on property,* citizenship*, voter identity card for proving that we are also part of this country. After the decriminalisation of Art. 377 our community is trying to get the basic* human rights*, so that in future we get a chance to live a different life and do away with HIV/AIDS and other different diseases and violence in our day to day life*' (28 February 2012).

The legal validity of the voter's identity card in relation to confirming one's gender identity is not clear. Hijra's had contested elections in the past. It has been documented that the victory of a transgender person who contested in an election was overturned since that person contested as a 'female', which was thus considered a fraud and illegal. Thus, the right to contest in elections is yet to be realised.

The need of address proof and identity proof of all members of the group is the basic requirement to register an association. However, most Hijra's/TG do not have identity and/or address proof or because they have documents only with their male identity. Similarly, opening a joint bank account to carry out financial transactions of their association proves to be difficult. In this context, Chandramukhi[9] shares with us, '*The foundational work for organisations like Darpan Foundation was very tough. The community members were not together. Many of the Hijra's stayed together but they were not working towards it. After so many application and lots of effort we managed to get an office near Secunderabad Rail way station. Arranging for funding was also very difficult in the beginning*' (18 May 2012).

Most of the Hijra's whom we met in the group discussion complained about lack of sensitivity among public department officials. Though they could meet the legal requirements for registration, they had issues with the government officials who are incharge of processing the registration formalities and they felt that they were asked unnecessary and irrelevant queries and there was unnecessary delay. Buying or hiring office space was very difficult. They complained that Hijra's/TG associations rarely get external financial support. Even those funders who might want to support primarily want to fund for HIV prevention activities through the National AIDS Control Programme.

The daily lives and narratives of these *Hijra's* reveal the complicated, multidimensional and fluid nature of identity and differences. Our interviews showed that the adolescent period is very crucial for them. In this time, they face all the dilemma of their body and mind. The case studies of men who became women reflect on men, who had feminine attitude in their body language and were ostracised by their

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[8]Sujatha, Personal interview, Hyderabad, 28 February 2012.
[9]Chandramukhi, Personal interview, Secunderabad, 18 May 2012.

friends, family and others. Mohini[10] shared her story with us. She was born in a village in the Nizamabad district of Andhra Pradesh. Her name at birth was Madan. She really liked doing women's work, such as cooking, cleaning and playing with the girls and wearing girls' clothes as a child. She had to face a lot of physical violence due to this, and there were various attempts by her family to make her behave and act like a boy.

She also liked dancing and trained herself in dancing. She still earns money through dancing and she got trained by her guru when she became a Hijra. Her guru has helped her in many ways to survive, while all her family members were opposing her. Finally, she left her family and joined her guru. Once she came here, she got into the sex trade for sustaining herself. She likes her Hijra family in Banjara Hills and tells us that she has a real comfort level here for no one questions her or passes judgement (13 March 2012). We found that cross-dressing was a very important act of childhood, and this served as a precursor of their emerging identity.

15.3.5   *The Hijra Gurus and the* Gharanas

The word *gharana* comes from the Hindi word *ghar* which means house, and the term refers to shelter, safety and belongingness. In the context of Hijra, the *gharana* serves as a place of shelter as well as a place where they are groomed and guided to be women (Thomas 2013: 11–12). From the time of the Nizami rule since seventeenth century, the *gharanas* of Hijra's became very prominent in Hyderabad. There are mainly six gharanas, *Badi haveli, Pechar ghar, Rangeen haveli, Bondakgadda haveli, Beach ka ghar and Chudi ghar*. All Hijra guru and chela come under this six *haveli* or *gharana*.

The most important element of Hijra's is the Hijra role in the guru–chela relationship. Each recruit to the Hijra community is sponsored by a guru from the *gharanas* who pays the new member initiation fee and takes responsibility for her material subsistent, and they receive a portion of their chela's earning in return. Hijra's in Hyderabad and Secunderabad are an organised social community with local, regional and national structures. In Hyderabad city, the gurus from a *jamat* or council of elders make a committee, demonstrating the construction of gender dichotomies but also the possibilities of gender diversities. Marginalised by the mainstream community, denied any legal assistance and dispossessed of many rights, the Hijra's turn to their own community to take care of them and nurture them. In these *gharanas*, there is no caste, religious or economic differences of being rich or poor. Hijra's can choose their own gurus and can also shift from one *gharana* to another with ease.

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[10]Mohini, Personal interview, Hyderabad, 13 March 2012.

Nagma[11] is a Hijra in Osmangung, Hyderabad. She started feeling her changes when she was 14 years old. Even in childhood, she liked playing with her sisters but not her brothers. As boy child, it was difficult for her to study in a boys' school with other boys. She was 'lucky' that she saw Arunamma (her present guru) while roaming on the road and Arunamma rescued her and gave her shelter. Thus, her Hijra life began (29 March 2012). The guru plays a very vital role in the beginning of a Hijra life. They are born as men, and Hijra's initiate to leave their paternal families to develop new identities by joining Hijra communities as *chelas* (students) of *gurus* (teachers, appointed by other Hijra's). The organisation of guru–chela relationship cannot be defined in a 'normative' way, but this is the most important relationship of a Hijra which makes her identity in the Hijra community.

15.3.6 Sex Trade and Beggary

A guru named Lakshmi amma[12] in the red-light areas of Hyderabad notes that sometimes families make this decision on a child's behalf. When they find their kid leaning towards girly behaviour, they usually kick him out of house and they prefer this to be a better option than to be shamed in their community (23 February 2012). Seema[13] another guru in the red-light area explains that prostitution is quicker and easier than spending all the time and money to doll up for a function and then to be told that you are not wanted. Prostitution, according to Seema, equips one with the skills to '*deal and tackle*', to better negotiate the oppressive social landscape. Except for senior Hijra's aged 45 or older who either have to resort to begging for a livelihood or become gurus, some of them have their own husbands. Most of the Hijra's interviewed were practicing prostitution in addition to earning through *badhai*.

Seema (see footnote 13). explains that prostitution is a way to find a companion: '*We also have a heart. We like someone (a customer) and like him to come again*' (14 April 2012). Legally, they were denied adoption of *chelas* and further criminalised for their public appearances. Any eunuch so registered, who appears, dressed or ornamented like a woman, in a public street or place, or in any other place, with the intention of being seen from a public street or place, or who dances or plays music, or takes part in any public exhibition, in any public street or place or for hire in a private house, may be arrested without warrant. But now after the decriminalisation of Article 377 of Indian Penal Code, the situation is much more conducive for them. In the *Kamasutra*, the *tritiya prakriti* a 'third nature' is mentioned and these are people of two kinds, according to whether their appearance is masculine or feminine. Those with a feminine appearance have breasts, while those with a masculine aspect have

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[11]Nagma, Personal interview, Hyderabad, 29 March 2012.

[12]Lakshmi amma, Personal interview, Hyderabad, 23 February 2012.

[13]Seema, Personal Interview, Hyderabad, 14 April 2012.

moustaches, body hair, etc. Buccal coition as practiced by both kinds is a part of their nature (Danielou 1994: 183). However, only few Hijra's accepted that they were into sex work and most claimed that they earned their living by singing and dancing. The notion of sexual abstinence may thus have operated as a disguise to gain religious and social endorsement.

In any case, for the Hijra's, in the context of social exclusion and the absence of welfare, prostitution provides the means of survival while also subverting high morality, putative sacred categorisations and continuing legal restrictions.

15.3.7 Coming Out of 'Closet'?

As Madhavi[14] describes, they can no longer disguise that their '*soul is female*' (10 April 2012) and Chandramukhi[15] says, '*Allah has made us different*' (18 May 2012). Socially considered less than a man, a Hijra takes on a persona that is also more than a woman, adopting a 'burlesque femininity', incongruous to conventional female demeanour. Falling outside of the social prescriptions that regulate gendered behaviour and lacking female and often male reproductive organs many of these hijra's felt that they were women trapped in a male body.

Certain Hijra communities in Hyderabad differentiate between *zenana* (in this context literally an effeminate male, a cross-dresser) and a 'true' Hijra (without male organs). As Sudha Nayak[16] the Hijra guru explains, '*Real Hijra's are those whose bodies (sexual organs) have no strength and who should have no mental or physical desire for men whatsoever. We are like sanyasis and this is what is important* (Group interviews, 7 May 2012). On the other hand, Namitha[17] says, '*All Hijra's desire men. Otherwise how do they become Hijra's? Those who say "we do not do this" they are lying*' (Group interviews, 20 May 2013).

Nanda (1999) makes a point here noting that, by being castrated and thus becoming a Hijra, one removes oneself from the zenana category. In the fieldwork of this study, we found that there is a casual acceptance of both into the broader fabric of the Hijra community. The question that derives, is the phrase 'coming out of closet' be appropriately used in the context of the Hijra's? Is the celebration of 'out of closet' in the Western discourse similar with the coming out of the Hijra's in Indian Hijra tradition?

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[14]Madhavi, Personal interview, Hyderabad, 10 April 2012.

[15]Chandramukhi, Personal interview, Secunderabad, 18 May 2012.

[16]Hijra group interviews and interactions, Secunderabad, 7 May 2012.

[17]Hijra group interviews and interactions, Hyderabad, 20 May 2013.

15.3.8   Love for Family, Desire for Motherhood

Younger Hijra's yearn for enduring sexual-affectionate relationships with particular *panthi* '*husbands*', whom they often support financially and practically. Performing the daily caring tasks, an ordinary wife might offer in preparing meals and ironing clothes, whereas the Hijra '*wife*' even goes up to the extent of joining into sex trade just to help the panthi '*husband*'. Senior Hijra's, however, commonly renounce sexual activity (often denying that they ever engaged in it), thereby cultivating an 'authentic' a sexual Hijra identity and honour (*izzat*) and coming to support themselves primarily as ritual performers—singing, dancing and offering potent blessings at weddings and births.

Nakshatra[18] explains, '*We are like women our mind is like women, our dress is like women, our talk is like women, but we are unable to bear children. We want to be a mother that's why we always like going to the houses to see infants and bless them*' (27 April 2012). In leaving their paternal families and because of their inability, in some cases refusal, to procreate, they disrupt the patrilineal system. The Hijra challenges not only social but also biological determinations of gender. According to Nakshatra, 'Motherhood fulfills our womanhood, becoming a mother makes us so happy, many of us adopt street children or children who are abandoned. We have a family where every kind of people are allowed, they can be sexual minorities, differently abled or children without a family. In my family I am a Hijra "wife", "my husband" is kothi and I have my son who is adopted' (27 April 2012).

It is necessary to point out here that motherhood overlaps Hijra identity, and the normative motherhood is not desired. Many of the Hijra mothers are single or sometimes they do not have a stable relationship. The structure of the family is also very different form a defined family.

15.4   Crossing the Boundaries and the Binaries

Saleema,[19] one of the Hijra from the old city says, '*I'll try anything darling!*', and she enjoys her supportive Hijra family structure, as she consciously acknowledges, '*I am a man*' (23 March 2012). Public manifestations of gender and sexual bending are generally unimaginable to the lower and middle classes, where most Hijra's hail from and which are governed by more stringent socio-religious gender and sexual parameters. The Hijra community accommodates different personalities, sexual needs and gender identities. Within the Hijra community, social class differentiation is subverted by the status individuals earn as performers. Through the gurus,[20]

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[18]Nakshatra, Personal Interview, Hyderabad, 27 April 2012.

[19]Saleema, Personal interview, Hyderabad, 23 March 2012.

[20]Muniramma, Hijra Guru, Personal interview, Secunderabad, 26 March 2012.

Hijra's learn the rituals of the community and the skills necessary to earn a livelihood, ranging from *badhai* (collection of alms by conferring fertility blessings at wedding and birth ceremonies), dancing, prostitution, to housework and tailoring (Muniramma, 26 March 2012). Some Hijra's are aware of contemporary television personalities, even gestured into their circle iconoclastic male homosexuals, bisexuals and transgendered performers like Rose in Tamil Nadu. The Hijra guru Arunamma[21] explained about the Hijra icons, '*Sure they are one of us, he might be a boy but if he can afford to ride in both boats that's ok, she is showing future job prospects for our community*' (13 May 2012).

The separation of the hijra community from 'normal' social life has led to claim that Indian Hijra's '*do not seem to have developed justifications which challenge the rules of society. On the contrary, they respect the normative order of the society as long as they remain away from it*' (Sharma 2000: 59).

15.5 Mocking at 'Normativity'

Lakshmi dressed in a colourful lady's shalwar kameez and painted in garish make-up, jostled between the vehicles begging for alms and quite possibly soliciting customers as a prostitute. Hips swinging, she made a flirtatious approach to a group of young men in an auto in the old city.

Lakshmi extended her open hand to the men, looking for financial recompense. Getting nothing in return, she squeezed the driver's bottom and began hurling abuse at the boys. The performance was witnessed by us along with hundreds people across the street. Although an ordinary daily feat for the Hijra, acts are simple clap and a pinch, laced with flagrant verbal malediction, constitute strong, if playful, political interventions in the public domain. While the Hijra community remains on the periphery, it is never entirely isolated from the social order, rather, its members interpret normative sociopolitical codes, embodying an unstable site where identities of gender, class and politics are not determined but performed.

15.6 Religion, Rituals and Emasculation

Most Hijra's in Hyderabad serve *badhai* ritual performers at some point in their lifetime. Here, most importantly Hijra's of all religion go for *badhai*. As Muniramma[22] describes, '*We all are both Hindus and Musalmans now. We worship and pray Bedraj mata before emasculation and all the "Nirvana hijras" are Musalmans now because they had emasculation....religion, caste is no more*

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[21]Arunamma, Hijra Guru, Personal interview, Secunderabad, 13 May 2012.

[22]Muniramma, Hijra Guru, Personal interview, Secunderabad, 26 March 2012.

important to us' (26 March 2012). Conferring blessings, traditionally at weddings or birth ceremonies in return for gifts or financial reward is a regular source of livelihood for them. Muniramma tells us, '*Badhai presents a performance mode where spiritual and social functions convene and characterises elements of us, the Hijra's. We dance in public performances that reappear in other contexts. More conventionally, at a wedding or birth ceremony, invited or uninvited, we enter there as a group of Hijra's, decked in female attire and makeup, announcing our entrance with our characteristic clap, accompanied by the drumbeat of musicians. Singing praises to the newly married couple or to the parents of a newborn child, we herald virility and administer fertility blessings'* (26 March 2012).

13.1 The hijra's find enough opportunities to intervene in a birth ceremony of a new born child or the wedding cermony of the newly weds through their performances, which can turn either way. In dance and with often gestural and verbal play, they bristle against conventional propriety and caricature traditional feminine behaviour by provocatively teasing the assembled male guests with sexual gestures. They issue warnings that if appropriate reparation is not forthcoming by audiences giving *badhai* (a gift of money, food items or clothes), they will engage in potentially outrageous acts, occasionally exposing their genitalia but more commonly by hurling loud and embarrassing sexual abuse at reluctant patrons. Considered to hold special powers, as '*sanctified hierophants*' (Senelick 2000: 12), they confer fertility blessings: a *dua* (prayer) 'from Allah', but alternatively, if treated poorly, issue a *bad-dua* (bad prayer or curse), which is considered to be especially unlucky.

15.7   Health

Among the fifteen case studies and two group discussions that we did, we found that being HIV+ was a major issue. All of them face STIs because of being into the sex trade. As Rupkumari[23] tells us, '*We are not born with these diseases. We are born like normal people and are healthy but acquire these diseases in the line of our work. However, the hospital staff and the others have no sympathy with us and think we lead an abnormal life and we are the one responsible for getting these diseases'* (24 August 2012). The criminalisation and stigmatisation of commercial sex can worsen the discrimination and marginalisation that transgender people already face. Transgender sex workers reported high levels of harassment and violence, often at the hands of police and feel very helpless in doing anything about this. Saleema[24] also explains, '*We always get harassed by the police, mostly at night. Often my friends and I were arrested if we did not agree to have sex with them. Sometimes they take away all our money. We have to bribe them for*

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[23]Roopkumari, Personal interview, Hyderabad, 24 August 2012.
[24]Saleema, Personal interview, Hyderabad, 23 March 2012.

everything or pay by having free sex on their terms and conditions' (23 March 2012). In the group discussions that we had with them, many of the Hijra's reported experiencing inappropriate touching, sexual harassment, humiliation and violence at the hands of police officers.

We found that these people involved in the sex trade face higher levels of negative outcomes, likely in part due to the compounded stigma based on their transgender status and involvement in the sex trade.

They had accepted these as part of the occupational hazards but it really pained them when they did not get a serious attention like others, when they suffered health hazards like AIDs, which were life threatening. The very nature of society needs to accept the existence of transgender people and acknowledge their particular experiences. According to Foster, the most influential people in communities are as much a part of the body of people on the sidelines as the people on whom they exert influence. A community's sense of morality, accountability and entire value systems are in the hands of community leaders. It stands to reason they should be drawn very closely in all programmes for social change.[25]

Hence, the issue of violence against the Hijra's needs to be extended to include the Hijra community. The causes of violence against women, vulnerable men and sexual minority group cannot be isolated from complex factors including power inequities and an acceptance of violence in the wider environment. It can impact on every aspect of the victim's life, including his/her health. The Hijra Community Health Centre and the NGO based in Hyderabad are engaged in activism around their health issues, and have highlighted the absence of Hijra visibility, particularly the issue of violence against Hijra's.

Counselling programme is a site at which the most amount of same-sex violence cases is reported. Those who attended counselling sessions with the in-house counsellors stated that the police would further abuse them if they have had complained. The police are ignorant of the problems of the Hijra community to report cases of violence or abuse. While they are more comfortable speaking about issues of violence in the counselling sessions, they refused to take these matters up with the Legal Officer, while privately the police view same-sex violence as a 'fair fight', 'they are not willing to take it up publicly'.

Problem of Hijra violence, launched specifically in response to the under-reporting of same-sex violence, explores different experiences of violence as well as their acceptance of their sexual orientation. People are currently still talking about themselves and have not made the step to talk about what they have been subjected to in their homes.

We were informed in the group discussion that Darpan Organisation is now getting to the point where they are comfortable talking about violence in their own relationships, homes and in streets among themselves but they are not sure about

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[25]Nitasha Moothoo-Padayachie (2004) in 'Lesbian Violence Explored' in *Agenda,* No. 60, Contemporary Activism, pp. 81–86, quoting, Foster LA (2003) 'Violence against women: the problems facing South Africa' p. 4.

the outside world. The long-term goal of this project is to make Hijra's more visible in the public, to create a deeper understanding of violence on Hijra's and to ensure that authorities take violence between and against lesbian women seriously.

