

The Bhutanese Refugee Imbrolio

Tuhina Sarkar

Abstract

The 107,000 Nepali- speaking refugees, known as Lhotshampa, claim Bhutanese citizenship based on historical residence patterns. They have languished in refugee camps in Nepal's Terai districts since the early 1990s because of Nepal's, India's and Bhutan's inability or unwillingness to resolve their citizenship status. According to the United Nations High Commissioner for Refugees (UNHCR), many Bhutanese refugees say they want to return to their homes in Bhutan. Despite this desire- and despite numerous high- level meetings between the governments of Bhutan and Nepal to resolve the refugee crisis over the past 20 years- Bhutan has not permitted a single refugee to return home. Local integration has not been possible for political reasons. With neither repatriation nor local integration a realistic possibility for the great majority of refugees the latter had accepted resettlement in eight Western countries: 91,713 refugees offered settlement in the US had already arrived, some noticeably malnourished and suffering from a vitamin B12 deficiency. Resettlement to a third country has emerged as the only durable solution to the problem.

Key words: Bhutan, Nepal, ethnic, refugee, Lhotshampa

1. Introduction

For centuries the Himalayan kingdoms between India and China have inspired the romantic longings and imaginings of Westerners, who believed them to be out of time and beyond change.

One by one, these miraculous realms had been swallowed up or absorbed into the real world. Only Bhutan remained, the image of the 'last Shangri-la'¹. Now even that is threatened. In defending its policies of integration and the ideology of 'one nation, one people', and to check the overflow of illegal Nepali immigrants into Bhutan, the Royal Government of Bhutan (RGB) decided to adopt several policies. It passed resolutions in its National Assembly which went against the interests of Bhutanese of Nepali origin. The RGB demanded a 'no objection certificate' (NOC) issued by the police or local administration as a pre-condition, at least in southern Bhutan, for access to health facilities, education, civil service jobs and to allow the sale of cash crops. In 1991 it was decreed that anyone involved in peaceful demonstrations or suspected of supporting the human rights movement would be evicted. Forceful eviction was legitimized with the introduction of voluntary migration forms (VMFs). Since these forms were printed in the Dzonkha language, most Nepalese could not read their contents: they filled them the best way they could, indirectly surrendering their citizenship of Bhutan and playing straight into the Bhutan government's hands². There are, of course, two versions of events. The erstwhile Lhotshampa ('people of the southern border' or southern people) administrators who had taken asylum in Nepal claimed that recent events reflected a radical reversal of policy which was intended to mould a single Bhutanese cultural identity (in which their own culture has no place) and protect the interests of the northern Drukpa elite against a worldwide trend towards democratization. They claimed that Nepali-speaking southerners already constituted a majority of the kingdom's population of 600,000 and that the government had decided to evict perhaps 100,000 of them to balance the demographic equation. The government claimed that most of the people who had fled southern Bhutan were illegal immigrants whose presence was detected by a census operation begun in 1988. It believed that Bhutan has become the victim of a terrorist movement led by the Bhutan People's Party, a Lhotshampa-dominated organization formed in 1990, which the government says is coercing the southern Bhutanese into leaving the country in huge numbers in order to internationalise the issue and force a mass return accompanied by the

1 'Shangri-La is an imaginary, beautiful place, often far away, where everything is pleasant and you can get everything you want,' accessed from dictionary.cambridge.org/dictionary/english/shangri-la (accessed July 14, 2017)

2 Rajesh S Kharat, "Bhutanese Refugees in Nepal: Survival and Prospects." *Economic and Political Weekly* 38:4 (January 25, 2003), p.285, accessed from <http://www.jstor.org/stable/4413124> (accessed May 14, 2012)

granting of wide- ranging political demands³. Numerous domestic and international agencies, especially the UNHCR, have played a pivotal role in producing the rights of Bhutanese refugees in Nepal. Several rounds of bilateral talks have been held between Nepal and Bhutan in order to find a solution to the problem, including the repatriation of the refugees to Bhutan. Not much progress has been made in resolving the dispute and the future of the refugees remains grim because of absolute reluctance in Bhutan to allow them to return⁴. In my conversation with an erstwhile government official of Bhutan, employees in private concerns and people from all ranks of society in Phuentsholing, Bhutan (identity not disclosed on conditions of anonymity) I found that there was reluctance to speak on this issue as it is anti- government. My respondents even told me that the Tshering Tobgay government has no interest to bring the refugees back in Bhutan.

2. Bhutan: Ethnic Groups

Bhutan is an independent Buddhist kingdom situated in the Himalaya mountains between northeast India and China (Tibet). Over 60 per cent of the country is forested and there are no large cities: Thimpu, the capital, has a population of around 25,000. The Bhutanese can be divided into three broad ethno- linguistic groups: the Ngalongs (or Ngalops) of the west; the Sharchhops of the east; and the Lhotshampas (or 'Nepali Bhutanese') of the extreme south. There are also many other smaller groups. The Ngalongs are in a minority overall but they and the central Bhutanese occupy most senior government positions and the Ngalongs' language, the Tibetan- derived Dzongkha, is promoted as the national language. The Ngalongs, the central Bhutanese and the Sharchhops practice a Tibetan style of Buddhism, which is supported by the state: they and the other Buddhist communities of northern Bhutan are therefore usually known collectively as 'Drupkas,' and intermarriage is common between them. The Lhotshampas who inhabit the southern foothills are mostly Hindus who speak the Nepali language⁵.

The terms 'Lhotshampa,' 'Nepali,' 'Nepali Bhutanese,' 'Bhutanese Nepali' and so on should perhaps not be used interchangeably. These terms can have political undertones: for instance,

3 Michael Hutt, "Refugees from Shangri- la," *Index on Censorship* 22:9 (April 1, 1993),p.10, accessed from DOI:10.1080/03064229308535539 (accessed June 24,2017)

4 Kharat, "Bhutanese Refugees in Nepal," p.285

5 Michael Hutt, "Ethnic Nationalism, Refugees and Bhutan," *Journal of Refugee Studies* 9:4 (London: University of London, December, 1996) , pp..397-398,p. 400, accessed from DOI:10.1093/jrs/9.4.397 (accessed March 2, 2017)

'Lhotshampa' is sometimes used by the Bhutanese government to denote the 'legal' or 'loyal' Nepali-speaking community that remains within the kingdom, to distinguish its members from those who have departed, while 'Bhutanese Nepali' denotes a Bhutanese sub-set of a larger Nepali entity. Mathew argues that the Thimpu-based government introduced 'Lhotshampa' as a new term in the mid- 1980s, which was intended to underplay the dynamics of the ethnic consciousness of the Nepali and to create a distinction between the Bhutanese of Nepali origin and the people of Nepalese ethnicity in India. In other words, this Lamaist kingdom has a sizeable immigrant population strategically located in a frontier zone over which the center may not have complete control⁶.

The borders of the kingdom of Nepal do not delimit exactly the region whose dominant population is identified as 'Nepali.' The Nepalis of northeast India and Bhutan come originally from a variety of castes and ethno- linguistic groups that have traditionally inhabited specific sections of the eastern Nepalese hills but post-migration generations are unified by their use of Nepali language as a common tongue. Nepali's are a majority in Sikkim (an autonomous Indian protectorate until 1975 but now a state within the Indian Union), in the Darjeeling district of West Bengal and in the foothills of southern Bhutan. There are also Nepali communities in Assam and scattered across the hill states of northeast India⁷.

Although Sikkim had a Nepali majority by the time of its first census in 1891, it appears that Nepali farmers did not begin to settle in southern Bhutan in significant number until after about 1880. The south of the country had until then remained a hinterland, where the kingdom's rulers preferred not to settle prematurely. At some point towards the end of the 19th century it was decided to follow the example of the British in Darjeeling district of West Bengal and bring Nepali peasant farmers into southern Bhutan to bring the land under cultivation. In the 20th century, Bhutan's authorities allowed Nepali settlements in certain parts of southern Bhutan to work in commercial logging and clearing of land.

6 A. C. Sinha, "Bhutan in 1994: Will the Ethnic Conflict be Resolved," *Asian Survey*, 35:2 (California: University of California Press, February, 1995),p.167, accessed from <http://www.jstor.org/stable/2645026> (accessed May 14, 2012). See also, Birendra Giri, "Mourning the 15th Anniversary of Crisis: The Plight of Bhutanese Refugee Women and Children," *Journal of Asian and African Studies*, 40: 5 (London, Thousand Oaks, New Delhi:SAGE, Sep 21, 2005), p.346, accessed from DOI:10.1177/0021909605057742 (accessed June 24, 2017). Further refer, Hutt, "Ethnic Nationalism," p. 400

7 Hutt, "Ethnic Nationalism," p. 400

Bhutan's Lhotshampas are the descendants of peasant farmers from Nepal who began to migrate to southern Bhutan after the Anglo- Burmese war of 1865 until about 1930. Successive generations cleared the forests and formed agrarian communities (as discussed in the preceding paragraph) that quickly became Bhutan's main producers of food. The Nepali settlers became the kingdom's main source of cash income: unlike the Drukpas of the north, who paid their taxes in kind right up until the late 1950s. British colonial records show that Nepali settlers in south- west Bhutan were paying taxes in cash even before the Bhutanese monarchy was established in 1907⁸. The first Nepali settlement took place in the far southwestern district of Samchi and further east in Chirang. During the 1960s, Nepali Bhutanese were resettled in the far southeastern district of Samdrup Jongkhar, possibly because of a shortage of cultivable land in the districts of first settlement. Until 1958, when they became Bhutanese citizens, these settlers and their descendents had the status of tenants and until 1961 they paid their rents and taxes to the Bhutan Agent at Kalimpong. After that, the south was administered directly from the new permanent capital at Thimpu⁹.

Although Bhutan has been the subject of a handful of historical studies, the history of its southern districts remains unresearched. Thus, the only sources on the actual size of the Nepali population in Bhutan during the early decades of the twentieth century (a crucial figure in view of the Bhutanese government's allegation of massive illegal immigration after 1958) are the somewhat random reports left by British colonial officials who passed through the region on their missions to the capital. By 1932, according to one such source, about 60,000 had settled in the south-west of the country¹⁰.

It seems very likely that the Gorkhaland movement¹¹ inspired a fear of Nepali- led activism among the Bhutanese ruling class. These fears added to the long held apprehension of a tiny Buddhist monarchical state that had watched neighbouring Sikkim (the propaganda about the role of the people of Nepali origin in the fall of Chogyal, the ruler of Sikkim and its merger with

8 Michael Hutt, "The Bhutanese Refugees: Between Verification, Repatriation and Royal Realpolitik," *Peace and Democracy in South Asia*, 1:1 (January, 2005), p.45, accessed from the bhutanese refugees:between verification...-CiteSeerX (accessed June 24, 2017).

9 Hutt, "Ethnic Nationalism," p. 401

10 Ibid.

11 a campaign of strikes and civil disobedience backing a demand for an autonomous state in the Darjeeling hills. This degenerated into violence and claimed some 200 lives between 1986 and 1988 before a compromise solution was reached, accessed from Hutt, "Ethnic Nationalism," p. 402.

India in 1975), whose ruling family was related through marriage to Bhutan's, being absorbed into India, aroused a phobia of the Lhotshampas for their alleged destabilizing role of the monarchy in Bhutan and had seen the original population of Assam have become a minority after massive Bengali immigration. In 1990, human rights and democracy were the key slogans of a movement within Nepal itself that reduced the king of Nepal to a constitutional monarch. The fact that a group of Nepali Bhutanese exiles began to mouth the same slogans in 1989 can only have confirmed the ruler's perception of the large Nepali Bhutanese population as a threat and of their own position as an increasingly exposed minority in an unstable corner of the Indian subcontinent. In other words, the assimilation process had accelerated too quickly for some powerful members of the elite, who felt that the newly admitted Lhotshampas were bringing with them democratic claims and values¹².

3. Political Developments in Bhutan

In 1958, the 'Lhotshampa' population of the southern districts of Bhutan was granted Bhutanese citizenship and tenure of its lands. The Bhutanese government later pursued a policy of integration that met with considerable success: having allowed the south to run its own affairs for decades with minimal contact with the north. The land-hungry Nepalese farmers had actively contributed to the economic development of Bhutan, turning the "negative" southern area into a vibrant zone of prosperity. The government began to train Nepali Bhutanese for government service and for some years even offered a cash incentive for Nepali- Drukpa intermarriage (cash grant of Nu 5,000 were given by the government to encourage inter-ethnic marriages). Thus, the Nepali Bhutanese began to play a more important role in national life, occupying some senior positions in the administration and sometimes even representing the kingdom overseas. Nevertheless, they were treated as second-class citizens and denied high positions in the bureaucracy, army, the Royal Advisory Council and the National Assembly¹³.

The disproportionate presence of an ethnic Nepalese in Bhutan led to apprehension among the ruling Drukpas of being outnumbered, making them bring some measures against the Nepalese.

¹² Ibid. See further, M Mayilvaganan, "Bhutanese Refugees in Nepal: Problems and Prospects," p.2, accessed from repository.um.edu.my/78472/1/Bhutanese%20Refugees%20art.pdf (accessed January 9, 2017). See also, Hutt, "The Bhutanese Refugees," p. 45

¹³ Mayilvaganan, "Bhutanese Refugees in Nepal," p.2. Also see, Hutt, "Ethnic Nationalism," p. 402. Refer further, Sinha, "Bhutan in 1994," p.168

The Drukpas are said to comprise 16 percent of the population, the Sarchops 31 per cent and the remaining are said to be the Bhutanese of Nepali origin. Besides, the Lhotsampas are politically more conscious, better educated and more exposed to modernizing and democratic influences of India and Nepal than other ethnic groups in Bhutan¹⁴.

Jigme Singhe Wanchhuk (the king of Bhutan) brought a new law in 1977 in order to restrict the fresh inflow of Nepalese by which it was made 'obligatory for the new entrants (labourers of Nepali origin) to procure valid passport and other documents. Besides, they were also asked to seek government clearance before appointment'. Later a Marriage Act promulgated in 1980 made it more difficult for Bhutanese to marry non- Bhutanese, especially targeted Lhotshampas and disqualified those who did so from receiving various state benefits like promotion in government service, fellowship for education abroad¹⁵.

During the 1980s every adult member of the Bhutanese population was issued with a printed citizenship card bearing the photograph of its holder. But in 1985 a new Citizenship Act was introduced further to curb the majoritarian nature of the Bhutanese of the Nepalese origin, given the fact that they were 53 per cent of Bhutan's population, according to 1981 census. The 1985 Citizenship Act amended the legislation on citizenship by birth so that citizenship could only be acquired automatically from both parents instead of through the father alone; it required evidence of permanent domicile on or before 31st December 1958 as the basis for citizenship by registration; and for citizenship by naturalization it required a number of criteria that could not be met by most Nepali Bhutanese, such as fluency and literacy in the national language, the Tibetan- derived Dzongkha. In other words, according to the new Act, the Bhutanese government 'granted citizenship retrospectively only to those inhabitants who could prove that they had been residents of the country from 1958. The 1985 act adopted 1958 as the cut- off year after which no Nepalese would be granted citizenship and declared 'illegal' entrants. As a result, the Lhotshampas, who could not prove that both parents were Bhutanese citizens, were declared illegal immigrants, retroactively, even if they had been citizens under the national law of 1958. Because of scrapping the 1958 Law, more than 60,000 children born out of marriages from 1958 to 1988 were declared non- citizens. Likewise, while depriving their right to nationality to more than 10,000 Lhotshampa wives, the census further claimed that it discovered a total of

14 Mayilvaganan, "Bhutanese Refugees in Nepal,"p.2

15 Ibid

103,000 'illegal' and 'economic migrants' in the country. In short, the revision of the Marriage/Citizenship Acts and census were intended to revoke the citizenship of the Lhotshampa minorities and, by dubious means, to denaturalize the once naturalized citizens. The government claimed that the Act was in no sense retroactive but strictly in line with earlier legislation. In particular, the Marriage Act of 1980 and the Citizenship Act of 1985 were purposely designed to reduce the number of Lhotshampa population and ultimately their mass eviction. If discriminatory domination can survive only when it is reproduced through multiple acts of exclusion, inferiorization or marginalization, this is exactly what Ngalung rulers attempted to achieve¹⁶.

Subsequently in 1988, the Bhutan government practically launched a census exercise to determine the population status of its residents. The term 'census' has always been used by the Bhutan government for these operations but they do not produce the statistical profile of the population of Bhutan that one might expect from a national census. Instead, the main purpose is to guard against illegal immigration, a constant threat in the south where the border with India is porous. Accordingly, 'censuses' appear to have been conducted annually in most southern districts since 1988 but have not taken place regularly in the northern districts, except perhaps in Thimpu. The 1988 census led to unease because, according to those who have since become refugees, excessively strict standards were set for documentation. According to the government, a survey of the south had detected the presence of over 100,000 illegal immigrants and the population was to be placed into seven categories, from 'F1' to 'F7' as follows: F1 Genuine Bhutanese citizens F2 Returned emigrants F3 Drop- out cases (i.e. people who were not around at the time of census) F4 Children of Bhutanese father and non- national mother F5 Non-national father married to Bhutanese mother and their children F6 Adopted children F7 Non-nationals¹⁷.

It has been alleged that the census teams retroactively categorized southern Bhutanese children stateless, according to the cut- off year by violating Articles 7 and 8 of the Convention of the Rights of the Child and Article 15 of the United Nations Universal Declaration of Human Right which the RGB ratified in 1990. Again, the discriminatory provisions for women in Bhutan's

16 Ibid. Further refer, Hutt, "Ethnic Nationalism," p. 402. Also see, Hutt, "Refugees from Shangri-la," p.10. See further, Giri, "Mourning the 15th Anniversary of Crisis," pp.348, 350

17 Hutt, "Ethnic Nationalism," pp.402-403

citizenship laws were at odds with the UN Convention on Elimination of Discrimination against Women, which Bhutan ratified in 1981¹⁸.

It has been argued that the 1985 Citizenship Act would not have posed major problems for most Nepali Bhutanese, who were accustomed to retaining documents such as land tax receipts, if it had been implemented fairly during the census. But in the event many who could not provide documents that proved they resided in Bhutan in the specific year of 1958 itself were apparently categorized as returned emigrants or non- nationals, regardless of whether or not they held citizenship cards, land tax receipts etc¹⁹.

These moves by Bhutan's government created an identity crisis for those who were either born after 1958, or had no document of their stay in southern Bhutan prior to the cut- off date fixed by the government. The matter became worse in the wake of 1990 democracy movement when a large number of families in southern Bhutan were evicted under the anti- national category²⁰.

In order to control the anti- Drukpa activities of the Bhutanese of the Nepal origin in Bhutan, the RGB decided to bring them into the mainstream and integrated them forcefully into the Bhutanese culture. As a result, the king of Bhutan introduced 'One Nation, One People' ideology in late 1980s and 1990s that formed a part of the Sixth Five- Year Plan (1987-92) through a policy of *Driglaham Namzha* i.e. a revival of traditional Bhutanese culture that led to the imposition of a cultural code comprising compulsory use of Dzongkha language, religion and dress of traditional Bhutanese upon the entire populace of Bhutan.

The king, *druk gyalpo*, issued a royal decree (*kasho*) on January 6, 1989 implementing *driglam namza* in order to promote a distinct national identity in pursuit of one nation, one people theme. Failure to abide by the *driglam namza* was subjected to a week in prison or a fine. Thus it denied the right to enjoy their own culture, wear ethnic dress and learn their own language of the Lhotsampas²¹.

The dress element of this code required all citizens to wear the *gho* (a knee- length robe for men) and the *kira* (an ankle- length dress for women) in the following contexts: inside and outside the Dzong premises [fortress- monasteries now used as centres of district administration];[at] all government offices; at the schools; [at] the monasteries; at the official

18 Mayilvaganan, "Bhutanese Refugees in Nepal,"p.4

19 Hutt,"Ethnic nationalism," p.403

20 Mayilvaganan, "Bhutanese Refugees in Nepal,,"pp.3-4

21 Hutt," Bhutanese Refugees in Nepal". See also Hutt," Refugees from Shangri-la", p. 12

functions and 'public congregations.' Pandits, pujaris (Hindu priests) and non- nationals would be exempt from the requirement)²².

At the practical level, even if the Lhotshampa community agrees to wear *gho* and *kira*, the clothes are incredibly thick and are not suitable for the tropical weather of southern Bhutan. Despite that, Bhutan's government forces everyone to abide by all aspects of Ngalung cultural etiquette. People had been fined on the spot to the tune of Ngultrum 50-150 (US\$2-5) when they had visited shops without wearing the *gho* in Chirang district of Bhutan. Amnesty International and Human Rights Watch [HRW] have also recently re- confirmed that Nepali- speaking Bhutanese women, who are still living in southern Bhutan, continue to face restrictions under the Bhutanese *driglamnamja* doctrine, as it prevents them from wearing their traditional sari- sometimes even on their wedding day²³.

A central plank of the Bhutanese government's policy since the late 1980s has been to strengthen the role and status of Dzongkha in national life. One effect of this has been a downgrading of the role of Nepali generally (the claim that Nepali is 'banned' in Bhutan is an overstatement) and its removal from the syllabus of schools. Greater stress began to be laid on a knowledge of Dzongkha and local officials and school staff in southern Bhutan had to attend compulsory Dzongkha classes from 1990 onward. This was a complete reverse of the policy of the late 1950s, which had encouraged the teaching of Nepali and Sanskrit languages, as well as the sending of Lhotshampa students abroad for higher education. At the beginning of the school year in March 1990 the teaching of Nepali was discontinued and all Nepali curricular materials disappeared from Bhutanese schools. The Bhutanese government's case now is that because English had been the medium of education in Bhutan since 1961, the need for school children to study a third language in the south put them at a disadvantage; that Nepali was only of many languages spoken in Bhutan and was, moreover, the national language of a foreign country; and that new curricular materials could not be produced in Nepali in line with the New Approach to Primary Education Programme, for reasons of cost. According to Dasho Thinley Gyamtsho, Director of Education, the decision to remove Nepali was made on purely educational grounds in response to a UNICEF report which suggested that the need for southern school children to study three languages was hampering overall levels of achievement. However reasonable these

22 Hutt, "Ethnic Nationalism," p. 403

23 Giri, "Mourning the 15th Anniversary of Crisis," pp. 351-352. See also, Hutt, "Refugees from Shangri-la," p.12

arguments might be, the move came on top of the census and the dress code and could only add to a growing sense of cultural marginalization among the Nepali Bhutanese²⁴.

4. Ethnic Conflicts

The Bhutanese of Nepali origin in southern Bhutan protested against the cultural imposition or code of conduct. For them, it was a forceful imposition of Drupka culture and tradition upon people who had different cultures and traditions altogether. The Nepali community tried to resist it politically and a dissident movement took shape in Bhutan. In September and October 1990, Lhotshampa activists orchestrated mass demonstrations, in which demands for civil and cultural rights were presented to district headquarters all across southern Bhutan. The People's Forum for Human Rights, the Bhutan's People's Party and the Students' Union of Bhutan organized mass public demonstrations in southern Bhutan in September and October 1990 that were unprecedented in the kingdom's history.

The eruption of ethnic conflict between the people of Nepali origin and the 'Ngalong'-dominated government occurred in 1989.

The first organization which came into being against the discriminatory policies was the People's Forum for Human Rights, Bhutan (PFHRB). It was formed on July 7, 1989 at Kakarivitta in Nepal under the leadership of Tek Nath Rizal, a former royal advisory council member of Nepali origin. The activities of PFHRB created panic among the ruling elite. Rizal was extradited to Bhutan with the connivance of the government of Nepal on November 17, 1989. In Thimpu after a prolonged trial, Rizal was found guilty of treason three years after his arrest and remained in prison until December 1999.

The Bhutan People's Party (BPP) was formed on June 2, 1990 at Garganda tea estate in Siliguri, West Bengal. According to the manifesto of the BPP, it stands for democracy, parliamentary system of government, constitutional monarchy and multiparty system in Bhutan. The BPP organized series of demonstrations throughout southern Bhutan during September- October 1990. The government tried to suppress the wave of discontent through different measures. A new term, 'Ngolops' (anti- national or terrorists) was coined to describe the agitators and it became synonymous with anybody who demanded human rights and democracy in Bhutan.

²⁴ Hutt, 'Ethnic Nationalism', p. 404. See also, Hutt, 'Refugees from Shangri-la', p.12. See further, Giri, "Mourning the 15th Anniversary of Crisis," pp.350-351

To counter the pro- democracy demonstrations in September- October 1990, the government deployed the Royal Bhutan Army (RBA) throughout southern Bhutan. They were arrested and questioned, and often beaten, tortured and held for months without trial. Batches of such prisoners were released in amnesties announced by the king: several hundreds in September 1990, 727 in August 1991, 74 in October 1991 and so on. Almost without exception, those released left Bhutan and joined relatives in the refugee camps in Nepal. This led to the exodus of the people of Nepali origin from the country in large numbers. The people who left Bhutan at first came to India and then moved to eastern Nepal.

As the pro- democracy movement has grown in strength, the different trends dormant in the movement have come out in the open. Organisations like the PFHRB, the BPP who led the movement initially, started distancing themselves from each other. New organizations like the Bhutan National Democratic Party (BNDP), the Human Rights Organisation of Bhutan (HUROB), the Association of Human Rights Activists, Bhutan (AHURA Bhutan), the Bhutan Congress Party (BCP and the Druk National Congress (DNC) had been formed.

The BNDP was formed on February 7, 1992 in New Delhi. The BNDP believed that southern Bhutan problem was a struggle for democracy and demanded for the establishment of constitutional monarchy in a multi- party democratic set-up, secular constitution and respect for the 1948 UN Declaration for Human Rights in all parts of Bhutan.

The HUROB and AHURA Bhutan were formed on September 7, 1992 and November 16, 1992, respectively. The BCP was formed in May 1993 after a split in the BPP. The DNC came into being on June 16, 1994. While other political parties and human rights organizations are led by the people of Nepali origin, the DNC was a non- Nepali political party. Rongthong Kunley Dorji, a Sharchop from eastern Bhutan, was the chairman of the DNC. According to its manifesto, the party stands for parliamentary democracy and wanted to declare Bhutan as a multi- ethnic, multi-lingual, Buddhist constitutional monarchy.

The release of Tek Nath Rizal on December 18, 1999 after 10 years of rigorous imprisonment became a turning point in the recent history of the pro- democracy movement. Pro- democracy organizations once again regrouped under his leadership to form the Human Rights Council of Bhutan (HRCB) on July 13, 2003.

The radicalization of politics in Nepal by the Communist Party of Nepal (Maoist) had its impact on the Bhutanese refugees. Bhutanese Communist Party (Marxist- Leninist- Maoist) in the early

months of 2003 was formed in order to ventilate the resentment as a result of the indifference of the Bhutanese government towards the futile non- violent struggles of the moderates among the refugees for repatriation²⁵.

Immediately after the protest rallies of the early 1990s, the southern Bhutanese villages were left only with women and children, as most of the male members fled the country for fear of persecution by the Ngalung government. As a result, hundreds of women were reportedly subjected to rape, while some were tortured to death at home or in custody. After the demonstrations, many new rules and procedures were introduced in the south. Lhotshampas saw these measures as attempts to attack the economic and social bases of their communities. Restrictions were placed on the transportation of essential commodities such as salt. Applicants for scholarships and civil service appointments had to produce a 'No Objection Certificate' (N.O.C) that they had acquired from the Royal Bhutan Police. This certified that the holder had a clean record, i.e., that they had not taken part in oppositional activity and were not related to anyone who had. The N.O.C. was also required of children seeking admission to school, with the result that children whose parents had taken part, or were suspected of taking part, in 'anti-national activities' had difficulties gaining access to formal education. Other controversial government measures in the south include a shortlived attempt to establish a 'Green Belt' along the border probably for security reasons rather than environmental ones since Bhutan is already richly- forested. This policy involved the compulsory demolition of Lhotshampa homes but was quietly discontinued, allegedly on the advice of alarmed foreign aid officials.

Kuensel, the only newspaper published inside Bhutan, recorded a dramatic increase in violent crime, robbery and destruction of development infrastructure in southern Bhutan during the early 1990s and blamed all such crimes on 'anti- national terrorists'. It often alleged that the 'terrorists' had come from the refugee camps in Nepal and on at least one occasion this was admitted by a dissident organization²⁶.

Though the above reasons laid foundation for their problems, the main reason and immediate one for the exodus of southern Bhutanese was the legitimization of forceful eviction by the introduction of Voluntary Migration Forms (VMFs) by the RBG in 1991. Since the VMF was

²⁵ Hutt, "The Bhutanese Refugees", pp. 46-47. See also, Joseph C. Mathew, "Political Transition in Bhutan," *Economic and Political Weekly*, 41: 14 (Apr. 8-14, 2006),p.1313, accessed from <http://www.jstor.org/stable/4418044> (accessed May 14, 2012)

²⁶ Giri, "Mourning the 15th Anniversary of Crisis," p. 354, Michael Hutt, "The Bhutanese Refugees"p. 47. See also, Hutt, *Refugees from Shangri- la*," p.12

printed in Dzongkha language, most of the Bhutanese of the Nepalese origin could not read the content and thus they 'filled it with blind faith' and indirectly surrendered their citizenship to authorities. Besides, many Bhutanese of the Nepalese origin were turned into refugees primarily because some protested against the discriminatory state policy about language, religion, nationality and culture. Others were forced to leave on the allegations that they supported the movements against the government. Some regarded their eviction as an attempt of 'ethnic cleansing' resulting in denial of nationality for the ethnic Nepalese²⁷.

The first group of around 60 Bhutanese of the Nepalese origin entered Nepal from Kankarbhitta in December 1990. Subsequent years witnessed a large flow of Bhutanese refugees of Nepalese origin into Nepal due to the discriminatory policies of Bhutan. Though Nepal is not a signatory to the 1951 UN Convention on Protection of Refugees or the Protocol, it is assisting the refugees. Legally, refugees are treated and the laws applicable to 'aliens' in Nepal. By and large, Nepal's government policy as regards to entry and stay of refugees and aliens has been quite liberal²⁸.

The Bhutanese government is anxious to depict many of the refugees as 'voluntary emigrants' who have been enticed or intimidated into leaving for the camps by the dissident political parties operating in exile in Nepal. In April 1994, one such group of some 34 families left for the camps from the Dorokha sub-division of Samchi district in southwest Bhutan, having signed 'voluntary emigration' forms. The eviction/emigration was carefully choreographed and the émigrés were even videotaped as they declared that they were departing on their own free will²⁹.

A very different picture of this episode emerges from a joint statement signed by 27 family heads who were among a group of 284 people from Dorokha who arrived in the refugee camps on 9 April 1994. One claimed that he had been served with a notice to leave Bhutan because his older brother had already left, others said they had been told to leave because they were unable to produce certificates of origin (because their relatives had left Bhutan and taken such documents with them), one because his brother was an 'anti-national,' and so on³⁰.

Bhutan's national newspaper, Kuensel, reported that a decree from the king of Bhutan which urged the people not to leave had been read out to the group. This decree was said to have been

²⁷ Mayilvaganan, "Bhutanese Refugees in Nepal," pp.5-6

²⁸ Ibid.p.6

²⁹ Hutt, "Ethnic Nationalism," p.407

³⁰ Ibid.

dated 26 March but the people claimed that it was not read out to them until 7 April, by which time several of their houses had been demolished. None the less, it did result in five families and two individuals staying on. The lengthy Kuensel report, published on 9 April 1994, depicted the families 'decision' to leave Bhutan as something incomprehensible and began: 39 families and 7 individuals from Samtse have relinquished their citizenship and opted to leave the country despite efforts by the government to persuade them to stay back. The gup (headman) of the Denchukha block was quoted as saying, all the reasons given by them were excuses. They had no reason to leave the country as they have not been mistreated by the local authorities, the government or the security personnel. The real reason was that they had no love or loyalty for the country. The article ended with a quote from the district administrator of Samtse (Samchi): I wonder how the people who have refused to stay back in Bhutan despite all our efforts to persuade them to withdraw their applications to emigrate can be accepted as refugees in Nepal³¹. The Bhutanese government had always argued that the people in the camps should not all be regarded as refugees from Bhutan. An important exposition of this argument came from the king of Bhutan in an interview with Ramesh Chandran published in the *Sunday Times of India* on December 18 1994: There were 10 million Nepalis in India, nearly 20 million in Nepal and 87 per cent of them were living on subsistence farming. Many of them don't own land, have no access to electricity, water, sanitation facilities. Many work as construction labourers and if they work hard they get paid 14- 15 rupees a day as wages. They cannot afford to send their children to school or get medicinal care. The main camp in Jhapa is one of the best run refugee camps one can find anywhere. The refugees get free housing, free electricity, drinking water, proper sanitation, free monthly rations, nutritional sustenance, free clothing, blankets, education up to class 10 and 3 dollars a day. There are eight vocational training programmes and income generating vocational training schemes. Whatever money is earned by working outside the camp is extra. Even cooking utensils, gas stoves, soaps are given free³².

The Bhutanese government had asserted on various occasions that the camps contained a variety of different categories of people: illegal Nepali residents in Bhutan; imported Nepali labourers who were claiming to be Bhutanese nationals by virtue of having worked in Bhutan; dissidents, many of whom had committed criminal and terrorist offences in Bhutan; Bhutanese nationals

³¹ Ibid. pp. 407-408

³² Ibid. pp. 408-409

who had emigrated legally after renouncing their citizenship and selling all their properties; and people from other parts of the region, including Nepal itself, who had never even set foot in Bhutan³³.

Leo Rose (1994) argued that many of the Nepalis who were expelled from the tribal hill states of the Indian northeast during the *bhumiputra* ('sons of the soil') movements of the late 1970s and early 1980s came to settle illegally in southern Bhutan; there they joined others who had entered Bhutan to work on infrastructural development projects in the 1960s and 1970s and then stayed on 'formally illegally but with the tacit consent of the government'. Rose stated that these 'illegals,' were 'asked to leave by the RBG' during 1988-90', even those Nepalis who had lived in the country for ten or more years and had made major contributions to Bhutan's development programmes. Dhakhal and Strawn (1994) agreed that 'in line with the objectives of the sixth plan, non- national workers were either evicted or encouraged to leave the country,' but they date this to the period 1986-88³⁴.

The argument about whether the people in the camps in Nepal are or are not genuine Bhutanese citizens has raged for five years. The fact that many members of the camp population hold either citizenship cards or other documentary evidence of residence in Bhutan that stretches back beyond the crucial date of 1958 is dismissed by the Bhutanese government, which argued that many of the cards were forgeries and that the 'anti- national terrorists' had often raided census offices and destroyed or made off with documents. It had published documents which it claimed prove that people registered in the camps were not *bona fide* Bhutanese: for instance, the Nepalese citizenship card of one Indra Bahadur Chettri alongside a letter from the UNHCR representative in Kathmandu, dated 24 October 1991, declaring that he was a Bhutanese national who is of concern to the UNHCR. On the other hand, the government of Nepal conducted a survey at the end of 1993 with the assistance of UNHCR and was reported to have concluded that there were 10, 073 families with citizenship documents; 1762 families with records pertaining to land ownership; 251 families with health documents; 40 families with education certificates; 2494 families with documents such as to seek service in the government, marriage certificates and court documents and only 368 families without any documents³⁵.

³³ Ibid. p. 409

³⁴ Ibid.

³⁵ Ibid.p.410

Tahir Ali, who was the UNHCR's representative in Kathmandu until the end of 1995, advised that these figures should be treated with some caution and stressed that UNHCR has not adopted a position on the matter of whether the people in the camps are genuine citizens of Bhutan. UNHCR explicitly recognizes that it is for the governments of Nepal and Bhutan... to assess and verify these claims³⁶.

5. The Camps

The first *prima facie* refugees arrived in Nepal at the end of 1990 and were followed by several hundreds per month, reaching a total of about 5000 by September 1991. At this point the government of Nepal formally requested UNHCR (which had been providing some *ad hoc* assistance since February 1991) to coordinate all emergency relief assistance. A feature of the early inflow was that many families had already been out of Bhutan for months but had not been permitted to set up camps in Assam or West Bengal and claimed to have been subjected to harassment by both Indian and Bhutanese police. The largest inflow occurred during 1992 with an average of 300- 600 arrivals per day during the period March- July, bringing the total to nearly 50,000. The flow of new arrivals gradually decreased through 1993 and 1994 to a trickle during 1995 of one or two per day³⁷.

The first arrivals set up three camps inside Nepal: first at Maidhar, then at Timai and Sanishchare. The first bamboo huts at Maidhar were erected on the banks of the river Mai but mortality rates was very high and before the summer rains struck, the Maidhar camp was dismantled and its residents were dispersed to other camps. The remaining eight camps are on five different sites. All of these are in the Jhapa district of Nepal, except Sanishchare, which is in Morang district. The Beldangi site, with a total population of over 43,000 is the largest human settlement in Jhapa district, which in 1991 had a total population of 593,737. The camps' population figures as of 30 September 1995 were as follows:

Timai	8,389
Goldhap	8,069
Beldangi I	15,201
Beldangi II	19,108

³⁶ Ibid.

³⁷ Ibid. p.411

Beldandagi II Ext.	9,539
Sanishchare	17,360
Khudunabari (N)	7,320
Khudunabari (S)	3,894
Total	88,880 ³⁸

At the end of September 1995 UNHCR reported the presence of a further 264 registered refugees living outside the camps and an estimated 15,000 non- registered refugees, also living outside the camps (all figures from UNHCR October 1995). Timai and Sanishchare are the oldest existing camps, while Khudunabari, the newest, was established in February 1993³⁹.