It is hoped that once people are comfortable talking about their experiences in a safe environment at the centre, they will be inspired to become positive Hijra role models to other young Hijra's facing violence.

Hijra's are not allowed to 'own' the term 'queer', which has come to represent solidarity and pride in being homosexual or the 'other sex'. Hijra's feel safer supporting their family members at home than being in the public eye because of the pressure from their communities to denounce their homosexuality, but due to bodily changes they can never manage to do that. Reporting her experience of same sex violence, one of the respondent, spoke of an incident in Hyderabad in which the police escorted a person, who reported an occurrence of same-sex violence, back to their home, and did nothing about her complaint but informed the perpetrator, that should the violence continue, they would be arrested. Arunamma[26] says, '*The police need to be trained. Some are not aware of the protection order that they can give. She says that the police do not exercise their ability to grant protection orders*'. While heterosexual violence is treated in a similar manner by officials in the criminal justice system, people reporting same-sex violence are doubly discriminated against as their complaints are not often recognised as legitimate.

Saiakka[27] told us, '*The NGOs take a lot of initiative towards HIV/AIDS. Mainly they need to work with the hospitals to make arrangements for the affected patients to admit into the hospital for many Hijra's die without any medicine and doctors observation. Even simple cut or injury can be really difficult for the AIDS patient. Even this year three Hijra's died either because of accident or because of AIDS without any medicine and health checkup*' (8 June 2012).

Sexual violence against Hijra's remains a serious problem even today. Inspite of repeatedly seeing this violence at the forefront, nothing significant has happened about the prevalence or consequences of sexual violence. Sexual violence is understood to be a complex set of cultural practices used to enforce and maintain not only sexism but multiple forms of oppression. The traumas produced by that violence provide a nexus from which to explore how oppressions operate to divide women and men across racial and class lines.

The survivors are the focal point for analysis, because the lived reality of sexual trauma is a bodily enactment of power. As Cvetkovich writes, 'trauma becomes the hinge between systemic structures of exploitation and oppression and the felt experience of them' (2007: 465). In these discussions, feminism is represented as an old set of politics rather than an ongoing political project. Since feminism has presumably achieved its goals, it is no longer needed in current discussions of Hijra lives.

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[26]Arunamma, Hijra Guru, Personal interview, Secunderabad, 7 March 2012.
[27]Saiakka, Personal interview, Secunderabad, 8 June 2012.

15.8   Conclusions

Foucault's classic work on the proliferation of sexual discourses in the Victorian era (1978) is helpful here as a way of understanding how supposed openness does not offer a subversion of dominant ideologies. The multiplication of contexts in which we discuss sex and sexual violence does not necessarily ensure counterhegemonic discourse, talk as a form of action that shifts power relationships. We would argue that the *disguise of openness* about sexual violence places survivors at risk in many places, where their lived experiences are referenced in ways that may expose them to additional, insidious trauma. Linked to the disguise of openness is the false comfort of concern, a social strategy of avoidance designed to keep discussions about Hijra's experiences of sexual violence contained within contexts that cannot subvert dominant norms about either sex or violence.

There is often great reluctance to understand that sympathy elicits a false sense of personal understanding absent an awareness of sexual violence as oppression, at least partly because sympathy allows the perceiving 'self' a certain distance. The space between one's own and others' experiences provides a safe zone, wherein the listener assumes the position of an innocent bystander whose sympathy both is easy to evoke and requires no action.

Unprepared for the general dismay and outrage mingled with disgust is the overwhelming situation in which most of the Hijra's find themselves. Their defence featured much resentment of 'political correctness'. Concern for 'innocent' victims focuses primarily on Hijra's who are viewed as 'abnormal'. These demarcations of innocence have a long history, particularly in India. Race, class, caste and other forms of social difference serve to support oppressive assumptions that divide women who share histories of sexual violence. Although rape overall may be declared wrong, Hijra's are considered less innocent than others, and thus, the ugly realities of rape, incest and other forms of sexual violence are minimised by distinguishing between the normative sexuality and the minority sexuality. Clinical diagnoses are influenced by perceptions of victims' social positions and then become another means to divide some survivors from others. This also helps us understand why some Hijra's may prefer to avoid health care and counselling services after experiencing sexual violence, since survivors may perceive these institutions not as sources of help or advocacy, but as locations of blame and additional trauma.

When different members of social institutions bring the obstacles above into discussion, social diversity present becomes a major factor in moving from concern to conscious resistance. To understand both the dangers and the rewards of engaging in such a process, various forms of resistance and moments of discomfort that have arisen over the period of time. The analyses and activities in this project emerged from various discussions. In the process, we acknowledge the difficulties that are likely to arise when attempting to move a diverse group of people, including researcher, towards a critical analysis of sexual violence.

The Hijra trope by moving in the third space of gender, class and politics has the gift of theoretically upsetting the tyranny of boundaries and the secure world of logos, offering a cultural frontier that disturbs the hegemonic designs of the established orders. Against the phallic expression of power, these performers trigger signs that travel from traditional wedding and birth ceremonies. Amidst the ruthless power play, crass corruption and cold injustice, *hijraism* mocks the pageantry of pomp. The guru–disciple relationships, becoming members of *rits* (a formal marker of kinship that signifies allegiance to a *Hijra* house or lineage) and creating '*milk*' tie of maternity and sisterhood through rituals of nursing. Hyderabadi *Hijra's* are all identified as both Hindus and Muslims as a central part of their identities, while dedicating their lives to the Hindu goddess Mata Bahuchara, and they also go to the Mosque for prayer. *Hijra's* also transcend dualities, after they become *nirvana Hijra* (rebirth or emasculation), they are partly both and neither male and female, and at the same time subverting as well as reinscribing normative gender categories.

All the respondents (*Hijra*) were very close to women neighbours as friends and saw themselves as very near to women in important respects (such as in their vulnerability to the brutality, drunkenness and callousness of men, and their performance of daily housewifely tasks). Many of the respondents in our study did not see themselves as men. '*All thirdness is not alike*' is quite widely understood and accepted concept, when it comes to the Hijra identity. They do not consider themselves as man at all, but they admit that they were men before the transition. In their fundamental complexity and intimacy, crucial understanding and theorising about sexual identity creates a platform for the 'alternatives'. The Hijra identity is rooted in a multiplicity of social differences; that sexual identities are fluid, shifting and multivalent. There is a need to explicate more about the alternative sexualities in India. We need to see how the Western concept of transgenderism differs from Indian Hijra culture or Hijrapan. There is a need to see changes in the Hijra tradition from the past to the present. Transgender people who struggle to support themselves and their families are placed in an extremely challenging situation due to the stigma, violence and discrimination they face, which is often compounded by caste, poverty and marginalisation. In a situation of lack of options, many turn to sex work to sustain themselves, and become vulnerable to harassment, assault and arrest. The experiences that transgender people have in the sex trade are extremely diverse and multifaceted. The lived experiences and narratives of the Hijra's of Hyderabad and Secunderabad shows that just being a eunuch is enough for the kind of violence that they face in their day-to-day lives.

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Chapter 16
Transition of Elderly from Home to Old-Age Home: A Narrative on Marginalisation and Seclusion in Urban India

Smita Verma

16.1 Introduction

Ageing is a natural and universal process with multiplicity in meaning and interpretation. However, what is new in the twenty-first century has been the escalating elderly population is changing the nation's demographic structure in the twenty-first century. As per the UN projection, the world population will increase from 6.5 billion to 9.1 billion by 2050 (UN 2005: vi–vii). The report on 'Aging in the twenty first Century: A Celebration and a Challenge' also shows that the number of elderly population by 2012 was 810 million and is projected to reach 1 billion in less than ten years and doubled by 2050. The number of elderly population will increase worldwide to 3.2 million in 2050 (UNFPA 2012: 4–7). This universal phenomenon of the growing elderly population also affects India, the second most populous country in the world. This transition of rapidly growing population of older persons had never seen in the history. With a comparatively young population, India is still on the edge of becoming home to the second largest number of elderly population in the world. Projection studies indicate that the number of 60+ in India will increase to 100 million in 2013 and to 198 million in 2030 (GOI 2011: 09).

According to 'The Population Census of India' (2011), there are about 104 million elderly population in India. The size of elderly population is increasing over the time. From 5.6% in 1961, the numbers have increased to 8.6% in 2011 (MoSPI, GOI 2016: iii). The grey population which accounted for 6.7% of total population in 1991 is expected to increase its share to more than 10% by the year 2021 (Situation Analysis of the Elderly in India 2011: 04) (Table 16.1).

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Table 16.1 Percentage distribution of population by broad age groups, India, since 1951

Year	Age groups			
	0–14	15–59	60+	Total
1951	38.4	56.1	5.5	100+
1961	41.1	53.3	5.6	100+
1971	42.0	52.0	6.0	100+
1981	39.7	53.9	6.4	100+
1991	37.6	55.7	6.7	100+
2001	35.4	57.1	7.5	100+
2011[a]	28.8	63.1	8.1	100+
2021[a]	25.8	64.0	10.2	100+

Source Dave (2008: 35)
[a]Assumed data

Among the older population, a noticeable development due to improved health and longevity is the escalating numbers of the 80 years and above population.

With the increase in older population, the most rapidly increasing segment is the oldest old, i.e., 80 years and above, with special health needs and support systems (Lekha and Bansod 2011: 03).

16.2 Emergence of Ageing as a Problem

The growing population of elderly has been a challenging situation for the country, which is experiencing growing population of youth as well. Ironically, the challenges and opportunities for the India's growing youths are much talked about at the national and international level, but the concerns of the ageing population find few occasions for serious discussion by the planners. The dialogue on how to take care of the country's ageing population is not adequate and sufficient to deal with the emerging unexpected complications. The traditional joint family system has been instrumental in taking care of the elderly in the family where they enjoyed a respectable position. The process of ageing was continuous, and the role changes happened smoothly with no segregated patterns. Physical disability and debilitation did lead to destabilising of traditional role of the elderly. They remained a source of traditional and religious knowledge. They were always revered for their experience, wisdom and as a head of the household. Greying brought respect and reverence for the elderly.

However, with declining mortality and increasing proportion of older population, the socio-cultural dynamics of ageing has undergone substantial transformation. The process of industrialisation, urbanisation, liberalisation and globalisation has had influenced severely on the family structure and as well transformed the social structure of the society. Rapid industrialisation and establishment of large-scale industries gave impetus to rural to urban migration for better livelihood

critically impacting the continuance traditional joint family. On the other hand, growing urbanisation with shrinking availability of space in cities for habitation discouraged large family establishment. As a consequence, nuclear family was demand of the day. The nuclear structure with limited numbers and changing work patterns facilitated easy movement from one place to another within short periods of time (Jiloha 2009: 52).

On the other hand, these changes loosened the kinship ties and dependency on traditional resources, thus altering the family structure dialectically. The accelerated flow of unskilled, semi-skilled and skilled labour across the nations created spaces for permanent/semi-permanent migration, resulting in weakening of inter-generational familial ties and security of the elderly. The traditional obligations towards parents and the duty to provide them love and care have become difficult to fulfil as the search for employment opportunities takes their sons and daughters more to locations away from their homes and to distant lands (UN 1999: 16). Thus, as a consequence of the breakdown of traditional joint and extended families, the elderly people are increasingly being shifted from centre to periphery. The emergence of nuclear family is an adjustment to industrialisation and modernisation. Such arrangements involve role bargaining, looking at the gains and losses and how advantageous the kinship relation is, and this decides the maintenance of relationships (Goode 1963: 432).

Many sociologists critically examined the family in the industrial society and observed that the functions of family are gradually wearing away. For example, Leach (1968: 44) talks of family with its narrow privacy as a source of all discontents, while Parsons (1955: 16–18) argues isolated nuclear family in modern society as ideal family and Ogburn (1964: 131–143) talks of 'Cultural Lag' to explain the changes in social institutions. The functions initially performed by the family have been transferred to professional agencies. Institutionalisation of care-giving is fastly becoming the norm. Dominance of scientific knowledge has assisted in prolonging life, but it fails to give meaning to the prolonged existence of ageing (Habermas 1971: 301–17). The roles are almost ceremonial and often marginal. The centre of attention at present is the youth, their gainful employment and handsome earnings. Truly speaking, this somewhere deprives the old with any meaningful identities and suitable roles. They are treated as burnt out. There must have been small section of elderly in every age who might have been ill-treated. But post-liberalisation and post-modernisation Indian society has transformed radically. The widening generation gap brings in new ambitions and challenges, claiming new social, cultural and professional spaces. The focus is on I, me and myself, often being narcissist. The elderly are now on the margins—physically, socially and psychologically.

16.3   Inter-generational Disconnect

With the vast range of experiences in life, grandparents have been an invaluable source of wisdom for the younger generation.[1] Yet with the changing sociocultural set-up in Indian families, the role of grandparents has become almost ceremonial; affection, respect and honour now rest on financial status and their social position. Their involvement has been circumscribed with formal rituals as they often appear 'outdated' and rigid. Parents prefer professional help for upbringing of their children and often act a buffer between the grandparents and their children, thus leaving a narrow space for passing on the cultural norms and values to them, and thus widening the bridges of emotional bonding. Their time constrain in parenting is substituted by over indulgence and pampering of children with gadgets and consumer goods. The present generation is totally unfamiliar to the sociocultural traditions of the traditional joint family and the interdependence of relations.

This Gadget techno generation is extremely self-indulgent and incapacitated in basic life skills because of their over dependency on the parents as '*Nurture Paradox*' (Allen and Allen 2009: 70–76). Family time is now divided, formalised and individualised.

16.4   Ageing: Celebration or Concern

Modernisation has created spaces for institutionalisation of life cycle into different segregated years—infant, childhood, youth, adult, middle-aged and aged. This segregation, a market creation, is paired with specific dress code, behaviours norms and social expectations. Old age, now as a social category marked by physical, mental and psychological deterioration, dependency and disability, creates spaces for vulnerability and marginalisation in modern world. Earlier with ageing came more wisdom, respect and stature enhancement in the family and society. The gradual stabilisation of age categories now is the norm. Increasing segregation of social spaces has resulted in shrinking personal spaces and capacity to co-habit.

Increasing life expectancy instead a reason for celebration has become a serious concern for the society. The mushrooming of old-age home distresses the retreating competence of nuclear families in counting the elderly parents within the family structure. The dynamics remain complex (Singh 2010: 17–40).

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[1]http://www.tribuneindia.com/2003/20030525/spectrum/main3.htm.

16.5   Objective of the Study

This paper deliberates on the factors which leads to the alienation of the elderly parents and critically examines the increasing complexity of both the 'push and pull' factors for their migration to old-age home in the city of Lucknow. Through narratives, this paper tries to focus on the multifarious experiences of subalternity and marginalisation of elderly in old-age home.

The study was confined to Lucknow so as to gain in-depth information on the following: (a) their conditions in elderly in the old-age home, (b) their experiences and reasons for moving structure and functioning of these old-age home, (c) the nature of services provide, and (d) their satisfaction on living conditions in these old-age home towards the end of their life and the difficulties faced.

16.6   Field of Study

The field of study was Lucknow, the capital of Uttar Pradesh. Traditionally, a feudalistic society with strong presence of sociopolitical interference is now catching up with modernity and the forces of globalisation. Shifting social and demographic structure has impacted the city as observed with the rise in old-age home, which no longer appears to be shocking. Its existence and acceptance point out to the thinning of traditional family ties and emergence of professional care-giving assistance.

A look into the directory and Websites helped us in locating seven old-age home functioning within the urban fringes of Lucknow. After obtaining the detailed address and other related information, a visit to seek permission to all the old-age home was planned. However, the visit exposed that three of the old-age home were registered and had been receiving funds but actually exists only on paper. The only thing openly displayed was the Name Board, and on further inquiry (contact number given on the Website), the response was frivolous that they provide food, clothes and other items occasionally without any formal structure for residence of the elderly.

The present study concentrates only on four residential old-age home. Participants in all these old-age home were selected on the basis of their willingness, comfort and health conditions to share their distress. Out of the total 165 people living in these four old-age home, only 90 elderly participated in the study and shared their experiences of transition from home to old-age home. However, the residents of one of the government old-age home were circumscribed by the manager from sharing details of the institution's functioning and their experiences independently; they were often guided and escorted by the helpers and manager as and when a visit was made while conducting interviews with the respondents.

Table 16.2 Profile structure of 4 old-age home in Lucknow city

S. No.	Name of the old-age home	Age of the residents	Total number of residents	Male	Female	Paid/unpaid
1	Martin Old-Age Residences	70–80 years	17	10	7	Private and Missionary Trust (Anglo-Indian Trust)
2	Shanti Bhavan	60–88 years	38	20	18	Private and Paid, run by Gayatri Parivar, also taking financial assistance from government
3	Saksham Vridha Grah	60–85 years	50	30	20	Non-paid run by Shaheed Memorial Society and also getting financial assistance from NGO and welfare organizations
4	Nari Vridha Ashram	60–90 years	60	–	60	Only for females, non-paid run by Govt. aid

The above data have been gathered during the visit to the field in 2015–2016

16.7 Methods

Semi-structured interview schedule was used to collect basic information from the respondents, while open-ended questions were used for collecting qualitative information. Purposefully, ethnographic method was used to collect relevant information from the respondents mostly focussing on the reasons for their moving out to old-age home, problems they faced, condition of living, quality of food, recreation, health-related issues and medical facilities. In-depth personal interviews, case studies and observations helped in understanding the live experiences of the elderly living in these homes.

16.8 Old-Age Home[2]

The structure and profile of inhabitants in these four old-age home (Table 16.2).

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[2]In order to protect the identity of the Institutions studied and the participants, pseudo-names have been used.

16.9   Martin Old-Age Residences

This is an Anglo-Indian Trust (total 23 branches all over the country). This branch was started by an army officer with his wife to support elderly. In this old-age home, a total of 17 residents were living, out of which there were 10 men and 7 women between the age group of 70–80 and out of which there were three married couples also. Most of the residents were from nearby places such as Allahabad, Kanpur, Varanasi and Delhi. Residents get free food, and there is no rent for staying in this residence.

The economic status of the residents in this old-age home was quite good as most of them were educated and retired as clerks, nurses and teachers and were receiving some kind of pensions to support themselves. However, some of them were receiving monetary support from children and other relatives. Most of the residents migrated to this home after the death of their spouses. Besides, reasons such as fragility of health demand of extra care and medical expenses neglect and loneliness pushed them to old-age home. This elderly residence also gets donation in the form of food, clothes, etc., from various Charity Organisations and Educational Institutions, etc. Recreation was an integral part of this institution. Birthday celebrations, indoor games such as carom board and chess, and television were available. There was a healthy bonding among the elderly which gave them space for sharing their joys and pains. Frequent bonding during mass services in the home was the most joyful occasion for them. It followed with singing and playing musical instruments.

Keeping in mind the age, restrictions were strictly followed while preparing the food; they also had facility to cook by themselves. Servants were there for support, if required. However, the irony was non-availability of emergency medical services on the premises. The only saving grace was one van, often used to take them to nearby hospitals, if required.

All of them had well-placed family and relatives, yet only some of them visited their children and families on very special occasions. Some of the children were providing financial assistance to their parents, but they were not ready to take them back to their home.

Affectionate mother, yet reason for couple quarrel

Case 1—The respondent was 65-year-old lady. She had been living in this old-age home since the last four years. She seemed very composed and reserved while sharing her journey to this new home. The frequent changes in her facial expressions ranged from that of self-pity to self-respect. After the death of her husband, she was left alone as both her married children were living in distant places—one was working in Kanpur, while the other had a well-established business in Malaysia. Initially, she was staying in Kanpur with her son, but later she felt that she had become the central reason for the couple's frequent arguments and fights, so she decided to move away as she was getting her husband's pension. She was in contact with them on telephone, but the visits were very limited due to time constraints and other

family responsibilities. She said that her elder son in Malaysia was very well to do and often invited her for short visit, but till date, it had not been finalised. On some or the other pretext, it got postponed. She seems unaware of the reasons though. However, she eagerly looked forward to meet her son and grandchildren in Kanpur for a day whenever possible. While sharing this, she was so excited that she will be meeting her grandchildren and engaged in getting ready keeping gifts for her grandson such as hand-knitted sweaters and socks. But she often got cold response such as '*Maa what is a need for all these, who wear this now, the market has very beautiful in-fashion new stuffs, you just please care for yourself and don't bring these as it just eats the space —nobody use it*' yet affection for remained intact.

Childless widower shifted for care

Case 2—The respondent was 69 years old, a widower and educated up to Standard 12th. At the age of 64, his wife passed away. They do not have any children. During his active life, he worked as a peon in a hospital. After the death of his spouse, he started living alone. He had lots of problem in managing daily activities such as cooking, cleaning and other household chores. Gradually, his health started deteriorating and he was not able to manage everything alone, and at this juncture, he faced the reality that he had no children or close relatives with whom he could possibly stay. He explored other possibilities and came to know about this old-age home. He finally decided to move into this old-age home. He has been here for about three years. He had a brain stroke recently; still he keeps himself busy by teaching orphan children in nearby charity organisation and earns Rs. 500 per month. He says he is very satisfied with the arrangement in the old-age home and feels much better than when he was staying alone and struggling in life. He never feels lonely in the old-age home because there are lots of peers around him, and for this, he was thanking god and saying that god showed me the path to this old-age home and helped me, otherwise I would have died. He expressed his gratefulness to the god for providing the strength to cope up with the various situations. He was quite contended with his present life and seemed happy.

16.10 Shanti Bhavan

This old-age home was open for all religions. Now, it houses 38 residents out of which there were 20 men and 18 women between the age group of 60–88. Besides, there were six elderly couples. Most of the residents came from good economic background. There were two categories of rooms—independent and dormitory— and the rents were Rs. 9,000/- and Rs. 4,000/-, respectively. The conditions of rooms were good. If they were in position to pay extra, then air conditioner

(AC) and television (TV) was also provided in their rooms. But in the dormitories, the above facilities were not available. Radio set was available for their entertainment (for whom—all or the occupant in dormitory). Auditorium facility was also available in the premises. Servants for personal care such as cleaning room and washing clothes were not available without payment. Residents had to pay extra if they need hired services.

All the male residents were pensioners, while only two female residents and retired professors were receiving pension. The female who were single or widow were getting financial assistance from their family members. Most of them came to this home after the death of their spouses. Overall, most of the inmates shared that the interaction between them and children were frugal which really depressed them. They wanted to meet their children, but the children were unresponsive and insensitive towards them.

All residents take food in the common dining hall. No one is allowed to cook food in their rooms. Food served was simple, without onion/garlic as it was run by Hindu religious organisation. However, some of them were unhappy with the blanch food, and to change the taste, they visited nearby eateries.

The old age had a worship place to organise services such as Bhajan and Yajna for the elderly.

The only medical facility available was an ambulance to reach them to the nearby hospital. The caretaking was the responsibility of their relatives and friends. However, they face difficulties in calling someone from their family because if the family members would have been supportive then they would not have been in this old-age home away from their own home. This old-age home is run by Gayatri Parivar. However, both Hindu and Muslim residents live together absolutely having no problems of adjustment.

During the interactions with the residents, it emerged recurrently that economic class played a major role in distribution of privileges and resources. Those who were able to pay more availed all the services—air conditioner, television, room services, etc., but those who could not pay were denied these services. The capacities to avail the services have structured the hierarchy and domination, reflecting the 'power dynamics' in distribution of both material and social resources.

Husband in old-age home, wife at only daughters home: separated lives

Case 1—One of the residents of this old-age home (73 years old) had a wife who was staying with his daughter. The reason cited was that she (his wife) was assisting the daughter in her household chores and upbringing of the children. The utilitarian function of the mother provided her the space to remain a part of the family no matter under what condition. He had only one daughter who is married. He gets his pension and looks after himself. He was in an independent room. '*I wanted to live the last phase of my life on my own terms and I have no qualms about it. I enjoy nature and love to mix with easy going people. If I was staying with my daughter, my life would be governed by their terms and conditions*,' *he says.* He said that sometimes his wife comes to

meet him and he also go to meet his grandchildren occasionally, but his daughter cannot take him back to her house by saying that 'I am also a "*Bahu*" and how can I tell this to my husband' though one day she asked her husband '*I want my father should also stay with me, but husband ignored this conversation and said 'aisa kartey hai ki poori baraat bula lete hai*'. He heard all this conversation because that day his daughter called him for lunch, and after this, it has been one month and he has not visited his daughter's place and he was very hurt by all these and he said that he is happy at least his wife is there and living in the house and said that '*I can understand my daughter's problem also, as she is helpless*'. He had some knee problem and had recently gone under surgery. Somehow, he was managing the health issues on his own. Separation at this age from wife was the least he has ever expected.

Lonely professor: faulty upbringing

Case 2—The respondent was a 72-year-old lady. She lives alone in a one room with facilities such as AC and TV. She was a former Professor of a university. She lived a very respectful life with her husband. Her husband was in government service and got retired. She was living with her husband independently, and their children used to visit them occasionally. But after her husband's death, she observed the real face of her children (she has two daughters, both married) living in other cities. She said that 'When her husband died, her daughters came to her and stayed with her for two days, participated in all the rituals, but after two days they were all ready with their bags packed with their husband' and children and told me very causally that "*okay Maa we are leaving because we have to join office, children have to go to school and Ashish also has to join his office*". On that day only, She realised and decided not go with them at all and she took the decision to spent rest of days of her life in old-age home. However, she accepts that somewhere she failed in nurturing the right values in the children in the quest for making them successful professionals. As she was retired as a professor and her economic background was quite good, she afforded to have a single bedroom with AC and TV with the room cleaning services on paid basis. She had a cataract surgery in her eyes and was having gastro-problem.

16.11 Saksham Vridha Grah

This old-age home accommodated 50 residents, 30 men and 20 women within the age of 60–85 years, and it was open for all religions.

It was a non-paid old-age home, and most of the residents hail from poor economic backgrounds. Most of them were domestic helps and labourers with minimal earnings from rural as well as semi-urban areas. With the growing age and

deteriorating health, they had become a financial burden and forcibly sent to this old-age home by their children. Their children feared for the medical and upkeep expenses. Moreover, they were seen as spent force like one of the residents described '*Kaam ka na kaaz ka dushman anaaz ka*'. One of the elderly women who had been dumped by her son on Charbagh Railway Station was brought to the elderly residence through the help of a social worker. Almost all the residents shared the common reason of their incapability to work as they were mostly daily-wage workers, vendors and rickshaw pullers and therefore driven out to seek their own living.

Besides this, another reason for them to be sent to the old-age home was the death of spouse. However, one elderly male shared that his wife too had been sent to a different old-age home because of their children do not want to keep them together. Almost all the residents in this old-age home had been forced to this home due to odd financial circumstances or due to debilitating health conditions such as being bed ridden, infectious disease and providing care.

The structure of this old-age home was divided into two parts: one side was the kitchen along with few rooms while on the other side, only tin-shaded rooms. Rooms were very small in size, untidy, lacking proper light and ventilation. Rooms were congested because each room had inmates out of the capacity, untidy beds were provided to them and they had to clean their beddings on their own. There was no provision for independent rooms and dining hall, and food was served in the corridor. No recreational facility was available. The residents, however, engage and entertain themselves by singing Bhajan, etc., on their own.

Facilities such as cleaning rooms and washing clothes were not available in the premises. However, two servants were available there to monitor their activities and report to the manager. Most of the elderly felt uneasy in sharing their experiences within the premises of the old-age home. Many of them were not ready to share a single word about the old-age home because of fear and likely to be reprimanded by the manager and may be denied of basic necessities, as stated by some '*ham se kuch mut pooch hame rona aa jayega, is keedey makodey jaisi jindagi se accha to mar jana hai lekin maut bhi to nahi aata, kya karey kaha jaye*'. They were continuously under surveillance. The manager also interfered during interaction and showed her displeasure by statements like '*whatever you have to ask please ask in front of me and not alone, you are torturing them by reviving their past painful memories*'. However, in the absence of the manager, some of them opened up on their trauma and ill treatment.

Despite the fact that they were all too old and incapacitated, yet were forced to prepare their food. Most of the time, the food supply came through charity on different occasions. No medical and ambulance facility was available, when someone needs medical aid they take them to nearby hospital by rickshaw or by footsteps. Their condition seems to be distressing.

Depressed and disappointed elderly: lost hand in accident

> **Case. 1—The respondent was 61-year-old male**. He shared with his feelings of wanting to give up his life by committing suicide. He was very depressed

and disappointed. He recounts his past memories on how he was being treated in his family. It was just an abandoned life. He recounts that while doing farming he faced a serious accident and he lost his one arm and after that he has been living in the house of his only son. His life was full of miseries, and it was a hell for him. He said that '*they used to abuse me a lot on very small things like if I call someone frequently for help; they used to abuse me verbally and beat me physically. It was too much painful to bear the torture and inhuman dealings*'. It was height of inhuman act that one day they took me to a temple and left me there, I searched for my family members for two days, and I could not meet them. On the third day, a local NGO brought me to this old-age home. I am living here for the last 5 years. He opines mixed reaction about care and facilities about the old-age home. According to him, medical facility is not up to the mark. Many times he has taken care of his medical expenses which are too difficult to meet with. The caretakers do not listen to his call for cleaning the room and do not even bother to do so. He smiles and tells that it is better in old-age home than to stay in his son's home. At least I do not hear such filthy words every day from my own family members.

Dumped widow with deteriorating health

Case 2—The respondent was a 79-year-old lady. She told us that she lost her husband a few years ago. After the death of her husband, she was thrown out by her own son and daughter-in-law few years ago. She used to live by cleaning utensils in houses, but with the deteriorating health, she was not able to work and stopped going for work. Her daughter-in-law's behaviour got weird, and she started neglecting her. She said that her son always took his wife's favour, she had arthritis, but her son did not even care about it, and as a result, her one leg was got a bend from the knee with lot of swelling. She said that she cannot forget the day when her daughter-in-law raised objections to her occupying a space in her own home. One day her son walked in and asked if '*I would like to visit the nearby famous temple, I was excited that after a very long time I am going out with my son although it was quite shocking for me as this all never happened, but I ignored and I was very happy and looking forward to spending some time with him, I went with him, but after some time, he stopped the scooter and asked me to step down and said that maa I cannot afford you to live in my house as my relationship is getting ruined because of you, and I cannot bear your medical expenses and daily negativity in the house, so better you stay here (standing in front of one gate), this is old-age home, and please don't bother us, and let me know if anything needed, he started the vehicle and went back and he never returned ever after, I realised that my only son has disowned me and I did not exist for him anymore, all the emotions, security and pain made me realise how vulnerable and lonely aging be*'. I was shifted to this old-age home and have been here

since then. She shared that '*Her son and daughter-in-law had taken away all her belongings before dumping her*'. This was a harsh reality and disrespectful for a person who lived all her life without any financial dependency on anybody and earning to see her children grow independent. With remorse, she shared that 'I can't bear this *disrespect, is this what we get in return from our own blood?*

16.12   Nari Vridha Ashram

This non-paid old-age home with 60 elderly residents was exclusively for female between 60 and 90 years, and it was open for all religions. Most of the residents were from poor economic backgrounds. Some were forcibly sent to the old-age home because of their children who do not want to bear their expenses. Two elderly females were staying in this home because of severe domestic violence.

Most of them had big family with children and relatives; however, after death of the spouse, no one seemed eager to take responsibility for them and thus pushing them to old-age home. Residents were in contact with their family members and often visited their home on special occasions and festivals, but they were not permitted to stay back yet the elderly did not stop loving their children and visiting them on smallest pretext. This was totally a dialectical situation where the elderly had their contact with their children; they often visit to their home but not staying with them. They complained about the petty amount provided per month (Rs. 50/-) to them, yet they save this money for their grandchildren for buying small gifts.

Though food was provided three times a day to all, the quality was not at all according to their age. Most of the time, it was very spicy and oily, as most of them complained that in breakfast they get oily parathas and chai which was very difficult to eat for those elderly who had problems of teeth, blood pressure, etc., and they were not able to chew properly. Some of them had digestion problems and therefore avoided breakfast and took tea only.

Preference was given to keep those elderly as inmates who can do their work on their own such as cleaning rooms, washing clothes and utensils. But there were few bed-ridden patients as well. Caretakers were available for these bed-ridden elderly, but the residents complained of their misbehaviour with them.

There were basically dormitories and twin sharing rooms. The upper-floor rooms were comparatively in good conditions than ground-floor ones. In the name of recreational service, only a television set was provided for all. This too was often disrupted due to difference among the elderly regarding channels to be seen.

No medical and ambulance facility was available there, when someone needs medical attention; they take them to nearby hospital or give some medicine themselves.

Children changed after father's death

Case 1—The respondent was 78-year-old lady. She has a son and a daughter. Both of them are married and live in their own houses at different locations in the same city. She informed that they remain in contact with her. Her children are having the power of attorney and assist her with financial support as well as monitoring her care arrangements. She told that they are good to her and visit her once in a week (especially on Sundays), but when she was asked about why she is here, then she was quite uncomfortable in answering this question and she excused herself for a minute to go to washroom and when she came back she said that my children loves me but after my son got married, he totally changed and, after the death of his father, he started keeping distance from me as his wife does not like. She shared that when her son takes care of me or take me to his home for three to four days, my daughter in-law does not like my stay with them and she starts pressurising my son to send me back as she has to take care of me with due attention and respect. She smiled with the pain and tears in her eyes. She said that she do not want his son to suffer because of her. She is healthy but suffers from arthritis.

Threatened and Abandoned by son

Case 2—The respondent was an old lady and unable to count her age. She appeared to be nothing less than 75–76 at least. She said that her son left her in the old-age home and threatened her that if she tells anything to anybody he will kill her. She said, '*I am happy that I am here and at least this place is much better than the hell*' (staying with her son), and I am just spending my days and waiting for my last breath. She was very upset and crying while sharing information. She was articulating ironical situation 'a mother takes care of her child like anything she can face any kind of problem and pain for her child but when in return it comes to the children, they take it as a burden and think that spending time and money on you is a sheer wastage of time and resources, treat you like a servant, if you demand something, they gets irritated…' and she smiled with tears in her eyes.

All the four old-age home catered to the abandoned elderlies yet the dynamics of vulnerability were layered and distinct. The parameters of power dynamics were displayed through social class, caste stratification, financial capacity and health vulnerability. These parameters facilitated allocation and access to or denial of resources within the old-age home. The visits to these old-age home revealed frightening fact that the elderly residents felt unwanted and of no use. The departure

from home to old-age home was full of alienation and distress. The past was what was at the centre of their dialogue, often filled with tears, remorse and shabbily treated.

The reasons for moving to old-age home for each class of elderly residents were different too, and among the lower class, the main reason was desertion due to financial burden and being of no use, while for the middle class, it was more of neglect, additional responsibility, frequent mobility of children for better prospects, shortage of space, restrained relationship with daughter-in-law, death of spouse and extensive medical expenditure.

Most frequent rejoinder among the middle-class elderly residents was the failure on their part to forge bonds with children which could sustain homecare in old age. They hesitatingly admitted their over indulgence in upbringing of children making them self-centred and yet described 'pull factor'—their own decision as they wanted to lead a life of dignity and self-reliance and stay as decision makers till the end rather than be humiliated and treated as burden and dependent, as reason to move to old-age home.

For most of them despite being abandoned, and forgotten, the love and affection did not wither away though the complaints were innumerable and the resentment was grave yet they missed them and wanted their happiness. The nostalgia of extended kinship interaction remains intact and was often reflected in their talks of the past.

All of the old-age home, paid/non-paid, provided shelter and the minimal basic necessities to the elderly. Yet all of them severely lacked the emergency medical facilities on the premises, a daily necessities for the elderly. The common response that 'the nearby relatives/friends are informed in case of medical need' sounded very frivolous and callous. Had the kith and kin been so concerned and caring, the need for moving to old-age home would not have emerged in the first place.

16.13 Conclusion

In developing countries, including India, increasing longevity is not necessarily a result of improved socio-economic status of the elderly, as was the case in most of the developed nations of the world. In fact, ageing puts the elderly in general and elderly women in particular, in a more vulnerable situation. The pace of population ageing is faster than overall population growth, and the level of preparedness is very limited. The breakdown of joint family into nuclear family and value of taking care of elders have been gradually getting eroded. Moreover, modernisation and globalisation processes have made the situation more complex as the younger generation who usually spend time with the elderly parents in the family have no time to do so as they are seriously busy with their jobs and technology and frequently migrate from one location to another in search of better opportunities. The older generation no doubt has formed a vulnerable marginalised group and has been passing through complex situations. The demand of time is to provide better care so

that they live happily in the family rather than left alone in the society. The old-age home provide shelter and care to the elderly persons, but our study reveals the fact which is not satisfactory and impressive. The current situation demands for experienced caregivers who would be made available both within the public and the private sectors for rendering care and service. Different mechanisms of service provisions through private entities and civil society organisations will have to be evolved. However, one has to look into the nuances of caregiving as there is a very thin line of difference between service providers for the elderly and generating market for consumption. The government needs to play pivotal role by way of making policy with appropriate strategy and budget to see that elderly people living in the old-age home live happily at the far end of their life. Here lies the relevance of the theory of 'Communicative Action (Habermas 1984)' which can serve as the basis of understanding and building a synergetic inter-generational relationship as it relies on open sharing and rational dialogues with reasonable opening for all to involve and contribute their thought for an ideal society where aged person can live a life happily. Forging bonds that helps each generation interconnect in an age-integrated society will lead to healthy and constructive ageing.