All the camps are situated under trees on 222 hectares of marginal forest land. Conditions were basic but descent, although life was very uncomfortable during summer rains and the population consisted mainly of hills people who were not accustomed to the high temperature of Nepal's Tarai lowlands. The huts were made of bamboo and plastic sheeting and lasted for about three years. Thus the oldest were becoming dilapidated. Most of the people had fewer clothes or other possessions. Registered refugees received rations of rice, pulses, oil, sugar, salt and blended food from the World Food Programme. The Nepal Red Cross also supplied some vegetable, rations and basic household items, including kerosene stoves and kerosene to reduce the use of firewood. Refugees did not receive cash payments unless they were employed by the implementing agencies; in such cases the wages that they received were lower than the local rate for equivalent jobs. The refugees in the camps could not keep animals and had no land to work. Unless they worked as teachers in the camp schools or had no minor administrative role, there was very little for them to do. Most refugees were agriculturalists in Bhutan and many had left behind land and property of considerable value, of which they often had photographs⁴⁰.

A Community Development Approach (CDA) was taken in running the Bhutanese camps. The CDA is a set of guidelines developed to strengthen the self- reliance of refugees during protracted refugee situations. The CDA takes the viewpoint that refugees should have ownership of their situation and the opportunity to enhance their skills and capacities in order to build self-reliance and reduce dependency. The day- to- day management of the Bhutanese refugee camps

³⁸ Ibid.p.412

³⁹ Ibid.

⁴⁰ Ibid. pp. 412-413

in Nepal are coordinated by democratically elected camp management committees made up of volunteer refugees. Committees are responsible for social services, health services, counseling and administration. The distribution of international aid, including food rations are administered through sector and sub- sector heads of each camp. The CDA meant in practice a rights- based approach and democratic structures of self- management, the promotion of the interests of women and children and equitable access to basic services. Whilst giving the refugees an active voice in their day-to-day activities has empowered refugees it also led to heightened political activism, escalation of demands for improved services and wide spread disillusionment among the Bhutanese refugees⁴¹.

Within the refugee camps of Nepal comparatively high levels of primary, secondary and tertiary education were achieved and several preventive health programmes were instituted along with regular nutrition and other services. In effect, the refugee population enjoyed 'disproportionately higher indicators of well- being' than the local Nepali population. The camps themselves while overseen by the UNHCR are refugee run- with the refugees providing policing, social, project, health services, counseling aid distribution and camp administration. The result has been described as a 'best practice' example of refugee camp 'care and maintenance'.⁴²

Despite such a 'relatively high standard' of education and services, the UNHCR has acknowledged 'considerable frustration' among refugees. This frustration is 'particularly pronounced' among young people. The provision of education to advanced levels has raised skills and expectations that cannot be fulfilled in the context of confinement to camps. The UNHCR and Nepal government efforts in the Refugee Camps like Happy Nepal TPO (the Trans Psycho- Social Organization) had elicited simmering discontent from the camp population. While some members of the above mentioned organizations were enthusiastic and well-meaning, others provided fuel to resentment of the refugees regarding how they felt about the way those issues were handled. Lack of experience in dealing with the issues and the fact that the local Nepalese were recruited for these jobs also created mistrust. Many felt that the local Nepalese brought in their negative perceptions and stereotyping of the Bhutanese refugees into their job.

⁴¹ Beth Ferguson, "The Bhutanese Refugee Resettlement Journey- Part 3," *Labour and Migration Research Centre* (New Zealand: Wellington, 2011), p.2, accessed from www.mbie.govt.nz/publications.../bhutanese-study-part-3.pdf (accessed June 12, 2012)

⁴² Ibid.

Suicide rates, domestic violence, alcoholism and trafficking of women and children were increasing along with child marriage, polygamy and prostitution. Refugee families were dispersed across different camps and young people often lacked identity papers since they had been born in camps after families fled Bhutan.

Within its uneasy birth and legacy, the Bhutanese refugee activism went through several phases, ranging from demand for human rights, peaceful advocacy for repatriation, militancy and political front groups and parties and parties of all shades. The refugees were not immune to the larger socio-political movement in Nepal and the surrounding regions of India, particularly the group who left Bhutan as children and grew up in the camps. Not allowed access to legal employment and education, frustrated at their situation and with the other political entities and international agencies deciding their fates, they were easy targets as recruits for political movements in the region, including the People's War in Nepal⁴³.

6. Endeavour for a Political Solution

The governments of Bhutan and Nepal agreed to establish a Ministerial Joint Committee to work towards a resolution of the refugee problem in July 1993. At its first meeting in Kathmandu in October 1993, the Committee agreed to verify the status of the people in the camps and agreed on four categories:

1. bonafide Bhutanese if they had been evicted forcibly;
2. Bhutanese who emigrated;
3. non-Bhutanese people;
4. Bhutanese who had committed criminal acts.

Since then, several rounds of talks had not produced further tangible results and the Nepalese media had criticized their government for agreeing to these four categories. The negotiations had not been helped by two changes of government in Nepal since they began. Whenever the delegations met in 1994 and 1995, it seemed that the Nepalese team usually pressed to move on to the verification process and that the Bhutanese team insisted that the two sides should 'harmonise their positions' on each category first. This delayed progress, because the latter objective was very difficult to achieve without one side or the other making concessions. If the

⁴³ Ibid. See also, Sreeja Balarajan, "Attaining *Trishanku's* Heaven? Bhutanese Refugee Re-Settlement in the United States," *Refugee Watch*, 39 & 40 (June and December 2012), p.70

Bhutanese were allowed to apply their national laws, the Nepalese feared that huge numbers of people would fall in category 2 (unless it could be proved that emigration forms were signed under duress), category 4 (for having demonstrated against government policies), or category 3 (simply for leaving the country and thereby forfeiting their citizenship).

Subsequently, in April 1996, the Bhutanese delegation met the Nepalese counterpart in Kathmandu but nothing happened for refugees. The government of Bhutan felt that the Nepalese government was not interested in resolving the issues bilaterally, instead it wanted a third party to be involved in the talks. Bhutan further alleged that the government of Nepal wanted to send all the people in the refugee camps to Bhutan. As a result, there was a deadlock in the talks between the two countries from 1996 to 1999. However, the eighth round of talks took place in September 1999 by the pressure of the international human rights organizations but nothing emerged productively⁴⁴.

At the end of 2000, possibly as a result of a visit to Bhutan and Nepal by two American secretaries of state, it was agreed that a team of Nepalese and Bhutanese officials would initiate the process of verification, negotiated in 1993. Subsequently, on March 2001, the 'Joint Verification Team (JVT)' began verification in Khudunabari, one of the smaller camps, where some 12,500 people were living. The JVT comprised five Nepalis and five Bhutanese. Though the verification in the Khudunabari camp was completed on 14 December 2001, the outcome was kept undisclosed for more than 17 months. In early 2003, Bhutanese officials reassured international donors at a meeting in Geneva of their commitment of finding a solution to the refugee problem. As a result, the JVT spent many weeks in secret discussions in Thimphu before presenting its report to the fourteenth meeting of the Ministerial Joint Committee (MJC) in Kathmandu in May 2003. The JVT identified only 293 individuals as bona fide refugees who were evicted forcibly. According to the joint press release issued by the Ministerial Joint Committee on 21 May 2003, the RGB would take 'full responsibility' for the 293 individuals categorized as 'bona fide Bhutanese evicted forcibly'. These people would be permitted to return and would be issued with citizenship cards. Remaining, as stated by the JVT, those of the 8595 'Bhutanese who emigrated' and wished to return would be given the option of re-applying for Bhutanese citizenship 'in a liberal interpretation of the Bhutanese Citizenship and Immigration

⁴⁴ Hutt, "Ethnic Nationalism," p.413. See also, Mayilvaganan, "Bhutanese Refugees in Nepal," p.11

Laws,' while those who did not wish to return would be 'given the option to apply Nepalese citizenship in accordance with the laws of the kingdom of Nepal.' 'Bhutanese who had committed criminal acts' would have 'full opportunity to prove their innocence in the court of law in Bhutan.' Many observers had assumed that the JVT simply took this category at face value, without looking into the various reasons for flight⁴⁵.

Both the governments of Bhutan and Nepal made a concerted effort to present the verification exercise as a major breakthrough. After the 15th MJC meeting in Thimpu in October 2003, the Bhutanese government announced that all refugees would be able to return except the non-Bhutanese and the 'criminals.' This was hailed as a major concession. It was pointed out that having consistently denied for over a decade that the camps contained a significant number of its own people, the Bhutanese government then accepted that around 75% of the population of the first camp either were, or had once been, Bhutanese citizens. However, even after recognising many refugees as Bhutanese, those categorised as 'emigrants' could apply for Bhutanese citizenship but they would have to travel to Bhutan to submit their applications. Although the categorisation was carried out on a family basis, applications would only be accepted on an individual basis and applicants would have to remain in Bhutan for the duration of the probation period during which they would have to be able to speak Dzongkha and would need a 'good knowledge' of the culture and history of Bhutan' without making clear where they would live during the probation. The refugees had been consistently refusing this 'concession' of Bhutan. Moreover, Bhutan was against the presence of any third party like the UNHCR on its soil to monitor the repatriation process, as demarcated by the refugee leaders. Moreover, the Bhutan government's discrimination against the Lhotshampas remaining in Bhutan in the fields of employment, education, freedom of movement and citizenship and its policy of resettling northern Bhutanese on the lands vacated by the evicted Lhotshampas undermined any prospect of repatriation⁴⁶.

The UNHCR has tried to find a durable solution for the Bhutanese in Nepal. However, its attempts to get agreement for their repatriation to Bhutan failed and the Nepali government opposed local integration. International observers criticised integration on the grounds that

⁴⁵ Mayilvaganan, "Bhutanese Refugees in Nepal,"pp.11-12

⁴⁶ Ibid. pp.12-13

Bhutan's behaviour constituted ethnic cleansing and local integration was a dangerous precedent. In 2006, the UNHCR acknowledged that the 'many refugees from Bhutan who were deprived of citizenship [and] languish in camps in Nepal foresee little chance of returning home or reacquiring their citizenship'. They faced a prospect of remaining 'part of the UNHCR casebook for the coming years'⁴⁷.

In 2007, the UNHCR, started accepting applications for moves to third countries. In mid 2008, the UNHCR acknowledged the failure of repatriation efforts, saying the United Nations had 'found it impossible' to broker solutions, so the strategy was to 'phase out assistance' and support targeted third- country resettlement as a 'solution to this problem.' The Bhutanese in Nepal were seen as a 'priority' for resettlement. After almost a decade of the resettlement program, more than 105,000 Bhutanese refugees have moved abroad. The vast majority have started new lives in the United States. Lack of political will to pressurize Bhutan by the concerned parties, the international community, India's reluctance to 'officially' involve itself in the issue due to geopolitical interests, brought about the third country resettlement process than repatriation to Bhutan⁴⁸.

According to Kevin Allen, the Kathmandu- based representative of the UN refugee agency, global displacement has now reached world war 11 levels and fewer than 1 per cent of refugees typically find safe home in new countries. Eight years ago, some 108,000 refugees from Bhutan were living in seven camps in Jhapa and Morang districts in eastern Nepal. Today, just two camps remain and the refugee population now stands at less than 18,000 people. A core group of eight countries came together in 2007 to create this opportunity for Bhutanese refugees to begin new lives: Australia (5,554), Canada (6,500), Denmark (874), New Zealand (1002), the Netherlands (327), Norway (566), the United Kingdom (358) and the United States of America (91,713). UNHCR Representative Craig Sanders commented that this is one of the largest and most successful programmes of its kind and the resettlement of nearly nine out of 10 Bhutanese refugees is an extraordinary achievement. In 2007, New Zealand became the first country to accept Bhutanese refugees for resettlement⁴⁹.

⁴⁷ Ferguson, "The Bhutanese Refugee Resettlement Journey" PP. 3-4

⁴⁸ Ibid. p. 4. Refer further, Balarajan, " Attaining *Trishanku's* Heaven?," p. 71

⁴⁹ "Resettlement of Bhutanese refugees surpasses 100000 mark," UNHCR, accessed from www.unhcr.org/.../resettlement-bhutanese-refugees-surpasses-100000-mark.html (accessed January 9, 2017). See also, "As Bhutanese refugee camps in Nepal wind down, resettlement...," accessed from

7. Bhutanese Refugees Find Home in USA

Over the past decade, many Bhutanese refugees have found a home in America. Of the 100,000 Bhutanese refugees who have been resettled abroad in the past 20 years, 85 percent have been resettled in the United States with the largest populations residing in Texas, New York, Indiana, North Carolina and Georgia.

The official estimates of the number of Bhutanese citizens in the US before the resettlement program were about 150. By 2007, 3000 Bhutanese refugees had applied to the UNHCR for the third country resettlement option. The first batch of refugees started coming to the US in early 2008. By the end of 2008, the US had resettled more than 5000 Bhutanese refugees. The figures for the Bhutanese refugees resettled into the United States are: 47,843 at the end of June 2011. In 2007 US told that she would resettle some 60,000 refugees whereas till December 15, 2016 the resettlement figure was 91,713⁵⁰.

The Bhutanese refugees are resettled by the International Migration organization, IOM. The IOM coordinates with the US State Department to work on the refugee resettlement program⁵¹.

The Bhutanese refugees have the highest suicide rate among the resettled refugees. A study done by the IOM, finds that suicide rate in the camps had increased from 20.3 per cent per 100,000 to 27.3 percent, post- resettlement, to 31 among those resettled in the US. Studies found that 11 Bhutanese refugees had committed suicide after resettling into the US. According to a study conducted by IOM, the refugees committing suicide in the States appeared to be younger than the ones who had committed suicide in the camps. In all identified suicides of individuals below 40 there seemed to be an association with excess of responsibility imposed on non- traditional providers towards the family or with excess of responsibility in females separated from their families and/ or other social support networks. It also pointed to the poignant trajectory of the Bhutanese refugee. For nearly 20 years, majority of the refugees who were constrained legally for employment and higher education faced a devaluation of their skills and social roles. While

<https://www.pri.org/.../2016.../bhutanese-refugee-camps-nepal-wind-down-resettlement-program-considered-success> (accessed January 9, 2017).

⁵⁰ "Bhutanese Refugees Find Home in America," *whitehouse.gov*, accessed from <https://obamawhitehouse.archives.gov/.../bhutanese-refugees-find-home-america> (accessed July 23, 2017). Further refer, "Bhutanese Refugees," *Refugee Resettlement Watch*, accessed from <https://refugeeresettlementwatch.wordpress.com/.../bhutanese-refugees/> (accessed July 23, 2017).

⁵¹ Balarajan, "Attaining *Trishanku's* Heaven?," p. 71

debilitating in many ways, the camps were also places which enabled community ties and ethno-cultural identities. However the resettlement process has once again splintered and fractured those ties. The debilitating conditions in the camps, combined with the anxiety and fears of the re- settlement process, had given rise to high rates of depression, generalized anxiety and post traumatic stress disorders as well as some psychiatric disorders. These persistent conditions are carried over by the refugees who re- settle. Many refugees felt let down, after reaching US. The main issue concerns the gap between the expectations and the reality in the US. The added dimension of the economic crisis in the US also put pressure and colored the attitude of both the staff and the refugee⁵².

In Nepal the belief was widespread that the government of India held the key to the problem, since it had a guiding hand on Bhutan's foreign relations and was moreover the country of first refuge for those who fled from southern Bhutan. However, India insisted, that the matter was purely bilateral issue and that it had no role to play in solving it. India had some constraints. It cannot interfere in the internal affairs of Bhutan according to the Indo- Bhutan treaty of 1949. Besides, being the neighbour, China is one of the key considerations for India to frame its policy towards the Himalayan state⁵³.

Around 2000 of the remaining 11,000 refugees, put up at various camps in Jhapa and Morang are refusing the third country resettlement and willing to return to their own homeland in Bhutan, according to a source at the UNHCR. The repatriation campaign has come to end after the UN body's resettlement programme. The repatriation campaign has been weakened as the leaders spearheading repatriation themselves opted for third country resettlement and the majority of the remaining refugees are also in resettlement process, giving up hope of repatriation as UNHCR's third country resettlement programme will come to an end in 2017. Bhampa Rai, Balam Poudel, among other refugee leaders, are still campaigning for repatriation, though Rai claimed that *hundreds of refugees had been forced to chose third country resettlement against their will*⁵⁴.

Conclusion

⁵² Ibid. pp.74-76

⁵³ Mayilvaganan, "Bhutanese Refugees in Nepal,"p.14. Also see, Hutt, "Ethnic Nationalism," p.414

⁵⁴ "Bhutanese Refugees," *Refugee Resettlement Watch*

The elites in the north realized that the ethnicity of the Nepali Bhutanese community in the south was very different from that of the north in that it pervaded all levels of southern Bhutanese society and also that in neighbouring areas this ethnicity had already been mobilized to bring about political change. It seemed axiomatic to the Bhutanese leadership that the populist ethnic nationalism of the Nepali Bhutanese in the south would in time be mobilized and that such a mobilization would sweep away the more exclusive ethnic nationalism of the Drukpa in the north. Hence the extension of the Driglam Namzhag code of social etiquette and dress from elite and monastic circles to the general populace; the banning of TV antennae and satellite dishes; the promotion of the national language, Dzongkha; the downgrading of the status of Nepali in national life; the tightening of citizenship and marriage laws and so on. Bhutanization provoked resistance from the Nepali Bhutanese, who had until then remained a 'quiscent and accomodated demotic ethnies. This resistance took on all the characteristics the northern elites most feared: an attempt at mass political mobilization and a stretch for support from Nepali- led political groups outside Bhutan. The Bhutanese government justified its response to this resistance by classifying a large portion of the southern population as non- nationals, playing up the violent aspects of its resistance and presenting it to the outside world as terrorism.

Inevitably, the two sides of this argument- the exiled Nepali Bhutanese leaders thrown up by the crisis and the Drukpa elite in Thimpu- have widely differing perceptions of the problem. The exiles argued that their return must be accompanied by political reforms in Bhutan that guarantee the Nepali Bhutanese a greater say in the administration and ensure their civil and cultural rights. The GOB laid stress on the robberies in the south and the threat of 'demographic invasion'. It described the issue as its 'southern problem' and presented it to the world as a 'threat to a nation's survival.' The situation is not adequately described by cliches such as 'clash of cultures' or 'ethnic cleansing'. It is the result of a politically dominant ethnic community seeking to defuse the potential threat of a previously marginal and subservient but very different ethnic community that existed within its own territory and is also part of a larger cross- border grouping. This it did, in effect if not by intention, by presenting it with a choice between subscribing visibly and actively to the Drukpa ethnic and political ethos or surrendering its rights to a continued presence in Bhutan.

As a result of the outflow of southern Bhutanese, the characteristics of each ethnic community had been heightened, the distance between them had become much greater and the search for an

accommodation had become much more difficult. Any resolution of the crisis must take account of the fears of the dominant group, the Buddhist highlanders of the north and of the aspirations and grievances of the Nepali-speaking people of the south⁵⁵.

It is impossible for the Bhutanese elite to accept the return of any significant proportion of the refugees unless it can be sure that its hold on power will not be fatally weakened as a consequence. Bhutan's Prime Minister Tshering Tobgay has categorically refused to accept any of them as his fellow countrymen, ruling out any possibility of repatriation. In response to a letter sent by US Senator from New Hampshire Jeanne Shaheen, which urges Tobgay to allow family reunification of remaining Bhutanese refugees in Nepal, the latter has described them as "non-nationals and illegal immigrants." He has also accused the UNHCR of admitting refugees without screening their origin and questioned the origin of Bhutanese refugees. Senator Shaheen has also mentioned that so far only one refugee's application for return had been approved by Thimpu and he died before he could act on the approval⁵⁶.

Bibliography

"As Bhutanese refugee camps in Nepal wind down, resettlement...". Accessed from <https://www.pri.org/.../2016.../bhutanese-refugee-camps-nepal-wind-down-resettlement-program-considered-success> (Accessed January 9, 2017).

⁵⁵ Hutt, "Ethnic Nationalism," pp.417-418. Refer further, Hutt, "Refugees from Shangri-la," p. 10

⁵⁶ Hutt, "Ethnic Nationalism," p. 418. Also refer, "Bhutan PM refuses to take refugees back," *Kathmandu Post*, accessed from kathmandupost.ekantipur.com/.../bhutan-pm-refuses-to-take-refugees-back.html (accessed March 3, 2017)

Balarajan, Sreeja. "Attaining *Trishanku's* Heaven? Bhutanese Refugee Re- Settlement in the United States". *Refugee Watch* 39 & 40, pp. 69-85, June and December 2012.

Ferguson, Beth. "The Bhutanese Refugee Resettlement Journey- Part 3". *Labour and Migration Research Centre*, pp1-77. New Zealand: Wellington, 2011. Accessed from www.mbie.govt.nz/publications.../bhutanese-study-part-3.pdf (Accessed June 12, 2012).

Giri, Birendra. "Mourning the 15th Anniversary of Crisis: The Plight of Bhutanese Refugee Women and Children". *Journal of Asian and African Studies* 40: 5, pp.345-369. London, Thousand Oaks, New Delhi: SAGE, Sep 21, 2005. Accessed from DOI:10.1177/0021909605057742 (Accessed June 24, 2017).

Hutt, Michael. "Ethnic Nationalism, Refugees and Bhutan". *Journal of Refugee Studies* 9:4, pp. 397-420. London: University of London, December, 1996. Accessed from DOI:10.1093/jrs/9.4.397 (Accessed March 2, 2017).

_____ "Refugees from Shangri- la". *Index on Censorship* 22:9, April 1, 1993, pp.9-13. Accessed from DOI:10.1080/03064229308535539 (Accessed June 24, 2017).

_____ " The Bhutanese Refugees: Between Verification, Repatriation And Royal Realpolitik". *Peace and Democracy in South Asia* 1:1, pp.45-56. January 2005. Accessed from the bhutanese refugees:between verification...-CiteSeerX (Accessed June 24, 2017).

Kathmandu Post, "Bhutan PM refuses to take refugees back ". Accessed from kathmandupost.ekantipur.com/.../bhutan-pm-refuses-to-take-refugees-back.html (Accessed March 3, 2017).

Kharat, Rajesh S. "Bhutanese Refugees in Nepal: Survival and Prospects". *Economic and Political Weekly* 38:4, pp.285-289. January 25, 2003. Accessed from <http://www.jstor.org/stable/4413124> (Accessed May 14, 2012).

Mathew, Joseph C. "Political Transition in Bhutan". *Economic and Political Weekly* 41:14, April 8-14, 2006, pp.1311-1313. Accessed from <http://www.jstor.org/stable/4418044> (Accessed May 14, 2012).

Mayilvaganan, M. "Bhutanese Refugees in Nepal: Problems and Prospects," pp.1-19. Accessed from [repository.um.edu.my/78472/1/Bhutanese%20 Refugees%20 art.pdf](http://repository.um.edu.my/78472/1/Bhutanese%20Refugees%20art.pdf) (Accessed January 9, 2017).

Refugee Resettlement Watch, "Bhutanese Refugees". Accessed from <https://refugeeresettlementwatch.wordpress.com/.../bhutanese-refugees/> (Accessed July 23, 2017).

Sinha, A. C. "Will the Ethnic Conflict be Resolved?" *Asian Survey* 35:2, pp.166-170. California:University of California Press, February, 1995. Accessed from <http://www.jstor.org/stable/2645026> (Accessed May 14, 2012).

UNHCR, "Resettlement of Bhutanese refugees surpasses 100000 mark." Accessed from www.unhcr.org/.../resettlement-bhutanese-refugees-surpasses-100000-mark.html (Accessed January 9, 2017).

whitehouse.gov, "Bhutanese Refugees Find Home in America". Accessed from <https://obamawhitehouse.archives.gov/.../bhutanese-refugees-find-home-america> (Accessed July 23, 2017).

Swachh Bharat Abhiyan and the challenge of Manual Scavenging

Swapnil Dhanraj

Abstract

The much celebrated Swachh Bharat Abhiyan by the Bhartiya Janta Party (BJP) completes its third year in 2017. Though the BJP leadership enthusiastically continues to promote the cleanliness campaign, its silence on the practice of manual scavenging raises a serious doubt about its commitment towards making India clean in coming years. It is in this context that, the paper argues that eradication of manual scavenging is the most important step to achieve the objectives of Swachh Bharat Abhiyan. It argues that the aim of clean India would remain impossible without eradication of manual scavenging in India.

Keywords: Clean India, discrimination, exclusion, caste occupation, manual scavenging

The day everyone in India gets a toilet to use, I shall know that our country has reached the pinnacle of progress (Jawaharlal Nehru).¹

1. Introduction

When Prime Minister Narendra Modi launched the Swachh Bharat Abhiyan (Clean India Mission) in 2014 it fascinated many people in the country. The ambitious mission, which aims at making India 'clean', has one more goal of elimination of open defecation. The event of launching the Swachh Bharat Abhiyan will also remain memorable since it was introduced on 145th birth anniversary of Mahatma Gandhi. The campaign that spread like the wind took no time to reach to the common masses since some charismatic personalities and actors from Bollywood came to the street to praise and support the campaign, including the mainstream media. However, the Swachh Bharat Abhiyan received criticism that it doesn't deal with and address the problem of manual scavenging and deeply ingrained discrimination in the heinous practice. Some criticised it for being a political campaign to woo the communities which are the victims of the practice of manual scavenging. For some, it was merely a

¹ The Collected Speeches of Jawaharlal Nehru, Vol 2, New Delhi.

political campaign through which the Bhartiya Janta Party (BJP) is trying to appropriate Mahatma Gandhi and his legacy. Though there were many claims about the successful implementations of the Swachh Bharat Abhiyan, strikingly the campaign has missed out some important goals that are necessary to achieve its stated objectives and meet its final goal of a 'clean India'. It is in this context that, the present paper tries to engage with the problem of manual scavenging which is not only linked with the cleanliness, but also with social practices of discrimination. Moreover, the paper argues that elimination of the practice of manual scavenging remains the biggest challenge for the Swachh Bharat Abhiyan. Without addressing and eliminating the practice of manual scavenging the objective of clean India remains insurmountable.

2. The context of the problem

The task of manual scavenging involves the removal of untreated human excreta, carrying and moving it to a disposal location from residential places. This task is often completed by using brooms, tin plates and baskets. The communities which engage their 'labour' in order to perform the task of manual scavenging that gives them social sanctioning cannot be seen in isolation from the hierarchies of castes and discrimination. In fact various studies (Ramaiah, 2015, Ravichandran, 2011, Prasad, 2007, & Marcel, 2003) have shown that the occupation that is imposed according to the social status of the people manifests discrimination on the basis of caste. Therefore, a brief reference to the caste hierarchies is necessary to understand the structural relationship between caste system and the practice of manual scavenging.

According to Kumar (2010, p.363) "caste has been for long understood in terms of purity and pollution. The Dalits are called impure on the basis of their defiling occupation. But Dalits argue that it's them who keep the whole society clean then how do they become impure? Second, it is ironical that it is the caste of people who defecate and are unable to help clean their own excreta, remove their dead animals, are unable to help their women to deliver their babies, cannot clean their clothes soiled by blood of menstruation, cannot dig graves for their dead who are deemed clean and pure". These communities, known for their social task of performing the polluted works are identified by different names in different parts of the country.

Vijay Prashad (2000) opines that the bulk of the Balmiki community today labours as sweepers hired by the municipalities of Delhi where they work under the close supervision of Hindu overseers and Jamadars. The Britishers hired a set of castes into the sanitation department due to the dominant belief that ‘caste’ especially for the Dalits, had something to do with occupation. ‘Special circumstances have combined to preserve in greater integrity and to perpetuate under a more advanced state society than elsewhere the hereditary nature of occupation’, a colonial official noted, ‘and this in a higher degree than in other modern nations to render identical the true principal of community of blood and community occupation’. The site of caste of particular importance for the Balmikis is the ascribed link between occupation and caste, one that traps them into work as sweepers.

Moreover, the issue of the labour regime and of a caste’s relationship to occupation has a long history where the social matrix of the relationship was fundamentally reconfigured during the penetration of the countryside by the colonial state and the concurrent expansion of urban areas. It is in this context that, certain castes find themselves locked into specific occupations by the state, a procedure justified by the colonial officials as a mark of caste culture when, in fact, there was little connection between the modern occupation and the caste’s own work history. For the Balmikis, for instance, most worked as general landless field-hands, by the 1880’s those who moved into the cities entered the sanitation workforce and all Balmikis began to bear the taint of being sweepers in perpetuum (Prashad, 2000, p.16).

The practice of manual scavenging, officially banned since decades in India, continues with impunity in several states. The latest socio-economic caste census data released on July 3, 2015 reveals that 1, 80, 657 households are engaged in this degrading work for a livelihood. Maharashtra, with 63, 713, tops the list with the largest number of manual scavenger households, followed by Madhya Pradesh, Uttar Pradesh, Tripura and Karnataka, as per Census data. Following numbers of manual scavenging households were recorded in the data- Maharashtra – 63,713, Uttar Pradesh- 17,619, Karnataka- 15,375, Madhya Pradesh – 23,093, Daman & Diu – 6, 277, Bihar – 5, 296 and Tripura 17, 332.²

² (<http://www.thehindu.com/news/national/manual-scavenging-still-a-reality-socioeconomic-caste-census/article7400578.ece>)

3. Manual scavenging and the manifestation of inequality

There is no single definition of the practice of manual scavenging. However, one may understand the phenomenon of manual scavenging by delineating the characteristics associated with it. As explained by Ramaiah “the manual scavengers those who manually clean and carry other human beings’ excreta defecated in open fields and in private and public dry latrines in urban and rural areas. They are those who dive into drainage manholes, clean the gutters and remove blockages, if any. They are those who sweep and clean streets and dispose dead animals/ carcasses belonging to individuals and groups and also unclaimed ones. They are also those who are called to lift and dispose human dead bodies, including those lying in decomposed condition with unbearable sight and stink and in unapproachable locations” (Ramaiah, 2015, p.70).

Manual scavenging is a caste- based occupation in India since centuries. It is considered to be a hazardous and humiliating occupation that is performed by the lower strata of the Dalits for their survival in different parts of the country. There were constant efforts by the leaders like Mahatma Gandhi to eradicate this humiliating occupation. Gandhi was the first national leader who raised the issue and linked it with independence. He focused on the inhumanity of the practice in 1901 at the Calcutta Congress. When he started the Sabarmati *ashram* in 1918, there was a strict stipulation that no professional scavenger was to be employed. Instead the *ashram* inmates had to clean the toilets themselves. He himself took up the job of cleaning toilets (Thekaekara, 2003). However, after gaining independence and constitutional safeguards, the caste based occupation still remains a source of livelihood for the so called lower castes in the country today. This affiliation with the practice of manual scavenging not only stigmatizes their existence in the society, but also blocks their chances to move into other occupations by affecting their economic development. Therefore, when it comes to the profession of manual scavenging it is not a matter of choice for the people who perform it for their livelihood, but a matter of forced labour.

Manual scavenging, as a caste based occupation, exists in various forms in Indian society which is performed by some so called lower caste communities. Though the practice was banned by the state through various Acts (1993- The Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act and The Prohibition of Employment as Manual Scavengers and their Rehabilitation Act 2013) it has not vanished from the society which remains one of the most discriminatory practices today. Moreover, the task stigmatizes

the 'people and their labour' due to which it has been practiced over generations. Manual scavengers are known and identified by different names and nomenclatures in India. They are known as Bhangis in Maharashtra and Gujrat, Phakis in Andhra Pradesh and Sikkaliars in Tamil Nadu. The repercussion of this occupation is to be seen on the health conditions of the people who perform it. Often the scavengers suffer from eye infections and skin type diseases. However, they have to live with those infections and poor health conditions since their livelihood entirely depends on the task of manual scavenging. The reformatory schemes and laws of the state have proved ineffective since it has given the victims of manual scavenging a different nomenclature where they perform the similar kind of task while working with municipal corporations in urban areas. Nothing significantly changes in the lives of the scavengers apart from the fact that they become 'scavengers for the state' with inadequate health facilities in hazardous work conditions.

A study conducted by Beck and Darokar (2005) in Maharashtra suggests that the effect of scavenging work adversely affects the physical and mental health status of those engaged in scavenging. The study shows that, "of the 2, 753 interviewed, about 24% (657) were found to be suffering from diseases of one type or the other. The common diseases that they reported to have suffered include skin disorder, communicable diseases, respiratory disorders, parasitic disorders, diminishing vision, diminishing hearing, both diminishing vision and hearing, and any other, while most of them reported to be suffering from skin disorders, respiratory diseases, communicable disorders, and diminishing visions" (Ramaiah, 2015,p. 73).

This hazardous occupation of manual scavenging is not performed by every lower caste. There are certain castes as mentioned above like Bhangis, Phakis, and Sikkaliars who exclusively perform the task as a social obligation and to meet their livelihood. However, other lower castes too have to perform the task of cleaning or scavenging which exists in different work forms which demarcates them from other communities that leads to their exclusion from the society. This exclusion manifests in different social tasks performed by the lowers caste communities in rural and urban areas.

Kumar (2014, p.22) in his sociological typology of exclusion describes hazardous / stigmatized occupation as a form of exclusion that includes:

- 1) Cleaning of human excreta, 2) Scavenging / cleaning manholes, 3) Midwifery role by Dalit women, 4) Removing carcasses, 5) Grave digging/ burning the dead/ drum beating at the time

of death, 6) Piggery / butchery/ toddy tapping , 7) Cleaning of soiled clothes, and 8) Denial of taking out marriage and funeral processions.

This exclusion which leads to further stigmatization of dalits is sanctioned by the caste order and it is practiced in many villages by different oppressed castes and communities to earn their livelihood and perform their social duties by the so called upper castes. The exclusion of the scavenging communities is linked with their caste and occupation that gives them lower and subordinate status compared to other citizens. Therefore, the caste based occupation of manual scavenging with its fixed employees remains instrumental in creating and maintaining the notion of purity and caste relations.

The scavenger communities are marginalised in social, political and economic spheres of their lives. This marginalization further leads to a different treatment from other people due to which they miss the opportunity to socialize with the other civilians. Guru (2000) describes that the Dalits and other poor classes have a different, marginalised notion of time. According to him “it is the social factor of purity-pollution that makes the upper caste regulate certain timings for the Dalits. The non-Dalit upper castes do not walk into the streets during a particular time, usually morning, in the areas where manual scavenging is still in practice. In social terms, the upper castes still have the option to withdraw from the time slot considered to create the chances of pollution”. Moreover, he maintains that “Dalits cannot aspire for securing respectable jobs. The Dalits are overwhelmingly found in sanitary section of Indian society. They are scavengers, sweepers, rag pickers, coolies; they do other kinds of job which are not only considered to be unimportant, but a sense of wretchedness and filth based on the notion of purity-pollution is attached to them” (Guru, 2000, p.113).

4. Caste, livelihood and the state intervention

As mentioned before, the so-called lower castes in Indian social systems are forced to perform the occupation of manual scavenging due to their structural location in society vis-a-vis their castes. The interrogation of the relation between their occupation and social status enables us to engage with the notion of caste. Similarly, Jodhka also argues that (2015, p.4) “caste exhibits stark material disparities, physically segregated settlements like ghetto communities, institutionalised violence, including untouchability. Hierarchy and purity/pollution are undeniably some of the core ideas around which caste is organized. But they also produce human effects, social inequalities, economic disparities, deprivation, and violence”.

Ambedkar (1944:48) describes caste system as division of labourers where occupation and duties are assigned on the basis of caste. He further maintains that as a form of division of labour the caste system suffers from another serious defect. The division of labour brought about by the caste system is not a division based on choice and is hence, pathological. Individual sentiments, individual preference has no place in it. It is based on the dogma of predestination. According to him there are many occupations in India which on account of the fact that they are regarded as degraded by the Hindus provoke those who are engaged in occupations which arises solely because of the blighting effect which they produce upon them by the Hindu religion. What efficiency can there be in a system under which neither men's heart nor their minds are in their work? As an economic organization caste is therefore a harmful institution, inasmuch as, it involves the subordination of man's natural powers and inclinations to the exigencies of social rules.

The system of castes which mainly depended on the concept of pollution and untouchability divided people in various spheres by organizing them into the camps of 'touchable' and 'untouchable' communities. This division was further legitimised by the occupations performed by specific castes. For example, "the unique position of untouchables was not simply in living outside the village and performing the most 'polluted' occupations; it was also that their position within the caste division of labour made them the most exploited (Omvedt, 1994, p. 49)". In India, there is one large 'marginalized' chunk of community from the Dalits in every rural and urban area that performs the task of manual scavenging. These scavenging communities not only face discrimination from the upper caste Hindus, but also from the sub-caste dalit population.

Though the Constitution of India introduced the Articles that ban untouchability and discrimination against the ex-untouchable communities, exclusion and discrimination against them manifest in various forms such as their engagement with manual scavenging. Intervention to deal with the problem of manual scavenging and exclusion of dalits should come from two levels from the state and the political leadership that claims to represent the oppressed groups and communities. Despite implementing acts such as 'The Employment of Manual Scavengers and Construction of Dry Latrines (Prohibition) Act 1993', 'The Prohibition of Employment as Manual Scavengers and their Rehabilitation Act 2013', the practice of manual scavenging still exists. Moreover, the dalit movement and its leaders who follow Ambedkar and his perception of state intervention for the emancipation of the oppressed classes have not been able to achieve much through their political participation.

The dalit leadership in various regions has not taken any concrete step to intervene in the problem of manual scavenging. The dalit representatives in other political parties too have not shown any political will to work on the problem. Thus, the dalit movement with its goal of achieving social, economic and political equality should also embed the goal of eradication of manual scavenging in their struggle which has been neglected from its ambit. There should be a conscious and organised effort to address the problem of discrimination and exploitation of the manual scavengers who are labouring for their survival due to their social location.