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Chapter 17
Rights of Physically Disabled Persons: An Inclusive Approach

Sadhna Gupta

17.1 Introduction

A disability is often defined as the malfunctioning, disturbance or loss in the normal functioning of physical, mental or psychological processes, or a difficulty in the ability to learn, or adjust socially, which interferes with a person's normal growth or development (Mohit et al. 2012: 9). The World Health Organization estimates that there are as many as six hundred million persons with disabilities, whereas the UN estimate is 650 million. According to 2001 census, there are 21.9 million persons with disabilities in India (Census 2001: 9).[1] The World Health Organization defines disability as a deviation from the 'normal' in the physical, mental, psychological or sensory areas of functioning became immensely popular with doctors, clinical psychologists and rehabilitation professionals such as physiotherapists, speech therapists and occupational therapists. Under Section 2(t) of The persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995[2] defines person with disability which means "a person suffering from not less than forty percent of any disability as certified by a medical authority". It incorporates a medical definition. Further, the meaning of disability is described in section 2(i) stating that disability means: blindness; low vision; leprosy-cured; hearing impairment; locomotor disability; mental retardation; mental illness.

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[1]2001 census of India projected an average of 2.13% of total population are with disabilities. See National Human Rights Commission Disability Manual New Delhi 2005 at p. 9.

[2]It was passed in December 1995 and was published in the Gazette of India on Monday 1 January 1996 after receiving assent from the President of India. It has come into force from 7 February 1996.

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One of the recent and authoritative international definitions is given in the UN Convention, which is as follows: 'persons with disabilities include those who have long term physical, mental, intellectual or sensory impairments which is interaction with various barriers may hinder their full and effective participation in society on an equal basis with others'.[3]

17.2   Causes of Disability

It is estimated that there are about 600 million people in the world who have disability to one form or another. Over two-thirds of them live in developing countries with high density of their population in Sub-Saharan Africa and in South and South-East Asia. The Census of India (2001) yielded an average of 2.13% of people with disabilities as compared to 19.1% in New Zealand and 18% in Australia. The causes of disability from a medical or bio-centric standpoint tend to emphasise diseases, hereditary and birth defects over systematic and environmental factors. The focus on preventive programmes has been more on eradicating diseases such as measles, leprosy, polio, rubella and goitre. There are strong reasons to prevent the occurrence of disability so that people can live healthier life free from diseases. The other factors are as follows.

17.2.1   Poverty

Poverty is one of the biggest causes of disability. Poor people are most vulnerable to disability because they are forced to live and work in unsafe environment with poor sanitation, crowded living condition and little access to education, clean water and enough food. There is a high correlation between disability and poverty but very few studies have investigated how poverty and disability influence each other and with their combination create new forms of barriers. In general, people with disabilities are estimated to make up to 15–20% of the poor in developing Commission for Asia and countries.[4] Poor families often do not have sufficient

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[3]See Article 1 of the UN Convention on Rights of Persons with Disabilities; UN GA A/Res/61/106 13 December 2006 UN Convention on Rights of Persons with Disabilities; hereinafter PWD Convention. So far, 115 countries have signed the convention, which was adopted unanimously by the General Assembly on 13 December 2006 and opened for signature on 30 March 2007. The Convention entered into force on 3 May 2008. India ratified this convention on 1 October 2007. This convention is intended as a human rights instrument with an explicit, social development dimensions. A broad categorisation of persons with disabilities is adopted and it reaffirms that all persons with all types of disabilities must enjoy all human rights and fundamental freedoms.

[4]Regional trends impacting on the situation of persons with disabilities: United Nations Economic and Social Commission for Asia and the Pacific, 2002.

income to meet their basic needs. Inadequate shelter, unhygienic living conditions, lack of sanitation and clean drinking water combined with poor access to health facilities lead to disability.

17.2.2   Malnutrition

Malnutrition in its various forms is a cause of disability as well as a contributory factor in other ailments that increase susceptibility to disabling conditions. While malnutrition indicates poverty, lack of nutritional security is also a sign of inequity and political apathy. For instance, it is well known that in many families in India, boys and men comparatively get better and more food and nutrition than female children and women. It is estimated that currently 515 million Asians are chronically undernourished, accounting for about two-thirds of the world's hungry people.[5]

17.2.3   Occupational Hazards

Around 90% of the workforce in India is in the unorganised sector, which is characterised by low levels of technology, low standards of safety and hazardous working conditions. In order to maximise profits, production is often located wherever costs are lowest, regulations loose and workers least likely to organise for better working conditions and fair wages. This often results in high rates of accidents, poisoning from toxins, loss of hearing and vision, and health deterioration, all of which contribute to short-term disability and long-term disability (NHRC 2005: 10).

Occupational-related health problems of workers employed in stone quarrying, leather industry, glasswork, weaving, diamond cutting, hand embroidery and children employed in carpet, cracker and match industry have been recognised but have not received appropriate and sustained attention by those responsible for regulating work standards. Even in developed countries, permanent disablements as a result of industrial and highway accidents outnumber war casualities. For example, 44,000 people lost their limbs in industrial accidents during the period of Vietnam War in which 17,000 American soldiers became disabled (Gopalan 1996: 4).

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[5]Susan Erb and Barbara Hariss-White, *Outcast from social welfare: adult disability, incapacity and development in rural south India. Books for change*, A Unit for Action Aid Karnataka Project (2002).

17.2.4   Wars

In today's war, more civilians than soldiers are killed or disabled and most of them are women and children. Human civilisation right from its inception has engaged itself in wars to advance various particular interests. Whatever may be the reason for an armed conflict and the benefit it gives to particular interests, the disaster it creates for the majority of human beings is immeasurable. War has been the single largest factor responsible for causing permanent disablement not only to the combatants in the battlefield but also to the civilians who are affected by the lethal, nuclear and chemical weapons. Explosions cause people to become deaf, blind and lose their limbs as well as causing other injuries.

17.2.5   Traffic Hazards

Unplanned cities with narrow roads, rapid growth in number of vehicles and disregard to traffic regulations have been responsible for the increasing number of road accidents in India. If current trends continue, roads accidents may become the leading cause of death and disability in the country. As per the Central Bureau of Health Intelligence Report of 1997–98, 69,800 people died in road accident that year.

17.2.6   Poisons and Pesticides

Poisons such as lead found in paints, pesticides such as rat poison and other chemicals can cause disability in people and can cause birth defect in the babies growing in the womb. Smoking or chewing tobacco, breathing smoke and drinking alcohol during time of pregnancy can harm a child to disability before birth. Workers often used on chemicals on the job or in the fields without being taught how to use them safely or without even knowing them it is dangerous. Accidents in the factories can release poisons into the air, water or ground, causing terrible health problems including permanent disabilities.

17.3   International Human Rights Law/Instruments

Human Rights have aroused greater significance in the post–World War II period. Today, there is hardly any branch of law in which human rights do not get involved in some degree or the other. There are three legal instruments which make up the

International Bill of Human Rights.[6] International human rights law has not adequately acknowledged people with disability as part of what the 'human', in human rights, means.[7] The drafters of the International Bill of Human Rights did not include persons with disabilities as a distinct group vulnerable to human rights violations. These instruments are general in character; therefore if disability is raised as an issue in these documents, it is only in connection with social security and preventive health policy. When these international legal instruments were elaborated, they did not explicitly mention disability as a category of discrimination. In the last two decades, however, there has been increasing international attention to issues concerning the human rights of people with disabilities. Disability rights activism emerged in this context where the voices of persons with disabilities (PWD) began with early 1990s to give collective expression. Initially during the period of 1945–55, United Nations promoted a welfare perspective of disability. Concern for persons with disabilities was expressed in the establishment of mechanisms and the development of programmes suitable for dealing with disability issues.

Disability rights movements, like other movements in the post-1960s, consist of several conglomerations of individuals and groups with disabilities that came to be organised in the 1980s under a cross-disability umbrella representing the interests of the disabled as a group. Realising the need to promote the full participation of persons with disabilities in the social life and development of their societies, on 16 December 1976, the General Assembly declared the year 1981 as International Year of the Disabled Persons (IYPD), stipulating that it be devoted to integrating persons with disabilities fully into society (Aggarwal and Panchal 1993: 26) enjoy living conditions equal to those of other citizens and have an equal share in improved conditions resulting from socio-economic development. In order to provide a time frame during which Governments and organisations could implement the activities recommended in the World Programme of Action, the General Assembly proclaimed 1983–92 the United Nations Decade of Disabled Persons (Albert et al. 2001: 37/52) with regard to education and employment of persons with disabilities, the General Assembly adopted the "Tallinn Guidelines for Action on Human Resources Development in the Field of Disability" in 1989.[8] They provide a framework for promoting participation, training and employment of disabled persons within all government ministries and on all levels of national policy making in order to equalise opportunities for persons with disabilities.

Major international instruments with clear focus on disability are as follows:

- Declaration on the rights of disabled persons—1945,
- Declaration on the rights of mentally retarded persons—1971,

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[6]These are the Universal Declaration of Human Rights, passed by the General Assembly of the United Nations in 1948, the International Covenant on Civil and Political Rights (ICCPR) and the International Covenant on Economic, Social and Cultural Rights (ICESCR), both adopted in 1966.

[7]Supra note 1, pp. 1–55.

[8]General Assembly Resolution 38/28.

- International year for Disabled persons—1981,
- UN Decade of disabled persons—1983–1992,
- World Programme of Action—1982 adopted by resolution 37/521,
- The 'Tallinn Guidelines for Action on Human Resources Development in the Field of Disability'—1990,
- Biwako Millennium framework towards an Inclusive, Barrier-free and Rights-based Society for Persons with Disabilities—2002,
- UN Voluntary Fund on Disability was established by General Assembly resolution 32/133 in connection with the International Year of Disabled Persons (1981),
- Proclamation of full participation and equality of people with disabilities in the Asia and Pacific region—1992,
- UN Standard Rules on the Equalization of opportunities for people with disabilities 1993 (adopted by the General Assembly vide resolution 48/96 of 20 December 1993),
- Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights on 25th June 1993. (persons with disabilities are mentioned in paragraphs 63 and 64 of Section II.B),
- General Comment No. 5 on persons with disabilities adopted by the Committee on Economic, Social and Cultural Rights in 1994,
- The Salamanca Declaration (1994),
- World Summit for Social Development (1995),
- ILO—recommendation 99—vocational rehabilitation of disables,
- UN Convention on Rights of Persons with Disabilities 2006.

17.4 The Indian Law and the Disability

The Constitution of India premised on the principles of social justice and human rights. The Preamble, the Directive Principles of State Policy and the Fundamental Rights enshrined in the Constitution stand testimony to the commitment of State to its people. Articles 41[9] and 46[10] clearly signifies for the upliftment of the status of the disadvantaged groups thereby envisaging a positive role for the State. Article 14 guarantees equality before law and equal protection of law for 'all', whereas Articles 15 and 16 guarantee equality of opportunity to 'all' citizens in matters

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[9]Article 41 runs as follows: 'The State shall, within the limits of its economic capacity and development, make effective provision for securing the Right to Work, to education and to public assistance in cases of unemployment, old age, sickness and disablement and in other case of undeserved want'.

[10]Article 46 says, "promotion of educational and economic interests of Schedule Castes, Schedule Tribes and other weaker sections—The State shall promote with special care the educational and economic interests of the weaker sections of the people, and,in particular of the Schedule Castes, Schedule Tribes shall protect them from social injustice and all forms of exploitation".

relating to any public employment or appointment. Equality could also mean substantive equity and thus the right to equality under its mandate includes the right of the persons with disabilities against discrimination, which is on the basis of disability of persons (Pandey and Chirimar 2006: 2). The Supreme Court gave directions to the effect of permitting the liberty handicapped (blind and partially blind) eligible candidates to complete and write Civil Services examinations concluded by the UPSC that too in Braille script or with the help of a scribe. Article 21 of our Constitution guarantees the protection of life and personal liberty to 'all' persons. On many occasions, the Supreme Court has held that the right to life includes the right to live with human dignity and all that goes along with it namely the basic needs of life such as adequate nutrition, clothing and shelter, free movement and community with fellow human beings.[11] All the basic rights that are found emanating from Article 21[12] are also guaranteed to the disabled who have the right to live with human dignity.

Part IV Directive Principles of State Policy also has several references that address the disabled rights. Article 41 specifically provides for effective provision to be made by the state for securing right to work, to education and to public assistance in case of disablement.[13] Article 39A envisages equal justice and free legal aid to all citizens and that opportunities for securing justice are not denied to any citizen by reason of economic and 'other disabilities'. Entry 9 of List II in the 7th Schedule of the Constitution empowers the State to enact law with regard to relief of the disabled and unemployable, and Entry 16 of List III enables both the Central and State Government to enact legislations relating to 'lunacy and mental deficiency, including places for the reception or treatment of health and mental deficient'. The Parliament of India gained competence to legislate on disability issues with the signing of the *Proclamation of Equality and Full Participation of People with Disabilities in Asian and Pacific Region*. Article 249 of the Constitution of India empowers the Parliament to legislate on any subject falling in any list in order to fulfil its international obligations.

The United Nations declared 1983–1992 the Decade of Disabled Persons. This was followed by the Asian and Pacific Decade of Disabled Persons from 1993 to 2002. During this period, a great deal of awareness of the issues of people with disabilities was created. At a meeting of the Economic and Social Commission for Asia and the Pacific convened in Beijing in December 1992, a Proclamation on the Full Participation and Equality of People with Disabilities in the Asian and Pacific Region was adopted. India was one of the countries that signed the proclamation. When countries sign international legal instruments, they are then obliged to create legislations, policies and practices, which are in keeping with these instruments.

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[11]See Francis Coralie v Union Territory of Delhi, AIR 1981 SC 746: See also Chameli Singh v State of UP (1966) 2 SCC 549.

[12]Article 21 of the Constitution of India States, 'No person shall be deprived if his life and personal liberty except according to procedure established by law'.

[13]Supra note 15.

This led to the enactment of the most comprehensive law to date relating to people with disabilities in India, The Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995.[14]

17.5 Persons with Disability: Aim and Objectives

The Disabilities Act[15] is a legal endorsement, which provides the right of access for the disabled people to education and vocational training, employment training, practices, travel on public transport and mobility scheme, barrier-free environment and integrated living information and communication strategies. The aim and objectives of the Act are: (i) to spell out the responsibility of the State towards the prevention of disabilities, protection of right, provision of medical care, education, training, employment and rehabilitation of persons with disabilities; (ii) to create barrier-free environment for persons with disabilities; (iii) to remove any discrimination against persons with disabilities in the sharing of development benefits, vis-à-vis non-disabled persons; (iv) to counteract any situation of the abuse and the exploitation of persons with disabilities; (v) to lay down a strategy for comprehensive development of programmes and services and equalisation of opportunities for persons with disabilities and (vi) to make special provision of the integration of persons with disabilities into the social mainstream.[16] This Act places responsibility on society to make adjustments for disabled people so that they might overcome various practical psychological and social hurdles related by their disability. It seeks to establish a coherent and comprehensive framework for the promotion of just and fair policies and their effective implementation. The Act contains elaborate provisions on measures for the prevention and early detection of disability.[17] It creates a formal procedures, which hasten the process of full and total; integration of the disabled in society (Sikri 2004: 21).

   The Act elaborates, at some length, duties of the government at various levels and other establishments under their control. It also provides useful guidance regarding the type and nature of measure that would equalise opportunities for the enjoyment of basic rights and freedoms. The Act is arranged in three distinct parts:

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[14]It was passed in December 1995 and was published in the Gazette of India on Monday 1 January 1996 after receiving assent from the President of India. It has come into force from 7 February 1996.

[15]The Persons with Disabilities (Equal Opportunities Protection of Rights and Full Participation) Act, 1995.

[16]See Geetaben Ratilal Patel v District Primary Education, decided on 2 July, 2013 Civil Appeal No. 9324 of 2012 Para 13 of the judgement).

[17]Section 25 of The Persons with Disabilities (Equal Opportunities Protection of Rights and Full Participation) Act, 1995.

Part I comprises Chapters 1–4 dealing with the administrative arrangement for implementation.
Part II Chapters 5–11 dealing with the substantive rights and co-related obligations.
Part III provides a mechanism for the monitoring of the Act in the Centre and States. Chapter 12 establishes the office of the Chief Commissioner and State Commissioner for persons with disabilities.

17.5.1   Part I

In the first chapter, the Act lists and defines the disabilities covered under it. These disabilities are blindness, low vision, disabilities as a result of leprosy, hearing impairment, locomotor disabilities, mental retardation and mental illness. The Act specifies the minimum degree of disability to be 40% to entitle a person with disability to the benefits under the Act. Authority to certify disability has also been specified. A medical board comprising three specialists from a government hospital can issue a disability certificate.

The Act establishes the Central and State Co-ordination Committees. These Committees have been conceived in a multisectoral mode. Many important ministries and departments of the governments including five representatives of NGOs are members. The committee is mandated to perform the following functions:

(a) Review and coordinate the activities of all the Departments of Government and other Governmental and non-governmental organizations which are dealing with matters relating to persons with disabilities;
(b) Develop a national policy to address issues faced by persons with disabilities;
(c) Advise the Central Government on the formulation of policies, programmes, legislation and projects with respect to disability;
(d) Take up the cause of persons with disabilities with the concerned authorities and the international organisations with a view, to provide for schemes and projects for the disabled in the national plans and other programmes and policies involved by the international agencies;
(e) Review, in consultation with the donor agencies, their funding policies from the perspective of their impact on persons with disabilities;
(f) Take such other steps to ensure barrier-free environment in public places, work places, public utilities, schools and other institutions;
(g) Monitor and evaluate the impact of policies and programmes designed for achieving equality and full participation of persons with disabilities;
(h) To perform such other functions as may be prescribed by the Central Government.

In Chapter Four, the Act places the responsibility of identifying the causes of disability, preventing such disabilities as can be prevented and detecting the occurrence of disability early and asks the government to screen all the children at

least once in a year for the purpose of identifying 'at-risk' cases. It requires creating awareness among masses about causes of disabilities, undertaking research for the prevention and early detection of disability.