According to Teltumbde, Articles 14, 17, 21 and 23 of the Indian Constitution could be counted upon to stop the practice of manual scavenging. For instance, Section 7A and 15A of the Protection of Civil Rights Act 1955 (formerly known as the Untouchability (Offences) Act, 1955), enacted to implement Article 17, provided for the liberation of scavengers as well as stipulating punishment for those continuing to engage scavengers. Parliament has also passed another Act, the Prohibition of Employment as Manual Scavengers and their Rehabilitation Act, 2013. But nothing has moved on the ground. While the state governments had gone on denial spree after promulgation of the 1993 Act, the 2011 Census of India found 749, 000 cases of manual scavenging across India. The biggest violator of this law is the government's own departments. Toilets of train carriage of the Indian Railways, for example, drop excreta on tracks, which is manually cleaned by scavengers (Teltumbde, 2016, p.11).

Ravichandran (2011) opines that, this profession is prevalent across India and is exclusively done by the dalit community. And as we know, since every caste has a 'hereditary' profession according to the Hindu Shastras, scavenging definitely qualifies as a caste profession. In north India, scavengers are addressed largely as Bhangis and in the southern states as Arunthathiyars, Rellis, Madigas, Mehtars, Pakis, etc, depending upon the region in which they reside. However, we should not forget that although scavenging is done, with regional variations, by one particular community or caste, the majority of the people within those particular communities are not scavengers. Among the scavenging castes there are large numbers are daily-wage labourers and those who get monthly salaries by working in factories. However, whatever work they have to bear the stigma of profession associated with the caste and the consequent backwardness (Ravichandran, 2011, p.23).

According to Singh and Ziyauddin (2009, p.522) manual scavengers in India, who are caste-based occupational groups, constitute one socially excluded class. The evil of manual scavenging is directly related to the lack of availability of sanitation facilities like food,

clothing and shelter, proper sanitation is one of the basic requirements of mankind. Poor sanitary conditions lead to water-borne diseases like diarrhoea, dysentery, etc., while the lack of sanitation facilities affects all individuals, children and women are particularly vulnerable. As per the World Health Report, 1999, only 49% of the urban population (in 1997), and merely 14% of the rural population (in 2000) have adequate facility for excreta disposal. The problem is more conspicuous in developing countries like India, where practices like the use of dry latrines, manual removal of human excreta and; defecating in the open place exist.

5. The field view

During my field work in Kolhapur and Pune municipal corporations in Maharashtra I interacted with a few individuals from Valmiki community who were rehabilitated under the state rehabilitation programme and had abandoned the practice of manual scavenging in their villages. These people had migrated from their villages after giving up the occupation of manual scavenging. However, the process of rehabilitation also could not provide them a new job for their livelihood. They continued to remain in the practice of scavenging in urban areas under employment of the municipal corporations. Most importantly the occupation of manual scavenging was congenital in their family since their forefathers too were dependent on the manual scavenging for their survival. The present employment was the result of their rehabilitation programme by some Non-Government Organizations (NGO) and opportunities at municipal corporations where they could fit themselves for the job requirements. Nevertheless, their baneful association with the manual scavenging proved to be a menace in the new employment. Though the corporations provided them a constant and dignified source of income, the stigma of being a scavenger and fourth class employee haunts them in the administrative set up of the corporations where they get humiliating treatment from their superiors.

Apart from relying on the state aids, NGO interventions and rehabilitation programmes the people who were engaged in manual scavenging have also been trying to move out of their villages to urban areas to avoid the discrimination practiced in their villages. However, after migrating to cities it becomes highly difficult for them to find employment opportunities since they don't possess certain skills to be employed in the job market. Moreover, the strong caste network that works in the urban areas makes it impossible for them to avail employment opportunities because of lack of networks. On a similar note, Jodhka (2013, p.219) points out, "the experience of mobility of those located at the lower end of the

traditional caste hierarchy, viz., their moving out of village is also not an easy process. Those who move out of the rural/ agrarian economy, into urban entrepreneurship, find it very hard to make headway beyond the margins of the emerging urban economy. In the urban market, caste matters in many different ways for the Dalits trying to establish themselves. In Indian context, caste and kinship communities actively try to preserve their 'monopolies'. Even when it becomes virtually impossible to do so, kinship networks play a very critical role in urban business economy". Therefore, for manual scavengers migrating to urban areas, the aspiration to adopt a different occupation in urban areas becomes impossible since it is not easy for them to find a new one.

In Pune city there are scavengers from Valmiki community (known as Bhangi) working in both formal and informal setups. The scavengers working under the municipality office were assigned the duties of cleaning public places like bus stops and toilets. The individuals who were permanently working with the Pune Municipal Corporation had enough reasons for being alienated and having hatreds for their job when they complained about discrimination by their colleagues and lack of safety tools while working in the city. Moreover, the relatives of these employees are gradually adopting this occupation since they lack enough education and working with municipality on a temporary basis doesn't need any high educational qualification. Even though the job remains to be a low paid job, the survival issue compels them to engage with the occupation. Thus, given this scenario, where the practice of manual scavenging by the scavenging communities continues to be a socio-economic problem, the argument remains that if the campaigns like Swachh Bharat Abhiyan can effectively change the attitude of the society towards the issue of cleanliness and sanitation without addressing the possibilities of eradication of manual scavenging.

6. Conclusion

This paper was an attempt to highlight how the state-led Swachh Bharat Abhiyan has overlooked the problem of manual scavenging predominantly performed by the lower caste groups in Indian society as their caste based occupation. The desperate attempt to promote cleanliness by the Indian state through the campaign has categorically chosen to remain silent on the problem of manual scavenging. The problem it seems is hardly taken into consideration while addressing the issues of dirt-free India. The campaign should have reflected on the inhuman practice of manual scavenging by denouncing it as a caste based occupation. Perhaps, the campaign was the right platform to promote awareness about the

eradication of manual scavenging and rooting out the practice from both urban and rural areas. Therefore, the larger goal for the success of the Swacch Bharat Abhiyan should be the abolition manual scavenging, dry latrines and open defecation in rural as well as urban areas.

Though the government is promoting the concept of Swachhta (cleanliness) for the general awareness of its Clean India Mission, the real challenge lies in the eradication of manual scavenging which has subjugated and tortured the scavenging communities. It's ironical to observe that even after the independence the Dalits continue to have a 'service relationship' with their fellow citizens. It is not surprising that despite the efforts to eradicate the practice of manual scavenging the practice remains prominent among the Dalits today. It is impossible to imagine and achieve a clean India without the eradication of manual scavenging which will also lead to annihilation of caste, and equal opportunities in employment. It is indeed inspiring to see that the state is trying to put in new set of mechanism and practices to promote cleanliness in the form of Swacch Bharat Abhiyan. However, the emancipation of the scavenging communities, who solely depends on the occupation of manual scavenging, remains the biggest challenge for the Swacch Bharat Abhiyan today.

Bibliography

Ambedkar (1944): *Annihilation of Caste. Dr Ambedkar Writing and Speeches*. Vol 1. Government of India: Ministry of Social Justice and Empowerment.

Avatthi, Ramaiah: (2015). Health Status of Dalits in India. *Economic and Political Weekly*, 50(43), 70-74.

B, Ravichandran. (2011). Scavenging Profession: Between Class and Caste. *Economic & Political Weekly*, 46 (13), -21-25.

Guru, Gopal. (2000). "Dalits from margin to margin," *India International Centre Quarterly, Marginalised*, Vol. 27, (2), 111-116.

Jodhka, S (2015): *Caste in Contemporary India*. New Delhi: Routledge.

Kumar, Vivek (2010). Teaching Caste and the Hindu Social Order: Dalits in Indian Sociology” In: Maitrayee Chaudhuri, (ed.), *Sociology in India: Intellectual and Institutional Practices* (New Delhi: Rawat Publications).

Omvedt, Gail (1994): *Dalits and the Democratic Revolution: Dr Ambedkar and the Dalit Movement in Colonial India*. Sage Publications: New Delhi.

Prashad, Vijay (2007). *Untouchable Freedom. A Social History of Dalit Community* .Oxford University Press: New Delhi.

Singh & Ziyauddin. (2009): Manual Scavenging As Social Exclusion: A Case Study. *Economic and Political Weekly*, 44 (26-27), 521-523.

Teltumbde, Anand. (2016). Dalits Cry in the Eve of the Ambedkar Festival, *Economic & Political weekly*, 51(19), 10-11.

Thekaekara, Mari Marcel (2003): *Endless Filth- The saga of the Bhangis*. Bangalore: Books for change.

Trinamool, Politics and Poribarton: Comprehending the Ideological Connection

Sumit Howladar

Abstract

The electoral victory of the Trinamool Congress in the 2011 Assembly election (followed by the 2016 election) in West Bengal defeating the 'once undefeatable' Left Front is surely a landmark political development. But in the entire gamete of affairs, one issue which demands serious introspection is the issue of ideology. This paper examines the peculiar silence of 'ideology' in Trinamool Congress' politics and connects it to the idea of 'Poribarton'. It highlights the features of Trinamool's ideology and grounds it in the present political scenario of the state to derive a clear picture of the ideological currents currently in vogue.

Keywords: Trinamool, Ideology, Populist, Mamata, Honour

1. Introduction

The 2011 Assembly elections in West Bengal witnessed the longest-serving democratically elected Left government in the world collapse. West Bengal which was the bastion of the Left for thirty-four years finally bid it adieu. From a mind-boggling 233 seats which the Left Front secured in the 2006 elections, the numbers came down to 62, while the opposition which mainly comprised of the Trinamool Congress (hereafter TMC) saw a phenomenal increase from 50 to 227. The electoral victory of the TMC under the leadership of Mamata Banerjee is surely a landmark political development. The change which came in 2011 in West Bengal is not a simple case of democratic transition; instead, it was a reflection of various fundamental changes which have come about in the societal and political fabric of the state. One concept which has been central in the political lexicon of the state has been ideology. Throughout the entire Left regime, the concept of ideology invariably occupied a central position in any political discussion or debate at least (if not at the level of execution). The Assembly election results in the state in 2011 (2016 election as well) clearly points towards the fundamental ideological crisis of the Left as a whole and also the foundational gaps in its vision.

But interestingly in the awe-inspiring environment surrounding the phenomenal rise of Mamata Banerjee to prominence and power one issue which seems to have taken a back foot and has not been brought under the scanner strongly is the very same issue of ideology. There seems to be a peculiar silence as far as the act of defining the ideological base of the TMC is concerned. Much of the derivations till date have been primarily based on the act of juxtaposing its activities with the other political formations in the state and not on studying its ideology in particular. This paper examines in depth this particular aspect of the ideology of the TMC and connects it to the much talked about ‘Poribarton’ in West Bengal. The apparent absence of a well-defined ideology itself hints at the interesting developments in the politics of the state in recent times. The paper highlights the interesting features and aspects of the ideology of TMC and grounds it in the present political scenario of the state to derive a clear picture of the ideological currents currently in vogue.

2. Absence of a Formal Discourse

The absence of a formal ideological discourse in the TMC has been a marked feature of its political functioning and has till date proved beneficial for it. High level of ideological ambiguity has expanded its catchment area thereby including people from various stratus and sections of society. The political space offered by TMC is undetermined and fresh where interested individuals and parties can come and carve out new tactical and political framings and roles, albeit in accordance with the larger module of conduct dictated by Mamata Banerjee (the centripetal force of the party). But the flip side to this story is that this ideological ambiguity has led to several unwanted and corrupt elements creeping into the political space thereby leading to political and physical skirmishes at regular intervals. In the absence of a codified ideological framework, the mammoth task of disciplining and unifying its cadres/members is even more challenging for the TMC as the entire onus is on the shoulders of Mamata Banerjee.

Interestingly in the prelude to the historic 2011 Assembly election, the TMC primarily exhibited ideology as a concept which is almost defunct and is unnecessarily acting as a barrier to the economic development of the state. But after its historic win in that election the same TMC till date has been using this very concept of ideology (though in a refashioned manner) to justify its stand regarding various reform measures and development initiatives (especially industrial development). TMC’s fluid ideological discourse has provided it with a high degree of adaptability thereby helping it to justify its dichotomous moves on various

occasions. It has constantly relied on the ambiguity of its ideological strand to repeatedly strengthen its legitimacy. The famous slogan of ‘Ma, Mati, Manush’ is a prominent example of this. The nature of the slogan is such that it encompasses anything and everything under the sun.

TMC’s conspicuous silence on the adoption of a formal set of ideology is in semblance with its populist political culture and policy of pragmatic politics. The important achievement of the TMC government has been the very fact that they have succeeded in dominating the political language of the state. By keeping the process of constitution of the ideological framework a highly fluid one, Mamata Banerjee has amalgamated an array of ideological tenants from diverse fields (including the Marxist and Socialist) and formulated a hybrid ideology of her own. This was clearly visible in the Parliament on the 14th of July, 2014 when the TMC made a sudden U-turn and decided not to oppose the Telecom Regulatory Authority of India (Amendment) Bill. The primary question involved in this entire debate was regarding the maintenance of the independence of TRAI. A week before this decision TMC MP Saugata Roy had categorically opposed the Bill and expressed concern about the independence of Telecom Regulatory Authority of India (TRAI) being compromised. But a week later the TMC in order to corner the Congress in the House decided to support the amendment proposed by the BJP led NDA government. This ultimately helped in the appointment of former TRAI chief Nripendra Misra as principal secretary to the Prime Minister.

But this in no way should impress upon us that there is a great amount of internal democracy in the party whereby the members have the freedom to have a threadbare discussion on critical issues at hand and can strongly put forward their opinion. During my series of fieldwork I had informal discussions with a number of local level workers of TMC. The common thread which I could identify in all the discussions is that the broad outline of any ideological stand is given beforehand by the party supremo both in terms of content and implementation modules. This is then trickled down to the various ranks of the party. What the lower rung leaders are free to do is to add some sensational adjectives at best. The ideological innovations take place at the highest level and the duty of the various party cells is to abide by them unquestionably. But this lack of internal openness and discourse pluralism has already started to show some of its ill-effects. The Tapas Pal incident in the month of June 2014 is a grim reminder of this. Without a free and democratic environment within the

party where ‘would be’ approach to things are discussed and the correct language to express them is chalked out, incidents of this sort are bound to be a common occurrence in the execution of politics in the state.

Keeping the political history of the state in mind though it can be said that many of the political terms frequently used in the diction of the political parties have become an empty signifier, but the TMC needs to pay special attention to the use of language because this has been one of the important components of its claim to legitimacy. If the TMC wishes to maintain and further expand its control over the social forces and its dominance over the ideological sphere then it needs to incorporate the element of internal pluralism within its mode of functioning which will also have a direct impact on the use of political vocabulary. It bemuses one to see the enormous level of acceptance of a political party whose ideological front represents such high level of fluidity, in a state where the ideological understanding and approach (at least at a superficial level) adheres so much importance. One possible explanation of this is the sordid performance of the earlier Left Front regime on the ideological front coupled with widespread corruption and the resultant cynicism and disgust towards the very concept of ideological discourse, if not ideology as such.

3. An Offshoot of Congress Ideology

Since the TMC is an offshoot of the Congress party hence naturally its ideology is to a large extent influenced by the ideological framework of the Congress. Like the Congress, the target group of the TMC is wide enough to cover various sections of the agricultural class, working class, religious minorities, etc. The TMC exhibits similarities with the Congress in its advocacy of certain neo-liberal policies like Public-Private Partnership (PPP) schemes, social liberalism, free-market policy, etc. while at the same time being watchful that in the process of liberalization the weaker sections do not get hit very hard. This is reflective of their awareness of the need to maintain a pro-poor image. The political rhetoric of both the parties is indicative of this fact whereby both talk about the upliftment of all the sections of the society. Though at times (or rather most of the times) their opposition to neo-liberal agendas and policies has been restricted to rhetorical gestures and utterances (especially in the case of Congress) this has helped in maintaining their authenticity to a certain extent. In case of both the Congress and the TMC, the ideological mooring has a populist flavour to it. But the primary difference between the two parties lies in the fact that as far as the TMC is concerned because of its political compulsions and structural constraints (both in terms of organisational

strength and area of influence) it cannot take an out and out stand in favour of neo-liberalism especially pertaining to the issue of land.

4. Conspicuous Silence at the Practical Level

While the political rhetoric of the Left Front repeatedly emphasized upon the concept of ideology but interestingly at the pragmatic level there is hardly any difference between them and other political parties. There has been a conspicuous absence of political education in the state and what was there was only a tactical cum opportunistic use of the concept of ideology by the Left. Then how does one situate the concept of ideology within the complex political matrix in Bengal? Ideology in Bengal in today's time is no more about a belief system but rather is a mechanism deployed for the safeguard and growth of the political formation in power. What the TMC is trying to do in the state is neither surprising nor new. Like the earlier regime, for the TMC also ideology acts as a tool for legitimising its rule through the structuring of the official language and the creation of a defined set of social reality. This idea of legitimation moreover acquires an additional importance keeping in view the autocratic and dictatorial style of governance. Thus what is at stake for the TMC as far as ideology is concerned is not much about its content, rather the performance which emanates from it. For the TMC as a political party, ideology is not an issue of having faith in a sanctified doctrine rather it is more about a discourse which feeds and strengthens its position in the political battlefield. With such underlining thought process working in the party, the amount and level of modifications and modulations are boundless and highly fluid. The only static interest is the betterment of the party's electoral prospects and the tightening of its grip on the political and societal fabric. In such an environment the natural response of its members is bound to be the toeing of the official line in order to remain in the good books of the party supremo and this is what has taken place. Unprincipled commitment to the official line has brought substantial perks for many within the party, while the minor glitches in this mode of functioning in the form of a few members taking ideologically sound principled stands have been dealt with strongly in the form of expulsions, suspensions, etc.

5. A Pinch of Regional Nationalism

The very inception of TMC as a political party has been the resultant outcome of a series of events where the quotient of the 'regional' has been heavily loaded. In the due process of time, Mamata has been able to improvise upon this very element with the skillful addition of the concept of nationalism and putting it to good use in her scheme of politics. Invocation of

this sentiment is not a new phenomenon in the state's politics as the Left had occasionally indulged in such practices. But in the case of Mamata Banerjee, the element of 'regional nationalism' has a much more fundamental role to play in her scheme of politics which lacks the backing of a formal set of ideology and understanding as it is there in the case of the Left. The syntax of her political language has a core message embedded within it that it is only the TMC that can provide quality leadership and governance to the state which will enable the state to ultimately get back its privileged status which it used to enjoy in the past. Her invocation of Subhas Chandra Bose and his contributions has been a core ingredient in this endeavour. By invoking Subhas Bose, Mamata Banerjee has successfully reconfigured and re-established the idea of 'victimhood' in the political parlance of the state. She has put into effective use this sense of victimisation by repeatedly talking about the discrimination of the Centre towards West Bengal. The process of victimisation to which she has been subjected to in her political career has given added authenticity to her endeavour. She has successfully brought the entire issue under the larger ambit of Bengali nationalism where she has been able to expand her range of support. She has at the same time been using this issue as a gelling factor between the aspirations and outlook of the Bengali community and that of the people from the Hill region. With the help of the concept of nationalism which was an important ingredient of Subhas Chandra Bose's political philosophy coupled with his grandeur, Mamata Banerjee has tried in a way to subsume the contradictions and defects surrounding the Hill issue under the larger rubric of Bengali nationalism. Her credit lies in the fact that while showcasing this concept of discrimination she has been able to expand its ambit by moving beyond the rigid and complex economic argument which had been the major plank of the Left parties. In this way, she has in a way hijacked from the Left this entire issue of discrimination and has been able to label it with a mark of exclusivity. Through this sort of invocations, she has successfully hit at the collective memory of the Bengali population and activated the deep sense of longing within them. This has paid huge dividends for her both in the form of electoral success and also emotional support in general.

6. Discourse on Bengal's Cultural Capital

In the ideological framework of Mamata Banerjee's politics, the discourse on Bengal's cultural capital holds a very important place. Emphasising that Bengal has an enormous deposit of cultural capital from time immemorial, she has repeatedly invoked the names of the cultural icons of the state like Rabindranath Tagore, Nazrul, Ramakrishna, Vivekananda,

Uttam Kumar, etc. She has displayed immense political maturity by expanding the area of this invocation by covering personalities from diverse backgrounds in order to successfully address the various components which make up the sense of cultural belonging and pride. She has very well grasped the basic fact that culture is primarily the nerve centre of any community and a major driving force behind their progress. She has mastered the skilful use of the element of pride which is deeply embedded in the Bengali psyche especially in relation to its glorious past and this has proved a tremendous booster to her politics. Moreover, this sort of an exercise is in complete tandem with her populist scheme of politics as it negates any new investment, instead, encourages a vigorous push to certain dormant and subdued sentiments and longings.

7. Reformulating the Left Discourse

As far as Mamata Banerjee's appropriation of the Left discourse is concerned the question of women presents in front of us a very intriguing dimension of this exercise. As far as the question of women's liberation and empowerment is concerned, while the Left discourse seems to be very specific and clear, the political line pursued by Mamata Banerjee seems to be quite ambiguous. In tune with her populist style, her tone is more holistic and superficial thereby leaving open a wide murky area where it is possible for her to include divergent and antithetical formations simultaneously. The enormous ambiguous space is in itself is a negative development. Carving out a distinct space for herself along with a specific agenda, in an otherwise male-dominated political universe, makes Mamata Banerjee a special entity. But it is the strategy which she has deployed is of special interest. Instead of outright rejection of male-centric values, she has opted for their tactical use to garner support and legitimacy. In her scheme of affairs the creation of an autonomous subject position is conspicuously absent.

Her political biography includes innumerable instances where she has violated quite a number of codes of conduct set for women, for example, her appetite for histrionics, her unmarried status, her diction, body language, etc. There has been a profound element of rebellion in her and yet terminologies like 'Biplabi Nari' (Revolutionary women) and 'Bidrohi Nari' (Rebellious Women) are missing from her party's political terminology. Her infamous statement at the Kolkata Book Fair where she invoked the concept of 'Gharer Bou' is a sordid reminder of the fact that in her body of politics she deliberately invokes the male-dominated idea of the 'home' where the patriarchal authority is still in vogue. Though there

has been the absence of a male patron in the development of her political career, surely there has not been the total absence of the patronage of the male-defined notions and values. The tactical appropriation of these values in her political schema is by no means accidental instead they are a deliberate effort on her part.

8. Open to Caste and Religious Mobilization

As far as the mobilization on the basis of caste and religion is concerned, the Mamata Banerjee led TMC government has definitely been more open and proactive. While the mode of mobilization of the Left Front government has been on the basis of class but this very classes whom they had mobilized and succeeded in garnering their support comprised of mainly the religious minority and the Dalit population. The Left through the various land reform movements including Tebhaga movement and Operation Barga had succeeded in getting and further consolidating their support. A large section of the beneficiary of these movements and land redistribution programmes had been the religious minorities. Interestingly the Left was not very clear in its approach and instead suffered from a similar level of ambiguity as that of the politics of Mamata Banerjee as mentioned earlier. The primary difference between the two being that while in the case of the Left there was an outright rejection of the importance of these societal categories coupled with a universal idea of the class, in the case of TMC there is a broad acceptance of all these categories resulting in the absence of proper concentration on the distinctiveness of each one of them. But from the point of view of political culture, the politics of the TMC is definitely a new development in the state. This sort of explicit practice of identity politics has been an unseen and unheard phenomenon in the state. In the prelude to the 2011 Assembly elections in the state, the country witnessed an entirely new development in the state whereby there was the participation of the caste and religious groups in an overt manner. The TMC in its electoral campaign categorically took the support and help of the various caste groups in the state. The most prominent among them has been the Matua sect which mainly comprises of the Namasudra community. Mamata Banerjee sought the support of the head of the sect Binapani Devi (popularly known as Baro Ma). Never before had any political force in the state gone all this way out to seek the help of the leader of a religious sect. The absence of desirable marks of the 'bhadralok' class has paradoxically helped her in relating with the 'chotolok' (underclass). It is this projection of a subaltern image (in spite of her high caste background) that is crucial to understanding her appeal. Mamata Banerjee once commented,

I shall work for the Matuas as long as I am alive. I was moved when baro ma told me how her people were being looked down upon as most of them belonged to lower castes. I do not believe in casteism and have no problem if people call me low caste (Mamata Banerjee, 2009).

She seems to have changed the way politics is being viewed and conducted in the state. The so-called effort of the Left to secularise the arena of politics has been done away with. Though till date she seems to be unable to provide any concrete solution for the specific problems of the caste and religious groups, thus resorting to certain token gestures, but at least her recognising the persistence of caste and religion based discrimination has been positively viewed by many who consider it as a better approach than that of the Left Front which largely denied even the persistence of any such problems. Although the entire process can be viewed as the harbinger of the process of (de)secularising politics in the state (which the higher caste bhadralok class Left intelligentsia claimed was a unique feature of the state) and the start of petty identity politics, but the fact remains that Mamata Banerjee has articulated the wishes of a large section of the populace and defined politics in a completely different way.

Interestingly Left's denial of these caste and religious discrimination were only in those frontiers where there was serious need of corrective measures and not in cases where political benefits could be extracted. For years the pattern of fielding candidates by CPI(M) and the composition of their Polit Bureau and Central Committee are good examples of this. What the Left offered to the people was a social understanding based on a cherished though utopian belief of class equality. In contrast, Mamata Banerjee's body of politics offers a political alternative which is much more grounded in reality and with which the people can identify with. Even from a technical point of view, her methodological approach is much simpler for the people to comprehend as compared to that of the Left where there is the requirement of a theoretical knowledge which again the Left was never in a position or mood to impart.

As of now, the primary concern is not as to what will be the future direction of this newly evolved trend of identity politics in the state and whether Mamata Banerjee will be able to handle it properly. This newly found avenue of conducting and articulating politics by a large section of the population which has been facilitated by Mamata Banerjee by falsifying the chest-thumping claims by the dhoti-clad bhadraloks, of Bengal being a caste and religious discrimination free region, is enough to garner a huge support base for her. This has been

clearly evident in the 2013 panchayat election and 2016 Assembly election where the TMC enjoyed victory by huge margins in areas where these groups are dominant.

But as of now her populist way of functioning seem to be restricting her from adopting a framework for the substantial development of the marginalized groups. But this sort of attitude is not going to be beneficial in the long run. The increasing gap between the rhetorical content and actual development on the ground is bound to prove disastrous for the Mamata Banerjee led TMC government. Moreover, the results of the 2014 general elections have also affected (if not changed) to a large extent the entire political equation and priorities in the state. With the upsurge of BJP nationally there is now an additional cause of concern for Mamata Banerjee. Moreover, BJP has skilfully appropriated the larger Left rhetoric in the state coupled with deploying the developmental logic in a big way. The 2014 election results definitely show that they have not been totally unsuccessful in this endeavor. This is surely a major challenge for the Mamata Banerjee led TMC government. Rhetorical assurances and token representations are not going to work for a long time. She will have to connect this process of empowerment of the caste and religious groups with the developmental paradigm. One of the major problems besetting the approach of the TMC government towards these marginalised sections of the society has been that instead of treating the members of these caste and religious groups as equal members of the civil society they have been treated as components of the political society where the logic of their existence is always messed up with the rigours of electoral politics and its associated demands. The need is to change the approach while dealing with these groups and overhaul the contours of the developmental paradigm designed for them. Only then will it be possible for Mamata Banerjee to develop a new approach free from the problems of the earlier regime. This will help her in successfully mobilizing this humongous societal block and rally them behind her party.

9. Conclusion

It seems the ideological position of the Mamata Banerjee led TMC government is interestingly in a permanent state of inconclusiveness, flux, and ferment. In the developmental trajectory of the TMC government what seems missing is the intention to develop homogenously by taking along the people and making them a part of the developmental journey. There is more of political patronage whereby the people are being treated as mere recipients and not as active agents of development. This is totally in opposition to the declared ideological position of the TMC government which claims to be

the government of 'Ma, Mati, Manush'. In the name of development what actually is being done is building up a network of mutual understanding and give-and-take, where in lieu of certain benefits what is expected from the populace is uncritical and unflinching support. Beatrice Webb once said that democracy is not the multiplication of ignorant opinions. The undeniable fact is that there is a need to draw a distinction between opinion and knowledge.

...even 'democracy' needs some qualification or limitation, especially at a time when political leaders tend to speak in emotive 'sound bites' or slogans on a level seemingly set by the great dis-educator of our times...the populist tabloid press (Crick, 2005).

Whether there will be the ushering of a process of certain self-imposed qualifications and limitations within the larger ambit of the populist style of functioning by Mamata Banerjee is surely a question of grave importance for the prevalence of democratic atmosphere in the state. Populism disrupts democracy by mounting its challenge on the redemptive face of democracy, often to the detriment of law and order. The cult of personality can transform leaders into quasi-messianic figures for whom accountability is not a relevant issue, and the populist disregard for institutional checks and balances can encourage rule by decree and all sorts of authoritarian behavior while maintaining a democratic facade.

The presence of a populist mode of representation in liberal democracies is not just an arithmetic addition to that setting; it also brings about a geometric dislocation insofar as it permeates the practice of democratic politics itself. Populism can remain within the bounds of democracy but can also reach the point where they enter into conflict and perhaps even go their own separate ways (Arditi, 2003).

Whether Mamata Banerjee has been able to maintain the professed aim of restoring some dignity to politics is something which is highly debatable. As of now, there is a clear emphasis on the process of ingratiation by the Mamata Banerjee led TMC government which is bound to compromise the process of democratic governance in the long run. This is going to lead to a tacit continuance of the past practices; the only difference being that here the pretension is not under the garb of any puritanical codified ideological standpoint as was the case under the Left regime, but rather under the pseudonym of a rectification or correctional campaign. Surely the over-charged political environment in the state often have discouraged the practical assessment of the various claims made by different and opposing quarters and in this regard, the present situation is not very different.

Bibliography

- Arditi, B. (2003). Populism, or, politics at the edges of democracy. *Contemporary Politics*, 9 (1), 17-31.
- Banerjee, M. (2009, December 6). *The Times of India*. Retrieved September 17, 2014, from: <http://www.timesofindia.com>
- Crick, B. (2005). Populism, Politics and Democracy. *Democratization*, 12 (5), 625–632.
- Friedman, T. L. (1999). *The Lexus and the Olive Tree*. New York: Farrar, Straus and Giroux.
- Kaltwasser, C. R. (2012). The ambivalence of populism: threat and corrective for democracy. *Democratization*, 19 (2), 184 –208.
- Morlino, L. (2004). What is a ‘Good’ Democracy? *Democratization*, 11 (5), 10-32.
- Plante, W. L. (2008). Antecedents of Resistance: Populism and the Possibilities for Democratic Globalizations. *New Political Science*, 30 (4), 427-447.
- Stanley, B. (2008). The thin ideology of populism. *Journal of Political Ideologies*, 13 (1), 95–110.
- Weyland, K. (2001). Clarifying a Contested Concept: Populism in the Study of Latin American Politics. *Comparative Politics*, 34 (1), 1-22.

Interrogating the Citizenship Question in India: Debating Article 35A and Article 370

RanjitaChakraborty

Abstract

Debating on citizenship ---not just meaning the right to carry a specific passport but encapsulating the relationship between the individual, state and society has become a major point of discussions both within the domain of academia as well as outside. Throughout the history, the concept has been defined variously and there exists no fixed definition. The paper would concentrate on the debate by focusing on citizenship provisions in the Constitution of India with particular focus on Article 35A and Art.370 of the Constitution of India and critically look into the positions taken by the Government of India and the political party leaders in Jammu and Kashmir. The provisions have been debated upon centering on the issue of violation of the Constitution of India and the fundamental rights as promised to the citizens of India by the supreme law of the land. As history is dynamic it is essential to engage in a constructive dialogue so that inclusive citizenship can be realized. The paper would delineate the major arguments in the debate and try to propose some guiding premises along the lines of which a revision could be worked out whereby particularities are protected but the universality of citizenship is also promoted.

Keywords: citizenship, rights, Art. 35A, Art. 370, gender inequality, denial of rights, Permanent Residency, Supreme Court, differentiated citizenship, dialogue, democratic practice.

1. Introduction

When the PIL filed by a little known NGO, 'We the People' (2014), on Article 35A of the Constitution of India came for hearing in the Supreme Court of India it generated a lot of heat not just within the academics but also among the common man. The issue of citizenship has caught the attention of the scholars throughout the world since the 1990s as globalization challenged the old notion of nation states and in India the emergence and strengthening of

Rightist groups who had been demanding a fresh look into Article 370 of the Constitution of India, has brought the issue into discussion.

Debating on citizenship ---not just meaning the right to carry a specific passportbut encapsulating the relationship between the individual, state and society has become a major point of discussions both within the domain of academia as well as outside. The reason behind this as some scholars(Stewart:1995)have pointed out in the West is the collapse of Soviet Union and shift from state centred social change and the second reason is ---how to effect social integration amidst the changing state – market relations.With globalization not only the other nations have also entered the debating fora but certain other questions and issues have got tagged to the ongoing debate.Nations small and large have all been affected by the debate---not just on citizenship issues in the traditional bent but citizenship rights and claims pickled with dynamics of gender, language, ethnicity, religion, caste etc

Citizenship as an idea connotes not just a legal status but a normative ideal. It embodies not just a set of particular rights and duties but ascribes an integrative value that attributes the individual to be a member of the political community. This ascription bestows on the individual a significant marker of what would be a significant part of her/his identity.Usually any discussion on citizenship takes as its starting point the formulation of citizenship by T. H. Marshall who propoundeda universalistic notion of citizenship.T.H.Marshall (1950, 1975, 1981), has defined citizenship as ‘a status bestowed on those who are full members of a community’ (1950:14), which includes civil, political and social rights and obligations. Marshall’s definition links up the idea of citizenship with the community thus making it a multilevel construct thereby opening up a lot of dimensions which, in the contemporary period becomes all the more relevant as Davis(1997) opines, when neo-liberal states redefine and reprivatize their tasks and obligations. It also enables us to raise the question of the relationship between ‘the community’ and the state and how this affects people’s citizenship.

Within the renewed discussions on citizenship, Mann (1987) for one has given a new conceptualization proposing a fruitful understanding of it if viewed from the repertoire of ruling class strategies. This position has been criticized by Bryan Turner (1990) who would rather view it from a two-fold matrix of public/private and active/passive. Daivis(1997) however, points out that Turner’s typology, is completely Euro- or, rather, West centric (Yuval-Davis,1991a), his

‘universal’ typology being based on the development of citizenship in four Western countries—France, the USA, England and Germany. Even more astonishing perhaps, is the fact that Turner’s typology is gender blind (YuvalDavis, 1991a; Walby, 1994), although the two dimensions he considers are ones which have often been used in order to describe gender differences in general and difference in relation to women’s citizenship in particular (Pateman, 1988; Grant and Newland, 1991). As Roche (1987) describes it, the problem lies in the conceptualization of the concept in a state centric manner. In the liberal tradition individual citizens are presumed to have equal status, equal rights and duties, etc., so that principles of inequality deriving from gender, ethnic, class or other contexts are not supposed to be of relevance to the status of citizenship as such. The citizens are therefore constructed not as ‘members of the community’ but as strangers to each other, although they are sharing a complex set of assumptions about and expectations of each other which, when not fulfilled, can be enforceable by the state. Therefore, he suggests for a definition away from a state centric discourse. In fact, as one scans through the diverse positions on citizenship it is observed that the concept has undergone changes with changes in historical epochs and a very prominent influence of liberal ideas and as Brubaker (1992) opines it is the influence of the French Revolution that has shaped the concept in its present dominant form of understanding, a formal legalistic status. The other conception is that of citizens are members of a political community with shared rights and obligations, which to Stewart (1995) could be termed as democratic citizenship. However, the positions have been challenged by the communitarians for its state centric conception, the feminists and the scholars who argue for rights based on group differentiation. Young (1989) proposed for a Differentiated Citizenship where members are included not just as individuals within the political community but also through the group.

An extensive study on citizenship by Derek Heater (1990) points out that throughout the history, the concept has been defined variously and there exists no fixed definition. However, one can definitely agree to the three common elements that the concept embodies (Cohen 1999; Kymlicka and Norman 2000; Carens 2000). The first is citizenship as legal status, defined by civil, political and social rights. Here, the citizen is the legal person free to act according to the law and having the right to claim the law’s protection. It need not mean that the citizen takes part in the law’s formulation, nor does it require that rights be uniform between citizens. The second considers citizens specifically as political agents, actively participating in a society’s political

institutions. The third refers to citizenship as membership in a political community that furnishes a distinct source of identity. Of the three, the identity dimension is the most debated. The paper would concentrate on the debate by focusing on citizenship provisions in the Constitution of India with particular focus on Article 35A and Art. 370 of the Constitution of India and critically look into the positions taken by the Government of India and the political party leaders in Jammu and Kashmir.

2. What is it all about? Interrogating the Issue

The Constitution of India incorporates the provisions related to Citizenship in the Article 5-11, in the Part III of the Constitution, the chapter on Fundamental Rights and Part IVA enshrining the Fundamental Duties. Citizenship rights have also been conferred from time to time on the expatriates and immigrants through constitutional amendments. There are certain special provisions related to citizenship for certain regions of India like Jammu and Kashmir, Mizoram, Nagaland etc. Presently the debate is centered around Article 35A meant for the state of Jammu and Kashmir. The issue centres around the special preferential rights guaranteed to the people of the state during the time of accession to the state of India.