17.5.2 Part II

In order to make up for past discrimination, and deter it from happening in the future, the Act enlists various duties of the government in relation to the rights of persons with disabilities under Chapter Five 'Education', Chapter Six 'Employment', Chapter Seven 'Affirmative Action', Chapter Eight 'Non-discrimination', Chapter Nine 'Research and Manpower Development', Chapter Ten 'Recognition of Institutions for Persons with Disabilities' and Chapter Eleven 'Institutions for Persons with severe Disabilities' makes provision for what is called 'affirmative actions'—preferential actions designed to improve the status of people with disabilities. It is therefore the government's responsibility to provide people with disabilities with aids and appliances which can reduce or eliminate the limitations on function imposed by the disabilities when it allots land for building houses and setting up business, and also for the creation of special schools and recreational centres for people with disabilities.

17.5.3 Part III

The Act provides for a monitoring mechanism in the Centre as well as in States. For this purpose, it has established the office of the Chief Commissioner and State Commissioner to:

(a) coordinate the work of the Commissioners;
(b) monitor the utilisation of funds disbursed by the Central Government;
(c) take steps to safeguard the rights and facilities made available to persons with disabilities;
(d) submit reports to the Central Government on the implementation of the Act at such intervals as that Government may prescribe.

Similar duties have been envisaged for the State Commissioners. For the purpose of discharging their functions under this Act, the Chief Commissioners and the Commissioners have been vested with the civil court under the Code of Civil Procedure, 1908 (5 of 1908) while trying a suit, in respect of the following matters, namely:

- summoning and enforcing the attendance of witnesses;
- requiring the discovery and production of any document;
- requisitioning any public record or copy thereof from any court or office;
- receiving evidence on affidavits and
- issuing commissions for the examination of witnesses or documents.

Under Rule 40 of the Implementing Rules of the Disability Act, 1995, procedure for filing the complaint has been provided. Any aggrieved, disabled person can lodged on a simple piece of paper, a post card, etc. the complainant must provide personal details as well as the description of the accused. A systematic account of events leading to violation of the rights must be mentioned and finally, the relief being sought should be specified in clear terms. Under the Act, the Chief Commissioner and the Commissioners are obliged to dispose of the complaints within a period of 90 days.

Accordingly, many disability acts have been enacted in India. There are at least two pre-independence legislations such as (a) the Leepers Act, 1899 and (b) the Lunacy Act, 1912 (Mehta 1983: 286). After independence, the first act dealing with disability is the Mental Health Act, 1987. It is of interest to note after this Act and since 1990, there is a paradigm shift in the approach to the disabled rights in India. As a result, the following legislations were adopted: The Rehabilitation Council of India Act, 1992; The Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995; The National Trust for Welfare of Persons with Autism, Cerebral Palsy, Mental Retardation and Multiple Disabilities Act, 1999. Recently, Indian Government introduced The Rights of Persons with Disabilities Bill in Rajya, seeking to increase reservation for disabled persons in public sector jobs from existing 3–5% and reserve seats for them in higher educational institutions.[18] Very recently, on 26 March 2014, in *Justice Sunanda Bhandare Foundation Vs. Union of India*,[19] the Supreme Court Bench consisting of Justice R.M. Lodha, Justice Sudhansu Jyoti Mukhopadhyaya and Justice Deepak Misra issued directions to the Central Government, State Governments and Union Territories to implement the provisions of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995.

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[18]The Bill introduced on 7 February 2013 by the Minister of Social Justice and Empowerment, Mr. Mallikarjun Kharge, seeks to broaden the ambit of disability from 7 to 19 sub-categories. See Times of India 7 Feb 2014, available at http://timesofindia.indiatimes.com/india/Government-introduces-Rights-of-Persons-with-Disabilities-Bill-in-Rajya-Sabha/articleshow/30007941.cms visited on 01-04-2014.

[19]"We accordingly, direct the Central Government, State Governments and Union Territories to implement the provisions of the 1995 Act immediately and positively by the end of 2014". See Para 14 of the judgement; Writ Petition (Civil) No. 116 of 1998.

17.6 The Draft Rights of Persons with Disabilities Bill, 2016

The Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995 was enacted to give effect to the Proclamation on the Full Participation and Equality of the People with Disabilities in the Asian and Pacific Region. The Act defines Persons with Disabilities as those having not less than 40% disability and identified seven to twenty-one categories of disabilities, namely blindness, low vision, hearing impairment, locomotor disability, mental retardation, mental illness, leprosy-cured, dwarfism, intellectual disability, autism spectrum disorder, cerebral palsy, muscular dystrophy, chronic neurological condition and acid attack victim. Over a period of time, the conceptual understanding of the rights of persons with disabilities has become clearer, and there has been worldwide change in approach to handle the issues concerning persons with disabilities. The United Nations adopted its Convention on the Rights of Persons with Disabilities laying down the principles to be followed by the States Parties for empowerment of persons with disabilities. India signed the said Convention and subsequently ratified the same on the first day of October, 2007. The Convention came into effect on the third day of May, 2008. Being a signatory to the Convention, India has an international obligation to comply with the provisions of the said Convention which required an entirely new legislation.

The Rights of Persons with Disabilities Bill was meant to be an enactment to codify India's obligations under the (United Nation Convention on the Rights of Persons with Disabilities (UNCRPD), which it ratified without reservations. There was a Committee set-up in 2009 by the Ministry of Social Justice and Empowerment, headed by Smt. Sudha Kaul, Vice-Chairperson, relating to the Rights of Persons with Disabilities to draft a Bill. The Draft Bill of 2011 was submitted to the Ministry and in response to that or otherwise, the Ministry released a Draft Bill in 2012.

The Draft Bill of 2012 is not as comprehensive and inclusive as the 2011 one, and there were certain serious issues raised before the Ministry on the notification of the 2012 Draft. Thereafter the Draft, apparently still in its 2012 format, went to the various Cabinet Ministries, and then circulated among States. Some version of this Bill was cleared by Cabinet in December 2013. Thereafter, organisations of persons with disabilities began protests for the speedy introduction and passage of the Bill. Unlike some organisations who have decided to give a list of amendments to Cabinet to carry out in the Bill pre-introduction. The Government introduced the Rights of Persons with Disabilities Bill in Rajya Sabha, seeking to increase reservation for disabled persons in public sector jobs from existing 3–5% and reserve seat for them in higher educational institutions (Times of India 2014).

Persons with disabilities under the proposed legislation—which also seeks to broaden the ambit of disability from seven to 21 sub-categories. Lok Sabha passes 'The Rights of Persons with Disabilities Bill—2016 replacing the PWD Act,

1995 which was enacted 21 years back. The salient features of the Rights of Persons with Disabilities Bill,[20] 2016, *inter alia*, are:

- Twenty-one specified disabilities have been defined. Speech and Language Disability and Specific Learning Disability have been added for the first time. Acid Attack Victims have been included. Dwarfism, muscular dystrophy have has been indicated as separate class of specified disability. The New categories of disabilities also included three blood disorders Thalassemia, Haemophilia and Sickle Cell disease;
- Government-funded educational institutions as well as the govt. recognised institutions will have to provide inclusive education to the children with disabilities;
- In addition, the government has been authorised to notify any other category of specified disability;
- the persons with disabilities enjoy various rights such as right to equality, life with dignity, respect for his or her integrity, etc., equally with others;
- Duties and responsibilities of the appropriate Government have been enumerated;
- All educational institutions funded by appropriate Government shall provide inclusive education to the children with disabilities;
- A National Fund is proposed to provide financial support to persons with disabilities;
- Stakeholders' participation in the policy making through Central and State Advisory Boards;
- Increase in reservation in posts from existing 3–5%;
- In the vacancies for persons or class of persons with benchmark disabilities in every establishment and reservation of seats for students with benchmark disabilities in higher educational institutions;
- Every child with benchmark disability between the age group of 6 and 18 years shall have the right to free education;
- Office of Chief Commissioner of Persons with Disabilities has been strengthened who will now be assisted by two Commissioners and an Advisory Committee comprising of not more than 11 members drawn from experts in various disabilities;
- Penalties for offences committed against persons with disabilities and also violations of the provisions of the new law;
- Court of Session to be designated as Special Court by the State Government in every district to try offences concerning violations of rights of PWD's.

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[20]Lok Sabha passes 'The Rights of Persons with Disabilities Bill, 2016 replacing the PWD Act, 1995 which was enacted 21 years back. The aforesaid Act of Parliament received the assent of the President on the 27 December 2016'. This Act is to give effect to the United Nations Convention on the Rights of Persons with Disabilities and for matters connected therewith or incidental thereto.

17.7   Conclusion

More than 650 million men, women and children in the world suffer from either mental or physical disability. They suffer from discrimination and lower standard of living. They are often denied with their basic rights. Persons with disabilities encounter several obstacles due to sensitivity and barriers. The Physical Disability has become a major challenge to the developing societies. Despite having progressive Constitution, an enlightened and alert judiciary, and a fast evolving legal regime with a clear disability focus, the ground level situation in the country leaves much to be desired. There is little impact of recent changes in law and policy and that too is limited to small pockets of urban India. India waits for a new law to empower its disabled people. The existing law the Persons with Disabilities Act, 1995 has failed to provide them a better quality of life. A new law with teeth alone can bring about change. The new Act will bring the new law in line with the United Nation Convention on the Rights of Persons with Disabilities (UNCRPD), to which India is signatory. This will fulfil the obligations on the part of India in terms of UNCRD. Further, the new law will not only enhance the Rights and Entitlements but also provide effective mechanism for ensuring their empowerment and true inclusion into the society in a satisfactory manner.

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Part VI
Political Geography of Violence

Chapter 18
Statelessness or Permanent Rehabilitation: Issues Relating to the Chakmas of Chittagong Hill Tract in Arunachal Pradesh and Tripura

Anindita Ghoshal

18.1 Introduction

India is the largest refugee absorbent country in the whole of South Asia. But in spite of being the host of substantive asylum seekers and refugees, India is never and not a signatory to the 1951 Refugee Convention or the 1964 Protocol. Though it is indeed interesting to notice that over the decades, India has offered or in some cases, provided shelter in form of asylum to many marginal communities in their mother countries. They were like, Partition displaced refugees from West and East Pakistan, Tibetans, Tamils from Sri Lanka, Bhutanese refugees from Nepal, Afgans, Rohingya or other refugees from Myanmar and refugees from Somalia, DRC and Sudan, in one way or the other (Sen 2015: 1). While the Indian state does not offer any *defacto* protection to refugees, the absence of legal framework for refugee protection makes the status of the refugees a precarious one. There is no domestic procedure or law to protect the security issues or interests of the refugees in India. Hence, the final fate of the refugees is essentially determined by the protections ensured by the Indian Constitution (Sen 2015: 1). But the approach of the Centre and respective state governments were always kind of ad hoc, and their marginal status is based on the goodwill of the government in power.

The Chakmas of Chittagong Hill Tracts (CHT) were the worst sufferers among the other above-mentioned communities and categories in legal version. They migrated to India from East Pakistan after continuous atrocities and submergence of their lands. They fell into the status of 'statelessness' and described as 'stateless persons' in legal definitions. It was, however, much more derogatory in perceiving their status, in the place of their forced migration and even confusing to define a migrated group. 'Statelessness' as a status of huge migrating populace is not a source of human insecurity in South Asia. It was rather one of the causes of forced

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displacement, which posed a threat to national, provincial and regional stability. The issues related to 'statelessness' and status of the 'stateless persons,' along with other refugee concerns first got noticed internationally in the Conference of Plenipotentiaries that held on 1951. Yet, the Convention of 1954 defined officially the status of a 'stateless person' as someone 'who is not considered as a national by any state under operation of its law.' It came into force in the year 1960 and conveyed quite clearly that some minimum standardised treatments were recommended for this particular category, who again qualified as per those criteria's of the International Law Commission. Into the entire scope of so-called privileges, the most noteworthy part of the definition of a 'stateless person' is they should have the same rights as citizens in respect to exercise the freedom of religion and education of their children.

With this background, if we look at the problem through the prism of few migrant absorbent states of India, especially two of them, Arunachal Pradesh and Tripura, who experienced complexities of the local or regional protests in implementing policies towards the stateless populace from a particular community, the understanding of the role of governance, as well as, hindrances towards the implementation of such rules may give an apt image to be aware of their actual status and living in those states, in a wider way in South Asia. However, this article will also aim to focus on the situation by which the Chakmas were compelled to leave their place of origin and had taken shelter first in Arunachal Pradesh and later in Tripura, by the consent of the Centre. But in reality, they faced opposition from every quarter and suffered immensely for their status. So, when the Chakmas residing in Arunachal Pradesh basically compelled to remain as 'stateless persons,' as the Citizenship Act of 1955 was never 'applicable' in their case, in Tripura they finally opted the policy of repatriation offered by both the governments of India and Bangladesh (named after the War of Liberation—1971), yet many of them remained as illegal migrants. So, the article intends to argue that the Chakmas in both the states faced challenges in every possible ways, though finally chose to become one of the 'marginal communities' chiefly because of the absence of a legal regime. They fell amidst the state–Centre binaries, faced local undercurrents, especially resentments from the domicile tribals and socio-economic threats. So, the nature of their marginalisation was complex and different in both cases.

18.1.1 CHT: Beginning of a Crisis

Comprising mainly of three districts, Rangamati, Khagracherri and Banderban, the Chittagong Hill Tracts, which popularly known as CHT, is geographically an isolated region in the then East Bengal (now Bangladesh). Four rivers, Feni, Karnafuli, Sangu and Matamuri, have created a fertile valley in this region. Though the CHT region occupies almost 10% of the total area of Bangladesh, the population of these three areas together makes only 1% of the total population (Bhattacharya 2001: 321). With a population of 350,000, the Buddhist Chakmas

were the most dominant or majority community among a dozen ethnic minorities living in the CHT. The other majority groups are Marma and Tippera, while the minorities like Mro, Lusai, Khumai, Chak, Khyang Bawn, Pankhua, Hajong and Reang were constituted other indigenous tribal communities. From perspectives like cultural affiliation and kinship relation, the entire tribal population, at least so far as the major groups are concerned, can be divided into two major categories: some influenced by the South Asian model, when others inclined to the Southeast Asian model (Schendel 1992: 106). For example, Chakmas are more Indianised, and their practice of Buddhism has been adopted from different Hindu *pujas* within their fold (Sattar 1983: 384–395).

Different rulers have redrawn the political map of CHT several times as a result of frequent annexation of the region. The Mughals first initiated to encroach upon the CHT region, because of its strategic peripheral location. Mughal rulers had shown interest in this tiny peripheral region, which was famous for its elephants. The Mughals were extremely keen to have elephants in large numbers, since the elephants were necessary for the prestige of the empire, and in the warfare (Bhattacharjee 1991: 73). They annexed the CHT in 1666 after a prolonged war with the hill people and convinced them to pay a regular tax, levied on trade between Chittagong hills and plains. Though in return, they agreed to provide them the right of local autonomy. The first authentic source about this region is the account of Hamilton Buchanon, written in the eighteenth century. It stated that the predominant Buddhist origin of the tribes of CHT became an 'ideological bridge' between the hill people and the Buddhist India on the one hand and Myanmar (Burma) on the other (Schendel 1994: 64–67). The British too had difficulties extending their control into the CHT, and the war extended for almost 25 years. It was only in 1860 that the CHT was brought fully within the ambit of the British Empire.

The British introduced several administrative changes in this region over the years and simplified the judicial procedure. The Chittagong Hill Tracts Frontier Regulations of 1881 aimed at raising police forces in CHT. However, the most important reform was the Chittagong Hill Tracts Regulation of 1900, which is more popularly known as *CHT Manual*. This regulation divided the Chittagong district into three circles: the Chakmas, the Bohmong and the Mong. The most significant aspect of this *Manual* was the Rule 52 of the regulations that strictly prohibited the settlement of outsiders in the CHT. The prohibition in transfer of land to non-indigenous people was another significant recommendation; to implement those policy decisions, they, however, mentioned about the use of 'permit system' in this region. In 1920, a new administration was formed under the Chittagong Hill Tracts (amendment) Regulation. It declared the district as an 'Excluded Area.' In legal language, it meant independence of general administration. The Rule 52 was later repealed in the year 1930, and a permit was no longer required for entering in CHT. However in 1935, the Government of India Act declared it a 'totally excluded area' (Chakma 1986: 140–162).

18.1.2   Throbbing Transition: After 1947

The Partition of 1947 actually separated Bengal and Punjab, and the creation of borderland by dissecting this region has given the first political blow to the hill people of CHT. By the creation of the Radcliffe line, the non-Muslim majority of CHT first gained independence as a district of India. But a few days later, finally it declared to be transferred to the Pakistani administration (Ali 1993: 176). The reason for the sudden change of this particular decision was to provide a hinterland to the port at Chittagong including the Karnafuli River, which was of vital for the commercial and strategic interests to this port. The inhabitants of CHT even hoisted the flag of India, but the Pakistani army marched in on 18 August 1947. The Indian flag was immediately taken down (Schendel 2005: 48–49). So by this decision, CHT was handed over to East Pakistan, with 98% of its population comprising with dominantly Buddhists and other ethnic communities. It marked the beginning of a constant repressive policy to the people of CHT under the West Pakistani regime. The West Pakistani authorities and the Central Government supported the influx of Bengali-speaking Muslim population from the plain areas to CHT, as it was not very densely populated in comparison with the other regions of East Pakistan. However, the first Constitution of Pakistan that adopted in 1956 recognised the CHT as an 'Excluded Area.' But CHT lost this special status under the Pakistan Constitutional Amendment Act of 1963 (Mukherji 2000: 32–33). This enables non-indigenous people not only to enter, but also to acquire lands in the CHT. By such unfair activities, from a relatively economically self-sufficient and politically semi-autonomous region, the CHT was turned into a peripheral area within East Pakistan.

In many ways, the story of marginalisation of the Chakmas along with other tribes often traced back from the post-Partition days. In fact with the inclusion of CHT with Pakistan, the Chakma tribals were suddenly exposed to the unanticipated political and religious persecution. The economic policies made for implementing towards this region, and consequent exploitation slowly started right from the early 1950s, when the Pakistani regime undertook industrial developmental projects in the CHT with the help of foreign capitals (Kantikar 2000: 102–103). Those projects were not at all benevolent for the hill people. It was rather chiefly aimed at to weaken the claim of the Chakma community to a special status on grounds of their own unique history and issues of ethnicity. The first effort to modernise this region was the sudden beginning and gradual completion of the construction of the Karnaphuli Paper Mill at Chandragona in 1953 with support of huge loan from the World Bank. The next one was the Pakistan's most ambitious projects ever, the Kaptai Hydroelectric project between 1959 and 1963. When the first one led to the 'millions of tons of bamboos and soft wood cut' in the CHT every day, primarily for the purpose of producing paper, the second one encroaches 52,000 acres of settled cultivable land which was about 40% of the total arable land in CHT (Singh 2010: 41).

18.1.3 Bangladesh: Politics of Ethnic Cleansing

These two incidents largely led to one of the biggest displacements of ethic tribals from CHT. It indeed was one of the highest percentages of up-rootedness in the history of modern South Asia. The discriminatory attitude of state towards different communities did not end up with the independence in 1971 and emergence of a third country in row (The Indian and Pakistan Year Book 1951: 686). The ethnic communities of Chittagong Hill Tracts again became the victim of Bengali nationalism. They faced same kind of treatments from the Awami League chief, the then Prime Minister, Sheikh Mujibur Rahman in Bangladesh. While they demanded Constitutional recognition of their identities, he instructed them 'to forget their ethnic identities' (Chakma 2010: 19–20). Almost 100,000 people compelled to leave that area and they were never properly rehabilitated in their homeland again. The 'Census of Un-rehabilitated Displaced Persons' conducted surveys in 1959 to understand number of Bengali Muslim refugees who were rehabilitated in Chittagong, Chandraghona and Kaptai. The report stated that though many refugee families were settled there, but the rehabilitation work was also not impressive (Census of Un-rehabilitated Displaced Persons 1959: v). These displaced people were even fending for themselves when the erstwhile Government of East Pakistan failed to pay them any sort of compensation (Akhtar Mukul 1989: 24).

Many of the Chakmas had left with any choice other than a support of survival by jhum cultivation or just remained as 'internally displaced people' in and around the CHT. But about 40,000 Chakmas could not meet up the minimum requirement for survival and crossed over to India for immediate security and permanent shelter. Their intention was to settle down in the neighboring areas or any states of India like Tripura and Mizoram, where other tribal communities of similar origin had been residing for a long time (Basu Ray Chaudhury 2003: 254). In fact, the jhumia population had been isolated over large areas in the native CHT in the adjoining areas of Tripura and Mizoram for the administrative purposes designed by the British. Moreover, there were periods when parts of CHT were under the control of the tribal royal family of Tripura. Yet, the Government of Tripura did not encourage those displaced Chakmas to settle down within the state, but accommodated them initially in a refugee camp in Manughat (Basu Ray Chaudhury 2003: 255). Finally, the Government of India contemplated a scheme to put up these refugees in the deserted land of North-East Frontier Agency (popularly known as NEFA), now Arunachal Pradesh. The Centre even tried to arrange transport facilities for them to some rarely populated districts of Arunachal Pradesh. Apart from the jhumia origin issue, the Government of India started considering some other similar factors too. The Centre assumed, as the local populace of Arunachal Pradesh were of same religious belief and in case of necessity, a section of these people could be utilised in the future by the Indian army and intelligence agencies (Basu Ray Chaudhury and Biswas 1997: 140–141).

There were lots of similarities between these two hilly areas in India and the then East Pakistan. Incidentally, Arunachal Pradesh has also enjoyed a 'Special

Protected Area' status, just like CHT since the pre-independence period. The ethnic lifestyle of both the communities and their religious beliefs and practices were considered as definite reasons behind the decision. So, the Chakmas were kind of assured to continue with their religious and cultural prolongation as 'The Chakma refugees are Buddhists and some of the locals are also Buddhists' (Basu Ray Chaudhury and Das 2011: 2). Though the vital motive expressed by the then Governor in Assam was to erect a human wall in view of the potential Chinese threat following the Sino-Indian War of 1962. Thus, initially the Chakma refugees were mainly settled in the Agency areas where there were rehabilitation schemes designed for them. The first batch accommodated in the Tirap division of Changlang district of NEFA in the vacant lands. Later, between 1964 and 1969, a huge population from Chakma and Hajong community got settled themselves with the support from the then Central Government along with erstwhile NEFA administration in the Lohit and Subansiri districts (White Paper on Chakma and Hajong Refugee Issue 1996: 4) They were acquired 10,799 acres of land in these three districts, with due financial assistance from the Central Government for their rehabilitation (Basu Ray Chaudhury 2003: 258). But, by only three decades, the Chakma population rose more than 400%, while their number has gone up to 65,000 in different districts of Arunachal Pradesh and 33,000 refugees spread over several camps in India's northeast (Ghosh 2004: 33).

18.1.4 CHT under a New Nation State

The emergence of Bangladesh in 1971 did not fetch any drastic change in the fate of indigenous ethnic communities from CHT. Constant denial about the recognition of migrated Chakmas and Hajongs from Mymemsingh as their citizen, on the new constituted Government's part had twofold firm reasons. On the one hand, the then Awami League leaders were a bit upset with the role of the indigenous habitants of CHT played in The War of Liberation, as they relatively supported West Pakistani administration or troops. Some of them were even recruited as *razakars* against the native *Mukti Bahini*. Another point of reluctance on the Governments part derived from the fact that their 'ideology of Bengali nationalism,' which continued a rapid growth of 'outsider' Bengali settlement in CHT, chiefly in the reign of General Zia-ur-Rehman and General Ershad (Mutsuddhi 1992: 14–15). It became sheer a tradition of extreme cases of violation of human rights in CHT for the tribals. However under the Indira-Muzib agreement of 1972, it was decided that India and Bangladesh would not be liable and legally responsible for all those migrants who would enter India after 25 March 1971. Therefore, the Chakma and Hajong refugees who came to India before that time frame would be considered for the grant of Indian citizenship. But on 21 January 1972, the North-East Frontier Agency (NEFA) was made a Union Territory with a Chief Commissioner as per the provisions of the North-Eastern Areas (Re-Organisation) Act, 1971 (vide annexure XX) (Kumar 1996: 52). Indira Gandhi at Ziro, which was the headquarters of

erstwhile Subansiri District, formally inaugurated it. As K.A.A. Raja rightly visualised it, it led to further growth of political institutions in Arunachal Pradesh (Lego 2008: 61).

18.2   Question of Citizenship in Arunachal Pradesh

But these developments exaggerated the problems of Chakmas and Hajongs related to their prior refugee-hood and the question of citizenship immensely. The Citizenship Act of 1955 in India was never implemented for their cause. In fact, ever since the All NEFA Students Union, the forerunner of all Arunachal Pradesh Students Union (AAPSU) was formed, the Chakma issue was on top in their agenda. The genesis of the anti-foreigners movement in the Arunachal Pradesh can be traced back to 1975, when the People's Party of Arunachal (PPA) raised voice against the Chakmas for the first time during the first popular elections of the Agency Council. Arunachal Pradesh was a Union territory. The PPA raised the issue, as the organisation believed that if the Chakmas were accorded citizenship status and voting rights, they might be the deciding factor in the elections in those districts, where the Chakmas were numerically dominant (Singh 2010: 84–85). Yet again, according to the People' Rights Organisation, the Chakmas have been suffering forcible eviction and arson since the early 1970s. But the Chakmas and Hajongs were remained 'stateless' even after the amendment of the Indian Citizenship Act of 1985. They have been constantly denied Indian Citizenship, which was illegal and systematically deprived from other fundamental rights since the time of their resettlement (Basu Ray Chaudhury 2003: 259).

Apparently, the problem started with a letter from the Minister of state for Home, P.M. Sayeed to Nyodak Yonggam, a Rajya Sabha member in 7 July 1994. He, however, categorically mentioned the Centre's decision to consider the grant of citizenship status to Chakmas and Hajongs refugees in the light of the pact of 1972 (The Statesman, October 3, 1994). According to the Centre, the Chakma, Hajong and Tibetan refugees had been settled in the Arunachal Pradesh in consultation with the then North East Frontier Agency (NEFA) administration (Saikia 1994: 3311). As expected, the Home Minister's letter ignited a spark to the prevailing AAPSU sentiments. After one month, the situation underwent a drastic change. AAPSU served notice to all migrant communities, the Chakmas, Hajongs, Tibetans, Bangladeshis and Nepalis to quite Arunachal Pradesh by September 30, failing which a 'direct action' was threaded. With the active support of the state Government, they simply argued that Arunachal became a 'dumping ground' for all 'developmental' and 'environmental' refugees. AAPSU launched a movement named 'Refugees Go Back,' which consistently held the view that the refugees were actually 'foreigners' in their land. They organised a rally with leaders and supporters from all political parties of the state. The then Chief Minister of Arunachal, Gegong Apang, set December 31 as deadline for the Centre to evict those refugees from the state.

18.3 Repressive Policies Towards the Chakma Refugees

In 1980, the state Government imposed a ban on all kind of employment of the Chakmas. They stopped issuing any type of certificates to any members from the Chakmas and Hajong communities. In fact, all trade licenses that already issued to the Chakmas from late 1960s were seized. In fact, their employment options were sealed off completely. The situation was exacerbated by the AAPSU, as they organised economic blockades towards the Chakmas and Hajong and forbid the selling of any product in the refugee camps. In 1991, the state Government started discontinuing issuance of ration cards to them, when most of them used to live in extreme poverty. In 1994, the state Government began closing and burning down schools in these areas, affecting denying the Chakmas and Hajongs and their right to education (Hazarika 1994: 1). Health faculties in the Chakmas and Hajong areas became kind of non-existent. The state Government of Arunachal Pradesh made their point clear to the Central Government that these refugees had to be moved to elsewhere in the country, arguing that they did not come from a neighboring district or province of India (The Statesman, December 21, 1994). Indeed, they came with a settlement to NEFA and the Central Government.

After such incidents, the People's Union for Civil Liberties (PUCL) started requesting both the state Government and Central Government to look after on the issues of persistent conflicts. They treated the matter as a formal complaint and the Ministry of Home Affairs sent a note to NHRC in favor of granting them citizenship. The Government of Arunachal Pradesh contended before the Supreme Court showing that all these allegations regarding the well-being of these refugee families were wrong. Finally in 1996, the state Government ought to protect the life and liberty of the refugees living in the region. Against this background, on 1998, 27 Chakmas submitted citizenship applications to the Deputy Commissioner of Changlang district, though they were refused immediately by the stuffs, as the higher authorities instructed the respective officials not to entertain any such cases.

They, however, tried to resubmit the same applications directly to the Union Home Ministry. But more than two years after those incidents, the Chakmas and Hajongs refugees were not successful to acquiring citizenships (Indian Express, February 11, 1999). On 1999, the CCRCAP, a representative organisation of them urged Home Minister L.K. Advani to intervene on the whole issue urgently and direct the Election Commission of India to include the Chakmas and Hajongs in the electoral rolls of Arunachal Pradesh, who were citizens by birth (White Paper on Chakma and Hajong Refugee Issue 1996: 11). But both the Governments had made no move to include them in the electoral rolls.

18.4 The Migrated Chakmas: The Story of Tripura

Tripura in India's northeast is the only tribal state, which experienced a demographic upheaval by receiving huge post-Partition Bengali refugees from East Pakistan. This ancient state with its tribal population was transformed into such an altered state, the once-majority tribal population were reduced to a minority. The event remains unique in the history of modern South Asia. There were two types of Chakmas in Tripura: the first category was the domicile of the land, whereas the other category represents the uprooted Chakma community who had taken refuge from CHT. The first phase of migration of the Chakma refugees started from early 1970s, essentially after the War of Liberation (1971). The Awami League Government was not sympathetic towards the ethnic communities. Subsequently, the 1972 Constitution of Bangladesh did not include any provision of recognising the distinct identity of the indigenous ethnic populace living in the CHT. Though Manabendra Narayan Larma, the elected member of the Parliament pleaded in support of a position for Chakmas in the new nation's political agenda, but failed to acquire so. Larma was the actual brain behind establishment of the *Parbotyo Chattagram Jana Sanghatan Samiti* (popularly known as PCJSS) as a political group, and later its arm wing, the *Shanti Bahini* (Choudhury 1991: 10).

With the support of the Bengali settlers, as well as the administration, the insurgency operation by the Bangladeshi Army became an uninterrupted affair against the *Shanti Bahini* in CHT. This led to a huge exodus of the Chakmas, along with other ethnic tribal communities to the neighboring areas of the Tripura. Since 1978, the Central Government started providing shelter to the Chakmas in Tripura. In 1986, the Bangladeshi Security forces attacks hundreds of villages in CHT caused relocation of at least 70,000 jhumia people in Tripura compelled the Indian Government to open six camps in places such as Kathalchari, Karbook, Pancharampara, Silachari and Tukumbari, Lebachari in the Amarpur and Subroom sub-division of the state (Nandy 1993: 2102). The Constitution of 1972 declared Bangladesh a mono-cultural and mono-national entity, yet clashes over regional autonomy were continued in CHT till the signing of a peace accord in 1997. The accord has not delivered the intended peace chiefly for the altered demographic character caused by the Bengali settlement programme in CHT.

The series of massacres from 1988 to 1993 aggravated the problem and again huge uprooted population fled to Tripura. Both the Central Government and state Government arranged temporary relief for them, but the question of their rehabilitation was non-existent. But there was not enough opportunity to get health, education and timely supply of medicine. The Government agencies paid a very little attention regarding the prevention of communicable diseases like cholera, diarrhea and malaria. The immunisation programme also did not take off. The overall situation for both the Chakma communities was not impressive.

18.5   Tripura: Condition of the Refugee Camps

In the refugee camps, the Chakma migrants had limited access to the outside world. The camp officers were responsible for managing them within the camps as well as distributing rations, clothing and other necessary items as 'dole' to those families. The migrants often felt like a prisoner within the camps, as they were discouraged and at times denied to go out of the camps. They had limited mobility and little access to mingle with the local population. Later despite the restrictions, there were some rooms created for them to engage in small business in the locality, with the permission of the camp officers. The products that used to grow inside the camp were traded with the locals, by which they used to receive some remuneration (Basu Majumder 2003: 93). But over a period of time, despite the regular grants, interim reliefs and aids from the Central Government, the state Government of Tripura started considering the Chakma migrants as their own burden. They argued that the presence of this refugee community had created further demographic problem and environmental concerns in south Tripura. The steady rise in birth rate within the camps threatened and strained state resources.

The surrounding area of the camps underwent deforestation, and local people started facing an acute shortage of natural resources such as firewood, wild vegetables, bamboo shoots and wild potatoes, which used to constitute a primary source of livelihood for them. Moreover, the Government of India had spent Rs. 13.5 million on this migrant community. Hence, it became a source of discontent among the locals. They, however, felt marginalised and harboured resentment for treating the migrants as privileged (Chowdhory 2004: 193–194). It generated conflicts of interest between the locals and migrants. But local populaces were actually poor, and their condition and standard of living were also miserable. A larger section of the local population had another grievance about their means of livelihood. The Chakma refugees used to provide cheap labor to local businessman and agriculturists in comparison with the locals. Hence, they gradually stared to resent against the presence of the Chakmas, whose living standard is often little higher, since they were receiving daily rations and earning wages from the local businesses.

Life was not virtually that easy for them in Tripura. From the very beginning, officers who were in charge of the camps for assisting them were corrupt and used to snatch a portion of relief they were liable to get. They used to call their name twice a day to confirm their stay within the camp. As the duration of their stay was prolonged, the supply of ration became irregular and their miseries became manifold (Chowdhory 2004: 197). The issues related to their health, hygiene and education suffered as numbers steadily increased within the migrant population. The unhygienic condition of the camps, high rate of mortality and lack of proper facilities made the condition pathetic. The birth rate was indeed very high. The numbers of newborn babies were 12,140 up to 1996. Though temporary dispensaries and a semi-permanent ten-bedded hospital had constructed by the Relief and Rehabilitation Department, but facilities were not at all adequate for the huge

number of migrants residing in camp, which often caused epidemic. The general health condition was miserable. Diarrhea and malaria were the major causes of tension, where TB and skin and worm infections were other prevalent diseases. From May 1989, Voluntary Health Association of Tripura (VHAT) had started their work in the Chakma refugee camps in Tripura; they reported that almost 30% of the total children born in the respective camps were suffering from night blindness and other vitamin deficiency disorder (The Chakma Profile 1999: 18).

In the education front, the Government arranged schools and study materials for the primary education of the migrant offspring. In 1989, the state Government had set up twelve primary schools, in which 8000 Chakma students had been enrolled. But the teachers recruited for them were only with a monthly honorarium of Rs. 100. Their education was restricted up to eighth standard only. They appealed repeatedly for the permission to appear their children in the *Madhyamik* examination (Xth Standard) from the Tripura Board (Document on Population state of Refugee Inmates 1996: 1). Eventually, a group of six representatives from those camps living Chakmas met the Chief Minister to convey their respective grievances of the camp life. They were running shortage of firewood, irregular supply of ration and lack of minimum medical facilities. By 1989, there were almost three generations of migrants in every family who were enduring their life and living in a small room within congested sheds. Their main demand was to increase the quantity and quality of ration articles and increase of their daily allowance from twenty paisa to Rs. one.

18.6   Tripura: The Policy Making Process

The local populace resented vehemently against the presence of the Chakma migrants, and the Government of Tripura was keen to secure their repatriation. The state Government's chief concern was that the presence of such a large number of migrants might be detrimental to both the state administration and growing socio-economic and political problems. There were regular incidents of missing inmates from the camps who managed to escape and settling down themselves in a different region of Tripura. It became a trend from the second half of 1980s to give up the camp life and enjoy the facilities of a normal citizen. The physical look of the domicile and migrant tribals was so similar; it was difficult to make a distinction between them. The number of missing inmates from camps became 21,380 by 31 December 1996 (Annual Report of Voluntary Health Association of Tripura 1996: 1). It caused another sort of tension between the locals and migrated Chakmas.

The local tribal groups highlighted the gradual deforestation and use of all local resources of those particular localities, over and above the steady Central aid and state patronage for them, just like the Bengali refugees in previous decades. The local political parties were also vocal against their stay in Tripura from the early 1990s (Basu Majumder 2003: 96). *The Tripura Upajati Juba Samiti* (TUJS), a dominant political party mainly based on Amarpur and Subroom sub-divisions, agitated regarding the issue of staying on of these Chakma migrants from the

neighboring CHT, in their central committee meeting on January 1990 (The Telegraph, Calcutta, January 18, 1990). Just like the demand of AAPSU, they also demanded that the Chakmas should be shifted to any other states of India. With the incessant support from the vast majority of domicile Chakmas and other ethnic tribal communities, the TUJS was no longer in a position to ignore this demand from grass-root level of their organisation (The Dainik Sambad, January 25, 1990).