Prior to 1947, Jammu and Kashmir was a princely state under the British Paramountcy. The people of the princely states were "state subjects", not British colonial subjects (Robinson 2013). In the case of Jammu and Kashmir, the political movements in the state in the early 20th century led to the emergence of "hereditary state subject" as a political identity for the State's peoples, and the legal provisions for the recognition of the status were enacted by the Maharaja of Jammu and Kashmir between 1912 and 1932. The 1927 Hereditary State Subject Order, passed by the Maharaja due to the pressure of the Pandit community which had launched a "Kashmir for the Kashmiri" movement, granted to the state subjects the right to government office and the right to land use and ownership, which were not available to non-state subjects (Dasgupta 1968,2012; Robinson 2013).

Following the accession of Jammu and Kashmir to the Indian Union on 26 October 1947, The Maharaja ceded control over defence, external affairs and communications (the 'ceded subjects') to the Government of India . The Article 370 of the Constitution of India and the concomitant Constitutional Order of 1950 formalised this relationship. Discussions for furthering the

relationship between the State and the Union continued, culminating in the 1952 Delhi Agreement, whereby the governments of the State and the Union agreed that Indian citizenship would be extended to all the residents of the state but the state would be empowered to legislate over the rights and privileges of the state subjects, who would now be called permanent residents(Constantin &Kosler 2014).

In his statement to the Lok Sabha on the Delhi agreement, Nehru has said:“The question of citizenship arose obviously. Full citizenship applies there. But our friends from Kashmir were very apprehensive about one or two matters. For a long time past, in the Maharaja's time, there had been laws there preventing any outsider, that is, any person from outside Kashmir, from acquiring or holding land in Kashmir. If I mention it, in the old days the Maharaja was very much afraid of a large number of Englishmen coming and settling down there, because the climate is delectable, and acquiring property. So although most of their rights were taken away from the Maharaja under the British rule, the Maharaja stuck to this that nobody from outside should acquire land there. And that continues. So the present Government of Kashmir is very anxious to preserve that right because they are afraid, and I think rightly afraid, that Kashmir would be overrun by people whose sole qualification might be the possession of too much money and nothing else, who might buy up, and get the delectable places. Now they want to vary the old Maharaja’s laws to liberalise it, but nevertheless to have checks on the acquisition of lands by persons from outside. However, we agree that this should be cleared up. The old state’s subjects definition gave certain privileges regarding this acquisition of land, the services, and other minor things, I think, State scholarships and the rest.

So, we agreed and noted this down: 'The State legislature shall have power to define and regulate the rights and privileges of the permanent residents of the State, more especially in regard to the acquisition of immovable property, appointments to services and like matters. Till then the existing State law should apply.'(Cited in Noorani 2011)

Following the adoption of the provisions of the Delhi Agreement by the Constituent Assembly of Jammu and Kashmir, the President of India issued The Constitution (Application to Jammu and Kashmir) Order, 1954, through which Indian citizenship was extended to the residents of the state, and simultaneously the Article 35A was inserted into the Indian constitution enabling the State legislature to define the privileges of the permanent residents(Constantin &Kosler 2014).

Subsequently, the Constitution (Application to Jammu and Kashmir) Order, 1954 was issued by President Rajendra Prasad under Article 370, with the advice of the Union Government headed by Jawaharlal Nehru. It was enacted as a subsequent to the '1952 Delhi agreement', reached between Nehru and the then Prime Minister of Jammu and Kashmir Sheikh Abdullah, which dealt with the extension of Indian citizenship to the Jammu and Kashmir "state subjects".(Noorani 2011)

The state is empowered, both in the Instrument of Accession and the Article 370, to decree exceptions to any extension of the Indian Constitution to the state, other than in the matter of ceded subjects (Noorani 2011). So Article 35A is seen as an exception allowed by the Article 370, clause(1)(d).

"Saving of laws with respect to permanent residents and their rights. — Notwithstanding anything contained in this Constitution, no existing law in force in the State of Jammu and Kashmir, and no law hereafter enacted by the Legislature of the State:

(a) defining the classes of persons who are, or shall be, permanent residents of the State of Jammu and Kashmir; or

(b) conferring on such permanent residents any special rights and privileges or imposing upon other persons any restrictions as respects—

(i) employment under the State Government;

(ii) acquisition of immovable property in the State;

(iii) settlement in the State; or

(iv) right to scholarships and such other forms of aid as the State Government may provide,

shall be void on the ground that it is inconsistent with or takes away or abridges any rights conferred on the other citizens of India by any provision of this part." The Constitution (Application to Jammu and Kashmir)Order 1954

The Jammu and Kashmir Constitution, which was adopted on November 17, 1956, defined a Permanent Resident (PR) of the state as a person who was a state subject on May 14, 1954, or

who has been a resident of the state for 10 years, and has “lawfully acquired immovable property in the state”. The Jammu and Kashmir state legislature can alter the definition of PR through a law passed with two-thirds majority. Jammu and Kashmir Constituent Assembly incorporated in Jammu and Kashmir Constitution discriminatory provisions under Section-51 (Qualifications for membership of the Legislature. - A person shall not be qualified to be chosen to fill a seat in the Legislature unless he is a Permanent Resident of the State), Section- 127 (Transitional provisions. - Until other provision is made in this behalf under this Constitution, all the laws in force immediately before the commencement of this Constitution and applicable to any public service or any post which continues to exist after the commencement of this Constitution, as service or post under the State, shall continue in force so far-as consistent with the provisions of this Constitution) and Section-140 (The elections to the Legislative Assembly shall be on the basis of adult suffrage ; that is to say, every person who is a permanent resident of the State and who is not less than Eighteen years of age on such date ...), etc. No person who is not a Permanent Resident of Jammu and Kashmir can own property in Jammu and Kashmir. No person who is not a Permanent Resident of Jammu and Kashmir can obtain job within Jammu and Kashmir Government. No person who is not a Permanent Resident of Jammu and Kashmir can join any professional college run by government of Jammu and Kashmir or get any form of government aid out of government funds.(Constitution of Jammu and Kashmir,1956)

Let us look into the reasons behind the debate. ‘We the Citizens’, a little known NGO filed a plea in 2014 challenging the provision. We the Citizens have contended that Jammu and Kashmir’s autonomous status under Articles 370 and 35A was discriminatory in nature for non-residents of the State in matters of Government jobs and real estate purchases.

Article 370(1)(b)(ii) and Article 370(1)(d) of the Constitution state that the concurrence of the state government is needed when making decisions under the Union List (comprising items on which the Centre has exclusive power to legislate) and the Concurrent List (made up of items on which both the Centre and states have jurisdiction) apart from the subjects under the Instrument of Accession. Such concurrence is also needed for the extension of Articles of the Constitution of India to the state of Jammu and Kashmir. The power of extending laws to the state of Jammu and Kashmir was to be exercised through orders issued by the president of India. Article 370(2) states that when the Constituent Assembly is convened, the concurrence given by the state

government shall be placed before it and it can make decisions regarding the same. This indicates that this was an interim measure to determine legislative and executive relations with the state till the Constituent Assembly had been formed. Article 370(3) states that the president can declare Article 370 to be inoperative, but only with the recommendation of the Constituent Assembly.(Kumar 2005, Noorani 2011, Tillin 2016) The Supreme Court in PremNathKaul versus State of Jammu and Kashmir(1959 AIR 749, 1959 SCR Supl. (2) 270)had clarified that the framers of the Constitution wanted the Constituent Assembly to finally determine the relationship between India and the state.

Article 35A of the Constitution of India enables Jammu and Kashmir to make a distinction between permanent and non-permanent residents in relation to acquisition of immovable property, settlement in the state and employment, among others. However, it has been argued that the insertion of a constitutional article by an order of the president is void as it was not based on the procedure for amendment to the Constitution. The provisions were inserted into the body of the Constitution without any discussion in the Parliament (Noorani 2011).

The power of the president to modify Articles of the Constitution under Article 370(1)(d) in relation to their application to Jammu and Kashmir was discussed by the Supreme Court in PuranlalLakhanpal versus The President of India(1961 AIR 1519, 1962 SCR (1) 688). The petitioner challenged the Constitution (Application to Jammu and Kashmir) Order, 1954, issued by the president under Article 370(1)(d) through which Article 81(1) of the Constitution of India was modified in relation to Jammu and Kashmir, whereby direct elections from parliamentary constituencies in the state were substituted with an indirect election process (presidential appointments). The petitioner argued that the power of the president to modify constitutional provisions in relation to their application in the state did not include the power to amend the Constitution, nor the power to make radical alterations to the Constitution.

The constitutional bench of the Supreme Court rejected this contention by reasoning that since the object of Article 370 is to provide special status to Jammu and Kashmir, the powers of the president under the relevant Article should be interpreted in the “widest possible amplitude”. It, therefore, dismissed the petition and held, “We are therefore of opinion that in the context of the Constitution we must give the widest effect to the meaning of the word ‘modification’ used in Art. 370(1) and in that sense, it includes an amendment. There is no reason to limit the word

modifications as used in Art. 370(1) only to such modifications as do not make any ‘radical transformation’.”

Similarly, in *State Bank of India versus Santosh Gupta*(2016) the Supreme Court reiterated that “the word modification must be given the widest meaning and would include all amendments which either limit or restrict or extend or enlarge the provisions of the Constitution of India”.

The provision has been contentious for its exclusionary nature especially with serious ramifications on the status of women, the Valmiki community, West Pakistan Refugees and the Gorkha community who have been staying there for years.

3. Looking at the Debate on Citizenship in India

As the Article 35A was added to the Constitution by the executive head without any discussion in the Parliament, questions have been raised about the manner of its enactment. It was never presented before Parliament, and the parliamentary route of lawmaking was bypassed although four representatives from Kashmir were part of the Constituent Assembly involved in the drafting of the Constitution and in the draft J&K was never accorded any special status in the Constitution. Article 370 was only a ‘temporary provision’ to bring normality in Jammu and Kashmir and strengthen democracy in the State. Questions have been raised about the provision’s continuity which as some critics point out is detrimental to the spirit of national integration.

Moreover the provisions related to the issuance of PRC are another area of contention. It has been pointed out that it violates Article 14, 19 and 21 of the Constitution of India, namely the right of equality before the law of all citizens.(see the Constitution of India)

3.1 What it means for Women?

Backed by Article 35-A Section 6 as adopted and strictly enforced by the State Government reads: (I) “Every person who is, or is deemed to be, a citizen of India under the provisions of the Constitution of India shall be a permanent resident of the State, if on the fourteenth day of May, 1954, (a) he was a state subject of class I or of class II, or (b) having lawfully acquired

immovable property in the State, he has been ordinarily resident in the State for not less than ten years prior to this date” and (II) “any person who, before the fourteenth day of May, 1954 was a State Subject of class I or of class II and who, having migrated after the first day of March, 1947, to the territory – now included in Pakistan, returns to state under a permit for resettlement in the State or for permanent return issued by or under the authority of any law made by the State Legislature shall on such return be a permanent resident of the State”.(Constitution of Jammu and Kashmir,1956)

As for Sections 8 and 9, the former gives the State Legislature the right to define Permanent Residents and the latter empowers the State Legislature to alter the definition of Permanent Residents. Initially as one can see in the laws made by the king and the subsequent government did not contain anything to differentiate between man and women. Infact all the laws framed by Maharaja Hari Singh or subsequent Government were gender neutral. They defined the Permanent resident not Male permanent resident or female resident. But later on notwithstanding anything in PRC act the concept of “Valid Till Marriage” got introduced in it without any legal sanction as one can see again in the certificates issued to the residents by the authority.

Therefore the situation as it stands out is when women belonging to the state of Jammu-Kashmir marry outsiders, they cannot settle in the state even if the circumstances so demand. A man from another state marrying J&K a woman cannot get PRC, hence none of the associated benefits, which means he cannot buy land, cannot apply for a government job, his children cannot study in state-run professional colleges and institutes. This means if a woman marries outside the state, she is virtually forced to leave the state and settle elsewhere. Earlier, such women used to completely lose the ‘permanent resident status’. But still her off springs and spouse don’t get PRC which is not there in case of male. This is a clear case of gender bias and denial of equal rights to women as guaranteed by the Constitution of India. Therefore, a question arises---Can a state government being a part of the country deny certain fundamental rights to its citizens violating the soul of the Constitution and create differences among citizens?

Up to 2002, the Revenue Department was issuing Permanent Resident Certificates (PRCs) to the female residents of Jammu and Kashmir with the endorsement as “Valid Till Marriage”. This became the ground for a petition before the State High Court whereby selection of a doctor was challenged on the plea that she was married to a non- state subject. The judgment of single Judge

whereby selection was quashed was challenged in the Division Bench of J&K High Court and keeping in view the sensitive nature of the case and the legal issues, a Full Bench comprising Justice V Jhanji, Justice T Doabia and Justice M Jan was constituted.

The reference before the Full Bench was: “Whether the daughter of a permanent resident of the State of Jammu and Kashmir marrying a non-permanent resident loses her status as a permanent resident of State, to hold, inherit and acquire immovable property in the State?”

In view of the majority opinion, the Full Bench in a case titled Jammu and Kashmir Versus DrSushilaSawhney and Others (2002)held that a daughter of a permanent resident marrying a non-permanent resident will not lose the status of permanent resident of State of Jammu and Kashmir. Though the State Government initially filed Special Leave Petition (SLP) in the Supreme Court against the verdict of Full Bench of J&K High Court but later withdrew the same after making an opinion that it will carry out necessary amendments in the Act governing issuance of PRCs.

The PDP-led coalition government, in March 2004 tried to bypass the High Court’s landmark judgment. It moved an official Bill after the tough stand of Hon’ble Supreme Court which was passed in a record 6 minutes. But the Bill was declared “defeated” in the Legislative Council. The main reason was that the bill had created a storm in Jammu and at the national level as anti-women, reactionary and out-dated. But the defeat of the Bill did not deter the coalition government. Instead of implementing the High Court verdict, officials in the Revenue Department continued to endorse “valid till marriage” on the State Subject Certificates issued to unmarried daughters of State Subjects (Chowdhury,2014). In Hari Om vs. State of J&K & others (PIL No. 1002/2004 & CMP No. 1089/2004), the Double Bench comprising Justices V.K. Jhanji and Y.P. Nargotra, in its interim judgment on Sept. 24, 2004, ruled: “In the meantime, respondents (State of J&K & others) are directed not to make any endorsement of ‘valid till marriage’ on the State Subject Certificate issued to unmarried daughters of State Subjects”. The State Government did not implement the interim order, and dismissed the judgment with contempt. On Jan. 27, 2005, Commissioner/Secretary to the Government, Revenue Department, issued circular No Rev (LB) 87/74 asking the State Subject Certificate issuing authorities to make endorsement: “The certificate may be reissued after marriage to indicate if the lady has

married a State Subject or non-StateSubject". The petitioner again knocked at the doors of the High Court and sought contempt proceedings against the J&K Government, via PIL (COA (PIL) No. 2/2005). The matter went to the Double Bench comprising Justices V.K. Jhanji and ParmodKohli. On July 11, 2005, the Bench stayed implementation of the impugned anti-women circular and issued notice to the J&K Government. This had its impact on the J&K Government and on Aug. 2, 2005, it withdrew the circular vide No. Rev/PRC/04-WP. On Aug. 8, 2005, Justices V.K. Jhanji and Y.P. Nargotra ruled: "In view of circular dated 2nd of August, 2005, passed by respondents (read J&K Government), the grievance of the petitioner (read this writer) stands redressed and, therefore, this Public Interest Litigation as well as the contempt petition are disposed of having been rendered in-fructuous. Rule, if any, issued is discharged." A lady, who has been married to a non-state subject, approached the office of Governor Office after Jammu and Kashmir Service Selection Board (JKSSB) refused to recommend her name to the education department for being allowed to join asTeacher. According to her application, she had got selected as teacher and when she approached SSRB for her recommendation letter, SSRB refused saying that the same cannot be issued since she had married a non-state subject and her state subject certificate was not valid anymore. Peeved at this, the lady approached the office of Governor, pleading him to intervene for getting her issue resolved. The Governor immediately wrote to the state government advising the issue be resolved immediately in the light of the judgment in the case of Dr. SushilaSwahney wherein High Court had said that a woman does not lose her state subject on marrying a non-state subject. But the judgment had remained silent on issue of children of female state subject married to a non-state subject.

The committee has been constituted to examine the case of lady in details besides laying down clear cut guidelines and rules for woman who get married outside the state to non-state subjects.

Following the much-publicized judgment of the Full Bench of J&K High Court in a case titled Jammu and Kashmir Versus DrSushilaSawhney and Others the Subordinate Revenue Officers, who were authorized to issue Permanent Resident Certificates (PRCs), started facing certain difficulties in the absence of clear guidelines and clarifications on certain aspects.After going through the legal points raised by these officers, the Department of Revenue took up the matter with the Department of Law, Justice and Parliamentary Affairs and accordingly, the opinion of

Advocate General was obtained, who suggested framing of an expert committee to thrash out the issues arisen after the judgment. The Revenue Department vide Government Order No.67-Rev(PRC) dated June 1, 2016 constituted a committee to thrash out the issues projected by the Subordinate Revenue Officers and to remove the difficulties being faced by them in implementing the law on the subject. The committee headed by Commissioner/ Secretary to Government, Revenue Department was explicitly told to submit its report to the Government within a period of two months—by August 1, 2016.

Eventhough the judgement was unambiguous and needs to be implemented but the political mood in the state seems to be otherwise and the problem seems to be that intervention by the centre is required but the central government cannot intervene because of Article 35-A.

3.2 What it means for the Valmikis, Gorkhas and West Pakistan Refugees?

In 1957, around 200 Valmiki families were brought from Punjab to Jammu-Kashmir, following a cabinet decision, specifically to be employed as SafaiKaramcharis (sweepers). These families agreed to work in the state after being promised that the ‘permanent resident’ clause would be relaxed in their favour. After a lapse of five decades, family strength of each family has increased and number of employees has gone up. However, their plight is that they are ‘permanent residents’ of Jammu-Kashmir only to the extent of being SafaiKaramcharis. Their children have studied up to graduation level but are not eligible to apply for Government jobs. Their children cannot get admission to government-run professional institutes. The educated youth from these Valmiki families are only eligible to be appointed as safaikaramcharisonly. The educated Safai-Karamcharis already working in Jammu Municipality now qualify for further promotions. But as they can only be employed as sweepers, there is no hope. These Safai-Karamcharis can vote for Lok Sabha elections, but not for State Assembly or municipality elections. The colony that was allotted to SafaiKaramcharis to live in (Valmiki Colony, Gandhi Nagar, Jammu) has not been regularized till date.

Similarly around two hundred Gorkhas who worked in the army of Raja Ranjit Singh and Raja Gulab Singh had settled down in the valley are faced with the same situation like the *Valmikis*. The people who have been residing for more than two centuries, are they less Kashmiri?

Similar is the plight of West Pakistan Refugees (WPR) who have failed to acquire permanent residentship although in other parts of India it was quite easy for the refugees who migrated to India post partition. Similarly, those who migrated from West Pakistan to the Indian state of Jammu Kashmir during Partition in 1947 have been living there since last 68 years. Around 5,764 families consisting of 47,215 persons migrated from West Pakistan to different areas of Jammu Division. No land was allotted to them by the State Government. These refugees were able to occupy some land, which was later allowed to be retained by them without conferring upon them the title of land because of their non-permanent resident status. This means they can stay on this land, but cannot sell it or buy any other property.

But over six decades later, they are still identified as 'refugees' and forced to live in 'camps'. Even their third generation is tagged as 'refugees' and denied rights and privileges that should have been immediately granted to those who were forced to migrate from Pakistan. West Pakistan Refugees (WPR) are mostly from the deprived sections and more than 80% of them belong to the Scheduled Castes. The J&K law for them means – they can be tillers, labourers, tenants but not land-owners and land-lords. WPR families can't avail the benefits of various social welfare schemes launched by the State Government. No other benefits of any kind have been granted to them. Their children are not entitled to scholarships and freeships available to PRC holders. Members of WPR families cannot get admissions in any state-run professional colleges. They are not even eligible to cast their vote for State Assembly elections. They have no participation in local village panchayats and other self-governing bodies up to the district level.

In October 2015, the High Court of Jammu and Kashmir has ruled that the Article 370 cannot be "abrogated, repealed or even amended." It explained that the clause (3) of the Article conferred power to the State's Constituent Assembly to recommend to the President on the matter of the repeal of the Article. Since the Constituent Assembly did not make such a recommendation before its dissolution in 1957, the Article 370 has taken on the features of a "permanent provision" despite being titled a temporary provision in the Constitution. In December 2016, the Supreme Court of India set aside a judgement of the High Court of Jammu and Kashmir which stated that Jammu and Kashmir had "absolute sovereign power" on account of Article 370. The Supreme Court held that the state of Jammu and Kashmir has "no vestige" of sovereignty outside the Constitution of India and its own Constitution is subordinate to the Indian Constitution. The

Court upheld the applicability of SARFAESI Act to Jammu and Kashmir as it was under the Union list of subjects for which the Indian Parliament is empowered to enact laws for the whole of India, including Jammu and Kashmir.

As a result of the discriminatory nature of the law there have been continued demands for a relook into the provisions as the above discussions suggest. However, it can be seen that there exists a strong sentiment among the political parties regarding the special status accorded to the state. Kashmiri politicians of all shades react violently to any mention dialogue on both Article 370 and Art 35 A.

In 2014, as part of Bharatiya Janata Party manifesto for the 2014 general election, the party pledged for integrating the state of Jammu and Kashmir into the Union of India.(BJP Electoral Manifesto 2014).Subsequently there has been a renewed debate on the issue of the special status and provisions that the state enjoys and the need for integration of India.

Arguing from the position of a defendant, it can be observed that the text of the agreement points to not a merger but accession which means that debate on according of special status to the state is a toothless one. Secondly, many other states like Nagaland(371A) and Mizoram(Art 371G) also enjoy certain preferential policies for historical reasons and preferential policies favoring the local people in matters of education and employment exist in other states of India as well. On the other hand as it has emerged from the litigations and the mood among the peeved individuals who are facing discrimination due to their gender or community or otherwise, a basic point needs to be raised--- how do we situate the Constitution of Jammu and Kashmir within the Constitution of India? Second can the fundamental rights guaranteed by the Constitution of India be violated in the name of regional identity protection? Third, can certain provisions inserted as temporary provisions responding to certain historical moments be taken as permanent provisions even when the situation ----historically, politically, socially and economically has undergone change?

4. Conclusion

Taking note of the fact that preferential policies exist in India why are we suddenly singling out the state of Jammu and Kashmir? It is argued that Article 35A is not only a constitutional or legal issue; it has larger ramifications stretching over socioeconomic and political domain. Stretching the arguments to a deeper domain how would one situate their position within the larger

discourse of citizenship? Citizenship debate is a reflection of the political agenda of the citizens - --their felt need to address the state which to them do not regard as important as it brings in the question of the self-understanding of the citizens themselves. It encapsulates a struggle that is continuous for the members to shape their fate in terms of opportunities, entitlements and space. It also revolves around the question of extent---How the boundaries of membership within a polity and between polities to be defined?(norms of inclusion/exclusion). Not only this it also encompasses the question ---How the benefits and burden of membership should be allocated in the form of rights and responsibilities? How the identities of members should be comprehended and accommodated?

Derek Heater (2004) points out that the main issue in the debate is the question of bridging the two concepts of citizenship focusing on the relationship between the citizen and the citizen and the relationship between the citizen and the state. There has been always a tension as Kabeer (2005) points out between universality and particularity. Truly so, as the above discussion suggest that there exists a strong sentiment and a rigid stand on the norms of inclusion /exclusion. Although as contemporary studies on citizenship indicate the changing idea of citizenship is a result of globalization. Can the question--- Who belongs and who does not belong, be etched out permanently? Therefore, insistence on having remained on the same spot is a basic denial of history, which always implies movement. In this case it holds true and there is a need to sensitively interrogate the issue.

The above position is no doubt a very common argument and a valid position to say but while deeply probing the issue one notices a paradox as well. One of the paradoxes of our time is the upsurge of strong obsessions with the idea of belonging to a world that pretends to be globalizing. At the same time notions of *autochthony* (literally meaning "born from the soil") emerging in different parts of the globe play a particular role in this respect. Some sort of primordial form of belonging with equally radical forms of exclusion as its reverse is noticeable. Against these tendencies autochthony can become a dangerous rival to national citizenship, drastically undermining earlier ideals of national unity and the equality of all national citizens, as more and more localized groups may start demanding particularistic norms of inclusion/exclusion thereby undermining not just national citizenship but the federal structure itself.

On the other hand, it can also be seen that in some cases autochthony slogans demand a purification of citizenship and an exclusion of outsiders thereby trying vehemently to coincide with national citizenship. In such cases, autochthony always demands exclusion. Yet, the exact definition of who belongs and who is excluded can change dramatically and abruptly. The haunting uncertainties this discourse evokes in everyday practice seem to give autochthony discourse great emotional appeal and, therefore, strong mobilizing impact in highly different circumstances which is evident in today's perspective. Deep reading of the debate reflects the requirement of a serious analysis keeping in mind the genuine concerns and claims of the aggrieved categories, at the same time it is essential to probe deeper realities about the position of the state political parties' demands to protect the particularity and the demands of political parties at the national level to do away with the particular position.

We could try to resolve the crisis by adopting Iris Young's vision of, a differentiated citizenship, where there is a heterogeneous public, the participants within which act from their "situated positions" and attempt to construct a dialogue across differences. One of the conditions to this is that the dialogue requires participants to be 'public-spirited' — open to the claims of others and not single-mindedly self-interested. Unlike interest group pluralism, which does not require justifying one's interest as right or as compatible with social justice, participants are supposed to use deliberation to come to a decision that they determine to be best or more just (Young 1989, 267). While welcoming Young's conception of the democratic public, one may doubt whether it is possible given the political, social and economic inequalities, the political actors associated with the policies and institutions associated with a differentiated model of citizenship would either motivate or enable citizens to engage in such dialogue.

Stephen Macedo (1990), William Galston (1991), and Eamonn Callan (1997), among others, have all emphasized the importance of public reasonableness. This virtue is defined as the ability to listen to others and formulate one's own position in a way that is sensitive to, and respectful of, the different experiences and identities of fellow citizens, acknowledging that these differences may affect political views. But how and where does one develop this and related virtue(s)?

Moreover, as Carens (2000 p193) feels that the danger of [...] differentiated citizenship is that the emphasis [it] place[s] on the recognition and institutionalization of difference could undermine

the conditions that make a sense of common identification and thus mutuality possible.”This is one of the major arguments in the debate as the issue has been continuously linked to the broader goal of national integration in India. Even if we argue for a dialogue between the majority and the minority, is the majority willing to listen? With increasing democratization, we think it would be possible to manage the situation. Democratization acts as a challenge to rigid positions. As a set of procedures, democracy can secure legitimacy in the absence of more substantive commonalities between citizens and achieve social integration. Since it is not wedded to particular cultural premises, it can be responsive to changes in the cultural composition of the citizenry and generate a common political culture (Habermas 2001a, 73–74). Citizenship has to be seen as a valuable status, associated not only with civil and political rights, but also with the fulfilment of fundamental social and cultural rights (Habermas 1998, 118–119).

Habermas and other postnationalists seem to put more emphasis on democratic practices but for it what is required in the state of Jammu and Kashmir is the extension of voting and political participation rights in the local government and state government. The dominance of the identity discourse within the citizenship debate has dislocated the rights based discourse, the impact of which can be seen in the conceptualization of an astatist concept of citizenship whereby the citizens are strong in guarding their space in their group or community and deciding on the terms of inclusion/exclusion away from any common dialogic platform. This is often used by the vested interests. This ethnic chauvinism as is displayed by the state level political parties in Jammu and Kashmir regarding Art 35A or Art 370 at the mere hint of a debate can be probably deduced as a fierce way of defending their hegemony over the valley politics and keeping the reigns of control in their hands.

Should we not encourage or try to encourage the *voices of difference*? Arguing from the position of Balibar(1988, 2005) who while commenting on the citizenship discourse in France pointed out that it is essential to look beyond the notion of pluralism and identity and focus on collective individualization and recognition of collective responsibility and solidarity, which he understands as enlightened citizenship. The citizen does not live alone or grows alone--- activities would be informed by this realisation of the ideal of a shared identity. Therefore, it is the need of the hour to look beyond the established norms of citizenship and recognize the dynamism within history that gives birth to new conditions, new claims, and new norms thereby requiring new

conceptualizations. Zillah Eisenstein's approach to questions of difference is to ask whether we can construct an 'understanding of human rights which is both universal and specific' (1993:6). Black feminists like Patricia Hill Collins (1990) and Italian feminists like Raffaella Lambertini and Elisabetta Dominini (see Yuval-Davis, 1994, 1997) have focused on the transversal politics of coalition building, in which the specific positioning of political actors is recognized and considered. This approach is based on the epistemological recognition that each positioning produces specific situated knowledge which cannot be but an unfinished knowledge, and therefore dialogue among those differentially positioned should take place in order to reach a common perspective. Of course, in 'real politics', unlike in grass-roots social movements, there is often no time for extensive continuous dialogue. But as they argue transversal dialogue could well have a lot of potential in cracking the old order and bringing change. While being empathetic to the differential positionings of the partners in the dialogue, transversal dialogue should be based on the principle of remaining centre in one's own experiences thus enabling the participants to arrive at a different perspective from that of hegemonic tunnel vision. The boundaries of the dialogue would be determined, as Hill Collins has argued (1990), by the message rather than its messengers. The result of the dialogue might still be differential projects for people and groupings positioned differently, but their solidarity would be based on a common knowledge sustained by a compatible value system. The dialogue, therefore, is never boundless. Probably the path needs to emerge from the fact that what is required is a sincere political will coupled with a vibrant dialogue between the stakeholders and a strong entrenched democratic practice.

Bibliography

Secondary Resources

Balibar, E.(1988), Propositions on Citizenship, in *Ethics* Vol 98(No. 4) pp 723-730

Balibar, E.(2005), Human Rights and Democratic Radicalism, in Genevieve Soullilac(ed) *Human Rights in Crisis: The Sacred and the Secular in Contemporary in French Thought*, Oxford, Lanham: Lexington Books.

Bhattacharyya, H.(2012). ‘A Nation of Citizens in a Fragmented Society?’ Citizenship as Individual and Ethnic Entitlements in India, in Bhattacharyya,H.; Kluge, A;&Kinig, L(ed) *The Politics of Citizenship, Identity and the State in South Asia*, New Delhi : Samskriti.

Brubaker, R., (1992). *Citizenship and Nationhood in France and Germany*, Cambridge (Mass.) and London: Harvard University Press.

Callan, E., (1997)., *Creating Citizens*, Oxford: Oxford University Press.

Carens, J. H.,(2000). *Culture, Citizenship, and Community: A Contextual Exploration of Justice as Evenhandedness*, Oxford: Oxford University Press.

Chowdhary, Rekha (2015), *Jammu and Kashmir: Politics of Identity and Separatism*,London: Routledge.

Cohen, J., (1999), “Changing Paradigms of Citizenship and the Exclusiveness of the Demos”, in *International Sociology*, 14 (3): 245–268.

Constantin, Sergiu; Kössler, Karl (2014), "Jammu and Kashmir: A case of eroded autonomy", in LeventeSalat; Sergiu Constantin; Alexander Osipov; IstvánGergoSzékely(ed), *Autonomy Arrangements around the World: A Collection of Well and Lesser Known Cases*, Romanian Institute for Research on National Minorities, pp. 113–156,

Cottrell, Jill (2013), "Kashmir: The vanishing autonomy", in YashGhai; Sophia Woodman, *Practising Self-Government: A Comparative Study of Autonomous Regions*, Cambridge: Cambridge University Press, pp. 163–199,

Das Gupta, JyotiBhusan (2012) [first published 1968], *Jammu and Kashmir*, Springer (e book)(published by The Hague:MartinusNijhoff in 1968)

Eisenstein, Zillah R.(1993) *The Color of Gender—Reimagining Democracy* Berkeley: University ofCalifornia Press.

Galston, W., (1991), *Liberal Purposes: Goods, Virtues, and Diversity in the Liberal State*, Cambridge, New York: Cambridge University Press.

Habermas, J.(2001).The Postnational Constellation. Political Essays, M. Pensky (ed., trans., intr.), Cambridge (Mass.): MIT Press.

—, (1998). The Inclusion of the Other: Studies in Political Theory, C. Cronin, P. De Greif (eds.), Cambridge (Mass.): MIT Press.

Hassan, Khalid Wasim (2009), History Revisited: Narratives on Political and Constitutional Changes in Kashmir (1947-1990) (PDF), Bangalore: The Institute for Social and Economic Change.

Heater, D.(2004). A brief History of Citizenship, Edinburgh: Edinburgh University Press.

Kumar, Ashutosh (2005), "The Constitutional and Legal Routes", in Samaddar, Ranabir, The Politics of Autonomy: Indian Experiences, New Delhi,SAGE Publications, pp. 93–113.

Kymlicka, W &Norman,W.(2000).Citizenship in Culturally Diverse Societies: Issues, Contexts, Concepts, in *Citizenship in Diverse Societies*, W. Kymlicka, W. Norman (eds.), Oxford: Oxford University Press, 1–41.

Macedo, S., (1990) ,*Liberal Virtues: Citizenship, Virtues, and Community in Liberal Constitutionalism*, Oxford: Clarendon Press.

Mann, Michael(1987) ‘Ruling class strategies and Citizenship’, in *Sociology* No.21:339–54.

Marshall, T.H.(1950) *Citizenship and Social Class* ,Cambridge: Cambridge University Press.

— (1975) (original edition 1965) *Social Policy in the Twentieth Century* London: Hutchinson.

— (1981) *The Right To Welfare and Other Essays* London: Heinemann Educational

Menon, V. P. (1956). *The Story of Integration of the Indian States*, New Delhi: Orient Longman.

Noorani, A. G. (2011), *Article 370: A Constitutional History of Jammu and Kashmir*, Oxford University Press.

Pateman, Carole(1988) *The Sexual Contract* ,Cambridge: Polity Press.

Robinson, CaberideBergh (2013), *Body of Victim, Body of Warrior: Refugee Families and the Making of Kashmiri Jihadists*, Berkeley, University of California Press.

Stewart Angus.(1995),Two Conceptions of Citizenship in *The British Journal of Sociology*,Vol 46.No.1(Mar 1995).

Tillin, Louise (2016), "Asymmetric Federalism", in Sujit Choudhry; Madhav Khosla; PratapBhanu Mehta, *The Oxford Handbook of the Indian Constitution*, New Delhi,Oxford University Press.

Turner, Bryan(1990) 'Outline of a theory on citizenship', in *Sociology* Vol. 24, No. 2:189–218.

Walby, Sylvia(1994) 'Is citizenship gendered?',in*Sociology* Vol. 28, No. 2:379–95.

Young, Iris Marion(1989) 'Polity and group difference: a critique of the ideal of universal citizenship', *Ethics* No. 99.

Yuval Davis, Nira(1997), *Women, Citizenship and Difference* in *Feminist Review* No.57,Autumn !997 pp3-26.

—— (1991a) 'The citizenship debate: women, ethnic processes and the state', *Feminist Review* No. 39:58–68.

Net Sources

The Constitution of India

THE CONSTITUTION (APPLICATION TO JAMMU AND KASHMIR) ORDER, 1954
Published in the Gazette of India Extraordinary Part II- Section 3, dated 14,,5,1954. jklaw.nic.in

The Constitution of Jammu and Kashmir, 1956 - jklaw.nic.in

PremNathKaul vs The State Of Jammu & Kashmir on 2 March, 1959: 1959 AIR 749, 1959 SCR Supl. (2) 270

PuranlalLakhanpal vs The President Of India And Others on 30 March, 1961: 1961 AIR 1519, 1962 SCR (1) 688
1961 AIR 1519, 1962 SCR (1) 688

State Of Jammu & Kashmir, Dr. ... vs Dr. Susheela Sawhney And State Of ... on 7 October, 2002
Equivalent citations: AIR 2003 J K 83, 2003 (1) JKJ 35

Bhupinder Singh Sodhi And Ors vs Union Of India And Ors on 16 July, 2015

State Bank Of India vs Santosh Gupta And Anr. Etc on 16 December, 2016

Jammu and Kashmir has no vestige of sovereignty outside Constitution: Supreme Court, Financial Express, 17 December 2016.

No sovereignty for J&K, Supreme Court slams High Court for “wrong”, “disturbing” observations, Bar and Bench, 17 December 2016.

"BJP Manifesto for 2014 General Elections" (PDF). Retrieved 2016-07-19.

‘Jallikattu’ as New Social Movement: Human Rights Vs Animal Rights

Jayanta Debnath

Abstract

Once again it is proved that no community of the universe will allow anybody to take away their natural rights from them. In this case, a suitable example would be the event of ‘Jallikattu’ which is observed in South India especially in Tamil Nadu. It has been such a movement which raised variety of questions within Indian society. Jallikattu is an identity-based movement. It is infact a new social movement with old tradition and practice of Tamil people. This identity-based movement brought two different aspects of emotion and values all together that is the clash between human rights and animal rights. Both these groups wanted to be victorious, but such path of victory is not so easy. As a result both the parties choose judiciary to save their rights or ideology. In this circumstance, the role of the state both national and regional comes to the forefront. Thus, to settle this crucial issue the role of politics or political intervention has been momentous.

Key words: animal rights, human rights, identity, jallikattu, movement, political intervention.

1. Introduction

Once again it is proved that no community of the universe will allow anybody to take away their natural rights from them. In this case, a suitable example would be the event of 'Jallikattu' which is observed in South India especially in Tamil Nadu. The event has brought broader perspectives of arguments and counter arguments within judicial room and also outside. The movement not only attached social issues, but also linked with political aspect. Actually, Jallikattu movement is a kind of social movement which got all India coverage very fast by the media. Before the protest, there were very few people in the country who knew and were familiar with the event. It is in fact, an identity- based movement which gives policy makers the sudden opportunities to do politics. As social movement is a deliberate collective endeavour to promote change in any direction and by any means, not excluding violence, illegality, revolution or withdrawal into 'utopian' community (Shah 2004:19). It is very important to note down while we discuss social movement that is we cannot differentiate political sentiment from social agitation, because any social movement or event can alter the course of existing political environment or any political or executive decisions may give birth of a new social agitating event or restrict the scope of the movement.

In Tamil Nadu, Jallikattu is turned into a new social movement with old tradition and practice. The event Jallikattu has discovered two conflicting issues at the same time, viz. human rights violation and animal rights violation which offer academicians greater avenue for discussions and debate. Indeed, Jallikattu has been a symbol of collective identity of Tamil people which led to popular participation across the state recently. This event also proves that collective action does not always calculate rationality, rather choose ethnic roots for preserving their traditional culture. New social movement theorists argued that participation in such movements could not be predicted by class location. Rather they sought recognition for new identities and lifestyles (Polletan 2001:286). Consequently, the Tamil people see Jallikattu as an important virtue of their lifestyle. France Sea Polletta and James M. Jasper in their article 'Collective Identity and Social Movements' have rightly observed the issue that most of the new social movements have combined goals of political gain and cultural orientation. For the success of any protest movement, the role of the middle-class is so crucial in the sense that they often achieve success in forcing government, so that the government hear them. If anyone takes the case of Jallikattu movement, then it might be seen that the agitators' especially young students received moral support from different sections of Tamil society including politicians, writers, sportsman, and actors. They are supporting this traditional cultural sport freely through social media and at various promotional events that is very seldom seen in contemporary India.

Nevertheless, for the purpose of understanding the phenomenon well, the paper has been divided into four distinguished sections. In the first section, we have tried to know what Jallikattu is. The second section highlights the clash between cultural traditions and laws enacted by the state or the conflict between judicial verdicts and people's sentiments and emotions. Thereafter, a crucial question is asked in the third section which is, should human rights get priority over animal rights. The final section looks into the relevance of Jallikattu event in Tamil society even in the 21st century where we always cry for liberal ideas, values, perceptions like rationality, democracy, and a dynamic administration.

1.1 Research Objective:

Thus the paper has the following major research objectives:

1. Understanding the event 'Jallikattu'.
2. To study the conflicting areas between cultural rights and state laws.
3. To explore the relevance of the event.
4. To diagnose whether the event Jallikattu is not violating animal rights.

1.2 Research Questions:

The paper will highlight four important questions, viz.

- a. What is Jallikattu?
- b. Should cultural norms get priority over judicial verdicts or law?
- c. Is the right of Jallikattu of Tamil people relevant today?
- d. Is it not violating animal rights?

1.3 Research Methodology:

Research methodology is the basis of all research designs. Without proper methodology no researcher can develop his/her research papers. However, this paper is based on analytical approach. For the purpose of this research, researcher has gone through critical review of the existing literature.

2. What Is 'Jallikattu'?

Jallikattu is a traditional Tamil sports which involves Tamil culture, tradition and the Tamils do not like having ban on it. It has a very long history and was practiced since Tamil classical period (400-100 BC). It is known in Tamil Nadu by different names like Sallikattu / Eruthzhuvuthal or ManjuVirattu. This sport is played in an open ground as a part of three

days Pongol celebrations. Actually, it is a sport of ‘bull embracing’. The modern term ‘Jallikattu’ is derived from Salli (coins) and Kattu (package), which refers to a prize of coins that are tied to the bull’s horns and the participants attempt to retrieve it. Another literary meaning of Jallikattu is ‘bull chasing’. Even, the event is often shown in the Tamil movies where the hero of the film tames the bull to prove his gallantry. An interesting feature regarding Jallikattu is that most bulls used for the event is owned by village temples and that cannot be sold. Even, the winner bull is used to service numerous cows, thus preserving native breed (The Times of India, Jan 20, 2017:11). While we are investigating the meaning and origin of Jallikattu we must however remember is that this event was not popular all over Tamil Nadu till the mid of 2016, rather it was practiced in some parts of Tamil society like Madurai, Sivaganga, Dindigul and Pudukottai districts. But the banning of Jallikattu has brought a large numbers of people together to protest against the ban to preserve their native culture. As a result, the event has immensely been popularised in Tamil Nadu. The people from other parts of the Tamil society where this traditional event was not popular even in the 21st century, have come forward for supporting and as result it has got greater attention of the audience. Even it is further reported that some people who have never seen or played Jallikattu gives moral support for the sport which actually remind us the scholar Benedict Anderson’s ‘Imagined Communities’. In real sense people from different strata of Tamil society have had no face to face communication, but with imagination, they were united to protect their group rights. Frankly speaking, the social media especially Facebook, WhatsApp, Messenger made it so easy for reaching or communicating each other which ultimately spreads the movement across the state. Traditionally, it has been a common belief among the members of the Tamil society that the outsiders or Aryans are taking away or depriving their natural rights from them by force. We know that North/South or Aryan/Tamil division is not new in South Indian politics. Earlier, Tamil people used to feel that the people of Northern India or Aryans wanted to impose cultural hegemony over Southern people with the introduction of Sanskrit and Hindi language and they strongly opposed it. Ultimately, this conflict or dissatisfaction led to well known Dravidian Movement in the 1950s and 1960s and DMK was the driving force of this cultural protest. However, the ban on the event produced nationalist sentiments of the Tamil people or in other words it gave birth of a little nationalism for the shorter run which demanded cultural recognition.

3. Conflict Between Cultural Traditions And State Law:

The event Jallikattu made Tamil people united to save their glory and pride. It manifested controversies in recent Indian politics. Moreover, it makes ‘Marina Beach’ a battle ground

where two conflicting parties presented their opinions and supported certain values and for this it was very difficult condition for the political executive to overcome from it and take independent, moral and logical decisions. These two opposing groups are namely human rights bloc and animal rights bloc. One section wants to abolish this controversial event for the betterment of animal rights. On the other hand, another group demands the protection of human rights. Interestingly, outside these two different blocs, we may notice of a third bloc who could like to protect and promote both animal and human rights simultaneously. Here, which bloc is more rational and inclusive is difficult to find out. Actually, all these groups have their own assumptions and logical ground, in spite of that it is very tough to predict that who will win in future. In democracy if any party wants to be successful it must employ strategic actions and at the same time must be able to force state apparatus to take decisions in their favour.

We believe in quality life, but in achieving it people often violate other animals' rights. For an instance, the supporters of the event Jallikattu were totally committed to bring back their old cultural rights to practice bull chasing and gathered more than 10,000 students at Marina Beach in Chennai. Thus, the event was depicted by the media both print and electronic as 'Marina Uprising' which gets greater attention from Tamil society. A Naveen is one of the students who protests against the ban on this cultural sport said 'Jallikattu is a part of our culture and we cannot let anyone take that away from us' (The Times of India Jan 19, 2017:1). Indeed, Jallikattu supporter's voice is manifested by his words.

Here, in doing this analysis, the famous quotations of two different western thinkers comes to my mind, viz. Jeremy Bentham and John Stuart Mill. Bentham was the pioneer of the principle "Greatest happiness of the greatest numbers". If we follow his principle it is fine to have the rights of Jallikattu of Tamil people. But, on the other hand Mill supports the voices of minority and their voice must be heard by the majority as we live in a democratic set up. According to Mill in democracy minority or a single person have the power to oppose and restrict the views of ninety-nine per cent people of the society if it does common good. It is further observed that the demands to keep alive Jallikattu may get majority supports from and within Tamil society, but outside Tamil Nadu especially if we take the whole of India it is supposed to get very less support. Moreover, at the international level it may not get any support as they are much civilized than us in every aspect and such kinds of cruelty to animals and humans cannot be tolerated by the western civilized countries and international standards. As the event has no longer been a local issue, so from the national perspective we need to rethink about this dangerous sport. In fact, this protest can be considered as a sudden uprising where very few people knew about this event, but the outburst of the movement

encouraged people to assemble and to protect their traditional cultural event. Here, an interesting fact is provided by DMK MP K. Kanimozhi who said 'the ban is being opposed by Tamils who've probably never seen Jallikattu'. Nevertheless, from humanitarian ground, we cannot put human and beast in pain for our short-term pleasure. It is not certain that which group will win the race between human bloc and animal bloc. The people like to embrace or fight with bull, because they have the confidence that we can win the game. But, they never like to fight with a lion, tiger or elephant due only to low confidence level. In case of Jallikattu people, want to impose its supremacy over the bull which they think will bring them glory.

Now, let's have a quick look into the developments relating to Jallikattu ban. In March 2006, Madras High Court bans Jallikattu for the first time on the ground of Prevention of Cruelty to Animals Act. In July 2009, Tamil Nadu government passes law allowing the sport after setting certain conditions. Supreme Court permits the event for 5 months in a year under state law in November 2010 and directed the District Collectors to make sure that the animals that participate in the event are registered to the Animal Welfare Board. The Government of Tamil Nadu ordered that two lakh be deposited by the organizers in case of an accident or injury during the event. In July 2011, Union Environment Ministry bans the use of bulls as performing animals. But the practice continued under Tamil Nadu Regulation of Jallikattu Act No 27 of 2009. On 7 May 2014, the apex court strikes down Tamil Nadu law and banned Jallikattu all together. In January 8, 2016 the Ministry of Environment and Forests permitted the event to be continued. However, on 14 January 2016, the Supreme Court issued a stay on this order upholding the ban, after a petition filled by the Animal Welfare Board of India and PETA India, leading to protests all over Tamil Nadu. Then the Apex Court refused to review its decisions on 26 January 2016. On 16 January 2016, the World Youth organization (WYO) protested and urged for the lifting of ban. On 8 January 2017, several hundred protesters conducted a rally at Chennai opposing the ban on Jallikattu. On January 13, Supreme Court turns down plea to give verdict on ban before the 3 day pongal festival. Stalin-led DMK calls for stir against centre and Tamil Nadu government. In the next day Stalin calls for an ordinance and launches agitation. Numerous Jallikattu events were held across the state in protest of the ban and hundreds of participants were detained by police in response. Due to these protests, on 21 January 2017, the Governor of Tamil Nadu issued a new ordinance that authorised the continuation of Jallikattu events. On 23 January 2017, Tamil Nadu legislature passed a bill, exempting Jallikattu from the Prevention of Cruelty of Animals Act (1960). However, the legal problem surrounding Jallikattu is as yet not clearly resolved. It can be solved if the Prevention of Cruelty to Animals Act is amended as local ordinances and state laws cannot triumph over Indian federal law.

4. Should Human Rights Get Priority Over Animal Rights?

This section begins with an inquiry should human rights get priority over animal rights? Given the nature of the question it seems that it will be a continuing and unending issue of debate and there would be arguments and counter arguments on the issue. Nevertheless, now we will look into Indian Constitution and politics and will further try to find out the roots of both human rights and animal rights. Let's give our attention on global context before entering the Indian Constitution for tracing human rights roots. For making an egalitarian society, human rights must be protected from autocracy. The states will ensure that no one will from his/her fundamental rights. United Nations General Assembly in 1948 adopted Universal Declaration of Human Rights in Paris. Article 1 of the declaration says "all human beings are born free and equal in dignity and rights". It is not that before the year 1948, there were no sources of human rights, rather it could be found in Magna Carta (1215), Petition of Rights (1627), Bill of Rights (1688) in England, the Declaration of the Rights of Man and Citizens (1791) in France after the French Revolution. Even, before that the Philadelphia Constitutional Convention (1787) in the US adopted the first ten amendments of its own constitution as the citizens 'Bills of Rights. These civil and political rights constitute the sources of the 'first generation of the modern concept of human rights' (Ray 2003:3410). The Russian Revolution under Lenin which gives the slogan 'bread, land and all power to the soviets' and it formed Soviet Bill of Rights'. Since then economic and social rights is getting much recognition than ever before. These are referred to as 'second generation human rights'.

In the Indian Constitution the rights of common people has also been acknowledged. The Fundamental Rights of the people is ensured in Part-III (Article 12-35). This is first generation of human rights and its nature is basically civil and political. The second generation of human rights is included in Part-IV of Indian Constitution namely the Directive Principles of State Policy (Article 36-51) which is non-justiciable and more economic and social in nature. Even we have various human rights protection bodies in the form of National Human Rights Commission set up on 12th October, 1993 and various state governments has established State Human Rights Commission. Besides, the country has National Commission for Minorities, National Commission for Women. Over and above we have independent judiciary, viz. Supreme Court and High Courts.

Side by side the Constitution of India and various legislations also guarantee the rights of animal. Here, some of the provisions are mentioned below:

1. It is the fundamental duty of every citizen of India to have compassion for all living creatures. Article 51 A (g).

2. To kill or harm any animal is a punishable offence. IPC Sections 428 and 429.
3. No animal including chickens can be slaughtered in any place other than a slaughter house. Sick or pregnant animals shall not be slaughtered. Rule 3 of Prevention of Cruelty to Animals, Slaughter House Rules 2001, Food Safety and Standards Regulations 2011.
4. Neglecting an animal by denying her sufficient food, water, shelter and exercise or by keeping him chained for long hours in punishable by a fine or imprisonment of up to 3 months or both. Section 11(1) (h), PCA Act 1960.
5. Monkeys are protected under the Wildlife Protection Act, 1972 and cannot be owned.
6. Bears, monkeys, tigers, lions, panthers and bulls are prohibited from being trained and used for entertainment purposes. Section 22(ii), PCA Act 1960.
7. Organizing of or participating in any animal fight is a major offence. Section 11(i) (m, n), PCA Act 1960.
8. Use of cosmetics on animals is banned. Rules 148-C and 135-B of Drugs and Cosmetics Rules, 1945.
9. Teasing feeding or disturbing the animals in zoo is an offence punishable by a fine of Rs. 25000 or imprisonment of up to 3 years or both. Section 38J, Wildlife Protection Act, 1972.
10. Capturing, trapping, poisoning or baiting of any wild animal or even attempting to do so is punishable by law. Section 9, Wildlife Protection Act, 1972.
11. Under the same act it is an offence to disturb, destroy eggs or nests of birds.
12. Conveying or carrying animals whether in or upon any vehicle is an offence if it causes discomfort, pain or suffering. Section 11 (1) (d) Prevention of Cruelty to Animals, Transport of Animals Rules, 2001 and Motor Vehicles Act 1978 (Humane Society International, India, Feb 19, 2016).

5. The Relevancy Of The Right Of Jallikattu:

This may be a big question whether the right of Jallikattu of Tamil people is relevant today or not, as today it has been an established norm that animals must be protected for sustaining bio-diversity and sustainable development. By harming beasts, it is very unethical to enjoy human rights. As our area of discussion is Jallikattu, so we will try to examine what harms the event Jallikattu causes to the animals or more specifically to the bull. Hence, some of the major worst effects caused by Jallikattu are highlighted here.

1. Men who participate are prone to severe injuries and often cause death.

2. Bulls which loss in the sport could be used for agricultural purpose.
3. Animal activists argued that bulls are tortured by spraying chili powder in their eyes, biting their tails.
4. Bulls are fed with alcohol to make them uncontrollable.

Jallikattu as the event of animal rights violation was first challenged by People for the Ethical Treatment of Animals (PETA) and Animal Welfare Board of India in 2004 (Ray, Jan 19: 2017). Consequently, the good wishers of animal rights want the ban to stay on this cultural sport. The animal rights protection forums like the Animal Welfare Board of India, the Federation of Indian Animals Protection Organizations (FIAPO) and PETA supports their cause because Jallikattu is extremely cruel to animals. An investigation made by PETA in 2013, revealed the extent to which the bulls are mistreated for the festival. PETA observed that the animals were subject to having their tails twisted and bitten by contestants, are often stabbed with spears, knives or sticks and are also punched, jumped on and dragged to the ground during the sport. Even the animals were fed with alcohol. The animal rights experts have also said that this has often led to ‘broken bones’ and ‘death’. An animal activist said “as long as Jallikattu is allowed cruelty to bulls and injuries and death to people and bulls will continue”. So for the betterment of the society it must be prohibited.

On the contrary, the support for preserving the popular event came from different sections of the Tamil society. Singer A.R.Rahman came for supporting Jallikattu and he says he will be fasting to protect this right. Film actor and producer Kamal Haasan said “If you want a ban on Jallikattu, let’s also ban biryani”. Indian cricket star Ravichandran Ashwin expressed “peaceful protest all around Tamil Nadu. Unity, peace and resolve will show our plea in the right light”. Chess Grandmaster Viswanathan Anand says “my state rises again. In peace, proud to be a #tamizhanda.....Jallikattu is a cultural symbol. Respect it. I’m all for animal rights, but here that is not the point. Tradition and livelihood are”. Jaggi Vasudev, commonly known as Sadhguru said “so will you ban cricket also? The cricket ball is dangerous and it has been fatal for many players”.Jaggi Vasudev’s suggestion may be questioned here because if cricket is banned due to fatality, then the cricket community and lovers especially R. Ashwin may raise his fingers and oppose it. As a result, the people can be the witness of another new social movement for protecting their profession which also may receive global support as today cricket is often considered a religion especially in the Asian subcontinent.

Now, we will try to notice the political linkage with the event Jallikattu. We cannot say that it is a civil society movement which is apolitical. At present AIADMK is running the government in Tamil Nadu and DMK as usual its main opponent. The ‘Marina Uprising’ has been manifested in such a time when the State Government was going through a critical time.

As we know, Tamil Nadu Chief Minister Selvi J. Jayalalitha dies on 5th December 2016. As a result, a vacuum of leadership was created. This vacuum has given the opposition political parties a sudden opportunity to mobilise people in favour of them. In fact, for AIADMK this was the most difficult time to run and maintain government. Besides corruption cases against Jayalalitha has brought severe controversies which created political turmoil. After her death, internal conflict within AIADMK for gaining parties' leadership manifested. After her death O Panneerselvam acted as Tamil Nadu Chief Minister. Few days later Edappadi Palaniswami was invited to form government. He was backed by party general secretary Sasikala. In fact, Sasikala had a greater chance to be a Tamil Nadu chief minister, but asset cases and imprisonment displaced her from being a Chief Minister. Ultimately, through trust votes on the floor of the assembly O Panneerselvam became the new Tamil Nadu Chief Minister.

During that time issues like Cauvery water sharing, demonetisation, drought problem were more important than the cultural event of Jallikattu, but instead highlighting these major issues, they chose 'Jallikattu' as a strategic tool to create turmoil. Political smell is there, no doubt about that. The opposition political parties like DMK and PMK tried to use people's sentiment and emotions to challenge existing Tamil Nadu government, because they have had no other ways to challenge the government. Therefore, we must remember the words of DMK leader M K Stalin. He said before pongal utsav "I ask on behalf of Tamils, bring an ordinance, else people won't forgive the centre and state government". PMK leader Anbumani Ramadoss said "They are intimidating our culture, values....absolutely no cruelty.....these are our bulls, we rear them, they have worked hard for us and one day we play with them. Where's the harm?". Congress leader R S Surjewala expresses "Congress respects right of TN's people to preserve culture and protect rich tradition". So, now it is very clear that the event Jallikattu has been politicised to a great extent. I believe if DMK is in power, they would also take a similar stand like that of AIADMK. It is not that the ruling party in Tamil Nadu does not respect people's rights; rather it would like to respect and preserve both animal and human rights. But in doing that AIADMK government looked for a logical solution by which a greater purpose would be fulfilled. It seems that unlike western countries where the role of opposition political parties are more critical and constructive, but in Indian politics it is proven truth that opposition parties just oppose all decisions and policies taken by the ruling party and the controversy surrounding Jallikattu has proved it yet again.

6. Conclusion:

Through our analysis, we have understood that it has become very difficult for the governments both central and state to handle the situation because of civil as well as political

pressures from the people and also from political parties. From the humanitarian ground and animal rights sentiment, Apex Court is right in imposing ban on the event that turned out to be a very dangerous in contemporary civilised society. Thus, now it is up to political decision makers on whom its final destiny is depending largely. If political parties and leadership avoid vote bank politics, then a reasonable solution may be possible. Otherwise it will take a long way to settle this dispute or may be remained an unsettled issue.

For me, Jallikattu should be banned, because it violates both human rights and animal rights at the same time. We should enjoy and exercise our own basic rights without harming others whether it is human or animal no matter. In case of Jallikattu, people are rushing for making their own identity, using bull embracing. To do that, people have been violating both animal and human rights simultaneously. But, one can be surprised hearing the fact that a bull or buffalo can also give a person identity. Very recently in Uttar Pradesh, the presence of a “Super Buffalo” is seen. This buffalo is very healthy and handsome. His daily diet consists of 20 litres milk, 10 kg fruit, 5 kg green fodder and 5 kg hay and his daily exercise is a 5 km walk. The owner is Karamveer Singh who is a resident of Haryana. The buffalo is named “Yuvraj” worth more than 9 crore. Interestingly, it earns 50 lakh per year (The Times of India, Feb 27, 2017:2). The owner happily says “people know me as the owner of Yuvraj”. So, an unknown person is getting his identity across the country through his buffalo. Animal right activists will be extremely pleased knowing that. Last, but not the least, we can expect here that all living animals should get equal treatments like of Yuvraj and the events which harm to them might be banned without any hesitation and delay.

Here, in the concluding section I would like to share an important observation which will prove the comment very true that is “India is a Manageable Federalism”. Since independence, India has faced various problematic issues and events at different times, but every time it succeeded to cope up with these events. As a social movement ‘Jallikattu’ came like a tsunami and went dry like a drought. At the moment this event is not getting media coverage or in other words the tides of this protest movement has weakened. Moreover, another reason for the emergence of movement for Jallikattu, perhaps the people of Tamil Nadu were frustrated due to severe dissatisfactions regarding public services, corruptions and political instability. I also would like to suggest a solution to this crucial problem which is if the government fails to ban Jallikattu due to excessive mass pressure, then government shall not take any responsibility of any injury or death. In addition, it must be ensured that no compensation will be provided by the government for any accident.

References:

Bare Act With Short Notes. (2010). The Constitution of India. New Delhi: Universal Law Publishing Co. Pvt. Ltd.

Buzzing with bull talk.(2014).The Hindu. 8 Jan, Retrieved on 8 Jan, 2014.

For Jallikattu related information see Times of India Jan 19-25, Feb 11-27, 2017

Gupta, Dipankar.(2017). Jallikattu, animal rights and the cultural argument: A Changing Collective Consciousness. The Times of India, Kolkata, Jan 28.

Kohli, Atul.(2001).The Success of India's Democracy. New Delhi: Cambridge University Press.

Mukherjee, Subrata and SushilaRamaswamy. (2014). A History of Political Thought: Plato to Marx. Delhi: PHI Learning Pvt. Ltd.

Polletta, Francesca and James M. Jasper.(2001). Collective Identity and Social Movements. Annual Review of Sociology, vol.27.

Pylee, M. V. (1995). India's Constitution. New Delhi: S Chand & Company Pvt. Ltd.

Ray, A. (19 Jan 2017). "Jallikattu Cheat Sheet: 10 things you should know about the bull – taming sport". Economic Times.Retrieved on 23 Jan, 2017.

Ray, Aswini. K.(2003). Human Rights Movement in India: A Historical Perspective. Economic and Political Weekly, vol. 38, no.32.

Save the bulls, support the ban. (2016). FIAPO.Retrieved on 15 Jan, 2017.

Shah, Ghanshyam.(2004). Social Movement in India. New Delhi: Sage Publications.

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Shift within Shift: Panthic Agenda to Agenda for Development and Good Governance (Analysis of the Shiromani Akali Dal Manifesto's from 1997 to 2012)

Hardeep Kaur

Abstract

Shiromani Akali Dal is a religio-political organisation of the Sikhs. It propagates and promotes religio-political ideology. Akali leadership is of a firm view that politics cannot be run properly without the sanction of the religious authority of the Sikhs and religion cannot be safeguarded without holding political power. So, the ideology of Shiromani Akali Dal (SAD) has been driven by the concept of 'Miri and Piri' given by the sixth guru Hargobind Sahib Ji, which indicates that the party believes in the dictum that religion and politics go hand in hand. The SAD has projected itself as a Panthic party with the aim to protect the religious, social, economic and political interests of the Sikhs. From 1997 onwards the SAD's ideology has shifted towards development and good governance. The interesting fact which appeared while studying manifestos of SAD from 1997 onward is that where development remains the prime concern of the party; emotive issues related to ideology, and religion do get mentioned, but in an increasingly subdued manner. An attempt has been made to study this shift with the help of visible literature which is available in the form of party documents manifesto.

Key Words: Agenda Shift, Manifesto, SAD, Congress, BJP, AAP.

1. Introduction

Shiromani Akali Dal (SAD) is the oldest surviving state level party in India. The party was founded in 1920 shortly after the formation of Shiromani Gurudwara Prabhandhak Committee (SGPC) to act as its political arm to protect the interests of the Sikh community at large. SAD's basic ideology is to protect religious, social, economic and political interests of the dominant group of Punjab i.e Sikhs. SAD's shift in its ideological concerns is visible as one goes through the party literature. After going through the party literature we note there is a shift in the ideology in the sense that ethno-religious issues have been replaced by political economic issues. On the basis of the readings of the Assembly Election manifesto's of the Akali Dal; this paper broadly forwards two arguments:

- a) The SAD ideology consists of two issues since 1997 onwards; one is *Panth Punjab* or *Punjabi* and the second is development. However since 1997 onward the development centred agenda had provided shape to SAD ideology. But the basic part of ideology which is religion had always remained a part of SAD

ideology in a silent manner. The Party has moulded its ideology in the changed context.

- b) Second, the merging of peace with development or good governance agenda favoured the party to recast their image in the eyes of the electorates in the changed context. That is why SAD never played any religious/ identity card in an open manner and tried to hold on strong issues like peace, development and good governance which not only marked the shift in the political ideology of Akali Dal but also in the politics of the State.

In the context of these two arguments, the first part of the paper discusses how religion which is the basic part of SAD ideology also had appeared in their manifestos. It seems that party never played the religious card openly but they moulded their ideology with other things such as the welfare of all. The second part of this paper discusses on the basis of the documents of the party particularly the manifestos which were released by the party on the eve of every election held since 1997 and from which it is clearly visible how the party uses the theme of development as an integral part of their ideology to influence the voters.

This paper is based upon content analysis of parties' manifestos since 1997 to 2012 assembly elections in Punjab. The period has been taken into consideration because in this period there is a drastic change in the electoral agenda of the party in state politics from one election to another. There are many reasons behind the study of manifestos, especially in the post-insurgency period (1997 to 2012). After a long period of militancy, normal life resumed in the 90's in the state. Election was held in the state in 1997 and it was considered a normal election in the state after militancy. The question that arises here is why this election has been considered normal? It was because after 57 months of President's rule in the state, election was conducted under governor rule in 1992 in Punjab. 1992 Assembly election were later boycotted by all Akali groups except only one faction. Akali Dal had argued that in such a critical situation holding of elections would not be legitimate and thus the establishment of a popular government would be impossible. All militant groups had called for the boycott of the elections. The electorates did not support the elections; voters' turnout was very less. Mainly Hindus voted while Sikhs opposed these elections. About 24% of the voters participated in the elections. Congress was the main party in the election field and no other political party was there to compete. After five years of rule of Congress, when elections were held in the state other political parties participated.

In this paper we basically try to explain the shift in the political ideology of SAD after a reading of the party manifestos. We analyse the shift in the agenda of the party in the context of changed situation. When we talk about shift, we find that there is a shift on three agendas: the panthic agenda, peace agenda and development/good governance agenda.

2. Panthic Agenda

Punjab politics is synonymous with Akali Politics. When we talk about Panth, it denotes religion based politics. It revolves around Sikhs, Panth and the Punjabi Language. Historically, Akali Dal was involved in the movement of Sikhs in Punjab to liberate Gurdwaras from the control of the corrupt *Mahants*. For this purpose, on 14th December, 1920 a meeting of the representatives of different *Jathas* was held at Amritsar in which it was decided to name a central organisation as “Shiromani Akali Dal”.¹ Sardar Surmukh Singh Jhabal was elected the first President of Shiromani Akali Dal. Once the primary aim of the SAD in its first years of formation was achieved (the Gurudwaras under the supervision of the SGPC was finally achieved after the passage of All India Gurudwara Act, 1925), SAD became the chief political organisation of the Sikhs.

Akali Dal came into existence with four declared objectives:

- To bring the Sikh religious places under Panthic control
- To abolish the permanent position of the Mahants, thus ending their irresponsibility.
- To utilise the property and income of the Gurudwaras for the purpose for which they were funded.
- To practice Sikh religion according to the teachings of the Sikh Gurus as enshrined in the Adi-Granth²

The introduction of communal electorate by the Montague-Chelmsford reforms, 1919 actually allowed the SAD to fight for the seats reserved for the Sikhs in 1937 and 1947 provincial elections, though it could not achieve much success.

After partition Akali Dal emerged as a ‘relevant’ party with the changed demographic scenario of Punjab. Not only the Hindus who were in minority in united colonial Punjab now became a majority community but the Sikhs became the most numerous minority community

¹ SAD was established as task force of Sikhs to liberate Gurdwaras from the control of corrupt Mahants.

² Ajit Singh (2005): *Shiromani Akali Dal Religio-Political Study (1947-90)*, Kaputhala- India: Armaan Publications, p. 32.

now in the state and also now the Sikhs were spatially concentrated and that mattered electorally. SAD now set up two main objectives to achieve: to ensure adequate share for the Sikhs in terms of political Power in post-partition Punjab and to promote Punjabi language in Gurumukhi script.³ SAD raised the demand for a *Punjabi Suba*, ostensibly on the basis of language but there was a desire to establish a state in which Sikh as a majority community would be able to wield political power.⁴ The Party presented its demand before the State re-organisation Commission in 1953 which was not recommended in the face of opposition on the ground that it was a communal demand. Subsequently, SAD launched the Punjabi Suba agitation in 1955, which was temporarily stopped as a result of negotiation with the Congress in Punjab which resulted into a regional formula adopted in Punjab by which the work of the state legislature was assigned to separate regional committees for the Punjabi-speaking regions and Hindi-speaking regions respectively. As a result, the Akali Dal merged with the Congress in 1957.⁵ Gradually, Akalis started expressing their dissatisfaction with the working of the Regional Formula and the indifference of the Congress to the demand for Punjabi Suba. SAD was revived and the movement restarted on 29th May. The movement was first led by Master Tara Singh then by by Sant Fateh Singh. The Akali Dal decided to intensify the agitation through passive resistance on a massive scale. A call was sent forth to the rural areas that “panth is in danger and that unless Punjabi Suba was secured there would be no security or protection for that community”.⁶ After a long struggle, the goal of Punjabi speaking state was finally achieved on 1st November, 1966 under the leadership of Sant Fateh Singh. With the formation of the Punjabi speaking state SAD now emerged as a claimant to political power in the state.

The territorial issues involving reorganization like the status of Chandigarh, river water issue, the Punjabi speaking territory’s merger with the state and over and above all the interference of the centre into state affairs led to the passage of Anandpur Sahib Resolution in 1973. The Resolution aimed to establish the ‘pre-eminence of the Khalsa through the creation of a congenial environment and a political set up’.⁷ It became the basis of policies and programmes of the party and led to *Dharm Yudh Morcha* demanding the fulfillment of the

³ J S Grewal (1998): ‘ Sikh Identity, the Akalis and Khalistan’ in J S Grewal and Indu Banga, *Punjab in Prosperity and Violence*, New delhi: K K. Publisher .p.74

⁴ Ashutosh Kumar (2004): Electoral Politics in Punjab: Study of Akali Dal, *Economic and Political Weekly*, Vol.39, No.14/15, (Apr. 3-16), p. 1515.

⁵ Ajit Singh (2005): *Shiromani Akali Dal Religio-Political Study (1947-90)*, Kaputhala- India: Armaan Publications, p. 32.

⁶ Ibid., p. 42.

⁷ Dalip Singh (1981): *Dynamics of Punjab Politics*, New Delhi: Macmillan India, p.346.

demands. That era of Panth politics was followed by the demand of Sikh homeland to fulfil the demands of Anandpur Sahib Resolution.

2.1 Anandpur Sahib Resolution

The demand for Sikh homeland found expression in the form of Akali movement of Punjab. Slogans like '*Raj Karega Khalsa*' or '*Khalsa ka Bolbala*' were raised.⁸ In 1973 the working committee of the Akali Dal passed a detailed resolution in a meeting held at Anandpur Sahib. It became the basis of policies and programmes of the party. The objectives of Anandpur Sahib Resolution were as follows:

- Transfer of Chandigarh to Punjab
- Inclusion of Punjabi speaking areas into Punjab
- Demand for autonomy to all states of India with the centre retaining limited jurisdiction only over external affairs, defence and communication.
- Introduction of land reform and subsidies for peasantry as well as measures to bring about heavy industrialization in Punjab.
- Enactment of all India Gurdwara act to bring all the historic Gurdwaras under the control of SGPC.
- Protection of Sikh minorities living outside the state.
- Repeal of the new recruitment policy of centre under which recruitment quota of Sikhs in armed forces fell from 20% to 2%.⁹

In 1981 two new demands were added to the resolutions:

- To halt the reallocation of available water of river of riparian Punjab to other non-riparian states of Haryana, Rajasthan and Himachal Pradesh and a further reduction in government control over hydroelectric installation.
- The reorganization of Sikh personal law.¹⁰

It demanded complete re-structuring of centre-state relations in terms of its Anandpur Sahib Resolution and acceptance of some important religious demands of the Sikh community. It also demanded a personal law and a special status for Sikhs and wanted major change in the Indian Federal System for attaining greater unity. One section of Akali Dal has gone further and demanded a creation of Khalistan that is separate Sikh State which completely isolated the party from the national mainstream. With the growth of militancy in

⁸ Ashutosh Kumar (2004): Electoral Politics in Punjab: Study of Akali Dal, *Economic and Political Weekly*, Vol.39, No.14/15, (Apr. 3-16), p. 1515.

⁹ Ajit Singh (2005): *Shiromani Akali Dal Religio-Political Study (1947-90)*, Kaputhala- India: Armaan Publications, pp.111-125.

¹⁰ Ibid., p. 122.

Punjab it became irrelevant in this changed context of militancy era in Punjab. Militancy was curbed with operation Bluestar and operation Woodrose. For a long time, the demands contained in the Anandpur Sahib Resolution caused conflict. They launched Dharm Yudh Morcha in 1982. We note that after the outbreak of militancy in the state, there has been a consolidation of Sikh votes in favour of Panthic (Sikh) organisation.

3. Peace Agenda

The second agenda of the SAD is the peace agenda. Akali Dal, which initially, had started as a party of Sikh Panth which retains its Panthic agenda but over the years and especially after the Moga declaration in 1996, the party became the party for all the Punjabis: allowing Hindus to join the party and also to fight elections on party ticket. Thus it succeeded in broadening its base from a Sikh party to a state/regional party which no longer has a confrontational attitude against the centre. To broaden its base further, it entered into a long-term alliance with the BJP. In short its agenda has changed over a period of time. Now it claims to represent '*Punjab, Punjabi and Punjabiat*' rather than being a Sikh religious party. The shift in terms of party's electoral strategy has come due to the realisation that the party cannot come to power on its own and in order to be 'coalition able', the party needs to soften its position on the contentious issues. The long-term alliance between the BJP and the SAD which is based on electoral pragmatism has emanated from this understanding. There is also a realization on the part of the Akali leadership about the critical dependence of the state over central assistance.

Important political developments like the revival of mainstream Akali Dal politics and its success in forging inter- community alliance with *Hindutva* oriented Bharatiya Janata Party (BJP) and first Akali Dal-BJP coalition government completing its full term in office despite suffering vertical split within its ranks, broke the myth that the party ridden with factionalism could not govern but only agitate. The revival of the mainstream SAD politics and its emphasis on inter-community peace and reconciliation were welcome developments. The alliance with the BJP further helped SAD in broadening its social support in the last two assembly elections. By giving tickets to Hindus and contesting in the urban constituency and emphasising on urban development the SAD had shown that it wants to be viewed as a broad-based / catch-all party so that it need not be dependent on the BJP for the formation of government in the state. It does not want to be viewed any longer only as a Jat Sikh/rural social support based party though it has so far retained its core support base also. This can be

further illustrated by the fact that earlier in order to become a member of the SAD organisation the members had to get baptised, which highlighted the centrality of *Khalsa* identity as the true Sikh within the panth, but this ritual is no more performed at present. It was the same electoral compulsion to keep its Sikh voters within its camp that the President of the party Sukhbir Singh Badal had to get himself Baptised (*amritpan*).

4. Development and Good Governance Agenda

The third agenda of development and good governance of the SAD became prominent when normalcy returned to Punjab in the early 90's and SAD proclaimed itself as a secular party. Development, then, became the sole concern of the party. Not only SAD but other parties also tried to regionalize their agenda to provide good governance in the state. Development and good governance agenda has been the leading one in state politics since 1997 onwards. 1997 elections proved to be a watershed election in Punjab after militancy. In 1992, assembly elections were boycotted by all the Akali Dal factions except a splinter Akali Dal faction (Kabul) under the leadership of Amrinder Singh. Only Congress contested the elections. But the call of boycott of elections by the militants led to a decline in voter's turn out in the assembly elections. Due to these reasons, the 1997 elections are considered as the first elections that can be termed as 'normal' elections after the end of militancy. Furthermore, from 1997 elections to 2012 elections, there has been a prominent change in the political agenda of parties in Punjab, which is generally explained as a shift from identity based politics to development centred politics. The electoral agenda in this period has shifted from ethnic issues to the agenda for peace and Hindu-Sikh unity. This election also marked the beginning of Akali-BJP long-term alliance. Over the years, SAD under the firm control of Badal has made another shift in the electoral agenda of the party. The SAD now not only declared itself as a party that stood for development and governance and not simply for Panthic issues. Assembly elections since 2002 till 2012 have been fought mainly on the issues of development and governance in Punjab. SAD has been credited for bringing this shift and so far as other parties are concerned they have followed the SAD (Jodhka 2000; Kumar 2004).