The gradual and consistent resentment about these Chakma migrants compelled the state Government to take a twofold policy, concerning their permanent rehabilitation and the question of their citizenship. It became crucial for the state Government to pressurize the Government of India regarding a permanent way out of this problem. The process of repatriation was started by both the Government of India and Government of Bangladesh from 1992 with the formulation of a 'joint action plan.' Yet, the Government of Bangladesh had offered a 16-point programme in 1994, and the whole procedure got some remarkable progress. But according to the Government report, around 55,000 Chakma migrants remained in the relief camp (Bhattacharya 1991: 123). Time and again, the significant shift in the geopolitical and economic relationship between the two countries caused a significant change towards the attitude of the migrants. There were allegations from the Bangladeshi Government's part that the Indian Government had pressurize migrants to return to their place of origin, the CHT, as they had denied food to the Chakmas in the temporary relief camps (Verghese 1996: 179).

However, it was to a great extent true that the Tripura Government often had to undertake some major decisions or measures for those camp refugees, without prior authority or knowledge of the Government of India. There were instances of taking certain steps by the Tripura Government, which did not represent position of the Government of India. Under such international pressures, a Peace Accord was signed between the Government of Bangladesh and PCJSS in 1997. It offered an official pardon for those who were facing criminal charges. Safety assurances, job guarantees and financial help to build houses and restore lands were offered to them, but actually very little had been done for the jhumias: the return of usurped lands to the Chakmas. The Government of Bangladesh was unable to rehabilitate more than half of the tribal Chakmas who had gone back by that time. The Chakma brethren of Tripura camps increasingly became aware of about this treatment with the returnee Chakmas by the Government of Bangladesh and amidst the changing society in CHT ('No Secure Refugees' 1994: 1). So, rest of the migrants rather preferred to stay in the camps in Tripura, ignoring the enduring miserable condition and growing ill treatment by the Government officials and masses as well.

18.7 Conclusion

The United Nations High Commission for Refugees (UNHCR) has an important role to play vis-à-vis refugee protection and assistance. According to the UNHCR, three 'durable solutions' can be applied to the refugee problems: integration,

resettlement and repatriation. But unfortunately, these initiatives relied only on the good wishes of the respective countries, especially when the entire policy formulation was dependent largely on persecution. In case of the miseries of the stateless migrated Chakmas in these two states, the condition of refugees in Arunachal Pradesh was more difficult. The two legal instruments explain statelessness mainly in two ways: *de jure* and de facto. According to it, a stateless person as defined by 1954 Convention is generally equated with the term *de jure* statelessness. In this case, the condition of Chakma camp refugees in Tripura can be explained with the parameter of *de jure* statelessness, where they at least receive recognition by a country, though it did not offer them the appropriate rights of citizenship.

On the other hand, the host country as well as the particular state and its people are not interested to bear responsibilities regarding their livelihood, but continuing to give them shelter and some basic source of survival. So, these refugees can be an ideal example of that type. Besides, the Convention also refers to the category of de facto stateless persons, who remain outside the country of their nationality and hence is unable or for valid reasons unwilling to avail themselves of the protection of the motherland. The Chakmas of Arunachal Pradesh are the perfect instance of such category of refugees. The just left own country permanently, wishes to stay back only in that particular state, but did not have any legal bond for that. They were victim of marginalisation by the state, respective societies and the locals. They were always in dilemma what to opt for a healthy survival. The present generations of the Chakma and Hajong communities were actually the victim of the state suppressions. They were neither refugees nor migrants by birth, but because of their identities, policies and contemporary politics of the state–Centre relations and policies, they are still suffering. The process of ethnocide and an illegal 'silent migration' of the domicile tribal of CHT to the north-eastern states of India are continuing till today.

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Chapter 19
Historical Memory and the Method of Collaboration: Doomed Marginal Resistance Movements?

Javaid Iqbal Bhat

19.1 Introduction: Selection of Marginal Groups

There is a studied hierarchical arrangement in the choice of these different resistance systems. The World Social Forum as a counterpoint to the World Economic Forum operates at the transnational level; the Democratic Students Union, still in its embryonic stage, works at the national level; and the All Parties Hurriyat Conference, as an antinational conglomeration in Kashmir, has pitched its discourse at the sub-national level. The Oregon Mental Institution wherein McMurphy exhibits his subtly worked out anti-institutional exploits is a compact setting at the bottom of this four-tier arrangement. That makes it no less important than the rest. On the contrary, as the paper will illustrate, it is the most important unit. For due to its very compactness, and a rather coherent course of action leading to a moving end, it is more open to a profitable futuristic evaluation.

19.2 Summary of the Movie

> The Condition of Laughter is knowing how to resolve life's ordinary difficulties… The laughter I'm thinking of necessarily expels misfortune (Bataille 1961: 102).

> Laughter presents an element of victory not only over supernatural awe, over the sacred, over death; it also means the defeat of power, of earthly kings, of the earthly upper classes, of all that oppresses and restricts (Bakhtin 1989: 305).

To put things in perspective, let me give a summary of the film. The movie begins with the entry of the protagonist, the free spirited, fun-loving McMurphy

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into the mental institution escorted by a couple of white uniformed blackguards. His first stop is in front of Chief Bromden. He is a tall, burly inmate with a long broom in his hand. Upon being nudged verbally, he remains immobile and indifferent to the new comer and meets the protagonist's cowboy style antics with a blank stare. Later it turns out, as the intimacy between him and McMurphy grows, that his deafness and dumbness is self-imposed, more of a strategy on his part to evade the pain and unforgiving routine of the asylum. One by one, the protagonist gets acquainted with the inmates. There is the intellectual Harding, sexually frustrated Billy Babbitt who is in his 30s but psychologically still an adolescent, Chuzzlevich and above all the dictatorial Miss Ratched, who, beneath her cool temperament and the Foucauldian 'speaking eye', personifies the repressive power of the normative order. Her perception in this institution is the key. She scans every motion and observes every movement. In her disposition, she seems to have been modelled after Michel Foucault's idea of the medical practice in which a kind of active vision or the gaze is elevated to level of great importance. 'Over all these endeavours', he says in *The Birth of the Clinic* 'on the part of the clinical thought to define its methods and scientific norms hovers the great myth of a pure gaze that would be pure language; a speaking eye. It would scan the entire hospital, field, taking in and gathering together each of the singular events that occurred within it, and as it saw, and as it saw ever more and more clearly, it would be turned into speech that states and teaches' (Foucault 1963: 140–41). Inside her the dark, demoniac, domineering forces lurk menacingly. Their stunting capacity can only be measured by the meticulousness with which Chief Bromden is guarding his self-imposed silence. Within the precincts of the barbed wired institute, she presides over a spirit grinding schedule; any plea to change or modify the same is turned down by her stern 'no'.

Next, McMurphy mobilises support in order to watch the World Basketball Series on the lone television set. But the nine votes he manages after a lot of persuasion, he is informed, does not constitute a majority as there are eighteen people in the Ward. He does procure Bromden's 'yes' but a minute after the meeting was already over. Hence unacceptable. Despite 'big bosomed' Miss Ratched's 'no' he does not budge; believing that we are good Americans—an indicator of the unexpressed desire inhabiting in him to recover the lost idea of America submerged under the existing state of affairs—he stages a show of watching the World Series match. Others soon join him in the mock-watching done in a bid to break Ratched's iron fist; a raucous ensues, guards are called and a scuffle follows.

An important episode in the movie occurs when McMurphy, along with the other eight members and a prostitute, stealthily leaves the institution for a roller-coaster ride. It is for the first time, in their face-off with the open nature, that they came into their own. There are visible signs of rejuvenation. The incipient feelers of a new independent thinking are given out by Harding, Bibbit, Chuzzlevich and others. So far their imaginations had remained circumscribed within the borders of the inhuman institution. Now, they feel reinvented by nature. Bibbit in coming closer to the prostitute renews his consciousness of the body. The unfortunate event happens when prostitutes with the help of McMurphy make ingress into the

building in order to reduce the 'sexual and emotional impotence'. Upon being caught sleeping with one, Bibbit commits suicide by grazing a shard of bottle across his throat. He is found, to the shock of all, in a pool of blood. This prompts McMurphy to attack Ratched, on whose orders Bibbit had been taken away.

Following this, the protagonist himself is hauled away for a shock treatment. By this time, the high ups in the gradated administration of the institution have come to believe that despite his previous violent record, McMurphy is not crazy as they had presumed or as he himself had feigned to be. One night as he is brought in the asylum dress, in a dizzied condition, to his bed, Chief Bromden sees him. When the blackguards leave, Bromden approaches him and, picking up his head, whispers something into his ear. Getting no response but only empty stares, Bromden assumes that except for walking shakily McMurphy for all practical purposes has been rendered dead. In an extremely poignant moment in the movie, Bromden, with a pillow, suffocates the writhing hero to death. And picking up a heavy object on which are taps fixed, one which earlier McMurphy had tried but failed to lift in a little betting game, hurling it at the window, he is seen fleeing into a dimly lit horizon. Downstairs the inmates are joy personified on hearing the window breaking sound, feel as they do that McMurphy, their benefactor, has fled. Only the intellectual Harding whose transformation seemed to have been full rises somewhat sceptically from the sleep.

19.3 Movie as a Microcosm of the Method of Resistance by the Marginalised

The story presented this way does not do justice to the intricacies involved. Made in 1975, it was an important pioneering note in the American Counterculture Movement. It encapsulated the concerns of a new generation which was reluctant to live under the values pushed onto them from dominating power structures. Significantly from the point of view of resistance, this movie is a microcosm of the larger struggles waged outside the realm of an American Mental Institution. The battles in the World Social Forum (WSF), Democratic Students Union (DSU) and the All Parties Hurriyat Conference (APHC) are also fought, in the beginning, against a dominant formation. Just as McMurphy as an individual acts, upon his entry, as a galvanising agent, a rallying point or a mobilising force for the marginalised, so do these other movements necessitate galvanising agents. Prior to his entrance, the anger, among the inmates, was mostly directed towards each other, creating, in the process wide rifts among themselves. The end product of these internecine squabbles was a reinforcement of the strength of Miss Ratched. This dynamics of internally directed and externally vented anger is as much applicable in case of Miss Ratched and her subservients as it is in terms of liberal capitalism and WSF, nationalism and DSU, and again nationalism versus APHC. The point is that

the smaller frame of 'One Flew over the Cuckoo's Nest' does, in no way, prevent it from becoming a barometer with which to test the strengths and weaknesses of these rather disparate resistance movements.

19.4   Clear and Compact Frame of the Movie

Not all resistance movements can be used as microcosms. Because there is a lack of clarity in their method of resistance. Why is it that the umbrella organisation APHC cannot be used to examine the efficacy of the solidarity method, based as it is on the same argument? For the simple reason that a lot of cacophony, shared by it with the WSF and the DSU, clouds the practical functioning and efficiency of their technique. Michael Albert, who attended one of the meetings of the International Council of the World Social Forum, believes that it is nothing more than a rubber stamp:

> I circled around the room asking many of those present, "who are the real decision-makers of the WSF?" "Who is it that allots limited choices to this group, saving important matters for their own eyes?" "Who is it that makes the bigger decisions that never come before this group?" While a few folks could hesitantly name a leader or two based on knowing the history of the WSF, no one I talked to was confident about even that, much less a whole list of leaders. It was as if I had been dragged onto a central committee in a country that had a still higher body that dictated key results, and I had asked my fellow central committee members who those higher authorities were–and no one knew. The real WSF leadership, I think, makes many key decisions. Will the event have Lula present, and in what capacity? What about Castro, or Chavez? Will there be exclusions, and if so on what grounds? The Zapatistas? Will there be a march, and who will be the key speakers? Will there be a collective statement, with what content? What efforts will or won't be made to achieve gender balance, race balance, geographic balance? How will class differences be addressed, if at all, within the process and more broadly? How will press be handled, both mainstream and alternative? Will the WSF start to discuss facilitating an international movement of movements, or will it persist only as a forum? What will be the accommodation between advocating reform of capitalism and advocating a new system entirely? (Albert 2006: 422).

What makes the movie, on the contrary, eminently usable, aside from its compact frame, is the progressively clear enunciation of the pitfalls and the difficult negotiations lying ahead after setting up of a locus of the solidarity movement—no matter how small—right under the eyes of an oppressive system. Riven as the other movements are by methodological confusion and direction, this movie is made to subject the method of resistance itself to a comprehensive treatment and thereafter use the results obtained to objectively evaluate other projects based on the same method. This is not the same as to put these isolated projects on the same footing but seek to institute correction measures before they meet McMurphy like end. The question, however, may be raised as to how independent units, as they are in the movie, from a more or less homogeneous cultural context, can be used to study collaborationist movements as the WSF based on vastly heterogeneous units. Though it is not wholly justifiable that 'One Flew over the Cuckoo's Nest' presents

a homogeneous context as there are blacks—forming stereotypically a security frame of the institution—and the half-Native American and half-white Chief Bromden, as well as characters drawn from various social and economic formations, yet one can argue if in this very context with narrow differences, the solidarity method meets a dead end, what of the resistance movements in which differences threaten to melt away the common ground. After having established a sound linkage between the main coordinates of these methods, how far one can go in situating the dreadful end—as observed in the movie—in these separate yet methodologically identical movements? This dead-end interpretation rests on my understanding that the institution is back to square one after McMurphy's death. Mac's covert purpose, determinable from the actions subsequent to his arrival, is to ensure that the people inside the Ward raise their voices against Nurse Ratched's authoritarianism. This objective is achieved; new life is infused into the Ward, and a querulous bunch of exceedingly marginalised but obedient people are re*formed*. However, when Mac dies after making a mortal attack on Ratched, the facelessness of the set-up is bound to increase in order to obviate the possibility of any mayhem in future. Hence, the pain will now be double conscious as the members of the ward have become of the pleasures of freedom. Therefore, there is a possibility of unravelling the movie as a self sufficient code to be judged by the sole criterion of its own mode of being. However, the similarities are too vivid to let us elide the end in the movie as one conditioned by a circumstance distinguishable from the ones informing other movements.

19.5   Similarities Between the Movie and the Marginal Movements

As McMurphy arrives in the Oregon Mental Institution, he walks towards a markedly different—in terms of the physical features—tall, grim looking, long-haired and heavily built Chief Bromden. No sooner is he there than a comical scene occurs which looks out of place in the backdrop of the prevailing condition. He produces loud noise which resonates across the ward, drawing curious glances. At this instance, a group of inmates are busy playing cards around a table; Bibbit, the youngest in the group, seeing him produce this insane noise smiles while looking at others at the table, suggesting that one crazier guy has made it to the place. The smile, which at this juncture is visible only on the face, will, as the narrative proceeds, expand into a laughter and spread onto other glum faces. Bakhtin talking about the symbolic value of laughter says that 'Rabelais and his contemporaries were also familiar with the saying of Pliny that only one man, Zoroaster, began to laugh at the time of his birth; this was interpreted as an omen of his divine wisdom' (1989: 69). R.P. McMurphy too opens a new chapter in the Ward with laughter. The incitement of this authority-mocking laughter enacts a rebirth with no small results, a rebirth, which gradually casts away the acute fear and diffidence, and induces a new consciousness of the immediate surroundings.

There was laughter earlier but one that played into the hands of the domineering authority. So we have Mr. Harding, the best educated in the group, being made the butt of jokes for using hard vocabulary and drifting into recondite realms. The 'peculiar' episode is very comical; but as the surface is pealed away, the dark core with the entire concomitant pain hits one in the eye. The peculiar episode refers to a very funny scene in which much is made of the word peculiar. It so happens that the serious-minded Harding is asked by Miss Ratched, during one of her usual meetings with the 'patients', to say more about the problem relating to his wife. Harding, apparently deeply disturbed and given his own temperamental predilection to fly off at a tangent even during ordinary conversations, diverges into interrelationships, God, mankind, form, content, etc. Irritated by this, one flummoxed person shouts on him to 'knock out the bullshit and come to the point'. Mr. Harding, in response to this, insists that it may sound 'peculiar' to you. Before he could complete the sentence, he is stopped midway and asked contemptibly to explain what he meant by 'peculiar'. Raising his hands up to the chin, he makes a clownish gesture to get the point through their heads. McMurphy, meanwhile, is all laughter as the group drifts into a humorous concentration on two more words, allusion and illusion. This new kind of laughter whose begetter is McMurphy moves, in its essence, outward and pokes fun at the multiple forms of power. It reaches its peak when Bibbit is caught sleeping with a prostitute and is brought out naked. On this occasion, everyone behind him, in clear defiance, laughs as he is struggling with the answers posed by Miss Ratched. The laughter engendered by the protagonist is invested with a political charge. Not only does it cement ties among the crazy inmates but also leads to a stage of ominous confrontation. It breaks the shell in which the self had enclosed itself courtesy zeroing in of the tentacles of a powerful institution. The deployment of the insurrectionary laughter as a mobilising tool is not an uncommon practice in the political praxis of World Social Forum, Democratic Students Union and the All Parties Hurriyat Conference. The installation of huge screens showing clippings of speeches of people, usable as symbols of inhuman capitalist or oppressive nationalism against serious 'factual' statements from leaders of these resistance formations, are ways in which satirical comical situations are created. Michael Moore's *Fahrenheit 9/11* exposing the imperialist design in tooth and claw, was a common toast for quite some time in such gatherings where capital was in the Bull's Eye. A cocktail of cartoons, slogans, jokes, anecdotes and monologues is profitably chiselled to reap the maximum mobilisation harvests. The understanding underneath is that anger is not the only revolutionary attitude but 'the power of laughter can be just as subversive, as when carnival turns the old hierarchies upside down, erasing old differences, producing new and unstable ones' (Moi 1985: 40). The jokes containing a local flavour are an important part of the resistance idiom of the APHC. The jokes in their terseness are redolent of historical betrayals and treachery executed by the leaders against their own subjects for no other purpose but to remain in the Chair. One of the slogans with a comical ring round it is emblematic of the mass resentment against the betrayers. There was a time in the early nineties when many a street woke up to this slogan. 'Farooqin kabar kasheeri nebar' [Farooq's grave outside Kashmir]. Farooq Abdullah, son of

Fig. 19.1 Mocking authority, mobilising marginalised. http://individualityinamerica.weebly.com/one-flew-over-the-cuckoos-nest.html. Accessed from 26 January 2017

Nehru's 'Lion of Kashmir', in those days was devoid of the Chair and shuttling between the European shores and Delhi (Fig. 19.1).