There has been a long lasting coalition between a state level party i.e. Shiromani Akali Dal (SAD) and a national party i.e. Bharatiya Janata Party (BJP). The recent success of Aam Aadmi Party (AAP) has opened new possibility in the state. The party manifesto's of the Akali Dal shows that there has been a shift from Panthic agenda to development agenda in

the state. Political-economic issues are replacing ethno-religious issues. The victory of the AAP further has consolidated this trend. From a long time, Punjab has witnessed 'regular oscillation' in form of ruling party being voted out in each election and replaced by leading opposition party. The 14th assembly elections of state held in 2012, however, witnessed that ruling Shiromani Akali Dal-BJP alliance bucked the anti-incumbency trend in Punjab. Even in the 2014 Lok Sabha elections, the SAD-BJP alliance increased its seats despite facing local anti incumbency situation. It was stated by Kumar and Sekhon that the results of 16th Lok Sabha elections signalled the rise of a third alternative.¹¹

5. Shift in Agenda from Panthic to Development and Good Governance: Interpreting the Party Manifestos

The 1997 manifesto of SAD was named 'SAD-BJP Common Minimum Programme-1997'. The title and the agenda of manifesto suggested that political parties in Punjab now wanted to establish communal peace and cooperation with each other. The development agenda of party provided shape to the SAD ideology from 1997 onwards. This alliance promised to serve peace, unity, belongingness of brotherhood and religious unity. No one was to be given permission or allowed to spoil law and peace in the state. SAD claimed that they have developed and made Punjab a peaceful area after a long struggle and it's their commitment (*pavitar vachan*) to serve these interests. Their manifesto is not only a manifesto but a pure commitment with Punjabis."¹²

SAD's Election manifesto of 2002 contained the issue of 'New Agenda And Promises', where they tried to attract the voters in the name of Panth, Punjab, and Punjabi at one side and the populist policies on the other side under the theme 'what we promised, we fulfilled it and what we are promising, we will do that'¹³ (*jo keha, oh kar vikhya, jo kehnde ha oh kar vikhavage*).

In the 2007 assembly election SAD attempted to woo the voters with a very catchy idea of 'Committed to Service and Better Tomorrow' (*Raj Nahi, Seva*). This was contained in its manifesto. This manifesto also had the same populist agenda to mobilize the voters from every section of society with a promise to provide them with basic facilities and food at subsidised rates (e.g. dal for Rs. 4 a kilo and flour for Rs 20 a kg for the weaker sections of

¹¹ Jagrup Singh Sekhon and Ashutosh Kumar (2014): 'The Real Star in Punjab is Aam Adami Party', *The Hindu*, May 25, p. 9.

¹² Common minimum programme of SAD 1997

¹³ Shiromani Akalai Dal choan Manorth Pattar- Punjab Vidhan Sabha Elections- 2002

the society). It was for the very first time the SAD published its manifesto in Punjabi and English, to catch the attention of all sections of the society. In this manifesto they took up urban and industrial issues in details and proposed populist policies for the poorer sections. It stated that the party is committed to serve humankind on the lines set by great gurus *Sarbat Da Bhala*.

In the 2012 manifesto SAD promised to make immense changes. They named it 'Development for All' which talked about communal harmony and about religion in a silent tone. The manifesto was for populist policies and to deliver patronage to everyone, but it was full with the issues of development in all sectors like in education, health, agriculture, infrastructure and urban development. It was for the first time SAD directly tried to attract or mobilize the urban voters on the name of urban development and development of infrastructure.

6. Summing Up: Agenda for Development and Good Governance

From the above discussions we note that since 1997 development centred agenda has provided shape to SAD ideology in the assembly elections. But religion has remained the primary concern of the party. It is an integral part of SAD ideology though it has remained silent. Party keeps moulding its ideology in the changed context. '*Sarbat Da Bhala*'-development for all has been the party's agenda. In this manner there has been a shift in the focus from ethno-religious issues to political-economic issues. There has been a decline of identity politics and growth in developmental agenda. There is no deep insistence on Panthic agenda. Moderate and secular politics under the leadership of Prakash Singh Badal has come into existence. Party manifesto's after 1997 election reflects that SAD wanted to develop peaceful relationship with the Hindus. Within the SAD's development strategy from 1997 onwards, economic issues have been accorded top priority like development of infrastructure, rights of water etc. To increase their share of vote the party has largely used populist measures for the poor in the state.

The party which was founded in 1920 with special motives of religious and social reforms and which is always accused of being religious, regional, and at times even communal by its detractors is now trying to underline its ideology under the changed situation. The talk about adherence to Guru Nanak Dev's principles of "*sarbat da bhala*" (welfare of all) and "*manas ki jaat sabhey ek hai pehchan bo*" (universality and equality of mankind). Since the 1997 assembly elections, SAD has been asking for votes in the name of

peace, harmony, and development. After going through the literature it's clearly visible that in the changed context the party has made conscious shift in order to become acceptable as a mainstream party and also get rid of the radical elements which was responsible for militancy in the 80's. The shift also has emerged due to the realisation that the party cannot come to power on its own and in order to be 'coalition able', the party needs to soften its position on the contentious issues. The long term alliance between the BJP and the SAD which is based on electoral pragmatism has emanated from it. The leadership of Prakash Singh Badal who has always been a moderate leader and in favour of ethnic peace and reconciliation has also influenced the shift in the party's stand. The federalisation of polity has empowered the states in India to a considerable degree, hence the demands for regional autonomy and holding anti-centre sentiments have receded. This is also the case with the SAD. Party has moulded its ideology and is trying to garner votes in the name of development is also due to the realisation by the party leaders that the post-Bluestar generation that constitute the majority of the Punjab electorates, has no inclination to go back to the days of militancy. With Punjab economy going down as the Green Revolution has run its course, the electorates' as well as the party's youthful leadership's prime concern is to get back Punjab on the path of development. SAD has been trying to broaden its social support base by inducting Hindus and even giving tickets to them in the last two assembly elections. The party wants to become broad-based /catch-all so that it need not depend on the BJP for the formation of government. It does not want to be viewed only as a Jat Sikh/rural based party though it has so far retained this core support base.

As the available party literature shows, there has been a shift from Panthic agenda to development agenda in the state. Political-economic issues are replacing ethno-religious issues. The victory of AAP in 4 Lok Sabha seats in 2014 elections was another testimony of the demise of Panthic agenda in the state and the consolidation of the 'peace agenda'/'development/good governance agenda'. This changed agenda had favoured the AAP to register its victory in the state. During the election the burning issues were drug problem, unemployment, corruption, power of sand mafia etc. AAP raised its voice against these issues. Drug was the major issue which was raised by AAP with full intensity. It was followed by the victory of the Congress party in state.

So the question which arises is will the development agenda which was initiated by the Akali party will lead to change the fate of party in future elections in the state?

Bibliography

- Grewal J. S. (1998): 'Sikh Identity, the Akalis and Khalistan' in J S Grewal and Indu Banga (ed.), *Punjab in Prosperity and Violence*, New Delhi: K K. Publisher.
- Jodhka, Surinder S. (2000): 'Punjab: Decline of Identity Politics', *Economic and Political Weekly*, (March 11), Vol. XXXV, No. 11, pp. 880-882.
- Jodhka, Surinder S. (2005): 'Return of the Region: Identities and Electoral Politics in Punjab', *Economic and Political weekly*, Vol. 40, No. 3, (January 15), pp. 224-230.
- Kumar, Ashutosh (2004), Electoral Politics in Punjab: Study of Akali Dal, *Economic and Political Weekly*, Vol. 39, No. 14/15 (April, 3-16), pp. 1515-1520.
- Kumar, Ashutosh (2009): 'Punjab Dissonance between Governance and Electoral Process', in *Electoral Politics in Indian States: Lok Sabha elections in 2004 and beyond*; Sandeep Shastri, K.C. Suri and Yogender Yadav, (ed) New Delhi: Oxford University Press.
- Kumar, Ashutosh and Jagroop Singh Sekhon (2014): 'Punjab towards Consolidation of Bipolar Polity' in Suhas Palshikar, K C Suri and Yogendra Yadav (eds) *Party Competition in Indian States: Electoral Politics in Post-Congress Polity*, New Delhi: Oxford University Press.
- Singh, Ajit (2005): *Shiromani Akali Dal Religio-Political Study (1947-90)*, Kapurthala- India: Armaan Publications.
- Singh, Dalip (1981): *Dynamics of Punjab Politics*, New Delhi: Macmillan India.
- Sekhon, Jagrup S. and Ashutosh Kumar (2014): 'The Real Star in Punjab is Aam Adami Party', *The Hindu*, May 25, p. 9.
- Suhas Palshikar (2014): 'A New Phase of Indian Polity', *The Hindu*, Thursday, May 22, p. 7.

Manifesto's

- Shiromani Akali Dal, Election Manifesto 1997, '*Common minimum programme of SAD-BJP 1997*', Shiromani Akali Dal, Chandigarh.
- Shiromani Akali Dal, Election Manifesto of SAD- 2002, '*New Agenda and Promises*', Shiromani Akali Dal, Chandigarh.

Shiromani Akali Dal, Election Manifesto 2007-2012, '*Committed for Better Tomorrow (Raj Nahi, Seva)*', Shiromani Akali Dal, Chandigarh.

Shiromani Akali Dal, Election Manifesto 2012-2017, '*Development for All*', Shiromani Akali Dal, Chandigarh.

Traditional Governance in Practice: Findings from Two Tribal Districts of Odisha

Bishnu Prasad Mohapatra

Abstract

This paper reviews the functioning of the traditional governance system and institutional arrangement in the two districts of Odisha. It tries to shed light on the institutional arrangements and functioning of these institutions, the leadership pattern and interfaces of these institutions with the Panchayats in the districts. It reveals that these institutions form an important aspect of the village governance system despite the institutionalisation of Panchayats. Their role in influencing local level decision-making processes, resolving local disputes, protecting customs, traditions and cultural practices and fostering local economic development are observed in many cases. Further, despite the institutionalisation of the three-tier Panchayats, these institutions are still upholding their importance in the polity and economy of the tribal villages. However, the functioning of these institutions and decision-making process has gone through many changes in the context of the functioning of the Panchayats, though such changes have not affected entirely the importance of these institutions.

Words: Traditional Governance, Institutions, Panchayats, Tribal Villages

1. Introduction

The traditional governing institutions such as the village councils and the caste councils have become an important instrument of promoting effective and transparent village self-governance system in Odisha despite the institutionalisation (institutional arrangement) and functioning of the Panchayati Raj Institutions (PRIs). These institutions are strongly linked

with the cultural, social, religious, political and economic matters of the people of the villages, both the tribals and the non-tribals. In the case of the tribals, these institutions still occupy a prominent position in the social, cultural, political and economic life of the tribal people and their villages. While the social and cultural functions have continued since time immemorial, the political and economic functions in many cases are observed more explicitly in the recent period, in particular after the extension of the Panchayats in the tribal areas (as per the PESA Act, 1996). The political and economic role of the tribal village councils and the caste councils are observed in the form of fostering peoples' participation in the local democracy and decision-making processes, discussing development plans and programmes in the councils' meetings, and supporting PRIs for achieving their overall socio-economic development agenda. The process of interface between the traditional council leaders and the Panchayat leaders is also to some extent influenced the functioning of Panchayats in a positive way. However, increasing competition among the leaders of these two categories of institutions to control the polity and the economy of the tribal villages also created tension in some cases. Notwithstanding this, the tribal leaders of these institutions are still upholding their significance as the actual leaders of their villages and playing a key role in the matters of the village governance system despite the presence of the elected Panchayat members (Sarpanch and the Ward Members). It is on this basis, this paper tries to trace the institutional arrangement and functioning of the traditional governing institutions in two districts of Odisha such as Sundargarh and Koraput based on a empirical study.

2. Objective and Methodology

The main objective of this paper is to examine the functioning of the traditional tribal governance system and institutional arrangements in Odisha while focusing on how and to what

extent the modern Panchayats have been influenced (positively and negatively) by the functioning of these institutions in the era of decentralisation. The study reviews the case of 16 tribal villages in Sundargarh and Koraput districts of the State. Based on field level observation, Focus Group Discussions (FGDs) and in-depth discussions, this paper tries to highlight the three key features of traditional tribal governance system and functioning of the institutions (councils) such as (I) the institutional arrangement and functioning of the councils, (II) the Village/Caste Councils and pattern of leadership, and (III) interfaces of the tribal councils and the Panchayats and their overall implications on functioning of the traditional tribal governance system in the study villages. It argues that these councils still occupy a prominent place in the matter of managing village governance in the tribal areas and have contributed positively towards the functioning of the Panchayats, despite the occurrence of conflicts and contestation in some cases.

3. Key Findings and Discussion

3.1. Institutional Arrangement and Functioning of the Councils: The institutional arrangements of the traditional tribal self-governance system shows that the traditional village councils and the caste councils are the two major institutions in all the 16 sampled villages though there are functional variances. It further shows that the 'caste councils' (*the Samaj*) are quite visible in all the 8 sampled villages in Sundargarh district and the 'Village Councils' (under a village headman) are quite visible in all the 8 villages in Koraput district.

In the sampled villages of Sundargarh district, *the Samaj* are quite active in managing the overall socio-cultural matters of their respective caste/tribal group. In these villages, the various types of tribals such as the *Oram*, the *Bhuyan*, the *Gond*, the *Paudi Bhuyan*, and the *Kissan* have their *Samaj* such as the *Oram Samaj*, the *Bhuyan Samaj*, the *Gond Samaj*, the *Kissan Samaj* and the

PaudiBhuyanSamaj which are the highest decision making bodies of the respective caste/ tribal groups. These institutions are institutionalised at the various levels, such as village level, intermediary level and district level. Each *Samaj* is managed by a tribal headman, who is a deeply respected person. These institutions are functioning within their respective caste members. So in all the villages, there is no unitary village level council and the role of the caste or group leaders is confined within their respective caste or social group only. However, in any common matter of the village, these leaders usually sit together and take the decision collectively, which sometimes create conflicting scenario. In the context of changing political-economy, these institutions are found to be quite aware about such changes that have taken place within their own groups and their villages.

In the case of Koraput district, the functioning of the traditional tribal self-governance system and institutional arrangement is quite different from Sundargarh district. The main reason behind such difference is the prevalence of the homogeneous tribal groups in the villages and the existing socio-cultural set up. In Koraput, the concept of a traditional village council under the village headman is quite strong and these councils play a greater role in the socio-cultural and politico-economic matters of the villages. Though there are various non-tribal groups living in the villages, but they also have a great amount of regards towards the tribal dominated village council and its institutional arrangement. In all the 8 sampled village councils, the headman belongs to the Tribes, that of a particular tribal groups, either from the *Perajas* or from the *Gadabas*. In each village, there are two persons such as the village priest (*Disari*) and the village communicator (*Bariki*), those who are the part of the functioning of the Village Councils.

Each council has a unique pattern of institutional arrangement, though there are functional differences observed among these institutions in the sampled villages. The functioning of these

institutions in Koraput district was found to be more informal in nature and based on the traditional value system like mutual trust and cooperation. But in the case of Sundargarh, on any issue related to the socio-economic and cultural matters of the village, the caste councils' leaders usually take decisions collectively which sometimes leads into conflicting situation. This is because of the prevalence of multi-social tribal groups (heterogeneous groups) and competition among them to control the overall governance system of the village.

In the matter of the functioning of these councils, it was observed that the participation of people forms an important part of the functioning of these institutions in both the districts. On the meeting days¹, one member from each tribal household usually comes to attend the meetings, though there is a restriction for the women in the meetings. In these meetings, the discussion usually takes place on the socio-cultural issues such as organisation of festivals, celebration of various rituals, settlement of disputes related to caste such as inter-caste marriage, inter and intra caste conflicts, performing of various religious practices such as the *Puja*, the *Parab*, the *Jatra* and the overall matters related to caste or social groups.

However, in the recent period, the meetings of these councils and issues that used to be discussed in these councils had witnessed a change. Apart from the socio-cultural issues, the development issues were also figured out in the process of discussion. Our interaction with the various tribal leaders in the sampled villages revealed that, issues related to education, health, drinking water, forest conservation and plantation, child marriage, migration and various development

¹The meetings of the tribal self-governing institutions usually takes place before the time of observing various festivals (*Pujas, Parabs and Jatras*) to decide the manner, date and timing of organisation of these festivals.

programmes are being discussed in these meetings which show the changing nature of these institutions.

The issues related to the functioning of the Panchayats are also discussed in the council meetings in various villages. The issues such as planning for villages through the Palli Sabhas and the Gram Sabhas, selection of beneficiaries, management of village forests, issues related to liquor, related to migration and issues related to implementation of various schemes and programmes of Panchayats is sometimes discussed in these meetings considering the importance of such issues. But the issues related to Panchayats are not discussed frequently in these meetings.

3.2.The Village/Caste Councils and the Pattern of Leadership

The leadership at the village level, at the level of various traditional tribal institutions and at the Panchayat level forms three important components of local level leadership which was found during the process of data collection. Apart from these three components of leadership and categories of leader (village leader, council leader and Panchayat leader), there are also leaders of the various formal and informal institutions such as the leaders of the Self-Help Groups (SHGs), Clubs, Farmers' Groups, Joint Forest Management (JFM) and Community Forest Management (CFM) Committees, Village Health Committees, and Village Education Committees/School Committees. However, since one major aspect of this study was to understand the nature of the functioning of the leaders of various traditional tribal institutions and how these leaders are involved with the functioning of the Panchayats, so based on this, the data collection process was aimed at unravelling the functioning of these categories of leaders and their interface with the elected PRI Members (particularly the Ward Members and the Sarpanches). We further focused on to understand the role of the traditional leaders and the PRI

Members in the overall matters (Social, Economic, political and cultural) of the villages and their present position in the policy and the economy of the villages.

The overall trend shows that the introduction of the Panchayats in the study areas has not diluted the importance of the traditional leaders as majority of the respondents acknowledged the importance of these leaders in the villages. The introduction of Panchayats has rather created many new leaders in the tribal villages. Many traditional tribal leaders have also become part of the Panchayats. In this case the provision of seat reservations for Tribals at the various tiers of the Panchayats has also contributed positively towards enhancing their degree of political participation and leadership quality. (FGD Note). Many traditional tribal leaders, those who have become members of the Panchayats acknowledged the provision of seat reservation which has helped them in contesting elections and projecting them as the future leaders of the Country. (Field Note/In-depth interview)

3.3. Interfaces of the Tribal Councils and the Panchayats:

A main aspect of interface that was observed through this study is the nature and degree of the participation of the traditional tribal councils and the caste councils in the functioning of the Panchayats. The nature of participation of these councils in general and leaders of the councils in particular in the various matters of the functioning of the Panchayats in sampled villages was observed positive as well as negative, collaborative as well as contesting and individualistic oriented as well as institution oriented. The traditional tribal village councils and the caste councils have become instrumental in promoting peoples' participation in the functioning of the *PalliSabhas* (Village Assembly) and the *Gram Sabhas* (Panchayat Assembly) in the study area. This study in the various stages of data collection also revealed positive interface between tribal

councils and the *PalliSabh*as in many cases, despite some degree of conflict and confusion (Field Note).

A main indicator taken on measuring the degree of interface between these two institutions was to understand the degree of the participation of the council leaders in the *PalliSabha* meetings and issues raised by these leaders in these meetings. On this issue it was revealed that a majority of respondents have observed the participation (physical presence) of the council leaders in the *PalliSabh*as (Village Assembly) and issues raised by these leaders on various issues pertaining to their villages and their castes. In this context it is worth to be mentioned that the nature of participation of these leaders in *PalliSabh*as was based on various socio-political attributes such as availability of the these persons at the time of *PalliSabh*as (timing factor), nature of their relationship with the PRI Members (social relation), and understanding the overall socio-economic issues of their respective village and how those issues can be channelised through *PalliSabh*as (level of awareness and personal interest). Their participation also varied from one place to place (geographic variance), from one meeting to another (institutional variance) and from one person to another person (personal variance). However, their participation in the meetings of the *Gram Sabhas* was not quite encouraging because of various reasons like distance of the *Gram Sabha* venues² from their villages.

Further, the participation of the council leaders in the matters of implementing various socio-economic development programmes of the Panchayats was also observed in the sampled villages. In many cases (11 out of 16 sampled villages) the council leaders and the Ward

²The Gram Sabha meetings usually take place at the Panchayat offices which are far away from the many remote villages.

Members are involved closely on various development matters of the villages. On the issue of socio-economic development of the villages and involvement of the council leaders, many of them pointed out that the Panchayat leaders usually take the suggestions of the traditional institutions and the traditional leaders at the time of planning for and implementation of the various development programmes.

The perception of the respondents about the functioning of the traditional councils and the Panchayats also in many cases reinforced the degree of interface which was observed through this study. The respondents in all the sampled villages were observed to be more aware about the fact that the Panchayats' main work is to promote socio-economic development programmes while the traditional councils' main work is to look into the socio-cultural matters of the villages and their respective groups.

The caste factor in some cases (3 villages) was also observed as reinforcing the degree of interface. While interacting with various traditional leaders, they highlighted that 'the caste of the elected PR Members usually reinforce the degree of interface' between the two leaders (ward members and the traditional leaders) in particular and the two institutions in general. (In the sense that if the Panchayat members and the traditional leaders belongs to a same caste, the relationship is believed to be more positive). In the case of one study village in Koraput district it was revealed that the nature of interface between the village council head and the ward member was extremely contesting because of the caste affiliation of the two leaders (the traditional leader was from ST category and the Ward Member was from SC category). However, caste was not a factor in determining the degree of interface in all the cases.

However, in some sampled villages (5 of the 16 villages) there was a tension observed between the traditional leaders and Panchayat members because of the rapidly changing role of both the categories of leaders and increasing competition among them to control the political-economy of the villages. In this case many traditional leaders have a feeling that the elected PR Members are the real leaders of the village and this has taken place in the context of the institutionalisation of Panchayats. While discussing with the various traditional leaders in Koraput, it was revealed that because of the presence of the Panchayat leaders such as Sarpanch and Ward Member, many traditional leaders have lost their importance. Earlier (before the introduction of the Panchayats) the traditional leaders used to manage the overall affairs of the villages. During the Princely rule, they were part of the revenue collection system. As a part of this, they were responsible for the collection of land revenue (*sistu*). Even they were also part of the village justice system. But now things have changed. The functions and importance of these leaders have been diluted in the course of the emergence of the modern Panchayat. (Field Note, Koraput). However, this was not the case in all the study villages. In majority of the villages our interaction revealed that ‘there is a positive interface between the traditional leaders and PR Members’.

4. Conclusion

The study conducted in two tribal districts of Odisha presents the changing nature of the traditional village councils and the caste councils in the tribal areas in the context of the changing polity and economy of the villages. In many cases, these institutions have become an important instrument of stimulating the socio-economic and cultural system of the people, in particular the tribals, despite the existence of the Panchayats. These institutions have been influencing the functioning of the Panchayats in a positive way, despite various modes of contestations observed in various sampled villages. In the context of the functioning of the PRIs and increasing

involvement of these institutions in the matters of local governance and economic development, these councils have also faced multiple challenges, but these challenges have not paved the way for their extinction.

Confronting the ‘Congress System’ in West Bengal: Electoral Strategies of the CPI in the 1950s¹

Arun K Jana

Abstract

At the time of Independence Communists support in West Bengal was highly uneven across districts and among classes. It was largely confined to the working class areas in and around the capital, Calcutta. When the CPI decided to contest the West Bengal Assembly elections in 1951 it was not the only Left party which contested. There were several other that competed like the Revolutionary Socialist Party (RSP), the two factions of the Forward Bloc, the Bolshevik Party of India etc. In the 1957 elections however the number of Left parties that were in the electoral fray declined. The CPI clearly emerged as the leading Left party in the state by 1957. The electoral strength and support of the CPI went on increasing from 28 seats with 10.76 percent of the votes in 1951-52 to 46 seats with 17.81 percent of votes in 1957. Its performance in the parliamentary elections in the state was also remarkable. Out of the 15 seats which it won in the country as a whole in 1952, 5 were from West Bengal. In 1957 the state supplied 6 of the 27 members of the party which were elected to the Lok Sabha. This electoral as well as the social expansion of the CPI in the 1950s is remarkable considering that the Congress like elsewhere in the Country enjoyed dominance in the state in the 1950s and early 1960s. How was the CPI able to expand its social base in the state in the 1950s? What strategies it pursued to challenge the domination of the Congress in the state? These are the questions which the paper attempts to answer.

Keywords: Congress System, Communists, Strike, Movements, Working Class, Elections

1. Introduction

Although the CPI was born in the 1920s more than nine decades ago but it (including its offshoots) still remains a regional phenomenon. At the most the base of the India Left including the CPI today is limited to three states of the Indian Union, West Bengal, Kerala and Tripura. In West Bengal, the Left continued to rule since 1977 till its fall in 2011, in Kerala the Left had been in and out of power since 1957. In Tripura, it had also been in

¹ An earlier version of this paper was presented in the European Association for South Asian Studies (EASAS) Conference 2010 in the University of Bonn, Germany, 26- 29 July, 2010.

and out of power. In another state, Andhra Pradesh where the CPI had built a strong base in the 1940s and early 1950s it failed to develop and the Congress was able to eat away its social base by the 1960s. To Bhabani Sengupta its 'once strong base in Andhra Pradesh disintegrated largely because the urban-oriented undivided CPI rapidly lost ground as soon as the Congress party was able to identify itself with the linguistic sub-nationalism of the Telugu speaking elite' (Sengupta, 1972, p.136).

Even though the Left remained stagnant for a long point of time before its decline in West Bengal still there are a large number of studies on the Indian Left and more particularly on the Left in West Bengal. Out of all the studies on the Left in West Bengal, the literature on how the CPI and later the CPI (M) grew is the most neglected one. There are some that analyse how the CPI (M) grew since the second half of the 1960s till it finally catapulted itself to power in 1977. The studies by Dasgupta (1973), Franda (1971), Rudd (1994), Ghosh (1981), Mukhopadhyaya (1985) etc. are the most interesting of all. The studies however do not focus on the period of the 1950s but concentrate on the second half of the 1960s. Let us not go into the details of these studies. The present study covers a part of the Left history. It looks at how the CPI grew in the state of West Bengal in the 1950s with a focus on its electoral expansion. We are primarily concerned with how; the CPI confronted the 'Congress System' in West Bengal in the 1950s and how it was able to expand itself?

2. The Left in West Bengal

Even though the Communist party in Bengal was born in 1921 it became a significant force in the province only in the late 1930s. To Franda during the 1930s a large number of *bhadralok* terrorists were recruited by the CPI in the jails. These terrorists were active in the province since the partition of Bengal in 1905. Later on many Bengali intellectuals belonging to the same *bhadralok* background in Calcutta and the neighbouring industrial centres joined the party and swelled its ranks. It had a steady growth since then but the partition affected its membership severely since the Bengal CPI got divided as a result of the partition of the country and the province. Franda estimating from various sources found that in 1934, the membership of the CPI was only 37 but it grew to 1000 in 1942 and to almost 20,000 members in 1947. After partition the membership strength was 10,000 in 1947 which grew to 12,000 members in 1954 and to 17, 600 in 1962 (Franda, 1973, p.190).

The Left in West Bengal in the 1950s was a fragmented force. The sources of Left fragmentation were two. Firstly although the CPI was the main representative of the Indian Left there were several other organisations, small, but had a foothold in the state. The RSP for example, was formed in the early 1940s and the SUCI was formed after a split in the RSP in the summer of 1948. The Revolutionary Communist Party of India (RCPI) and the Bolshevik Party were formed in the late 1930s. The Socialists also had a considerable support among the industrial working class in the state. Secondly, the CPI, the main Left force in the state as in the country was also not a united force but had two wings within it out of which the radical or extremist wing was the most vociferous and the

dominant one. By the time of the Burdwan state Conference of 1959 the radical wing was able to elect their man, Pramod Dasgupta as Secretary who took over the charge from Jyoti Basu who was reluctant to serve another term (Mallick, 1994, p.27).

Conventional accounts of the CPI in West Bengal attempt to demonstrate that the party had a considerable presence among the working class and the middle class intelligentsia in the state in the early 1950s (see for example, Ray, 1984). This is only partially true. Among the working class it had a presence but not a very strong one. In the early 1950s, the AITUC, the trade union wing of the CPI claimed a membership figure of 758,314 members from 736 unions in the country. Though the figures were inflated but out of these members most of them came from Bengal and from Madras. It had some presence and this can be made out from some additional facts. Firstly in 1946 two members of the CPI were elected as MLAs. Out of the two one was Jyoti Basu who was elected from the Railway constituency since he was active in the All India Railwaymen's Federation (Mallick, 1994). Secondly it can also be made out from the victories of the CPI which secured 28 seats in the 1951-52 elections and most of the seats came from the urban industrial belt of the state. Out of all the industries, the Communists were most active in the jute industry, the largest of the industries in West Bengal during then. The Indian Jute Mills Association (IJMA) in 1950 reported that the Communist unions 'with the object of dislocating the industry, took advantage of certain sectional grievances in mills and by systematic propaganda succeeded in bringing about considerable dislocation in the normal working of several mills. Throughout the year there has been a spate of pamphlets castigating employers, Government and non-communist unions, and workers were being incited to resort to violence and lawlessness'. It stated further that despite 'such propaganda, the attempts by the AITUC to stage a general strike on two occasions, viz. in 9th March in sympathy with the railway and postal strike and on 8th November as a protest against the sealing of looms and weekly closures, failed to evoke any response from the jute mill workers' (IJMA, 1950, p.56).

All this in fact suggest that the Communists were active in the trade union front and were able to build their presence in the industrial belt of the state in the early 1950s. Even though this was true but at best the presence was only a marginal one. Everything indicates that the CPI was also not a very stable force even in the working class front. This can be made out from three facts. Firstly when the split occurred in the All India Trade Union Congress (AITUC) in 1947 a large section of the workers in West Bengal left the AITUC for the INTUC. This was admitted to by the party in its reports later. For example a party document stated 'In 1947 it was the Congressmen and socialists who started new rival organisations and split from the AITUC. The communists never forced any political affiliation on the elections. The Bengal INTUC split on this issue from the central body' (CPI, Report on Trade Union Front, 1952). Another note that was circulated by some prominent members of the CPI who criticised Left sectarianism also pointed out to this

problem confronting the AITUC.² Secondly when the Socialists established the Hind Mazdoor Sabha (Indian Labour Organisation) in December 1948 by splitting the AITUC, the HMS enjoyed a considerable support among the workers in the state. The HMS was in fact born in Howrah near Calcutta which indicates that the Socialists in the AITUC were quite strong within the organisation (see, Masani, 1956). Thirdly the United Trade Union Congress (UTUC) which was born in 1949 and came under the control of the Revolutionary Socialist Party (RSP) enjoyed considerable support among the working class in Bengal. Its membership of 384,962 workers in 1952 was divided among 332 unions in India and was concentrated almost entirely in West Bengal and Madras (Ornati, 1954).³ Fourthly the INTUC also had a strong presence in West Bengal and much of its members came from the Bengal jute industry. Finally one also notes that trade unions controlled by or affiliated to the CPI in some of the crucial industries like the jute industries were not stable ones. Indrajit Gupta who was the General Secretary of the Bengal Chatkal Mazdoor Union (BCMU) affiliated to the AITUC speaking in a convention of the AITUC in Calcutta in 1952 stated that in the Jute industry, the biggest industry in West Bengal 95 percent of the workers in the industry were not organised in any trade unions.⁴ Earlier in a similar manner a Government Enquiry Committee in the same industry had found that only 18 percent of the workers out of over 2.6 Lakhs were members of unions in the industry.⁵

Now let us turn to the main concern of the paper. Since the paper is concerned primarily with the question of how the CPI confronted the 'Congress System' in West Bengal in the 1950s during the course of its expansion let us briefly have a look at the 'Congress System' in the state.

3. The 'Congress System' in West Bengal

Before we come to the state of West Bengal let us look at the concept of 'Congress System' in India. It was Kothari who in 1964 coined the term 'Congress System' to categorise the Indian party system which was dominated by the Congress party.⁶ To him, the Congress party was based on a broad consensus and was able to accommodate diverse interests and factions. The factions competed with each other but usually it reached compromises without breaking down the system. Opposition parties worked outside the

² The note however pertains to the problem of the CPI at the national level. The note was circulated by Ajoy Ghosh, S. A. Dange and S. V. Ghatge on 30.09.1950. The note was submitted to the Central Committee for circulation among its ranks.

³ Oscar Ornati, Indian Trade Unions Since Independence, Far Eastern Survey, August, 1954.

⁴ Gupta, Indrajit, Capital and Labour in the Jute Industry, All India Trade Union Congress, Bombay, 1953.

⁵ S. R. Deshpande, Report on an Enquiry into conditions of labour in the jute mill industry in India, Delhi, 1946.

⁶ Jones also called it a 'dominant party system' that is a multiparty system, in which free competition among political parties occurred but it was the Indian National Congress that enjoyed the dominant position both in terms of the number of seats which it held in the parliament and the state legislative assemblies and in terms of immense organizational strength (Manor, 1980).

system and used factional leaders of the 'Congress Party' for influencing policy decisions. They acted more as pressure groups and created informal alliances with factional leaders of the Congress. To him the Congress System showed remarkable flexibility in withstanding pressure from its own ranks and also from outside. Very often the programs, the policies, the personnel's of the opposition parties were absorbed by the 'Congress System' (Kothari, 1964). All these to Kothari strengthened the party system in India.

The dominance of the Congress extended to the states as well. Till the fourth general elections state party systems in India like that of the national party system was dominated by the overwhelming presence of the Congress party. The most important reason for its domination was the organisational strength of the party at the state level. At the state level the Congress had a well-developed organisation extending from the village level and the most important fact was that the state units of the Congress were autonomous from the central Congress leadership on several matters. They were free to take decisions of their own. The central leadership did not intervene in the matters of the state unit.

In West Bengal the dominance of the Congress was rather built from 1951 onwards. It appears as if the Congress had lost some of its support particularly in the 1940s in the state.⁷ The decline in the support of the Congress was reflected in the 1951-52 elections. In 1952 even though the Congress had secured 63.02 percent of seats but it had secured only 38.82 percent of votes which was much lesser than the national average for state assemblies. The Congress could actually capture 150 out of the 238 seats with only 38.82 percent of votes. It was only in the 1957 elections that the Congress was able to secure 46.14 percent of the votes and 152 seats which was 60.31 percent of the total seats in the Assembly. In 1962 the percentage of votes of the Congress increased further to 47.29 percent which helped the party to win 157 seats which was 62.30 percent of the total seats.

In this period there was a steady increase in the percentage of votes and seats of the CPI but it seems that it did not come at the cost of the Congress votes or seats since the Congress did not lose much of its seats. It gained both in terms of seats as well as in terms of the percent of votes polled. Its percentage of votes increased in the course of the first three elections. But the increase in the number of seats and percentage of votes as we will see was not at the cost of the Congress but rather it was at the cost of the other Left parties and independents to which we will turn now.

4. The CPI in West Bengal: Immediately After Independence

The CPI after Independence more particularly in the early 1950s was known to be divided into two main factions. The condition of the party in the trade union front in which it had some presence in the country as a whole was not a good one. This is what was revealed by Ajoy Ghosh, S.A. Dange and S.V. Ghate in a note 'A Note on the Present Situation in our Party' which was submitted to the Central Committee of the party on 30.09.1950 that

⁷ The Congress had lost its support particularly because of the partition of Bengal which meant a good percentage of the land and population went out of the state. Hence it would be wrong to suggest that the dominance of the Congress in West Bengal after Independence was built around the legacy of nationalism.

requested it to circulate it in the ranks. The note criticised the Left sectarian and adventurist policies of the leadership in the last two and half years and argued that this was largely responsible for the present condition of the party. It alleged that the party membership had fallen from nearly a hundred thousand to barely 20,000. In this front the most serious problem was in industrial cities and areas where the main strength of the party was. In Tamil Nadu (in Madras Province) the membership was down from 5000 to 200. It further revealed that in many of the important working class centres of the country the bulk of the party workers had gone out of the party or were inactive. It also held that the 'trade unions led by the party are in a state of complete paralysis and stagnation'. To it the real membership of the party was no more than a hundred thousand even though officially it has been stated as eight hundred thousand which existed two years back. Similarly to it in the peasant front the party had also suffered erosion. The peasant unions to it had been wiped out throughout the country except in Bihar, UP and Bengal. It held that 'the party is not today leading a broad peasant movement anywhere'. Even though what had been stated was not the official position of the party but the note by important party leaders indicate that all was not well with the party so far as its membership and support base was concerned. The situation was slightly better in West Bengal and this was revealed when the elections took place.

5. The CPI and the Elections of 1951-1952 in West Bengal

Under this situation the party decided to contest the first general elections of 1951-52. The dates of polling in West Bengal were notified in West Bengal constituencies for both the parliamentary and assembly constituencies. All the dates were in January 1952. The CPI had released its national level election Manifesto on the 6th of August 1951 after the Congress had released its own.⁸ The Congress manifesto which was a 12-13 page document adopted at the Bangalore meeting of the All India Congress Committee in July 1951 promised several drastic measures to the electorate in free India. It promised the implementation of land reforms 'to free the land from the burden of old and outdated agrarian systems of tenure'. It held that the 'abolition of Zamindari, jagirdari and the like must be rapidly completed. Security of tenure and fair rents should be assured to tenants and tillers of the soil'. It felt that the 'condition of agricultural labour should be improved, especially in the lower wage pockets'. It also felt that 'the burden on land of too many people subsisting on it has to be reduced by the diversion of part of this population.' It also promised to achieve economic equality and social justice along with economic progress (AICC, Election Manifesto 1951).