In close relation to humour, yet distinctive in its own way is the spectacle; a moment of spectacle condensing within its space and time the elements of the ludicrous, and what appears in the beginning when the design is concealed away from the onlookers, the grotesqueness. Humour by itself can very rarely succeed in engineering a realignment of forces but when blended with a pre-planned spectacular moment, attention cannot but be drawn away towards the sources of these norm destabilising tactics. There are a number of scenes in 'One Flew over the Cuckoo's Nest' wherein the cohabitation of insurrectionary laughter and spectacle has occurred. Bibbit's amusing half suppressed smile on McMurphy's spectacular arrival, and one-sided conversation with the Chief is not tenuously associated with the surprising glances of people around him towards the entrant's antics. For a fleeting minute or two, the humdrum routine governing the endless days is brought to a standstill. And all concentration is condensed on the body of McMurphy. This moment marks the beginning of a transition, a rebirth of the ward, no longer will it remain the same; he becomes the harbinger of change, a change, which due to a brutal but predictable twist in the plot turns in on his own body and culminates in his death. The death of the hero returns the Ward to the original degree zero. However, the immediate purpose of the spectacle is achieved; some of the Ward members begin to own their bodies and minds—an act far off from the compass of their being, made as they had been walking corpses living wayward and directionless lives thanks to the overarching power apparatus—make independent judgments and become increasingly conscious of the real Miss Ratched behind her mask of generosity and strategic benevolence. The eventual goal of the mental

institution was to produce norm-conforming subjects by negating to the minuscule their control over their lives. A way cleared for this is to serve them a daily quota of pills, which reminded them of their insane condition. This state of existence dominated by ennui is, however, confused for the good by McMurphy. He brings emotional resurgence and sexual potency into the Ward and helps in casting away the self-reducing fear. A fresh emotional and sexual current, denied permission to hold ground hitherto, electrifies the atmosphere.

Very few are there who are not conversant with the spectacular happening in Seattle some years ago. The city was bristling with protesters who had assembled there from various places of the world to lay a siege of the spot chosen by the World Trade Organisation for its meeting. Pitched battles were fought, tear gas shells were exploded, baton charge was taken recourse to, and rubber bullets were fired; at the end of the day, the city wore a war like scene. The same course of action was repeated in Washington against the IMF and the World Bank and more recently in Doha. The world community remained riveted to these events or when over 90,000 gathered at the fourth World Social Forum in Mumbai a few years ago. Essentially in conformity with these extravaganzaic demonstrations is the APHC call of 'Darga Challo', (march to Dargah) converting thus, what was earlier a purely religious setting, into a religio-political location for mass mobilisation. The 14th November Prime Minister of India's statue unveiling speech was similarly capitalised by the DSU to produce its own attention grabbing spectacle. Dubbed as 'lazy bones' in pamphlets of various political parties across the JNU campus, that day was made defining by what the vice chancellor described as a 'handful' of its members. No more than 3 or 4 students stopped, using very clearly the shield of JNU, the Prime Minister of one billion people from making an audible speech. This despite the fact that, in addition to a majority of students, a good number of faculty members had converged in the stadium to hear him. No occasion, so must have gone the thinking behind the DSU game plan, than this, is crucial enough to extort for themselves a recognition and deep root in the minds of the student community. The greater the challenge and the stakes inhered in the dramatic moment, the longer is the memory of challengers.

Even the responses evoked by them have a common pattern. While the WSF is written away as a 'hodge-podge of hippies and confused young people' or a travelling circus of anarchists, the DSU is dismissed as a 'group of drug addicts' and 'chicken revolutionaries' whose members do not mind consuming MNC products even as they are waxing lyrical on their struggle against globalisation. The APHC was rubbished by the former Chief Minister, Farooq Abdullah, as a pack of 'seven crows'—an allusion to the ominous potential of the then seven Executive Council members of the separatist organisation—surviving on his domestic bird feed. The underlying suggestion of this ridiculous semantic disposition is that of the ascription of a degree of insaneness to these resistance movements; by attributing insaneness and eccentricity to a group of people does a dominant system seek legitimacy of the action to excommunicate them.

Deterministic in many ways of the fate of these rebellious discourses is the space created for their articulation, ironically, by the very systems they endeavour to reform or overturn. From what he does and the way he executes them, McMurphy does not give out signs confirming his eccentric condition, yet, the institution and the agents running it seem to be carefully overlooking his threatening posture. Only when he crosses the limits does the system respond, size him and finish him off. Throughout the movie, one is conscious of the somewhat benign presence of Ratched who allows McMurphy to go about his way. This indifference to his ways reaches a peak when he leaves the Ward, away from the local harbour for a rollercoaster ride. One wonders after their return with a big fish as to why the institution still treats him as one of those crazy guys or fails to notice a system—undermining threat in him. Similarly, the WSF type of resistance is issuing from the very belly of the beast, that is the capitalistic structure, it so vehemently denounces as repressive and discriminatory. The question which arises is why does a certain dominating system give space to marginalised groups sworn to pull it down? Is there an understanding behind that this gesture would lead, eventually, to the consolidation of the system and not to its decline? A typical example to support this proposition is the death of McMurphy—the cornerstone of rebellion—in the movie. His death cancels out the possibility of an alternative model and adduces new grounds for the existing structure of power to nip in the bud any insurgent grouping, in the future. One cannot but, keeping this in view, become pessimistic about the real change bearing value of these energies, operate as they from spaces given to them and not made out of their own effort. The DSU, in this respect, is more entrenched, financially and otherwise, in the domineering system. It is working out its activities from a central university and that too in the capital city of India. As if that was not enough, the main site, which gathered the disgruntled elements—be it north-east, Naxalite areas, Punjab or Kashmir—from the violent edges of India under one name, is situated in the Indian Judicial System. The APHC, on its part, has Executive members guarded by Indian Security apparatus, and one of them covertly, till it was publicly discovered, was receiving state pension. The Raj Bagh headquarters, wherein the separatist agenda is sustained, is literally in the midst of a huge military presence. The issue of space is fundamental; there is a compelling feeling that the dissensual praxis, no matter how much insistent on the surface, against the dominant signifying practices is planted by the discourse that is purported to be replaced. The end result of McMurphy's extinction and Chief Bromden's escape—something that can be easily provisioned—is the strengthening of control, observation and judgment upon the remaining members. The entire chain of events can now be cited by Miss Ratched to derive legitimacy for a fresh set of punitive measures, which includes, of course, the blood chilling shock treatment. So, to return to the point underlined in the opening line of this paper, is resistance then a feasible undertaking in the long run within the closely monitoring eye of the system? Does it not engender complicity?

19.6   Flaws in Resistance

Now talking of complicity, let me pinpoint an area, which is no less contested than the above in terms of the vulnerability to systemic blandishments. The idea of resuscitating the living corpuses in the Oregon mental institution is rooted in one man's mind. With that is also crystal clear that the protagonist does not betray any hint of an alternative scheme of things—or is it that he is content with the rest and only wants to remove the chinks in the asylum?—much the same way as the WSF. The latter except for promising to usher in 'Another World' does not clarify the nature of this world, partly because of the incipient stage of its existence and mostly due to the vast ideological differences among its constituents. The same holds true for the APHC internally torn by the silent conflicting demands of independence, autonomy, self-governance and accession. The DSU, being the youngest, is for the most part a hushed up affair. Therefore, it cannot be blamed for the befuddling notions harboured for the future. The combination of the insurrectionary idea coming up from one individual or a homogeneous group makes these organisations particularly susceptible under hegemonic systems. Be it the Brazilian Oded Grajew 'from who came the idea of the WSF', Nandita Haksar who is the current brain and inspiration behind the DSU, or the APHC which owes its existence to Muhammad Farooq, and a few others in the wake of the upsurge in the militancy, all of them, like McMurphy's method, are not especially known for transparent democratic functioning in which the consent is generated before a momentous action is taken. McMurphy's individualistic decision-making, at one level, given his peculiar cir-cumstances, is justifiable, the same, however, cannot be applied in, at least, two other sites that of the WSF and APHC. Michael Albert narrating his experience of the WSF held in Mumbai in January 2004 says:

> The decision-making of the WSF is not transparent…..The decision-making is not accountable, which would be far harder to attain, but could at least be better approached, even for so complicated an entity. And there is no widespread democratic input before the fact, from regions around the world, for example, which is perhaps most difficult for such an undertaking, but ought to be on the agenda, and implies some obvious organizational changes.

> (Albert 2003)

The APHC's Executive Council meetings are a closed door affair without so much as a peek into what is transpiring inside. Hence the recurrent allegations of a sellout vis-à-vis these two organisations. It is precisely because of this undercover unilateral policy formulation and the centrist pull of the method that McMurphy, despite his extraordinary milieu, becomes an easy target for use, in his anticlimactic demise, as a system reinforcer.

19.6.1 Avoiding the Historical Memory

The movie *One Flew over the Cuckoo's Nest* provides a framework in which some complex experiences of a heterogeneous group of people are organised and narrated. In having done so, a supra framework also comes into view, a framework, which, in line with the author's perspective of America, gives the majoritarian definition of the New World. A New World wherein the recorded historical memory inscribed in which is the pain and suffering of centuries is displaced or peripheralised for the sake of the present moment. Such a dehistoricisation, even as we appreciate the heroic struggle of McMurphy, makes us reevaluate our judgment about the underlying persuasion of the main actor to effect a reformation of the Ward. The collaboration made possible by the galvanising agent, McMurphy, comes across, in the long run as yet another attempt to fossilise and brush under the carpet the past crimes and to give a new lease of life to the new idea of America; an America destined to redraw the new frontiers and pioneer new explorations. When the fun-loving McMurphy exhorts the inmates to raise their hands so that they gain a majority vote and watch the World Baseball Series match, he also chips in another loaded sentence; in a self-congratulating manner, he pleads 'we are good Americans'. The thinking is that America as an idea must be contradistinguished from what they are witness to; the Ward is an aberration that needs to be fixed to realise that another America much akin to the WSF clarion call of 'Another World is Possible'. The idea of America, herein, becomes the ancient palimpsest upon which successive experiments have been made. The present experiment in which institutional power is heavily sitting upon the individual freedoms, by, among other things, whipping up guilty feelings, as is evidenced by the Billy's dread of his mother, constitutes a negation of the essential principles on which the frontier laden idea is rooted. What then does McMurphy do to restore the ideal America? For this, once again, a proper comprehension of the institution subverting methodological trajectory is imperative. The circumscription of the anti-authority mobilisation to a select group of white, young and old, Americans and the exclusion of blacks makes the methods suspect as well as racist in character. The blacks are reduced to a little band of dim-witted, bribe taking, tough guys who are naturally inclined to violence and thus play a spoilsport to the whole enterprise of white solidarity. The self-holding-together otherisation, Nobel Laureate Toni Morrison is expatiating upon, is fully manifested in this narrative. 'It could have never occurred to Edgar Allan Poe', says Toni Morrison affirming the 'inevitability' of the American canonical literature as being essentially white 'in 1848 that I, for example, might read *The Gold Bug* and watch his efforts to render my grandfather's speech to something as close to braying as possible, an effort so intense you can see the perspiration—and the stupidity—when Jupiter says "I knows", and Mr. Poe spells the verb "nose"' (O'Keefe 2005: 113). In this canonical sphere, both literature and art lobotomised in that the legs are surgically removed for the body to be entrenched. When McMurphy is on the basketball ground persuading Bromden to hold the ball and dunk it into the basket, a blackguard standing close by asks him with a

scowl to stop teaching. For, as he tells him, he cannot hear a 'fucking thing'. To which an equally incensed answer is given: 'I am not talking to him. I am talking to myself. It helps me think'. Due to these tense situations, a fight between the blackguards and McMurphy always seems imminent; it actually breaks out when the latter breaks the glass shield. On this occasion as he is beaten up by the guards, it is Chief Bromden who comes out finally of his self-inflicted dumbness and rescues McMurphy. They, in short, represent the security frame which aids in keeping together an apparatus against which the solidarity method is activated. Even the half-Native American and half-white chief, with the long broom, remain for the most part a mute spectator to a series of events. In a most ironical stroke, he, at critical moments, comes out to bolster, what is, at bottom, as explained in the foregoing a majoritarian nationalistic project. His silence is to be analysed—that is what the progression in the narrative tells us—from a specific set of present circumstances. He is not conscious of history, memory or the circumstances beyond the narrow confines of the Ward. Unlike McMurphy, who is acutely aware of the corrupt millionaires, knows well what a good American ought to be like—remain an avid aficionado of the Yankee basketball game in order to reaffirm ones patriotism. One the contrary Chief is reduced to an automata, as much cognizant of his past as are the blackguards merrily jabbing the white Americans even in brutal Ward, true to their contemporary image of being insensitive and unbreakably tough from within and without. Their past in the context of the attempt at realisation of an alternative vision for America is a blank chapter; another kind of solidarity used to decimate their ancestors is an unknown saga so much so that the Chief Bromden willingly submits himself to the conception of the idea of frontier midwifed by a middle-aged white American. Now, the question, basic in character, stemming from the erasure of memory in the materialisation of the method is as to how the latter can be successful given the easy casting away of an enormous historical baggage? Though it is indeed far-fetched to argue that McMurphy's death brought about by Bromden is the result of his quick annihilation of history, yet one cannot run away from the fact that the power of memory upon human existence—unless of course hit by amnesia—is too powerful to be effaced in the manner in which it has happened in the movie, particularly when the circumstances are ripe enough for the memory to cull and revive itself. The half-Native American's dawn flight from the Ward is more in recognition than rejection of the idea that had taken root in McMurphy's mind. But memory, despite a clear understanding that Bromden does not suffocate the hero in order to avenge his own dehistoricisation, does not perform a self-burial just because of the exigencies of the *present* moment. Through the door of memory, the troubling past makes incursions into the present and undoes the sense of joy and well-being. The traumatic memories of 'the moment, here in a flash, gone in a flash… does, after all, return as a ghost once more and disturbs the peace of a later moment'.

What if the protagonist had appeared on the scene without any past beyond the immediate realm, and had set himself on a revolutionary course without any aim in mind? Would then his methodological intervention in the ward make any sense?

Perhaps not. Similarly, leaving aside the constructed hostile posture of the black-guards, Bromden's sympathy and support, on the face of it, does not strike one as a well reasoned judgment, particularly when it is known that his past beyond the immediate self-ruining realm has been trimmed away. He plunges, quietly in the beginning, into McMurphy's domain on the basis of the trust generated by the latter due to the humane behaviour. In this connection, the ethical dimension then rises to the surface. Does not then McMurphy's subtle concealment of his future majoritarian vision of America, one in which the likes of Bromden and the blacks have to remain content with the dehistoricised selves and other's stereotypical constructions, constitute a betrayal of the implicit reposed in him?

19.7   Similar Contradictions in Resistance of Marginal Groups

Once the internally contradictory character of the method adopted in the smaller area of the movie is recognised, one begins to appreciate the same contradictory impulses in the ambitious WSF. Under one grand umbrella has congregated a mélange of ideologies and movements; socialists, environmentalists, feminists, academics secessionists, rightists centrists farmers and now the NGO's. Under the not so complex genealogy and functioning of the idea of collaboration in the movie, there was room for demagnification of the role played by memory but here not only is the core group, laying the agenda and the procedures for the annual event, at a great remove from the participating units, the amorphous character makes it especially an easy target for the capital to contain. The individual memories have to be subdued in order to build Another World that 'is possible'; these individuating memories are merged in the cauldron of five or six days over the slow fire of rhetoric in five star lodgings for the production of recipe to be shared in some future *Shangri La*. How successful such an annual ritual, in anticipation of reform/destruction of the current global order is, can be determined from the drawing of knives for mutual purposes once the crowd disperses melts away. Then, they retreat into their guarded territories which they have tilled with ardour before and after their brief tryst with WSF, and except for sharing of photographs and stashing away newspaper clippings of the extravaganza for future reawakening of the fond memories, the contact and sense of collectivity among the participating parties is cut away into a nice cipher.

Ambiguity with regard to the end result consequent upon the collaborationist technique is transparent when it comes to the Democratic Students Union and the All Parties Hurriyat Conference. The ambiguity, in reference to DSU, is rooted in the ironical originating location, which makes possible the collage of separatist and revolutionary movements. One wonders as to why the Indian Judiciary—Nandita Haksar, the lady behind the DSU idea, being, as a Supreme Court lawyer, part of it —is bringing together members of the violent edges of India, and nourishing their

patently rebellious propensities. Furthermore, to exacerbate the ambiguity, the method, by putting a premium on the firm affirmation of the exigencies of the *present* moment, clubs together, as happened in case of WSF and 'One Flew over the Cuckoo's Nest', clashing historical memories. Looked at fro one side, there is nothing debilitating in a Sikh separatist with a Kashmiri separatist; on the contrary, it has got, in fact, the potential of undoing historical wrongs, rewriting its chapters by making a common cause, no matter for how short a span of time, of the present oppressive circumstances. What, however, makes this enterprise suspect is the patronage it is receiving from an essential organ of a system it struggles to carve nation states from. This is like a king aiding an enemy swordsman to cut his own body parts. Intriguing, obviously, at first glance, this cross-ideological coordination, in the end, when talking of separatist sub-nationalisms, runs the threat of, one, giving birth to nations after it owns image and second of tempering the native energy of the movements for its own dubious end.

Recently, the APHC suffered a big split when one of its founding members, Geelani, came out and formed a new party. The division followed a schism of sorts within Geelani's own parent party, the Jamaat-e-Islami; though it is understandable that there is a foreign dimension to these schisms and splits, yet, only one ignorant of the local history can deny the deterministic role played by the contending definitions informed by a selective memory in these developments. His vision of a pan-Islamic state, the passion for which is accentuated by persecution of his constituency in the recent past by people some of whose sympathisers, if not active supporters, shared the platform with him in the APHC, was at odds with the secular, modern independent state espoused by his collaborators against the Indian state. Hence the reason, partly, for the split. This despite the fact that separatist leadership has emerged from a, more or less, homogeneous demographic composition.

19.8 Hope in Solidarity Movements Despite Flaws

Magnifying and thereby emphasising the inescapable importance of historical memory, and the solidarity method's drift into internally hegemony, does in no way take away the potentially individuating charge of the aforementioned movements. Nor does it imply withdrawing into a Cuckoo's Nest—a point, ornithologists will tell us, wherefrom he delimits his dream territory merrily indifferent to what lies beyond—and denying the agency to oneself by leaving the agenda of a radical change to the forces of external determination. Rather, the concurrence of much energy, which does not conveniently exclude these forces—despite their stark shortcomings—bears the power of bringing about transformation. The concurrence of energies proposition contains an element of abstraction. The proposition can be illustrated from the very process emergence of solidarity in the Oregon Mental Institution, WSF, DSU or APHC. Only when there precedes the disciplinarian Ratched, 'some patients' and Mac did the method come about. Or only when there is 'Indian Occupation', different viewpoints and Pakistani patronage did APHC

come into being. Each one of these units is equally indispensable. The Reconstruction Movement in America is a classic instance of the convergence of forces. Similarly, for the capitalist system, 'Indian occupation' to change or end, it is natural that solidarity movements with their baggage of stated flaws cannot on their own usher in the edenic 'Another World'.

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Index