Unlike the Congress Manifesto, the CPI Manifesto which was a much lengthy document began with an attack on Congress rule in the last five years out of which four years were after independence. The CPI began its attack by stating that Congress rule had brought the 'country and our people to the verge of disaster'. It considered the government, the government of national betrayal. It felt that the 'vast mass of peasants, the bulk of our

⁸ Many of the provincial units of the party brought out of their own Manifestoes based on the Central Manifesto. In West Bengal I am not sure whether it did brought out a provincial Manifesto or not but considering its strength it probably did.

people, continue to groin under the burden of rents, debts and taxes. The agricultural workers, the numbers ever swelling as a result of eviction drive of landlords, eke out a miserable existence unable to satisfy even their hunger. The condition of workers worsens every day-their wages lagging far behind the soaring prices.’ And all this was attributed to the failure of the Congress government. It charged the Congress by saying that the ‘leaders of the Congress have not won freedom for our country. They have betrayed our freedom struggle. They have allowed the foreigners and the reactionary Indian vested interests to plunder and loot our people just as they did in the past. They have themselves joined in the loot.’ It dubbed the Congress government as the government of ‘landlords’ and ‘monopolists’, a government of ‘lathis and bullets’ etc.

It criticised the attack of the Congress government on the ordinary people in West Bengal. For example it stated ‘In 1951 the people of Cooch Behar, asking for cheap rice, were greeted with murderous volleys whose echoes resounded in the whole land. The heroic youth of Calcutta, standard-bearers of hundreds of battles, were shot down scores of times to keep in power the corrupt ministry that rules West Bengal with the blessings of Pandit Nehru. Four women were killed by the police in Calcutta on a single day in 1949.’ In its attack it also criticised the suppression of the peasantry by the Congress government in West Bengal in the peasant uprising that took place in Kakwdip. It felt that the Congress government sided with the landlords in this peasant uprising. Because of all this it felt that the ‘Government has proved to be a Government of the enemies of the people of India. It has revealed itself to be a Government of landlords, princes and the most reactionary sections of the Indian capitalists who have betrayed their country to foreign imperialists for a mess of pottage’. It wanted therefore that the ‘Government must go’.

While providing an alternative, the CPI promised the masses, the establishment of People’s Democracy which will be a Government of all democratic parties, groups and individuals representing workers, peasants, middle classes and the national bourgeoisies that stands for genuine industrialisation of the country and for the freedom and independence of India’. It referred to its draft programme and promised to ‘break with the British empire’, ‘cancel peasants debts and transfer all lands and implements of landlords and princes’, without any price to the tillers of the soil, taking care to provide for the poorer sections of the landlords and without harming the interests of the rich peasant.’ It further promised to develop the industries of India with the aid of the nationalised capital and by enlisting the co-operation of the private industrialists who will be assured legitimate profits and protection of their interests’. It promised to ‘grant living wage to the workers, recognise their trade unions and the rights of collective bargaining, introduce social insurance at the expense of the State and capitalists against every form of disability, sickness and unemployment.’ It also promised to ‘protect the rights and interests of all minorities.’ It also promised to ‘eliminate all social and economic disabilities from which women suffer and help them to attain full freedom and equality’. It promised an alternative of a ‘People’s Democratic Government’ which to it will be ‘a government of the common people and not a government of the rich few.’ The government will do away with the whole existing structure of the State and with it the rule of the bureaucrats and

the police'. All organs of this People's Democratic State from the lowest to the highest will be elected by the people, be responsible to them and removable by them'. Finally it appealed to the people to rout the Congress, to make the 'people's candidate victorious' and to 'establish a people's government' (CPI, Election Manifesto of the Communist Party of India: 1952).

With all these promises the CPI entered into the first general elections of 1952.⁹ As has been stated above the CPI was not the only Left party that contested the elections. In West Bengal, the CPI had entered into the election fray with the Forward Bloc (Marxist) and had formed the United Front. There was also an agreement between the CPI and the Bolshevik Party. It however failed to enter into an alliance with the Kisan Mazdoor Praja Party (KMPP) in the state and had failed to enter into an alliance with the Socialists in the country as a whole. There was in fact a bitter rivalry between the Socialist Party and the Communist party as a result of which there was a considerable amount of vilification from Communist quarters (Masani, 1954). Apart from the CPI there were several others that were in the fray and almost all of them opposed the Congress party led by Nehru. Apart from the CPI, the Leftists included the Bolshevik Party of India (BPI), The Forward Bloc (Marxist Group), The Forward Bloc (Ruikar Group), Kisan Mazdoor Praja Party (KMPP), the Revolutionary Communist Party of India (RCPI), the Revolutionary Socialist Party (RSP) and the Socialist Party (SP). Thus out of the twelve political parties that participated in the elections ten had leftist leanings whereas two of them were Hindu Nationalist forces namely, All India Bharatiya Jana Sangh (BJS) and the Akhil Bharatiya Hindu Mahasabha (HMS). There were 614 independent candidates in the fray as well.

Even though the elections were a huge affair and there was enthusiasm but the important English newspapers of the time like the *Amrita Bazar Patrika* tended to ignore the Left altogether. There were only a few reports on the CPI's or other Left's election campaign. This was probably because no one had expected the CPI to pose any kind of challenge to the Congress. In contrast the campaign in the state by Shyama Prasad Mukherjee, the Jana Sangh leader received a lot of attention.

The Congress election campaign was led by Nehru and other state level leaders. So dominant was he in the campaign strategy of the Congress that one commentator remarked that the Congress campaign was 'a one man affair-Nehru, Nehru and more Nehru. He was chief of staff, field commander, spokesman and foot-soldier at one and the same time' (quoted in Guha, 2002, p.98). Nehru who arrived in West Bengal for a two-three day election tour on 31st December 1951 emphasised on inter community amity which he felt could only ensure the foundation of a strong and united India. He came to the conclusion that if Congress does not carry on the government and left it to smaller

⁹ The elections itself was a colossal affair in which 176 million Indians aged 21 or older, of whom around 85 percent were illiterate were to vote for 4,500 seats in the Parliament and more importantly for the Legislative Assemblies (Guha, 2002, p.96). In West Bengal the total number of elector's were 12489270 out of which 7443903 actually turned out to vote. There were 1374 candidates and the polling percentage was 42.23 percent.

parties the country would break down. He assured the people that the Congress government would set the country on the path of Progress inspite of internal disorders and difficulties (The Statesman, Calcutta, 1st January, 1952, p.7). In his speeches that he made he called upon the people of India to declare a war, not against any foreign power, but on poverty, and to consolidate their hard won freedom by concerted action. He wanted the people to come out of the orbit of sectarianism, and condemned communalism, provincialism, and caste barriers (Amrita Bazar Patrika, Calcutta, January 1st 1952, p.1). He further emphasised on the historical role of the Congress since its inception and said that the history of India of the last thirty years was the history of the Congress; and the history of the Congress of that period was the history of India. The Congress was the most powerful people of India by which they would win their economic freedom (ibid).

Important state level campaigners for the Congress were Atulya Ghosh the President of the West Bengal Pradesh Congress Committee and B.C. Roy, the Chief Minister of the state. Ghosh emphasised in his meetings that the Congress was contesting the elections with a well thought of constructive programme for building up the nation. He criticised the others by saying that the other political parties were mainly directing their energy in criticising the Congress. Similarly B. C. Roy in his addresses asserted that it is only the Congress that can lead the nation to prosperity (Amrita Bazar Patrika, Calcutta, December 29, 1951). He also urged the people to vote for the Congress because the Congress could ensure them a stable and powerful government to steer the country in this difficult period (Amrita Bazar Patrika, January 21, 1952, p.5).

The Left and the Right both criticised the Congress government and also Nehru. The Left in fact made a determined effort to convince the voters. One report in the ABP said that the Ultra Leftists had almost monopolised all the parks in Calcutta since the election process started. The RSP candidate for Parliament from North East Calcutta branded the Congress as the party of the vested interest and urged the people to vote for RSP candidates. The objective of the RSP to him was to fight from inside the legislature as from outside, against the Congress (Amrita Bazar Patrika, Calcutta, December 24, 1951, p.1). The CPI leader Muzzaffar Ahmed in a statement during the elections criticised some of the orders of the state government for facilitating the election campaigns of Nehru. To him all this indicated that the authorities have really no intention of ensuring free election in the state (Amrita Bazar Patrika, Calcutta, January 3, 1952, p.3).

The most interesting aspect of this election campaign was the note/letter that was issued by some prominent citizens of Calcutta on January 21, 1952 urging upon the people not to be misled by the Communist propoganda against the Congress. The note pointed to the misdeeds of the Communists. It said:

The CPI, the people of India cannot forget, allied themselves with the British to defeat the freedom movement of 1942. They tried to belittle Netaji by pointing him as stooge of the Japanese...They were the collaborator's of the British whose war efforts resulted in the famine of 1943 and took a toll of four million lives in

Bengal. Their hands are still tinged with the blood of millions of their countrymen.

The people of Calcutta will remember how in recent past they sought to paralyse the city life by making almost daily determined attack on the peace of the city. They burnt down tram cars, made attacks with bombs, bullets and brickbats in the city streets and brought about a situation when the ordinary working people find it risky to go about their daily life (Amrita Bazar Patrika, Calcutta, January 21, 1952, p.1&5).

Amidst this campaigning and counter campaigning the CPI and others were able to garner considerable support for themselves to which we will turn later. What needs to be pointed at this moment is that during the counting period when the first election results were pouring in, newspapers like Amrita Bazar Patrika published headline columns like ‘Communists routed in West Bengal’, ‘Leftists Forefeit Deposits’ ‘Electoral verdict against the Leftists’ etc. (The Amrita Bazar Patrika, January 21, 1952, p.1). All these reports highlighted the defeats of the CPI candidates at various places in West Bengal where counting was taking place. All this also indicated that the daily English newspapers had no sympathy for the Communists.

When the final results appeared it became clear that the CPI had emerged as the major opposition in the state. It had contested 86 seats out of which it could win 28 with 10.76 percent of votes. The KMPP had contested 129 seats out of which it could win 15 with 8.97 percent of votes next only to the CPI as an opposition. The Forward Bloc (Marxist Group) could secure 11 seats out of the 48 that it contested and could manage 5.29 percent votes. The most interesting feature of this assembly election was that the independents could secure 19 seats with 22.21 percent of votes hence the independents as a category was only second to the CPI. Interestingly even though the Congress had secured the majority of 150 seats but the vote percentage was only 38.82 percent which was much lower than the national average for assembly elections.

The CPIs seats came mainly from those constituencies that had a considerably working class population and this was obvious considering that the CPI was active mainly in the trade union/working class front in the late 1940s. Even though West Bengal’s industrial base particularly the jute industry suffered due to the partition of the country but the state was still the most industrialised state in the country with a huge workforce. ‘In 1946 West Bengal had a large number of factories and factory employees than in any other province in India’ (Bagchi, 1998, p.2975). In 1951 total employment in factories in West Bengal amounted to 6,54,901 (ibid.) Considering that there was a large workforce working in factory industries in the state out of which most of them were located in and around Calcutta the CPI was engaged in the task of mobilising this workforce even though it was weak in this front which we have seen earlier. Hence it was very natural that much of the

seats of the CPI came from constituencies that had a considerable presence of the working class and the middle class.

Thus out of the 28 seats that it won in the Assembly most of the seats came from the urban industrial constituencies and only a few from rural constituencies like the Ghatal (SC) Constituency. It won both the seats in the double member Ghatal constituency which was purely a rural one in Midnapore district of Southern Bengal. Similarly if one notes the performance of the party in the Lok Sabha one also note that almost all the seats that it won was from the industrial or urban constituencies and very few came from rural Bengal. Out of the five constituencies where it won four namely Serampore, Basirhat, Diamond Harbour and Calcutta North East were the constituencies which had a good section of the industrial workforce. Only Ghatal Lok Sabha seat in Midnapore district was a rural one which the CPI won. Out of the three other Left seats (RSP, 2 & HMS, 1) 2 were from the urban-industrial belt and Berhampore was a partly rural and party urban constituency.

It was however not simply that the CPI did well in all the constituencies where it had a strong support and it was active. It got defeated in some of its strongholds. For example, in Howrah town there were four constituencies out of which the CPI could win only 1 and the Congress could win 3. This was despite of the fact that in the municipal elections that had taken place almost a year ago the people of Howrah have voted the Communists and other Left parties to power.

The CPI was jubilant with the electoral results at the national level. It felt that the 'Communist party has emerged from the elections as a major force, as the most serious opposition to the Congress'. Commenting on its electoral performance in West Bengal it stated that in 'Bengal, the party won 30 seats of which 22 lie in Calcutta and in the adjoining districts of Howrah, 24 Parganas, Hooghly and Burdwan. Six seats were won in Midnapore. Party's base in Bengal, in many areas lies, as election show, mainly in the middle classes and not in the working class. In North Bengal, the arena of the Tebhaga struggle, the party failed badly. Even in Cooch Behar, which witnessed big food demonstrations and firing last year, the Congress won all the seats.' It also felt that the 'United Front embracing the Communist Party, Forward Bloc and the KMPP and covering the whole province could have inflicted a crushing defeat on the Congress. Such a front did not come about mainly due to the insistence of the KMPP on contesting too many seats. The Party was late in giving the slogan of an alternative Government and could not also develop a sufficiently strong unity movement.' On its weakness the party felt that the most 'serious weakness which the results of the elections showed is the weakness of the Party in the working class, the weakness of the trade union movement, the deep split in the working class'. It felt that except in 'some of our trade union bases of Tamilnad, in...and in predominantly Bengali working class areas of Calcutta and suburbs, we fared poorly in industrial areas. In most of the major industrial centres, the party failed to win seats'. It also felt 'Hindustani speaking workers of Bengal voted for the Congress'. It further felt that in order to become a national political force it must be a major political force in the industrial centres of the country (CPI, On the Results of the General Elections 1952 and the Tasks Before the Party).

Even though the CPI was jubilant people were probably surprised with the showing of the CPI in the elections in West Bengal. The surprise was revealed in different newspapers. Amrita Bazar Patrika while analysing the West Bengal Assembly Elections noted that ‘the Communist Party, coming out of the three year old ban which was held ultra vires by Calcutta High Court only 11 months –before the polling commenced here, surprised even its own estimates according to party circles by capturing 28 of the 79 seats it contested with the backing of 11.13 percent of the votes... (Amrita Bazar Patrika, February 15, 1952). The paper however expressed doubts whether it will play the role of an effective and constructive opposition in the Assembly or not?

Bijay Ratna Mazumdar in a short essay in the Amrita Bazar Patrika reported ‘the results of the general elections point unmistakably to the emergence of the Communist party as the largest single block in opposition to the Congress in some of the states...If this meant that the Communists would now lay aside their programme of destructive and lawless activity and follow constitutional methods for consolidating their position, it would not be a matter of any grave anxiety or concern. But this is far from being the case...It is indeed the very breadth of their existence to bring about chaos and confusion by every imaginable means. It is only in disorder and violence the Communists can create and propagate their influence. Their favourite cry is ‘Inquilab Zindabad’ which is to keep up indefinitely the misery, the confusion and the havoc which inevitably accompanies a revolution... (Amrita Bazar Patrika, Calcutta, February 13, 1952, p.4).

In the aftermath of the 1952 elections the CPIs support in the working class front and among the middle class seems to have increased though in the peasant front there was no appreciable increase in its strength or following. This was despite the fact that in April 1954 the Central Committee of the CPI had given the call to support the poor and the middle, and rich peasants against the landlords for land, for fixity of tenure and even for reduction of rent and to draw the agricultural labourers in this support. It held that the ‘party and the Kisan movement must vigorously take up and champion the immediate demands of the agricultural labourers, as well as their basic demand for land. It is only by taking up these demands of the agricultural labourers that we can draw them into the movement against landlordism, against the ruling class and for land, freedom, democracy and peace’ (CPI, Our Tasks Among the Peasant Masses, 1954). It therefore gave the call for organising the agricultural labourers even separately and also the peasants. But the Kisan Sabha in West Bengal seems to have failed in this attempt hence the party remained a party of the working and the middle class in the mid of the 1950s.

The party was able to extend its support among the middle class through different agitations in the second half of the 1950s. The two important agitations were; the movement against Bengal- Bihar merger of 1956 and the Teachers movement of 1957. Earlier in 1953 it had also led the Anti Tram Fare Increase Movement of 1953. The greatest movement out of all these was the Food Movement of 1959 to which we shall refer later. The Roy-Sinha statement issued on 23rd of January 1956 proposing ‘reunion’ of West Bengal and Bihar helped in the consolidation of the Left and Democratic forces in the state. Although the statement was welcomed in Bihar dominated by the Congress but

in West Bengal there was not much enthusiasm except among the Congress supporters. The Left, the CPI and the PSP opposed the move stating that if the proposal is given effect it would simply strangulate Bengal, its language and culture (Chatterjee, 1956). On 27th of February the Secretaries of the West Bengal and Bihar committees of the Communist parties in a joint statement in Calcutta condemned the merger proposal and advocated a settlement of the boundary dispute 'strictly on the basis of language and contiguity'. The Leftists decided to resort to 'direct action'. The parties united under the West Bengal Linguistic State Reorganisation Committee, started a civil disobedience movement in Calcutta on 24th February. The movement spread to all the districts of West Bengal. The movement even though was peaceful but 7,000 persons were arrested till the mid of April (Chatterjee, 1956). It was even though mainly an urban phenomenon restricted to Calcutta and Moffussil towns it was the most significant one that was launched by the CPI along with other Left parties in the state and it helped the CPI to expand its support among the middle class. The increase in this support was visible when the second general elections were held in 1957.

6. The CPI and the Elections of 1957 in West Bengal

The CPI released its national level election Manifesto in January 1957. The manifesto began with a bitter critique of the Congress government in the country. It alleged that the Congress government had betrayed its pledges. It felt that despite of the policies of the government 'old conditions persist'. 'Economically' the country remain backward and dependent, the public sector remains in a rudimentary state and weak, agriculture to it had remained primitive, dependent on the vagaries of monsoon, poverty and destitution stalked the land, rich had grown richer, national unity has got disrupted etc. Thus to the CPI the claims of the Congress that all sided advancement had been registered in the country in recent years cannot be substantiated by facts. The policies which the Congress had pursued were basically anti people.

The CPI promised that it will work for the task of reconstruction of the country. For national reconstruction it emphasised on radical and far-reaching measures that included the development of heavy and basic industries, the non-payment of compensation to Zamindar's, stopping of privy purses to princes, ensuring the working class it's just share in the wealth created by its labour, land to the tiller, ceiling on landholdings in the rural sector etc. The party pledged to do 'everything in its power to achieve unity among the Left and democratic forces in the coming elections and promised that it will put forward 'its own candidates in areas where it has a sufficiently strong mass base' (CPI, 1957). It appealed to the people to support it 'not merely on the basis of its programme but also on the basis of its work for the country and devoted service to the people' (CPI, 1957).

Much before the elections 5 major Left parties including the CPI and the PSP combined on common issues and decided to fight the elections united. The other parties were the RSP, FB and FB (Marxist). They launched a joint campaign. The joint campaign was inaugurated on the 12th of January 1957 by Dr. Praffula Chandra Ghosh the Chairman of the West Bengal PSP who was confident that the programmatic alliance brightened the prospect of forming an alternative government by the Leftists in WB after the election.

Ajoy Ghosh, the General Secretary of the CPI was also confident that they will win the elections. There were three points on which there was an agreement reached among the parties. These points were; introduction of an unemployment relief scheme, removal of the existing disparity among the minimum and maximum income and thirdly undertaking of responsibility of compulsory free education. Prafulla Chandra Ghosh also assured the people that if the Leftists could form a government in West Bengal it would be able to weed out corruption, nepotism now rampant in the administration. To him only a Leftist government could set the administration on the right line (Amrita Bazar Patrika, Kolkata, January 13, 1957, p.1).

The combination was called United Left Election Committee and they felt that the chance of coming to power in West Bengal for them was always bright. The CPI leaders including Jyoti Basu felt that even though the Congress would return to power at the centre but in West Bengal as matter stood the United Left Forces have bright prospect of winning the elections. This was because in West Bengal the Leftists (particularly the CPI) had come in contact with people of different walks of life-peasant, workers and middle class... (ibid). The Leftists also released a programme in which they attacked the Congress ideal of building a socialist pattern of society. To them the Congress was perpetuating production for profit and strengthening the monopoly capital, widening the economic disparities and frustrating the hopes of establishing real democracy. It stated that if it comes to power it could devote to (a) eradicate corruption and reforming administrative machinery (b) proper and quick rehabilitation of refugees (c) reform of educational system by introducing free and compulsory elementary education (d) separation of the executive from the judiciary (e) effective steps for reducing and gradually removing unemployment (f) distribution of all available land to landless agricultural labour and poor peasants, (h) fixation of highest and lowest salaries and such other measures to improve the standard of living (Amrita Bazar Patrika, January 19, 1957, p.5).

There was another alliance of the Left forces which came up and this was called the 'United Left Front' which comprised of 8 parties namely Socialist Unity Centre, Bolshevik Party, Democratic Vanguard, Bengal Provincial Forward Bloc, Communist League, Workers and Peasants League and Sadharantantri Dal. This front provided a critique of the Congress and the other Left alliance and claimed that their programme was the only genuine Left programme and argued that the Congress party was losing its popularity among the masses and hence it is increasingly resorting to its slogan of 'Socialistic' pattern of 'Society' which was nothing but a 'ruse' based on the knowledge of mass aspiration for socialism and end of exploitation (Amrita Bazar Patrika, January 9, 1957, p.3). It also criticised the alliance of the other Left parties and stated that it was reformist and had shown utter disregard to unity with other Left forces and lacked in any analysis of the basic problems of the society. To them it was negative and only a collection of slogans (ibid).

West Bengal went to polls from March 1, 1957 and the polling ended on the 14th of March. There were 252 Assembly seats for which 944 candidates contested. The United

Left Election Committee claimed that it had put forward candidates in 234 seats out of which the CPI decided to contest 103 seats. The PSP contested 67 whereas the Forward Bloc (Marxists) contested 26 seats. The special feature of this election was that the number of Left parties contesting was much lesser than in the 1951-1952 elections. Only three Left parties contested including the CPI. There is however a possibility that some of the Leftists must have contested as Independents and had used free symbols. The United Left Front claimed that it had put forward 45 candidates.

When the results were announced, as expected, the Congress had secured 152 seats out of 251 contested which was 60.31 percent of the seats with 46.14 percent of the votes. The CPI secured 46 seats out of the 103 contested which was 18.25 percent of the total seats in the state Legislative Assembly. Out of the seats that it won most of the seats were from the urban industrial constituency which consisted of a large section of the working class population and the middle class. There were only a few outside this industrial-urban working class seats that it won. For example it won from the Jore Bunglow constituency in the hills of Darjeeling. The CPI in all won 4 seats in North Bengal out of the 29 seats that belonged to this region. In some of the working class constituencies it secured more than 50 percent of the votes polled. It secured the highest percentage of votes from the Manicktola constituency in Calcutta where it secured almost 67 percent of the votes polled.

In its analysis of the elections, the CPI though was jubilant but it also recognised its limitations. In the extraordinary Congress of the party held in Amritsar in 1958 the party stated that ‘by polling 12 million votes, we have become the second party in the country not merely in terms of seats won but also in terms of votes secured. We have doubled our votes since 1951-52. We won the majority of the seats in the industrial areas and proved ourselves to be the single biggest force in the working class. We retain our position as the major party of opposition in the Indian parliament and in the State Legislature of West Bengal and Andhra’ (CPI, 1958). It stated further ‘This time we polled 23 lakh votes in Kerala, 19 lakh in West Bengal, 25 lakh in Andhra and over 10 lakh in Punjab.’ Commenting on its limitations in the state of West Bengal it said ‘...our influence varies considerably from area to area. In West Bengal, for example, where we are a strong force, our effective strength is confirmed to some districts. In other districts, influence is still meagre’ (CPI, 1958).

Even though the results reflected advancement in the sense that the party secured more seats and votes but a closer examination of the results reveals that the party was still confined to the urban middle class and the working class areas in the state. Its hold on the peasantry was very limited. It could contest only those seats mainly belonging to the urban industrial area but did not contest the majority of the rural constituencies considering that it had no possibility of winning the seats since it had no base in the areas. Hence the seats which it won and the seats which it contested all this demonstrate that the CPI’S base was growing but still was restricted to the urban and industrial areas in the state. The CPI could create this base by ‘organising urban protest movements by mobilising the white collar Bengali middle class bhadralok, the refugees, students and the

urban industrial proletariat' (Chatterjee, 1984). The CPIs presence in rural Bengal was negligible since it abandoned its militant strategy in the early 1950s and was moving towards becoming a parliamentary opposition in the country. Whatever support it had built in the countryside in the 1940s was eroded by the early 1950s and this had become clear when the first general elections were held in the country.

The CPI could build its rural base only with the food movement of 1959 in the state. The food movement is considered to be a turning point in the political history of West Bengal. This was a movement which was a wide movement and helped the CPI and also the other Left to increase their social base. It is with this movement the CPI enters-enters into the countryside. This was realised by the party. Reviewing the movement a year after, the party in 1960 felt that the West Bengal food movement, too, was massive in character with mass participation of the peasantry all over the State' (CPI, Work Report of the Secretariat of the National Council of the CPI from November 1958 to April 1960). The other protest upsurges by the CPI in the 1950s like the Anti Tram Fare Increase Movement of 1953, the movement against Bengal-Bihar merger of 1956 and the Teachers movement of 1957 were urban centred and did not help the CPI to enter into the rural areas of the state.

Shortage of food was a problem in the state since the transfer of power. The CPI held the food policy of the B. C. Ray led Government responsible for the food shortage in the state. For the Communist party Jyoti Basu, the leader of the opposition toured throughout the state covering the rural areas and warned the government of near famine conditions in the villages in 1956 and demanded that rice be provided at a subsidised price (Das & Bandyopadhyaya, 2004, p. X). The Left in West Bengal was in favour of fixing the price of paddy and rice by the new government, imposition of a compulsory levy of 25 percent on the products of the rice mills, levy on the jotedars owning 10 acres or more cultivable land, stringent measures against hoarders and black marketers and seizure of unauthorised stock of food, etc.

The movement started on 10th February 1959 and continued till the end of 1959. On June 15th a protest day was observed throughout the state and this was followed by demonstrations throughout the state on the 20th of June. On the 25th of that Month a successful state wide hartal (general strike) was organised. Later on civil disobedience movement was organised throughout the state particularly in various places firstly in Midnapore district and then in other districts of Hooghly, Birbhum, Burdwan, Nadia, Puruliya, West Dinajpur and other districts under the joint leadership of the CPI and the Price Increase and Famine Resistance Committee (PIFRC). The high point of the movement took place in August-September 1959 mostly in Calcutta where large meetings were organised and attempts were made on August 31st by the protesters to storm into the Writers Building. Police action followed, people were lathi charged and teargassed on the 31st night. The movement however was called off by the PIFRC on 26th of September.

During the entire course of the movement many died (estimates range from 30 to 80) and several others were injured.¹⁰

The movement was an important milestone in the development of the CPI in the state. The CPI while reviewing it held that the 'West Bengal food movement, it should be noted, had played a big part in focussing the country's attention on the food situation and in this the Communist Groups in Parliament used the forum quite effectively. It was in this background that the Food Minister A.P. Jain was forced to quit office.' There were several effects of the Food movement in the state the most important however was that the CPI was able to gain legitimacy before the masses in the state in urban as well as in rural areas. It could enter or reenter the rural areas. It was not only that the CPI was leading the food movement during the period; its trade union organisation was also active in the working class front. This can be made out from the report of the Chairman of the Indian Jute Mills Association for the year 1959, the association of the biggest industry in the state which was also the most powerful one. Commenting on the General Labour situation in the industry the chairman said:

With few exceptions, our labour worked well last year and relations on the whole were good, despite some provocative utterances from rather unexpected quarters. Although the number of man hours lost through strikes in 1959 was more than double that of the previous year, less than a quarter of the man hours lost were due to industrial disputes in individual mills. The remaining three quarters were a direct result of three general strikes, of which two were called by the Leftist Unions as a protest against the food policy of the state Government and thus had nothing to do with the industry at all. The third was called by the I.N.T.U.C unions, with the support of the other unions, on the 14th of December to press a Charter of Demands which had previously been presented to the industry, and which had formed the subject of bipartite negotiations between representatives of the Association and of the unions (IJMA, 1960, p. 2).

He further commented:

The federations of trade unions were dominated by political rivalries which influenced the attitude and activities of their component units. There was greater activity by the two major federations viz. the I.N.T.U.C. and B.P.T.U.C each trying to increase its influence by enlisting members but unions at the unit level affiliated to these federations still do not truly represent the workers, Individual unions, however, showed a desire to settle local disputes by direct negotiation but the presence of rival unions owing allegiance to different political parties often came in the way of reaching an agreement (IJMA, 1960, p. 55).

¹⁰ To the Government 30 people were killed where to the CPI 80 people died during the movement.

The report of the Chairman of the largest industry association in the state indicates that communists were active in the working class front as well although the most important programme which they spearheaded was the food movement in the state in 1959. Owing to these activities, the support of the party increased in the countryside as well. This increase was manifested when the elections were held three years later in 1962. The CPI could contest 145 seats which reflected that the party had expanded. The CPI could increase its seats both in the urban as well as in the rural areas. It won 50 seats out of the 145 contested. Its vote share also increased, it polled 24.96 percent of votes. The Left overall secured 72 seats out of the 252 Legislative Assembly seats which was a huge increase from its tally of 1957.

Summing Up

To sum up it can be said that though the CPI had made some progress in the country in the electoral front in the 1950s this was restricted only to a few states namely Kerala, Andhra Pradesh and West Bengal. We have seen that this was admitted by the party in its extraordinary Congress held in Amritsar in 1958. In West Bengal, the CPI confronted a Congress party which was relatively much weaker than it was in many of the states in the country. The CPI in the 1950s was a force to reckon with and it could increase its position mainly by leading urban and working class agitations in the state. It led the Anti Tram Fare rise movement, Teachers Movement and anti Bihar-Bengal merger movement which helped it in increasing its support in the urban areas and later it could penetrate into the countryside with the Food Movement of 1959. But the most important thing about the increase in electoral support of the CPI was that its expansion didn't come much at the loss of support of the Congress but it came mainly at the expense of the other Left forces and independents in the state. The support for the Congress also increased with every successive election till the 1962 elections.

Bibliography

Bagchi, Amiya Kumar (1998), Studies on the Economy of West Bengal since Independence, Economic and Political Weekly, November 21-December 4.

Bandyopadhyay, D. (2001), Tebhaga Movement in Bengal: A Retrospect, Economic and Political Weekly, October, 13.

Bandyopadhyay, Sekhar (2009), Decolonization in South Asia: Meanings of Freedom in Post Independence West Bengal, 1947-52, Routledge, London.

Broomfield, John (1982), Mostly About Bengal: Essays in Modern South Asian History, Manohar, New Delhi.

Chandra, Bipan (1983), 'A Strategy in Crisis' in Bipan Chandra (ed.), The Indian Left: Critical Appraisals, Vikas Publishing House, New Delhi.

Chatterjee, M.N (1956), West Bengal-Bihar Merger: The Developments in Bihar, Indian Affairs Record, Vol. II.

Chatterjee, M.N (1956), West Bengal-Bihar Merger: The Developments in West Bengal, Indian Affairs Record, Vol. II.

Chatterjee, Rakhahari (ed.), 1985. Politics in West Bengal, World Press, Calcutta.

Chatterji, Joya (2007), *The Spoils of Partition: BENGAL AND INDIA, 1947-1967*, Cambridge University Press, Cambridge.

CPI (1997), *Election Manifesto of the Communist Party of India: 1952 in Documents of the Communist Movement in India, Volume VII (1952-56)*, National Book Agency, Kolkata.

CPI (1997), *Election Manifesto of the Communist Party of India: 1957 in Documents of the Communist Movement in India, Volume VIII*, National Book Agency, Kolkata.

CPI (1997), *On the Results of the General Elections (1952) and the Tasks Before the Party in Documents of the Communist Movement in India, Volume VII (1952-56)*, National Book Agency, Kolkata.

CPI (1997), *Polit Bureau Statement on Second General Elections, Documents of the Communist Movement in India, Volume VIII.*, National Book Agency, Kolkata.

CPI (1997), *Report on Trade Union Front, Documents of the Communist Movement in India, Volume VII*, National Book Agency, Kolkata.

CPI (1997), *Resolutions of the Central Committee of the Communist Party of India in Documents of the Communist Movement in India, Volume VII*, National Book Agency, Kolkata.

Crouch, Harold (1966). *AITUC and the Split in the Communist Party*, *Economic and Political Weekly*, Vol. 1, No.5, September 17,

Das, Suranjan & Bandyopadhyaya, Premansukumar (2004) *Food Movement of 1959: Document a turning point in the history of West Bengal*, K.P. Bagchi, Kolkata.

Dasgupta, Biplab (1973), *West Bengal Today*, *Social Scientist*, Vol.1, No.8, March.

Election Commission of India, *Statistical Report on General Election, 1962 to the Legislative Assembly of West Bengal* (downloaded from the Election Commission Website)

Election Commission of India, *Statistical Report on General Election, 1951 to the Legislative Assembly of West Bengal* (downloaded from the Election Commission Website)

Election Commission of India, *Statistical Report on General Election, 1957 to the Legislative Assembly of West Bengal* (downloaded from the Election Commission Website)

Franda, Marcus, F. (1969), *Electoral Politics in West Bengal: The Growth of the United Front*, *Pacific Affairs*, Volume 42, No.3, Autumn.

Franda, Marcus, F. (1973), *Radical Politics in West Bengal* in Paul R. Brass & Marcus F Franda, *The MIT Press*, Cambridge.

Gallagher, John (1973), *Congress in Decline: Bengal, 1930 to 1939*, *Modern South Asian Studies*, Volume 7, No.3.

Guha, Ramachandra, (2002). 'Democracy's Biggest Gamble: India's First Elections in 1952', *World Policy Journal*, Vol 19, No. 1, Spring.

Indian Jute Mills Association (1960), *Report of the Committee for the Year 1959*, IJMA Publication, Calcutta.

Indian Jute Mills Association (1950), *Report of the Committee for the Year 1949*, IJMA Publication, Calcutta.

Mallick, Ross (1994), *Indian Communism, Opposition, Collaboration and Institutionalisation*, Oxford University Press, New Delhi.

Masani, M.R. (1954), *The Communist Party of India: A Short History*, Derek Verschoyle, London.

Moitra, Jnan Bikash, 'Food Struggle in West Bengal' in *Documents of the Communist Movement in India, Volume VIII.*, National Library Publisher's, Kolkata.

Mukhopadhyaya, Apurba (1985), 'The Left in West Bengal: Government and Movement, 1967-1982' in Chatterjee, Rakhahari (ed.), *Politics in West Bengal*, World Press, Calcutta.

Nossiter, T.J. (1988), *Marxist State Governments in India: Politics, Economics and Society*, Pinter Publishers, London.

Ornati, Oscar (1954), *Indian Trade Unions Since Independence*, Far Eastern Survey, Vol.23, No, 8, August.

Ray, Amitabha 1985, 'The Left in West Bengal: Electoral and Mobilisational Strategies, 1947-67' in Chatterjee, Rakhahari (ed.), *Politics in West Bengal*, World Press, Calcutta.

Rudd, Arild Engelsen (1994), *Land and Power: The Marxist Conquest of Rural Bengal*, Modern South Asian Studies, 28, 2.

Sen Gupta, Bhabani (1972), *Communism in Indian Politics*, Colombia University Press, New York.

Weiner, Myron (1959), *Changing Patterns of Political Leadership in West Bengal*, Pacific Affairs, Vol.32, No.3, September.

Is Democracy Threatened by Political Parties? The Case of Islamic Republic of Pakistan

Anandita Biswas

Abstract

In Pakistan, political parties are mechanisms instrumentalized by the military rulers and powerful elites for political manipulation and strategic circumvention. Pakistan has failed to firmly entrench a coherent and ingenuous party system. Due to lack of institutional deepening, Pakistan's macro and micro trajectory are highly dependent on the whims and fancies of the individual who happens to be in charge. Political parties suffer internal deficiencies, undemocratic structures and practices, defection, factionalism and top-heavy leadership. Yet, people of Pakistan have not given up democracy. This paper analyses why democracy has failed to establish root into the Pakistani soil and the prime hindrances in the trajectory of blossoming of democratic norms and values.

Keywords: Election, Democracy, Political Parties, Political System.

The phenomenal reality of 'Pakistan' is an illusion of a 'nation-state' which is contentious, veiled and hypnotic. The Promethean entity invites tremendous amount of debate and controversial discourse. Each and every aspect of this vivifying existence is shrouded in contest, confrontation and awakening. Her 'being' itself is 'political', her body politic is a contested arena and her survival is a never-ending pugnacity. This paper will address the debate on the characterization of democracy and political parties in Pakistan. Every political system whether democratic or semi-democratic is characterized by the existence of political parties that acts as the liaison between the citizens and the governments. Several antithetical elements often threaten the existence of political parties that tries to dispose them of or often held them responsible for breakdown of political order. In Pakistan's 68 years of history, almost 33 years have been under military dictatorship or quasi-democratic regime. In Pakistan, political parties are mechanisms that are instrumentalized by the military rulers and powerful elites for political manipulation and

strategic circumvention that ultimately legitimize their unconstitutional rule. Since independence, Pakistan has failed to firmly entrench a coherent and ingenuous party system.

The political system of Pakistan is characterized by recurrent collapse of the constitution and political order. Political system is not a fixed phenomenon. It is born, undergoes evolution, transformation and even decomposition. Political system usually is a reflection of the social forces. And any metamorphosis in the social elements invariably transforms the political system too. Heywood writes “a political system is, in effect, a subsystem of the larger social system. It is a ‘system’ in that there are interrelationships within a complex whole, and ‘political’ in that these interrelationships relate to the distribution of power, wealth and resources in society”.¹

In order to carry out the political activities, governments have specialized agencies or structures, such as parliaments, bureaucrats, administrative agencies and courts, which perform functions, in turn enable the government to formulate, implement and enforce its policies. The policies reflect the goals, and the agencies provide the means.² The policies, goals, agencies and the means in the political system of Pakistan have been reflective of a chaotic, disorderly and insidious predicament.

Political parties, from the beginning suffered internal deficiencies, undemocratic structures and practices, defection, factionalism and top-heavy leadership. Mainstream parties are sluggish with same leaders, programmes and agendas. The rulers, mostly power-mongers, business magnates or influential clerics are so engrossed in their power-play that they are least bothered about the welfare of the common people. This eventually leads to alienation at the popular level. For example, the Muslim League colluded with the elite, mostly senior bureaucrats, military officers and landlords who thrived on the vestiges of the colonial structures of the British Raj. The party became elitist in its adaptation. Consequently, it excluded the masses from engaging in the political discourse and inhibited the culture of participation in the political process. The mother party split into nine factions of which five were in the 21st century. PML(Q) in 2001, PML(Z) in 2002, PML(L) in 2010, PML(A) in 2008, PML(P) in 2010.

¹ Heywood, Andrew. (2004). *Politics*, New York: Palgrave, p. 26.

² Almond, Gabriel A., Powell, G. Bingham, Strom Kaare & Dalton Russell J. (2004). *Comparative Politics Today*, Delhi: Pearson, p. 36.

This paper will try to answer the deeper question of why democracy has failed to establish its root into the Pakistani soil, what are the prime hindrances in the trajectory of blossoming of democratic norms and values? Despite being governed by the ideology of democracy and popular representation, why the populace is under some orthodox nubilation that haunts their self through some daunted apparition! The politics of Pakistan is conjured within the matrix of sectarianism, terrorism, militancy and intolerance. The Gordian knot of violence and oppression coupled with annoyance and disenchantment towards political system reflects a complex, vacillating political dis(order). This paper will examine the reasons for the dominance of undemocratic forces and how they have succeeded in crippling the fundamental institutions of the state-the judiciary, parliament and political parties. Here, in this paper, the centriole of my discussion will be on the concept of democracy and its relational configuration with political parties. Why and how the idea of democracy captures altogether a different dimension in Pakistan's politics are the general observatory schema to be included in this forthcoming discussion.

We live in the age of democracy. Today, the popular aspiration for democracy is universally recognized. Ironically, authoritarian systems also seek legitimacy under the veil of democracy. Way back in the 19th century, Tocqueville commented "that a great democratic revolution is going on among us"³. The concept of democracy has quite often been confined to the practice of periodic elections and representative government. Sometimes the idea of democracy also takes within its fold the concepts of human rights, the rule of law, independent judiciary and a free media.⁴ Pericles argued that democracy is linked to toleration.⁵ Democracy presupposes a culture that respects the ideals of equal and universal citizenship-deliberating public issues and active participation and a sense of responsibility in public affairs. This is the republican ethos of democracy which is as old as Aristotle.⁶ However, is there any 'ideal type' model of democracy

³ Tocqueville, Alexis de. (1981). *Democracy in America*, New York: Modern Library, p. 3.

⁴ Mukherjee, Sanjib. (2007). The Use and Abuse of Democracy in West Bengal, *Economic and Political Weekly*, XLII (44), November 3, p. 101.

⁵ Mc Lean, Iain and Mc Lean Alistair. (2009). *The Concise Oxford Dictionary of Politics*, New York: Oxford University Press, p.140.

⁶ Mukherjee, Sanjib. op. cit., p.102.

applicable to all nations? Undoubtedly, most of the nations in the modern world claim and aspire to be a democracy. The appeal of democracy is so deepening in its essence that few governments would outrightly repudiate it in principle. Democracy demands a set of institutions through which its vision and mission can be expressed and materialized. The institutional parameters of democracy are diverse and changeable and tend to evolve through time. But the orientation of democracy cannot be the same for all nations as different nations bear different social order and historical legacy. Democracy not only changes the social order but also undergoes metamorphosis. Andre Beteille comments that the successful operation of democracy depends on ‘democratic reasoning’. Democratic reasoning proceeds through debate, discussion, negotiation, compromise and mutual accommodation.⁷ The attunement of diversity is the predominant condition for a successful democracy. The process of silencing permanently the voice of progressive journalists, lawyers, singers, musicians, entrepreneurs for condemning “the continuing harassment, torture and killing of progressive thinkers, journalists and activists in Pakistan” in no way circumstantiates the existence of the noumenon called ‘democracy’. The horrendous nexus of the ‘agencies’ and the militants have led to the operationalization of ‘intellecticide’.⁸ Democracy prepares the ground for better conditions for political education. Beteille emphatically writes that democracy permits citizens to make mistakes while providing opportunities for those mistakes to be corrected. Democracy does not demand silencing forever. Since 2005, many of those missing in Balochistan “have been brutally murdered and disposed off, in what Amnesty International has termed ‘kill and dump’ operations. These operations are then being used to justify the deplorable revenge-killings of non-Baloch, worsening the situation even more”.⁹

Pakistan evolved predominantly out of a Hindu India. Based on the ideological foundation of two-nation theory, it had the compulsion to reframe the country on the basis of differential parameter with India. After all, the two-nation theory had to be justified and reinforced, at every

⁷ Beteille, Andre. (2013). The Varieties of Democracy, *Economic and Political Weekly*, XLVIII (8), February 23, pp. 33-34.

⁸ Sarwar, Beena. (2015). Unsilencing Pakistan, *Economic and Political Weekly*, L (20), May 16, pp. 19-20.

⁹ Ibid., p. 19.

opportunity and with force, if necessary.¹⁰ The ecstatic intoxication of creation of a separate homeland for the Muslims did not last long. The euphoria got subsumed with the immense loss of life, property and displacement and chaotic anarchical covering. The state floundered because of ideological schisms and the split within the Muslim League on the question of identity of the country: was it going to be democratic state or an Islamic State?¹¹

Even after 68 years of independence, the country is still grappling with ideological issues. Pakistan's political institutions have failed to develop properly over sixty years.¹² Pakistan's leaders apparently have yet to emerge from the dependent mentality they acquired during colonial rule and its wrenching aftermath. The embedded pattern of subordinate behavior profoundly shaped the psyche and the calculus, of the governing class in Pakistan.¹³ The dominant and influential elites inherited the British legacy. The partition had affected the leading political parties. Contrary to the general perception it is the political parties that has derailed the course of democracy and trampled upon the essence of it in Pakistan. The principle of election is very important in a democratic set-up. Democracies usually are based on the degree and level of participation of the citizens. Active citizen participation is the underpinning of any democracy. Amartya Sen emphatically states the freedom to participate for enhancement of development. "Participation can be seen to have intrinsic value for the quality of life. Indeed being able to do something through political action- for oneself or for others-is one of the elementary freedoms that people have reason to value".¹⁴ The best and the most defined way of citizen participation in the political process of the nation is through election. Elections are considered to be the kernel of any successful political institution. Elections are democracy in practice. Joseph Schumpeter in *Capitalism, Socialism and Democracy* (1942) stated 'democracy means only that the people have

¹⁰John, Wilson. (2008). *Pakistan: Four Scenarios*, New Delhi: Pentagon, p.1.

¹¹ Bennett, Jenifer. (2009). *Pakistan: Haunting Shadows of Human Security*, Dhaka: The University Press Limited, p. 22.

¹² Roy, Subroto. (2006). Understanding Pakistan-I, *The Statesman*, Kolkata, July 30.

¹³ Khan, Sayeed Hasan and Jacobsen, Kurt. (2007). Sample of democracy, *The Statesman*, Kolkata, September 26, p.6.

¹⁴ Dreze, J. and Sen, Amartya. (2002). *India: Economic Development and Social Opportunity*, New York: Oxford University Press, pp. 359.

the opportunity of accepting or refusing the men who are to rule them. In interpreting democracy as nothing more than a political method, Schumpeter identified it with elections, and specifically with competitive elections'.¹⁵ By the time Pakistan witnessed and experienced the first direct general election in 1970, it had already experienced authoritarian onslaught for 23 long years! Six decades have passed, yet Pakistanis are still searching for a national identity. Successive rounds of authoritarian rule instigated centrifugal conservative forces. Pakistani politics are ephemeral, displaying a bewildering array of shifting allegiances and alliances.¹⁶ The endeavour to carve out an identity and determine the ideological foundation of the country was entangled with authoritarian inclination from the very beginning. M.A. Jinnah, for instance, enjoyed extraordinary powers bestowed on him by the Muslim League. This chronological affirmation of centralized authoritarianism continued even after independence. He assumed his responsibilities as the Governor-General and not Prime Minister and continued to rule more as British viceroy rather than the executive of parliamentary system of government.¹⁷ Pakistan, at the beginning of the 21st century witnessed the rule of a general who usurped power non-constitutionally through a coup against a democratically elected prime minister who was deposed and exiled. Due to lack of institutional deepening, Pakistan's macro and micro trajectory and development are highly dependent on the whims and fancies of the individual who happens to be in charge, whether at the national/country level. Individuals matter more in Pakistan than they do in many countries in the region where same form of institutional constraints and 'checks and balances' are in place, whether they be in the form of Parliament. Pakistan's experience has shown that Ayub Khan, Zulfikar Ali Bhutto and General Zia-ul-Haq have all had their own marked influence. General Musharraf, Benazir Bhutto, Nawaz Sharif, Md. Tahir-ul-Qadri and Imran Khan are part of the same tradition.¹⁸ People of Pakistan have an affiliation to incline towards strong populist

¹⁵ Heywood, Andrew, op. cit., p. 229.

¹⁶ Talbot, Ian. (2009). *Pakistan a Modern History*, London: C Hurst and Co. Publishers Limited, p.2.

¹⁷ Rizvi Hasan-Askari. (2000). *Military, State and Society in Pakistan*, New York: St. Martin's Press, p. 71.

¹⁸ Zaidi, S. Akbar. (2006). 'Civil and Uncivil Society', *Economic and Political weekly*, Vol. XLI (33), p. 3556.

personalities. This bond continues even with the descendants of the party leaders. Undoubtedly, people's affiliation to political parties is through popular and strong leaders.

The existence of democracy within political parties invariably determines the presence of democracy in the country. The development of the party as a political institution is one of the great innovations of modern democracies. Beteille argues that as institution, the political party has a name and an identity that continues over time. The party is an institution to the extent that its name and its assets and liabilities continue over time and outlive its individual members. The success of the party as a political institution depends on its ability to outlive its founders and its most important leaders, and to recruit new leaders and new members to replace the old ones. As an institution, the party operates within a system of parties. The relations among the parties in a system of parties may be relations of cooperation, competition or conflict.¹⁹ Political parties are the building blocks of a democratic structure. But when parties become sycophant to influential individuals and decisions are taken in an undemocratic manner without involving the decision-making mechanism within the party, the national democratic system becomes pawn to few individuals. Weak political party leads to weak parliament robbed off its ability to perform as the foundation of genuine representation.

Pakistan is a multi-party democracy. According to a study conducted by Pakistan Institute of Legislative Development and Transparency in 2014, the Jamaat-e-Islami has been rated as the most democratic Party. It conducts regular party election. Latest intra-party election took place in 2012 and the election of Amir took place in March 2014. Members can exercise the right to object, criticize and question the decision of Amir and the Central Council but not allowed to make it public. Next is definitely the Pakistan Tehreek-e-Insaf that holds open contested party election. However, the walking out from the *dharna* by the elected President of PTI, Mr. Javed Hashmi put the internal democracy in question. The PML (N) is the least democratic party followed by the PPP.²⁰ The basic features of these parties are absence of regular party election, lack of regular meetings of CWC and NC, presence of strong dynastic party leadership and status quo in top party leadership.

¹⁹ Beteille, Andre, op. cit., p. 36.

²⁰ Pakistan Institute of Legislative Development and Transparency. (2014). *Assessing Internal Democracy of Major Political Parties of Pakistan*, Islamabad. Retrieved September 27, 2015 from <http://www.pildat.org>

According to Anatol Lieven, patronage and kinship form the basic elements of the Pakistani political system. However, there does not exist enough patronage to go around. Large part of the favours that governments hand out are meaningless but expensive ministerial posts (more than sixty in the civilian governments of the 1990s and after 2008), tax breaks, corrupt ontracts, state loans and amnesties for tax evasion and embezzlement-all of which helps keep the state poor.²¹ Loyalty towards party means little when compared to personal advantage and clan loyalty. Barring to some extent, most of Pakistan's 'democratic' political parties are conglomeration of landlords, clan chieftains and urban lords. Even when new individuals gain political power, they indubitably establish political dynasties of their own. The smaller building blocks of the giant political parties are also local political families. The break-away groups often form new alliances based on one leader and his family like the PPP (Sherpao) from the Frontier. The PML(Q) was created by Musharraf but controlled by two Chaudhry brothers from Gujrat. Ideology plays a minimal role in party loyalties, and outside the Jamaat-e-Islami it is not dominant.²² From 1951 to 1958, seven prime ministers have been sacked. From 1985 to 1999 all five prime ministerial terms were aborted through premature dismissal of governments. Nine national legislatures have been aborted prematurely. The situation hindered the political parties to groom and attain maturity. By the time they could be into the process of gaining some experience, they were sacked. Both the ruling and the opposition parties require a democratic setting to play their respective roles. Strangulation of political parties and undemocratic party system are some of the primary reasons for the undemocratic political culture and unendurable parliamentary democracy. The constitution of Pakistan of 1956 and 1962 though contradictory in nature recognized the existence of political parties and public representation. But from the beginning, political upheavals during 50s and anti-political harsh laws/regulations in the Martial Law such as 'Elected Bodies Disqualification Order (EBDO) kept the political parties under tremendous pressure that resulted in lack of institutional astuteness and chronic problem of defection. Pakistan's rulers portrayed an indifferent attitude towards democratization of the political system. While the country was preparing to cope with administrative and humanitarian problems, Md. Ali Jinnah died in September 1948 keeping the infant country on the brink of instability. This incident led to undermining the political institutions and demoralized the political process.

²¹ Lieven, Anatol. (2012). *Pakistan: A Hard Country*, London: Penguin Books, pp. 204-206.

²² Ibid., pp. 2017-208.

Leaders of post-Jinnah genre mostly belonged to regional and local sites and as such lacked a national vision and mission. Maleeha Lodhi most aptly commented “personalized nature of politics is closely related to the dominant position enjoyed throughout Pakistan’s history by narrowly-based political elite that was feudal and tribal in origin and has remained so in outlook even as it gradually came to share power with well-to-do urban groups. The latter is epitomized by the rise of Mian Nawaz Sharif who came from a mercantile background. Clientilism has been the principal hallmark of Pakistani politics”.²³ Factions and client groups were encouraged from the beginning to weaken larger parties with nationwide following, resulting in localization of politics founded on *biraderi* (family and kinship network) caste and ethnic groups at the cost of nationwide and all-inclusive political formation. The tickets distributed by the three chief parties contesting for power in 2008 reflected an overwhelming number of tickets passed on to efficacious and affluent rural and urban families.

Since 1985, it has been observed that public campaigns were largely devoid of national issues and based on community resulting in *biraderi*-based voting as the major determinant of national and local elections. Under this situation, patronage is the only option that secures party cohesion and stability. *Biraderi*-rivalries were particularly significant in the ‘partyless’ February 1985 and April 1962 elections.²⁴

Successive military regimes pursued a policy of de-institutionalization of political parties.²⁵ The military have profusely instrumentalised political parties for maneuverings and political legitimacy. The institutional core of the political parties resulted in a non-institutional approach to politics where a noticeable number of party workers joined hand with the military leadership for political dividend. Members of the political elite have frequently split off to join or serve as junior partners in military governments in return for the accretion of their power by entry into the spoils system.²⁶ For instance, Pakistan Muslim League (Quaid-i-Azam) was a faction of PML-

²³ Lodhi, Maleeha. (2011). *Pakistan : Beyond the ‘Crisis State’*, New Delhi: Rupa & Co., pp. 54-55.

²⁴ Talbot., op. cit., pp.9-10.

²⁵ Khan, Hamid. (2005). *Constitutional and Political History of Pakistan*, Karachi: Oxford University Press, pp. 356-358.

²⁶ Lodhi., op.cit., p. 56.

Pakistan Muslim League formed by General Pervez Musharraf before the elections of 2002. Opposition politicians and party workers were coerced and coaxed into joining by state agencies, including the ISI and the National Accountability Bureau (NAB), a nominal anti-corruption watchdog.²⁷ Tactics employed were promises of lucrative positions in governments, threats of prosecution on false charges and physical intimidation.²⁸ General Musharraf, in June 2002, promulgated the Political Party Order 2002 that replaced the Political Parties Act of 1962. This order extended Article 63 that restricts anyone convicted of a crime from contesting elections, including anyone charged of a crime who fails to appear before the courts. PPP's central information secretary Raja Pervaiz Ashraf stated that this act was purely a Benazir Bhutto – specific provision. Again in July 2002, Musharraf issued the Qualification to Hold Public Offices Order 2002 that established a two-term limit on prime ministers. This was meant to prevent Bhutto and Sharif for contesting the office.

Corollary to the intervention of the military, civil bureaucracy and intelligence operatives in the political system of Pakistan, factionalism has also rendered another service to its political culture. The breakaway factions adversely affect national integration. Political parties were ought to be the backbone of a democratic political system but in the political set-up of Pakistan, political parties instigates ethnic and sub-national elements rendering space to local, communal, sectarian, parochial based pattern of politics. Mostly they are area-specific and agenda-centric. PML(N) is Punjab-based and the PPP is Sindh-based. National outlook and broader sensitivity is utterly lacking in their agenda, visionary goal and missionary zeal.

Tradition of holding periodic and transparent elections within the political parties is not yet established in Pakistan.²⁹ Recruitment of the political leaders is not based on election. The political baton has been passed on to scions of specific families- the Gilanis, Qureshis, Tamans, Mehers, Bijranis, Rinds, Raisins, Jhakaranis, Makhdums of Hala, Shahs of Nawabpur, the Khan of Kalabagh's family and others.³⁰

²⁷ Hussain, Zahid. (2001). How to Steal an election, *Newsline*, September.

²⁸ Hasan, Akbar. (2002, October). The Rise of the King's Party, *Newsline*.

²⁹ Sayeed, Shafaqat. (1997). *Civil-Military Relations in Pakistan: From Zulfiqar Ali Bhutto to Benazir Bhutto*, Colorado: Westview Press, p. 21.

³⁰ Lodhi., op.cit., p. 57.

It was the Pakistan Tehreek-i-Insaaf (PTI) that announced on March 2012 to conduct intra-party election according to US-style of candidate nomination and ticket-awarding procedure. In fact, PTI became the first party in Pakistan to conduct the largest intra-party election from the general electoral base.

The tragic example of family politics has been initiated by the leaders of the two historically famous political parties-Pakistan People's Party (PPP) and the Pakistan Muslim League (Nawaz). Zulfikar Ali Bhutto, after assuming power could not abandon his feudal mindset. Instead of strengthening the political party, he focused on his own personal charisma. This resulted in a despotic rule in the garb of an elected democracy. The PPP became a dynastical party and leadership was transferred to Mrs. Nusrat Bhutto and then Benazir Bhutto. Benazir was elected lifetime chairperson of PPP. After her demise, it was at least presumed that the reigns of the party would now be transferred to the senior most leader of the PPP, Makhdoom Amin Fahim. But all predictions were shattered when Bilawal Bhutto was accepted and selected as the chairman of the party. As he was a student, his father Asif Ali Zardari became the co-chairman to handle the affairs of the party. Asif Ali Zardari's occupation of two posts, the President of the Republic and the President of the Pakistan People's Party (PPP) exemplified a duality unheard of in any democracy.³¹ Like the PPP, the PML(N) from the very beginning of its rule has been a party of Sharif family. The presence of Mian Sharif, father of Nawaz, his brother Shahbaz Sharif and presently their sons Hassan Nawaz and Hamza Shahbaz and daughter Maryam Nawaz and son-in-law Capt. (R) Safdar in leadership substantiates the existence of hereditary dynasty in the politics of Pakistan.

The Awami National Party has a tradition of holding election after every four years. However, it is Wali Khan's family that dominated the ANP history. Same is the case with the Muttahida Qaumi Movement (MQM).

Jeremy Paxman of the BBC astonished Bilawal Bhutto into silence by asking him-is the life chairmanship of a political party a piece of furniture to be inherited on the death of a parent? In a democratic system, the monopoly of a royal dynasty over political power gradually comes to an end. Democracy opens the venue to all classes of society to contest power and display their talent to govern the country. Dynastic rule necessarily, survives on the personality cult. However, the

³¹ Noorani, A.G. (2012) Zardari's Two Hats, *Frontline*, 29 (7), April 20, p. 38.

threat lies not in the dynastic principle alone. It can emanate from any person who acquires power and proceeds to amass it further assisted by servile colleagues and supine media.³²

Political parties with its dynastic lineage pose a grave threat to democracy. John Stuart Mill gave a warning to all who are interested in the maintenance of democracy. He suggested not 'to lay their liberties at the feet of even a great man, or to trust him with powers which enable him to subvert their institution'. Daniel O' Connell, the Irish patriot rightly said that no man can be grateful at the cost of his honour, no woman can be grateful at the cost of her chastity and no nation can be grateful at the cost of its liberty.³³

Political parties in Pakistan also suffer from leadership void. Parties do not encourage their workers and volunteers from lower ranks to groom and uplift themselves to the position of leaders and politicians. Most of the policies related to party affairs are formulated at the top level in a highly personalized and individualized mode. In-house training and research facilities are absent in the working programmes of the party.

Opposition parties mainly suffer ban on their activities, dismissals, victimization, and persecution through draconian measures and so on. Asif Ali Zardari had promised to avoid the politics of revenge, but his dismissal of the PML(N) government in Punjab ushered in a new crisis and belied his earlier claims. Opposition parties on their part are always assertive to destabilize the government. They pose opposition only to weaken the government of the ruling party in order to extract the opportunity to form a government. Elected parties also rule in an autocratic manner. When after widespread agitation, election was organized around 1990; Pakistan floundered under the inefficient, corrupt and undemocratic regimes of Benazir Bhutto and Nawaz Sharif.³⁴

In October 1999, when Musharraf overthrew a democratically elected prime minister, many of Pakistan's "civil society" representatives rushed to welcome him with open arms. However, all enthusiasm subsided following the 9/11 attacks. In April 2002, Musharraf elevated himself to the position of President through a referendum. After the Musharraf takeover, three new

³² Noorani, A.G. (2015) *Dynasty in Democracy*, *Frontline*, 32 (6), April 3, pp. 36-40.

³³ *Ibid.*

³⁴ Lieten, G.k. (2007). *Local Power in Pakistan*, *Economic and Political Weekly*, XLII (51), December 22, p. 25.

developments regarding political parties took place. First was the formation of the new political party Pakistan Muslim League (Q); second was the formation of an alliance of the religious parties Muttahida Majlis-e-Amal (MMA) and the third was on May 14th 2006 an alliance for democracy (ARD) that signed the Charter of Democracy (CoD) that was agreed on earlier between two pre-eminent Pakistani opposition politicians, Benazir Bhutto and Nawaz Sharif.³⁵ Musharraf from the beginning tried to consolidate his position by clipping the wings of the opposition. Following the footsteps of his predecessors, Musharraf also created his own party, the PML(Q) to legitimize his authoritarian rule rendering it a civilian face. In the general elections of 2002, the religious alliance of political parties known as Muttahida Majlis-i-Amal (MMA) secured 51 seats. PML(Q) 76 seats and PPP 62 seats in the National Assembly. Islamic parties won majority through coalition. Following 9/11 incident, instability knocked at the doors of Pakistan. Musharraf's government had been combating religious extremism at home and also at the frontier.³⁶ The Charter of Democracy agreed upon between the Pakistan's People's Party (PPP) and the Nawaz Sharif-led Muslim League (PML-N) on May 15th was a landmark document that created the basis for a transition to durable civilian democracy.³⁷ However, practically speaking political parties could not play their due role in protecting democracy. On 9th March 2007, the Chief Justice Iftikar Chowdhury was removed. The main opposition Musharraf faced was from lawyers. The protest from March to September was organized against Musharraf's interference in the affairs of the Supreme Court. Political parties did not play any significant role in Lawyers' protest.³⁸

Trampling upon all aspiration for a 'democratic revenge', Benazir Bhutto secretly entered into a secret power-sharing deal with Musharraf in 2007. It provided her the opportunity to return to

³⁵ Azad, Arif. (2006). General in His Labyrinth, *Economic and Political Weekly*, XLI (37), September 16, p. 3941.

³⁶ Shahzad, Muhammad Nawaz and Kokab, Rizwan Ullah. (2013). Political Parties: A Factor of Stability in Pakistan 1999-2008, *Asian Journal of Social Sciences and Humanities*, 2 (4), November, p. 354.

³⁷ Gazdar, Haris. (2006). Thinking about Regime change, *Economic and Political Weekly*, XLI (32), August 12, p. 3455.

³⁸ Zaidi, S. Akbar. (2007). Musharraf and His Collaborators, *Economic and Political Weekly*, XLII (45 & 46), November 17, p. 8.

Pakistan in October 2007 from almost a decade-long self-imposed exile. Her ‘democracy as revenge’ was however attained after her untimely tragic assassination at Liaquat Ali Bagh on 27th December 2007. The elections of 18th February 2008 brought back the Pakistan’s People’s Party by a clear majority. Asif Ali Zardari became the President of the Republic. However, Zardari became an increasingly unpopular head of the state. Public demands were not met. Restoration of senior judges, removal of discretionary constitutional amendments and more transparent governance system were halted. When Pakistanis were bleeding, President was busy in his foreign trips. The PPP Prime Minister Gilani also proved incapable of bringing about any overhauling changes. For five years, the PPP marched on with anti-people policies regardless of public opinion. The ANP also failed to deliver on even the most basic promises to the Khyber Pakhtunkhwa (KP). PTI brought a mini-revolution in Pakistan politics by carrying out free and fair intra-party elections, electing party officials rather than appointing them by decree.

Pakistani *awam* being fed up with a subservient foreign policy, anti-development and neo-liberal economic policy that left the vast majority in sheer misery turned the incumbent out of office. The 11th May 2013 election showed a remarkably high voter turnout. Recent elections showed turnouts of 30-40% but this election involved the participation of 60%.³⁹ The Free and Fair Election Network (FAFEN), formed in 2006 to monitor elections, worsened the situation by stating that 49 polling stations had recorded over 100 per cent polling. This incident eventually brought back memories of the post-1977 elections when the opposition coalition, the Pakistan National Alliance, accused the Pakistan’s People’s Party (PPP) government of manipulating and rigging the elections. “The inability of the government of that time and the opposition to handle the rigging issues enabled the military to assume power under General Zia-ul-Haq,” stated political analyst Hasan Askari Rizvi.⁴⁰

However, the sit-in demonstration launched on 14th August 2014 by the Pakistan Tehrik-i-Insaaf (PTI) chief Imran Khan and the Canadian cleric Tahir-ul-Qadri of Pakistan Awami Tehrik (PAT) signaled a sinister implication according to many political observers. According to them it projects such a situation that puts democracy at check. In the battle for supremacy, the Army had

³⁹ Iqtidar and Munir, (2013). Pakistan’s Elections – I, More Rejection, Less Election, *Economic and Political Weekly*, XLVIII (22), pp. 10-11.

⁴⁰ Joshua, Anita. (2013). The Road Ahead, *Frontline*, 30 (11), June 14, pp. 5-6.

been trying to retrench the power of the civilian government led by Nawaz Sharif and the opposition leaders Imran Khan and Qadri became a part of this strategy.⁴¹

Regular public funding provides authenticity and genuinity to the political parties. Instead of hereditary and autocratic orientation, modernization and professional outlook render trust and enhance capacity building. Needless to say, political parties in Pakistan should entrench within the system the mechanism of internal democracy and transparency in the party structure. Conducting periodic elections where party members can freely and independently elect their leaders at local, provincial and national level is of utmost necessity. Ordinary office bearers and party members should be encouraged to express their opinion. It has been alleged that PTI leadership overshadowed the opinions of his fellow colleagues during the Tehreek-e-Square demonstration. Political parties should engage strictly in the process of devolution of authority, from party headquarters to local branch offices in order to enhance democratization. In case of PML(N), the provincial Presidents are ought to be elected through secret ballot according to the party constitution but presently all the provincial chiefs are nominated. Written regulations, strict code of conduct, disciplinary process, mandatory internal election, devolution of power, encouragement to party workers, transparency in party funding are the basic ingredient to make a party more people-friendly and oriented towards promoting democratic ethos.

The retrenchment of an elected body, shoving off its powers, and humiliation of political forces leads to the rule of the army who in turn import religious parties into the political arena.

The demand for Pakistan was considered essential to preserve the identity of the Muslims and protect Islam. The leadership of Pakistan from the very beginning emphasized the official inclusion of the term in identifying the state. This resulted in the Objective Resolution of 1949, formulated by Liaquat Ali Khan. It adopted the equilibrium policy of appeasement. It ensured that Pakistan would be a democratic state where minority rights would be safeguarded and simultaneously all Muslims would lead a life according to the Islamic scriptures. Islam was elevated to state religion. Ulema were employed as advisors to the legislators. The function of the Council of Islamic ideology was consequently strengthened. Religious ideology acted as a crutch for political leaders. Thus, from the very inception, ground was prepared for theocracy

⁴¹ Banerjee, Arun Kumar. (2014). Pakistan in ferment-I, *The Statesman*, Kolkata, September 28, p.6.

and not democracy.⁴² Maududi and others demanded “that the sovereignty in Pakistan belongs to God Almighty alone and that the government of Pakistan shall administer the country as His agent”.⁴³ The elementary signature of the political parties in Pakistan portrays non-defiance, submissive acceptance of Islam in both societal and political level. For example, Md. Iqbal’s vision has influenced Imran Khan in his contemplation on an ‘Islamic State’. There is no doubt that *shura* (internal consultation), justice, strictures against imposing faith, *ijma* (consensus) and *ijtihad* (independent interpretive judgment) and assertions of equality are concepts that makes Islam democratic. The main current of Islamism views democracy as being close to Islam, while the Jehadi approach rejects democracy on the grounds that it derives its authority from the people instead of *Allah*.

Pakistan has become a breeding ground of both generals on the one hand and militancy and religious extremism on the other. No doubt, balancing the role of religion and politics is a tedious affair for the rulers. An inch of imbalance will both covertly and overtly change the orientation of the polity. The pernicious usage of religion as an instrument of coercion, power and political mobilization and its consequent desacralisation adversely affects the polity in ways that go far beyond the immediacy of electoral politics. It not only undermines and distorts the democratic processes and unleashes physical and emotional violence at all levels but also kills the soul of a culture. While religion as faith as well as an instrument of persuasion has historically played a humanizing role, religion as ideology and an instrument of coercion has only resulted in structures of violence, hidden and manifest.⁴⁴ Suicide bombings at check posts, offices, markets, mosques are claiming hundreds of Pakistani lives. Benazir lost her life to militancy. The killings of 163 innocent lives at Peshawar on 16th December 2014 are all consequences of uncontrolled mobilization of religious sentiments for immediate gains.

In order to maintain democracy, the first thing that should be to religiously followed is the constitutional methods. Bloody violence, loss of lives, threatening and subjugation can never bring peace, stability and tranquility. A system of governance founded on fear and apparition

⁴² Bennett., op. cit., pp. 28-29.

⁴³ Roy, Subroto. (2006). ‘Understanding Pakistan - II’, *The Statesman*, Kolkata.

⁴⁴ Madampat, Shajahan. (2012). Islamism And Democracy, *Frontline*, 29 (6), April 6, pp. 43-44.

will always be fragile and unstable. Pakistan's *awam* has shown that bullet can be confronted with ballot. The 2013 national election was more significant in the sense that voters came out to vote facing the phantom of terrorist attacks by the Tehreek-e-Taliban Pakistan (TTP). It is through the pillars of democracy, popular representation, strong and prudent political parties that Pakistan will be able to attain stability and maturity. And it is through the medium of political parties that the Pakistani *awam* can bring changes in their political system and a revolution in their social-cultural-economic proceedings which will in course of time enhance the polity's morale and psychological disposition.

Bibliography

Almond, Gabriel A., Powell, G. Bingham, Strom Kaare & Dalton Russell J. (2004). *Comparative Politics Today*, Delhi: Pearson.

Azad, Arif. (2006). General in His Labyrinth, *Economic and Political Weekly*, XLI (37), September 16.

Banerjee, Arun Kumar. (2014). Pakistan in ferment-I, *The Statesman*, Kolkata, September 28.

Bennett, Jenifer. (2009). *Pakistan: Haunting Shadows of Human Security*, Dhaka: The University Press Limited.

Beteille, Andre. (2013). The Varieties of Democracy, *Economic and Political Weekly*, XLVIII (8), February 23.

Chattopadhyay, Indranil. (2008). Pakistan: Atit o Bartaman, (in Bengali), *Yajana*, Kolkata: Ministry of Human Resource Development, May.

Dreze, J. and Sen, Amartya. (2002). India: Economic Development and Social Opportunity, New York: Oxford University Press.

Gazdar, Haris. (2006). Thinking about Regime Change, *Economic and Political Weekly*, XLI (32), August 12.

Hasan, Akbar. (2002, October). The Rise of the King's Party, *Newsline*.

Hussain, Zahid. (2001). How to Steal an election, *Newsline*, September.

Heywood, Andrew. (2004). *Politics*, New York: Palgrave.

Iqtidar, Humeira and Munir Kamal. (2013 June 1). Pakistan Elections-I, More Rejection, Less Election, *Economic and Political Weekly*, XLVIII (22), June 1.

John, Wilson. (2008). *Pakistan: Four Scenarios*, New Delhi: Pentagon.

Joshua, Anita. (2013). The Road Ahead, *Frontline*, 30 (11), June 14.

Khan, Hamid. (2005). *Constitutional and Political History of Pakistan*, Karachi: Oxford University Press.

Khan Sayeed Hasan and Jacobsen, Kurt. (2007). Sample of democracy, *The Statesman*, Kolkata, September 26.

Lieten, G.K. (2007). Local Power in Pakistan, *Economic and Political Weekly*, XLII (51), December 22.

- Lieven, Anatol. (2012). *Pakistan: A Hard Country*, London: Penguin Books.
- Lodhi, Maleeha. (2011). *Pakistan : Beyond the 'Crisis State'*, New Delhi: Rupa & Co.
- Madampat, Shajahan. (2012). Islamism And Democracy, *Frontline*, 29 (6), April 6.
- Malik, Iftikar (2010) *Pakistan: Democracy, Terror and the Building of a Nation*, UK: New Holland Publishers.
- Mc Lean, Iain and Mc Lean Alistair. (2009). *The Concise Oxford Dictionary of Politics*, New York: Oxford University Press.
- Mukherjee Sanjib. (2007). The Use and Abuse of Democracy in West Bengal, *Economic and Political Weekly*, XLII (44), November 3.
- Noorani, A.G. (2012) Zardari's Two Hats, *Frontline*, 29 (7), April 20.
- (2015) Dynasty in Democracy, *Frontline*, 32 (6), April 3.
- Pakistan Institute of Legislative Development and Transparency. (2014). *Assessing Internal Democracy of Major Political Parties of Pakistan*, Islamabad. Retrieved September 27, 2015 from <http://www.pildat.org>
- Rizvi Hasan-Askari. (2000). *Military, State and Society in Pakistan*, New York: St. Martin's Press.
- Roy, Subroto. (2006). Understanding Pakistan-I, *The Statesman*, Kolkata, July 30.
- (2006). Understanding Pakistan-II, *The Statesman*, Kolkata, July 31.
- Mahmud, Safdar. (2000). *Pakistan: Political Roots and Development 1947-1999*, Karachi: Oxford University Press.
- Shahzad, Muhammad Nawaz and Kokab, Rizwan Ullah. (2013). Political Parties: A Factor of Stability in Pakistan 1999-2008, *Asian Journal of Social Sciences and Humanities*, 2 (4), November.
- Sarwar, Beena. (2015). Unsilencing Pakistan, *Economic and Political Weekly*, L (20), May 16.
- Sayeed, Shafaqat. (1997). *Civil-Military Relations in Pakistan: From Zulfikar Ali Bhutto to Benazir Bhutto*, Colorado: Westview Press.
- Tocqueville, Alexis de. (1981). *Democracy in America*, New York: Modern Library.
- Talbot, Ian. (2009). *Pakistan a Modern History*, London: C Hurst and Co. Publishers Limited.

Zaidi, S. Akbar. (2006). 'Civil and Uncivil Society', *Economic and Political weekly*, Vol. XLI (33), August 9.

..... (2007). Musharraf and His Collaborators, *Economic and Political Weekly*, XLII (45 & 46), November 17.